Albemarle County Planning Commission
Work Session and Regular Meeting
Draft Minutes January 23, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, January 23, 2024, at 6:00 p.m.

Members attending were: Fred Missel, Chair; Corey Clayborne; Karen Firehock; Julian Bivins; Luis Carrazana; and Lonnie Murray, Nathan Moore (arrived at 6:05 p.m.).

Members absent: None.

Other officials present were: Michael Barnes, Director of Planning; Kevin McDermott, Deputy Director of Planning; Stacy Pethia; Syd Shoaf; Kevin McCollum; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Other Matters Not Listed on the Agenda from the Public.

There were none.

Consent Agenda

Mr. Clayborne motioned to approve the Consent Agenda. Mr. Murray seconded the motion, which carried unanimously (6-0).

Work Session

Affordable Housing: Developer Incentives

Mr. Missel said that before starting the discussion, he wanted to ask Dr. Pethia a question to ensure that they made the best use of time and provided comments in a manner that aligned with her expectations. He asked, given that the Board of Supervisors meeting was scheduled in approximately four weeks, if there were specific areas Dr. Pethia would like them to focus on or particular ways she would prefer them to react to the information. He said that any guidance Dr. Pethia could offer would be helpful.

Stacy Pethia, Assistant Director of Housing, said that they would be focusing on the core pieces, so they should examine whether the amount of incentive provided was sufficient and if the time period for the incentive was appropriate. She said that these were the two main aspects that they were particularly interested in.

Dr. Pethia said the work session was to discuss affordable housing developer incentives. She said that they would cover a few basic areas, including background information on how they arrived at this point, the proposed incentive program goals, the type of assistance that would be provided, program eligibility to receive an incentive, and some of the proposed program requirements.

Dr. Pethia explained that this was a timeline going back to when the Housing Albemarle policy

was adopted in July 2021. She said that at that time, the Board delayed the full implementation of the policy, and which portions were delayed would be discussed. She said that one of the requirements for fully implementing the program at the time was to develop a package of developer incentives. She said that after the policy was adopted, staff held a series of meetings with local developers from June to October 2021. She said that several proposals had been presented to the Board of Supervisors for review. She said that an ordinance was adopted in May 2023 that allowed the County to provide grants or loans for affordable rental housing.

Dr. Pethia said that there was a joint work session with the Board on December 4 with developer representatives to discuss potential incentives. She said that the implementation of three sections was postponed: firstly, changing the definition of affordable rental housing from serving households at 80% AMI to 60% AMI; secondly, increasing the minimum percentage of affordable units in new residential developments from 15% to 20%. She said that this change was based on data showing that approximately 20% of County households had incomes around 60% AMI.

Dr. Pethia said that the third was extending the affordability period for rental units from 10 years to 30 years. She said that this helped ensure that several generations would be able to be served by those units. She said that in May 2023, the Board adopted Ordinance 23-A.2(1), enabling the County to make grants or loans for the construction of new or the rehabilitation of existing rental housing for persons of low and moderate income. She said that enabling legislation required developers to provide 20% of the total units in their developments as affordable housing, defined according to locality definitions, and those units must be affordable for at least 10 years to take advantage of those loans or grants.

Dr. Pethia said that based on the enabling legislation and feedback received from various work sessions, staff created an affordable rental housing grant program. She said that the program aimed to support the creation of affordable rental housing, preserve existing units through rehabilitation, and provide transparent and accountable stewardship of public investments in affordable housing. She said that the type of assistance provided through this program was a rebate of the net increase in real property tax revenue over a thirty-year term, and the incentive would be equal to 11% of the annual tax increment.

Dr. Pethia said that to be eligible for the program, the project must be new construction, an expansion of an existing property, conversion of a property to residential rental property, or substantial rehabilitation of an existing residential property. She said that it applied to projects with 11 or more units located within the development areas to ensure that the infrastructure was in place to serve the property. She said that the applicant must have control of the project site at the time the grant was awarded and possess an approved rezoning, if applicable. She said that a minimum of 20% of the units must be provided as affordable housing.

Dr. Pethia said that some of the program requirements include an application process at the beginning to gather necessary information and confirm that the project required assistance. She said they would need to demonstrate financial need for the construction of affordable units, and that the units cannot be built without providing a grant. She said that the maximum affordable gross rent, set by Housing Albemarle, also needed to be demonstrated in the development pro forma. She said that affordable units must be dispersed throughout the building or development, avoiding clustering onto one floor or into one corner of a property.

Dr. Pethia said that affordable units should be comparable in style and size to market-rate units and remain affordable for a thirty-year period. She said that based on feedback and discussions from the December 4 work session, the incentive would significantly incentivize increasing the percentage of affordable units from the already required 15% up to 20%.

Ms. Firehock said that she had two questions. She said that the first one concerned the email

they received as a comment from an affordable housing provider regarding grants, tax forgiveness, and other forms. She asked if Dr. Pethia could comment on that. She said that she found the reasoning behind the reduced preference for grants in the argument clear, but she was curious as to why they were proceeding in the direction they were.

Dr. Pethia said that she brought a section of the enabling legislation with her. She said that it specifically stated that localities may make grants or loans to the owners of residential rental property. She said that they were not enabled to do tax abatement, so they needed to structure this as a grant. She said that previously, they had not considered whether it would be a loan, which was something they could discuss after the meeting.

Ms. Firehock said that the other question related to restricting the affordable programs to the development area. She said that if she understood it correctly, they wanted to push development into the development area but also recognized that it was the most expensive place to build and develop. She said that her question was whether home rehabilitation programs would have to be limited to the development area.

Dr. Pethia said that for this particular incentive, staff recommended limiting it to the development area since it was related to rental housing, which would mostly be multi-family housing. She said that in this way, they ensured that the public infrastructure was in place to support the new units. She said that the type of project being discussed, which involved individual homeowner rehabilitation projects, could still be undertaken; however, she noted that the project needed to use a different funding stream.

Ms. Firehock said that in the comprehensive plan workshops held throughout the County, one point raised in Esmont was the desire for various housing options. She said that residents discussed the possibility of incorporating townhomes or apartments to cater to diverse needs. She said that other opportunities should exist for people not to have to move away when they aged, or their children left home. She said she would like to avoid ruling out the possibility that this type of housing could be in Esmont and that their program could contribute to making it a reality.

Dr. Pethia said that yes, there was always room for flexibility in these matters. She said that if the current program did not work, they had alternative options available. She said that other funding streams were available for them to access, enabling them to make such projects happen if the current option did not succeed.

Mr. Carrazana confirmed that the program was only for rental housing developments.

Dr. Pethia said that the enabling legislation was quite clear. She said that they were able to utilize public funds for the construction or rehabilitation of affordable rental housing. She said that they could not employ these funds to create homeownership opportunities. She said that they would need to use a separate funding stream for that purpose.

Mr. Carrazana said that in the previous meeting, they discussed the percentage difference between proposed and realized figures. He said that in rental situations, a higher percentage is typically achieved. He said that the main inquiry was whether the incentive was based on the proposed 20% or the actual realization of affordable housing.

Dr. Pethia said that with this incentive, the project must provide at least 20% of the units as affordable housing in order to access it.

Mr. Carrazana asked what would happen if the affordable units were not realized by being rented to low-income renters and instead transitioned to market-rate housing.

Dr. Pethia said that the staff was working on implementing a process that involved creating a waiting list for these types of units. She said that once the units become available, developers will directly market them to individuals on the waiting list. She said that they aim to have this system operational by July 1, 2024. of this year. She said that staff members need to finalize certain aspects, and then they will conduct income qualification assessments to ensure that potential renters meet the criteria. She said that afterwards, developers will promote the units to people on the waiting list.

Mr. Clayborne asked for information about the metrics they would use to measure success and the available resources for implementing this program.

Dr. Pethia said that they currently had an additional housing staff member, and they were in the process of hiring another. She said that both of them would share the responsibility of tracking those units and the program.

Mr. Clayborne asked what types of construction were not eligible.

Dr. Pethia said that homeownership opportunities would not be eligible.

Mr. Clayborne said that he would like to address the incorporation of sustainability as part of an incentive for this proposal. He asked if the use of environmentally sustainable materials was discussed.

Dr. Pethia said that the Climate Action Team was examining various incentive programs related to sustainability issues, and they had been in communication with them. She said that housing had collaborated with the Climate Action Team to attempt developing incentives regarding this matter.

Mr. Bivins asked for an example. He asked if he undertook a project worth $50 million and contributed 20%, how much funding could he request for a grant.

Dr. Pethia said that it would be 11% of the tax increment.

Mr. Bivins asked if the increment was from being affordable to not affordable.

Dr. Pethia said that it was based on the real property tax of the entire property.

Mr. Bivins said that it would be beneficial if examples could be provided for attracting various types of organizations, such as non-profit or for-profit entities, or even groups of people coming together to make something happen, similar to how a land trust might operate by providing both land and construction. He asked how many units were available for renovation. He said that his focus was on how to attract the market and inform the community about these opportunities. He said that if a collection of properties if renovated would qualify, instead of depending on new development, they could keep people in spaces.

Dr. Pethia said that affordable units currently included low-income housing tax credits. She said that currently, two properties were approaching the end of their compliance period. She said that between those two properties, there were 250 to 300 rental units. She said this served as one example.

Mr. Bivins asked if a development similar to the Meadows in Crozet would qualify if it were in Esmont.

Dr. Pethia said that it could.

Mr. Bivins said that when they talked about crossroad communities, they should perhaps think about it being a place that might be open to this kind of affordable housing situation. He said that if they identified Esmont as a crossroad community, they should think about that being and help to maintain that type of housing. He asked if they had a sense of what was going on among the other jurisdictions in the regional housing partnership.

Dr. Pethia said that they were more familiar with City activities than anyone else. She said that most of the other localities within the planning district were also updating their comprehensive plans at this time. She said that as members of the regional housing partnership, they stayed informed about affordable housing activities; however, they did not have a great deal of information regarding what was happening in other areas.

Mr. Moore said that considering a hypothetical scenario, if there was a large rental development with an annual property tax bill of $100,000, if it consisted entirely of market-rate units, and if the development had 20% affordable units, their property tax bill would be reduced to $89,000 per year.

Dr. Pethia said that was a question for the finance department.

Mr. Moore said that there was a comment from a developer regarding the 11% of real property tax increment. He said that if more affordable units were to be incorporated, such as 30%, 40%, or 50% affordable units voluntarily offered, would the percentage increase of would there be a different funding stream.

Dr. Pethia said that at present, she did not have a good response answer. She said that it would require further discussion with the finance department. She said that for the percentage that was included in the program, the Department of Finance conducted numerous calculations, and this was the percentage they felt comfortable with. She said that the County can forego the tax value each year for each project and be able to balance the budget without cutting any services. She said that for new construction, any units would attract new households.

Dr. Pethia said that there were approximately 47 thousand units in the County, out of which around 44 thousand households existed--44 thousand of the units were occupied. She said that among the vacant units, only about 580 were actually vacant due to being for rent and not yet rented by anyone or for sale and not yet purchased by someone. She said that all of the remaining properties were either rented and not yet occupied, purchased and not yet occupied, or they are seasonal properties.

Mr. Moore said that a new development must have at least 11 units to qualify for this program. He said that considering smaller lots where developers wanted to build less than 11 units, was it possible for those projects to participate in the program or was there a reason to prevent them from participating.

Dr. Pethia said that they could find a way to achieve this. She said that they selected the number 11 or more units while considering the proffer system. She said that it becomes quite challenging for someone to voluntarily provide affordable units below that threshold, and that is why that number was chosen.

Mr. Missel said that he would like to build upon the previous comment as it related to a similar question that he had. He asked whether the development community had a choice in this situation. He said that the developer could continue to adhere to the 15% for 10 years at an 80% Area Median Income (AMI), or they could opt for the 20% at a 60% AMI for 30 years if they decided to

pursue the grant.

Dr. Pethia said that she understood that the Board fully expected the housing policy to be fully implemented. She said that this design aimed to assist them in achieving that additional 20%.

Mr. Missel said that the requirement moving forward would be a minimum of 20%, and the developer would have the option to apply for the grant or choose not to.

Dr. Pethia said that was correct.

Mr. Missel said that the Board of Supervisors reserved the right to set priorities among applications under consideration. He said that the Board may reject an application if it did not provide the information requested or if circumstances changed. He said that regarding the development community, they might feel uncertain about these additional incentives due to the statement's discretionary nature and the housing policy requiring a 20% increase. He asked whether staff had given any thought to this and how it may be perceived by the development community.

Dr. Pethia said that she did not, and she did not know whether the County Attorney's Office had any comments regarding that matter or not.

Mr. Herrick said that he did not understand the question.

Mr. Missel said that the County now required an increase from 15% to 20%. He said that the incentives were designed to help developers close the gap caused by this cost and percentage increase. He said that the Board had discretion in determining whether or not to offer a grant based on these criteria. He said that conditions may change, and at the Board's discretion, they might choose not to offer a grant for that particular developer. He said that in this case, it was not an incentive for the developer.

Mr. Herrick said that the incentives were discretionary; they were not legally required. He said that certainty and predictability were virtues or benefits of the program, but he emphasized that they were not legal requirements.

Mr. Missel asked Dr. Pethia if she thought the incentive time period and amount was adequate.

Dr. Pethia said yes, that they were attempting to address a gap, and thus they were not aiming to make a developer whole by providing 20% affordable units. She said that she believed the incentive was sufficient. She said that the affordability period aligned with low-income housing tax credit and other federal finance programs' requirements, ensuring consistency and ease of tracking for staff over time.

Mr. Missel asked if the incentives had been designed to increase to address the change in market costs due to the likely increases in the cost for building structures and residential properties.

Dr. Pethia said that the incentives were based on the calculations conducted across several scenarios. She said that they considered the annual rent revenue for a 100% market-rate unit. She said that the analysis also included the same revenue with 15% affordable housing, and then calculated it again for 20%. She said that by determining the difference between the revenues of 15% and 20% affordable units, they identified the gap in rent revenue. She said that this gap served as the basis for the incentive.

Mr. Missel said that the implication was that as costs increased, rents would also increase. He said that this incremental change would occur accordingly.

Mr. Murray said they should consider offering the incentive to developments with less than 11 units if the project involved renovation.

Dr. Pethia said that they could consider it.

Mr. Murray said that another point to consider was whether all the units must be owned by the same individual. He asked if, for example, a neighborhood association or HOA could apply for the incentive in order to undertake a renovation for multiple units throughout the neighborhood.

Dr. Pethia said that they could consider it.

Mr. Bivins said that they should discuss how they can increase the stock of affordable rentals in the County. He said that one approach was for a developer to build an affordable housing project without requiring County assistance. He said that another option was for a developer to propose a denser development, with the condition that they adhere to certain affordable housing requirements. He asked if, in such a case, could they still contribute financially.

Dr. Pethia said yes.

Mr. Bivins said that the piece they were examining here was essentially an incentive piece. He said there were market participants based solely on their preferences. He said others requested a specific density level, and in return, he would stroke a check, and after issuing the check, he proceeded with his business. He said that the focus of this discussion was on individuals who desired an affordable option and wished to incorporate a portion of affordable units into their projects. He said the portion may not necessarily be related to density, as that was a separate consideration. He said that in such cases, they sought grants for affordable units, which could include the by-right number of units on a given property.

Dr. Pethia said that was correct, or through a rezoning.

Mr. Bivins said that there were various approaches to provide affordable housing in their community. He said that some methods included this particular strategy, and this approach had received financial support from the County. He said that if the County's budget experienced a decline, these funds might not be derived from revenue directly but instead, the County would choose to forego certain funds.

Mr. Bivins said that this program was fiscally more sound than others offered by the County. He said that for example, a landowner could include property in an Agricultural and Forestal district without consideration from the finance department. He said that this proposal was geared toward the fiscal aspects.

Mr. Missel said that was a good clarification. He said that foregoing the funds that would otherwise come in could still not impact the developer if they choose to say, "We do not want to forego losing those funds." He said that it was a little bit of an art because he did not know enough about the timing of this and a potential affordable development to have enough information to know how this all plays out. He asked how far along would the developer actually get before they find out whether they can receive this grant or not, and how much money have they invested in the project before they discover that.

Mr. Missel said that part of the requirements for the grant involved providing financial information, and the first requirement said development budget with detailed project costs. He asked if there was any insight that the County would have regarding the diligence the developer undertook during procurement of those development costs.

Dr. Pethia said that most of them had to trust that they had financed their projections correctly. She said that developers were required to submit their development pro forma, which included the projections of annual costs for building, maintaining, and managing the project. She said that they focused on the management portion and its cost over 30 years to make informed decisions.

Mr. Missel said that they would transition to discussing general recommendations and thoughts that they might wish to share with the Board.

Mr. Moore said that he believed it was a lengthy process that served as an essential tool in addressing housing affordability issues. He said that there were many aspects of this approach that he appreciated. He said that one question regarding the proposal was whether increasing the affordable housing requirement beyond 20% would necessitate an increase in the 11% tax. He said that another consideration was whether there should be an optional opt-in provision for developers with fewer than 11 units. He said that these were relatively minor concerns, and overall, he thought it was a commendable idea.

Mr. Moore said that as the Board continued its work, he hoped that they would continue to explore other strategies to improve housing affordability. He said that some of the issues were quite significant. He said that he was considering upzoning extensive areas of single-family home limited units found across development areas where R1 and R2 could only build single-family homes. He said that they were considering upzoning all those areas to the equivalent of R4, similar to how the City had done it. He said they should examine the boundaries of the development area, which they had discussed previously, as well as County land where they could potentially build homes for people who worked for a living and earned far less than the $123,000 AMI.

Mr. Bivins said everyone heard his rant about thinking that the County should put funds behind rental properties and not ownership, so he was pleased with what they were addressing first. He said that this approach would have a longer-lasting impact on making housing affordable in their community, with rental units. He said that one point he wanted clarification on was the renewal process for property leases. He asked if he initially leased a property for 30 years and wished to continue for another 30 years, would that be considered a renewal period allowing him to take advantage of the incentive.

Dr. Pethia said that they did not include that feature. She said that the rationale for the 30-year period was that it represented the typical duration of compliance periods. She said that after 30 years, one might consider renovating their unit.

Mr. Bivins said that he believed there were aspects that could always be adjusted slightly. He said that if they could incorporate this into their arsenal to promote the notion that the County supported affordable housing and rental units, he would be delighted with that outcome.

Mr. Murray said that he believed it would be beneficial to develop a system that promotes renovation over new construction. He said he found the proposal quite impressive but expressed curiosity about how the incentive program would interact with other comprehensive goals and initiatives. He said that for instance, he considered an area in Crozet where historic houses existed; providing an incentive for their demolition to build new affordable housing could be problematic. He said that to address this issue, he suggested that a simple policy line emphasizing consistency with the comprehensive plan might suffice. He said he thought that there were larger conversations to be had regarding growth and alternative housing options in rural areas, which presented significant opportunities for discussion among colleagues at a later time.

Mr. Clayborne said that he would like to consider whether discussing the role of student housing

was relevant to the conversation and the direction it took. He said that this topic was worth exploring.

Mr. Carrazana said that he would add his support for examining renovations and incorporating them into the program since there was a significant need. He said that this was essential for maintaining their current stock, which they were aware was being lost, so it was not always a net gain when they had new construction.

Ms. Firehock said that she agreed with her colleagues, and as they were discussing, she was reflecting on her 20s when she paid 50% of her income for rent and primarily ate peanut butter and ramen noodles. She said that she truly appreciated any assistance they could provide for the next generation. She said that student housing increased the cost of rentals in the area, and as an employer nearby who was about to advertise for several new positions, some of their employees would qualify.

Mr. Missel said that they should review the grant loan commitment between now and the Board presentation to flesh out any issues in the language. He said that whether the affordability increased inclemently was a point of discussion. He said that this was an evergreen process and an ongoing issue. He said he encouraged them not to lose momentum as much as possible. He said that restoration over new construction should be the priority and maintaining consistency with the comprehensive plan was a good idea.

Public Hearing

ZMA202300011 4102 Dickerson Road

Syd Shoaf, Senior Planner, said that the proposal involved rezoning a 2.22-acre lot from rural areas to light industry. He said that the subject property was located north of the City of Charlottesville near the Charlottesville Albemarle Airport, and it could be found at 4102 Dickerson Road, situated north of the Airport Road, south of Chris Green Lake Park, west of US 29 North, and east of the airport.

Mr. Shoaf said that the tax map parcel was 32-9H, and the entire parcel measured approximately 2.22 acres. He said that it currently housed an existing one-story single-family dwelling unit and an existing detached garage. He said that the property was previously zoned as rural areas, which appeared as white on the map. He said that the parcels to the north and northwest were also designated as rural areas.

Mr. Shoaf said that the properties to the north primarily consisted of single-family residential units, while the property to the west was the Charlottesville Albemarle Airport. He said that to the south and southeast, a majority of the properties were zoned light industry. He said that the parcel to the east, across Dickerson Road, was designated as planned development industrial park and was zoned by the University of Virginia Foundation. He said that the airport impact area overlay district affected this property due to its proximity to the airport.

Mr. Shoaf said that the subject property was situated within the community of Hollymead in the Places 29 master plan. He said that future land use designated light industrial, which involved manufacturing from prepared materials, processing, fabrication, assembly, and distribution of products. He said that for this application, the applicant was requesting to rezone the entire 2.22-acre property from rural areas to light industry.

Mr. Shoaf said that the applicant proposed to utilize the existing home and garage as office and storage space. He said that both structures met the light industry setback requirements, with a front minimum setback of 10 feet and side and rear setbacks of 50 feet if adjacent to a parcel

zoned for rural areas. He said that the ordinance also required a 30-foot use buffer and landscape screening along the northern property line to meet this requirement. He said that the concept plan illustrated a proposed parking area and one-story warehouse, both subject to site plan review by internal and external staff to ensure compliance with all codes and regulations.

Mr. Shoaf said that currently, the site was one of six parcels in the development area not connected to the Albemarle County Service Authority jurisdictional area for water and sewer. He said that the site was served by well and septic systems. He said that the map provided by the Albemarle County Service Authority illustrated the existing water and sewer connections in the area, with the subject property highlighted as yellow in the northwest corner of this map, and the closest connections to water and sewer being approximately 700 feet away.

Mr. Shoaf said that according to County Code subsection 18-26.2, a special use permit may be required if the site is not served by public sewer or water and consumes more than 400 gallons of water per site acre per day. He said that there were two factors in favor: first, the request aligned with the County's growth management policy and recommendations in the Places 29 Master Plan; second, no significant impacts to neighboring properties were expected. He said that there was one factor unfavorable: the property was not connected to the Albemarle County Service Authority water and sewer facilities. He said that staff recommended approval of the request.

Mr. Murray asked for information about expanding the ACSA jurisdictional area.

Rebecca Ragsdale, Planning Manager, said that the Board of Supervisors would need to amend the jurisdictional area in order to authorize water and sewer service for this unique spot within the development area. She said that this particular location represented a gap in the usual designation for water and sewer services, as most of the development area was already designated for these utilities. She said that it would be a Board of Supervisors action to update the jurisdictional area map to first authorize the water and sewer service. She said that with some rezonings in that area, they had considered adopting a more comprehensive look at those six parcels rather than having it an applicant-initiated case-by-case approach.

Mr. Murray asked whether they have the ability to include a separate motion as part of this proposal to recommend to the Board of Supervisors that they take that action.

Mr. Herrick said that the Planning Commission could consider making recommendations, but this was not the business before them. He said that the process was more appropriately a Board of Supervisors issue rather than a Planning Commission issue. He said that the Planning Commission had the freedom to provide any suggestions it deemed appropriate. He said that if the Commission wished to address this matter, he recommended presenting it as a separate motion distinct from the one currently before the Commission.

Ms. Firehock said that in the illustration, it indicated that a setback of 50 feet was required from the property line. She said that the proposed gravel parking lot extended up to the edge, which seemed illogical to her.

Mr. Shoaf said that it was a conceptual representation of what it could look like. He said that the proposed gravel area and warehouse would be subject to a site plan review, and during this review, they would ensure compliance with their code and meet all requirements.

Ms. Firehock said that the parking lot would not extend to the property line.

Mr. Shoaf said that was correct.

Ms. Firehock said that it would be easier and less confusing to amend that prior to presenting it

to the Board.

Mr. Bivins said that he noticed there were vehicles on the property in the parking area currently. He said that when the applicant arrived, or whoever represented them, they could inform him about those vehicles presently there. He said that this other aspect continued to puzzle him. He said that it appeared that nowhere in their ordinances was anything that defers or grants legal power or standing to Monticello based on its viewshed.

Mr. Herrick said that the primary instance where the Monticello View Shed pertained was related to the acquisition of conservation easements program. He said that it did not influence rezoning applications.

Mr. Bivins said that he appreciated it if they could reach a point where they no longer argued that a piece of property was or was not within the Monticello viewshed. He said that it did not matter, nor should it at this point. He said that if the Supervisors wanted them to consider this as a County, they should include the Monticello viewshed in the County ordinances, just like water requirements and setbacks from property edges.

Mr. Bivins said that its impact on development and the built environment in the County was an issue that an organization with over $300 million in assets should not receive for free. He said that when he lived in Manhattan and other urban areas, if an organization desired air rights, they purchased them. He said that an organization possessing over $300 million worth of assets had the opportunity to buy viewsheds if they wished to preserve them. He said that they should stop focusing on whether something was in or out of the Monticello viewshed when considering special use permits, ZMAs, or similar requests.

Mr. Missel opened the public hearing.

Darren Giacalone, representing the applicant, said that he also owned the property next door, which he had rezoned to light industrial 16 years ago for Rooftop Services office. He said that essentially, the neighboring family wanted to sell their property, so they purchased it with the intention of expanding their business. He said that the property consisted of a house with two front doors and was similar to theirs in terms of well and septic systems. He said that they planned to convert the house into office space, accommodating approximately four offices. He said that the garage would be used for storing materials and equipment, while potentially adding a warehouse at the back for further storage.

Mr. Giacalone said that it had been challenging for contractors, such as landscapers, to remain in Albemarle County. He said that everyone else was going outside, so staying there seemed appealing. He said that it made sense to rezone the property as it increased its value. He said that he operated a business there and paid taxes, which benefited everyone. He said that they must stay below the airspace for the airport and other necessary restrictions. He said that the primary goal was to have more space for expanding his business into solar shingles and gutter divisions. He said that they may rent out part of the building and warehouse to other contractors in the County.

Mr. Giacalone said that the property was currently on well and septic systems, and four people were living in the house. He said that the office use would use less water than the residential use. He said that he contacted the service authority, who explained that hiring an engineer was required. He said that they will collaborate with the County to get the design approved, and once approved, they would obtain estimates from contractors for completing all the work. He said that he would have to spend $100,000 or more to have water and sewer infrastructure extended to his property. He said that he questioned why he should pay $100,000 for water infrastructure in this area when his operations did not really require it.

Mr. Clayborne asked whether they would be performing vehicle maintenance on the site.

Mr. Giacalone said that Airport Auto performed all of their vehicle maintenance, and they utilized car wash businesses.

Mr. Bivins said that the vehicles he saw behind the property had the Rooftop logo on them.

Mr. Giacalone said that those were company vehicles.

Mr. Bivins asked where the metal roofs were manufactured.

Mr. Giacalone said their facility specialized in processing rolls of copper, weighing up to a thousand pounds each, using pan machines. He said that these machines operated similarly to gutter machines. He said that unlike some competitors, they did not travel to the valley for their operations; instead, they had been based in this area since 2000. He said that as a result, the majority of their work was completed within the County.

Mr. Bivins said that anything that was manufactured was done within an enclosed environment.

Thomas Martin, co-owner of the property, said that they transported the trailer to the job site and proceeded to shape the metal there. He said that they did not manufacture the metal themselves; instead, they transformed it into a different form and installed it on the roof of the homeowner's house. He said that their shop did not produce any components at the facility.

Mr. Giacalone said that they fabricated metal sheets and flashing components for the roof.

Mr. Missel opened the hearing for public comment. There was no one wishing to speak, so he closed the public hearing and brought the matter back before the Commission.

Mr. Bivins said that he understood that these unfavorable factors were not a condition for the Planning Commission's approval of the request but rather an observation.

Mr. Shoaf said that was correct.

Mr. Carrazana motioned that the Planning Commission recommend approval of ZMA 202300011 for the reasons stated in the staff report. Ms. Firehock seconded the motion, which carried unanimously (7-0).

SP202300006 Arbor Life Tree Service

Kevin McCollum, Senior Planner, said that the proposal was a special use permit for a landscape contractor in rural areas. He said that landscape contractors were added to the Rural Areas District as a use permitted by special use permit in September 2020. He said that this application before them was the first Commission public hearing for this type of use. He said that the ZTA introduced landscape services and storage of landscape materials in rural areas on parcels of three acres or more as a use permitted by special use permit.

Mr. McCollum said that landscape contractors who qualified as home occupations were still permitted; however, the ZTA provided them with an option to expand to a special use permit if they grew beyond what was considered a home occupation. He said that in the staff report, there was a list of items for them to consider when reviewing new landscape contractors. He said that these included items such as storage materials, building locations, setbacks, access to the parcel, anticipated traffic, hours of operation, and information on noise and smell.

Mr. McCollum said that the subject property was located at 163 Patterson Mill Lane, just outside the Crozet Development Area. He said that properties on the southern side of Interstate 64 across Patterson Mill Lane, labeled 71-39 on the image, were a VDOT-owned maintenance and storage facility. He said that to the south and east along Patterson Mill Lane, there were some residential properties. He said that the existing condition sheet, which came from the application materials, showed that the subject property included an existing metal farm building with a surrounding gravel parking area. He said that there was a fence along the frontage of Patterson Mill Lane, and to the rear was Interstate 64 and an existing tree line.

Mr. McCollum said that the proposal was for a landscape contractor business that would use the existing building on the site for equipment and utilize onsite storage areas for vehicles, equipment, and materials. He said the existing building would remain, and parking spaces have been added. He said that the location of the storage areas was identified. He said that the applicant's narrative described the property as situated in an area where employees would arrive and park their personal vehicles before departing for work using company equipment.

Mr. McCollum said that the associated equipment and storage materials would be kept onsite; however, a majority of the work would be conducted off-site. He said that the special use permit was reviewed under the factors for consideration as outlined in the zoning ordinance. HE said that staff believed that the proposed landscape contractor would not negatively impact adjacent parcels, would not alter the character of the nearby area, is in harmony with the zoning district, and is consistent with the comprehensive plan.

Mr. McCollum said there were a few conditions to ensure that these factors were met. He said that there were four total conditions. He said that the first was the standard condition used to ensure that the development of the property would be in general accord with the conceptual plan provided by the applicant. He said that the condition ensured that buildings, parking areas, and storage areas would be located in the same general area as shown on their plan. He said that the second condition was to ensure that the proposed use would not have negative impacts on the abutting residential property to the south. He said that staff believed that the proposed landscape contractor use had industrial characteristics, and the industrial use buffer requirements in the ordinance should apply.

Mr. McCollum said that these regulations meant a 50-foot building setback, a 30-foot use buffer, and any additional necessary screening along the property line of TMP 71-37J, which is the property to the south. He said that the concept plan provided demonstrated that compliance with these regulations was feasible. He said that the last two conditions were based on comments from the Virginia Department of Health and building inspections, requiring a bathroom on the property for employees. He said that the final condition was based on recommendations from their engineering division, to require a VSMP plan to address site disturbances.

Mr. McCollum said that the proposed use was consistent with the comprehensive plan, and no detrimental impacts to adjoining properties were anticipated. He said that staff had no additional concerns. He said that staff was recommending approval of this special use permit with the conditions as recommended in the staff report.

Mr. Clayborne said that regarding the second item, the WPO, he would like to confirm that the statement regarding engineering being recommended as a condition of approval referred to previous circumstances and did not apply to their current situation.

Mr. McCollum said that the recommendation of a new VSMP led them to the current state of suggesting approval in the staff report. He said that essentially, his understanding was that incremental disturbances had occurred on the site, and each of these previous disturbances were

less than 10,000 square feet, which did not trigger the need for an application. He said that the WPO plan pertained to fill but did not account for the previous disturbance. He said that since this matter was going before the Board, engineering recommended that they attach a condition requiring the submission of a VSMP plan to address all of the previously unpermitted disturbances.

Mr. Clayborne asked whether the condition regarding the connection to a sewer system implied that they did not require any additional requirements for the water supply.

Mr. McCollum said that the staff had recommended that there was sufficient well and septic infrastructure on the property for the employees. He said that the building was permitted as a farm building, so it did not have a water or sewer connection. He said that staff believed that installing a permanent bathroom water facility would be appropriate considering the number of employees who would visit the site.

Mr. Clayborne said that he did not see any conditions related to water usage, only septic usage. He asked whether there should be a requirement that the site provide water access.

Mr. McCollum said that they could certainly add that if the Planning Commission felt that it was appropriate. He said that VDH approval would be required, and in their comments, they had mentioned alternatives, and this condition was really to address that they did not want any half measures when it came to toilets or bathroom facilities. He said that this was not addressing the water issue, but he thought that they could definitely consider that when going to the Board.

Ms. Ragsdale said that regarding the requirements for special use permits, they aimed to ensure they did not duplicate anything already covered by another code. She said that in this case, well and septic systems will be required. She said that they did not want any alternative measures for septic systems. She said that there were no significant alternative measures for wells; however, they could clarify that. She said that these conditions were recommended because there were certain things, they wanted to either prohibit or capture that were not captured previously, such as in the VSMP plan.

Ms. Firehock asked what the reluctance was regarding alternative measures or alternative technologies. She asked if they would be unable to install a composting toilet at the site.

Ms. Ragsdale said that, considering commercial use, they had been hesitant to permit it, especially not something like pump and haul. She said that traditional onsite facilities were appropriate for commercial uses. She said that they could revisit the use of composting toilets.

Ms. Firehock said that a composting toilet should be able to handle the volume from the site with only a few employees. She said it was a less polluting option compared to a septic field.

Ms. Ragsdale said that they could revisit the conditions.

Bart Svoboda, Zoning Administrator, said that composting toilets were a disposal system approved by a permanent provider, the Virginia Department of Health, and they would qualify as a permanent system onsite. He said that they aimed to avoid by pump-and-haul methods.

Mr. Svoboda said that the condition stipulated a permanent onsite sewage disposal system, which can be either septic or composting. He said that the condition encompassed all concerns, allowing them to perform any of those tasks related to waste disposal. He said that regarding the well, since other codes necessitated potable water, they would not include it as a condition because they had other codes which required that they have a potable water source.

Mr. Carrazana asked whether the 50-foot setback was only applicable in the 'L' site line between 37J and the other parcel.

Mr. McCollum said that was correct.

Mr. Carrazana said that it was not required by I-64.

Mr. McCollum said that was correct. He said that the right-of-way extended along Patterson Mill for some distance. He said that the sole abutting lot line belonging to a rural area is the one adjacent to 7137J.

Mr. Missel said that the building setback and no parking closer than 50 feet could still allow piles of mulch to be placed nearer to those setbacks. He said that there were no limitations for uses up to the property line.

Mr. McCollum said that due to how the first condition was worded, they limited them to the storage areas that they had demonstrated in the concept.

Mr. Bivins asked if there had been communication between the applicant and neighboring residents.

Mr. McCollum said that he believed the applicant would be able to address this matter when they presented their report. He said that they had a community meeting, which took place at Western Albemarle, in August 2023. He said that there was not a large attendance.

Mr. Missel said that the proposal stated a landscape contractor would utilize an existing building on the site, so no additional buildings would be constructed.

Mr. McCollum said that they would be limited to what was shown on the conceptual plan. He said that the plan did show a smaller building, specifically a new 15 by 30 building in the storage area.

Mr. Missel asked for clarification about the location of the storage areas.

Mr. McCollum said that the majority of the parking spaces were located on the eastern side of the building. He said that there were a few proposed parking spaces on the southern side as well. He said that upon entering the property, there were five proposed parking spaces to the left and four adjacent to the building. He said that the storage facilities were primarily situated at the rear of the site, near the existing tree line. He said that there was a log storage area, followed by a new vehicle storage area in the rear. He said that the latter area was the largest storage facility. He said that wood chips were stored closer to the Patterson Mill frontage.

Mr. Missel asked if the existing tree line would be impacted.

Mr. McCollum said that was correct. He said that they would require screening, and they would require a site development plan. He said it would be reviewed to ensure minimum adequate screening.

Mr. Missel opened the public hearing.

Monica Madison, Project Manager for Arbor Life, said that it should be noted that Property 37-J was also owned by the applicant. She said that when the previous tenant resided there, she requested the removal of all bushes because she wanted an unobstructed view of the mountain. She said the images provided context of the neighborhood. She said that the top corner on the left displayed a house at Route 250, situated at the intersection of I-64. She said that to the right,

one could see a small country road named Patterson Mill, and as they approached Patterson Mill from Route 163, Route 164 was visible on the right side of the image displayed on the bottom left corner of the screen. She said that was VDOT's maintenance facility.

Ms. Madison said that the black fence with a driveway was property 37-J. She said that the image showed the context of future developments in the neighborhood. She said that the red dot signified an upcoming park-and-ride location. She said the proximity to 71-37K was noteworthy, as it altered the area's context. She said that there was only one residence in the vicinity. She said that upon approaching Patterson Mill, a church was the first structure encountered. She said that there was one house before reaching 71-37K or 71-39.

Ms. Madison said that the images displayed both the building and aerial views, as well as the other side's aerial view of the VDOT property. She said that the image provided a clearer understanding of the current state of the building. She said it was a barn that housed equipment for Arbor Life. She said that it served as a barn with electricity. She said there was a well onsite; nevertheless, they were not installing bathrooms because it was not suitable to incorporate a standard toilet in that facility due to cost constraints.

Ms. Madison said that she discussed this issue with Commissioner Murray last week and identified it as an obstacle. She said that upon reviewing all the documents, she contacted both VDH and BRDH. She said that things she could do included composting toilets or pit toilets. She said that they did have an agricultural well. She said that they only had six employees who actually arrived at the site. She said that when considering the OSHA code for mobile workers, she pointed out that if they really needed to, that would be less than a 10-minute walk from the neighboring property, so that was an option. She said that she had copies of the letter from the Blue Ridge Department to provide.

Mr. Bivins said that it was accurate to say that the owner of 37-K was also the owner of property 37-J.

Ms. Madison said that was correct.

Mr. Bivins said that when examining the existing conditions on the context map provided in the report, he found that there were three structures located on 37-J.

Ms. Madison said that there was a house, a garage, and a cottage. She said that in the provided map, there was a specific section that could be found. She said 7137-J1 was a parcel that did not belong to the applicant.

Mr. Bivins said that there were three structures on 37-J.

Ms. Madison said that they were existing structures.

Mr. Bivins asked which structure someone would use if they were going to the bathroom.

Ms. Madison said that they would go to the closest one.

Mr. Bivins said that they would not put anything on the property line because the resident had requested there be no trees.

Ms. Madison said that was correct, but the resident was no longer living there, and she was in a retirement center. She said that it was currently unoccupied.

Mr. Bivins said that they could now start planting trees on the property line.

Ms. Madison said that she did not know whether that was required.

Mr. Bivins said that it would indeed be a question for the future. He said that they were requesting the Commission to examine various bathroom options. He said that one option was to proceed to the adjacent property by walking a short distance or entering the woods.

Ms. Madison said no. She said that people would be requested to use facilities with actual restrooms owned by the business on the neighboring property.

Mr. Bivins said that he was attempting to understand the situation, because staff had stated that there should be a facility on the premises.

Ms. Madison said that if one examines the VDH records, they provided her with options. She said that one of these options suggested by the Virginia Department of Health was a pit toilet. She said it was an option due to the site's previous context as a dump and fill location before being purchased by its current occupant. She said that it had some questionable areas regarding the optimal design for a septic system.

Mr. Bivins said that he was not suggesting a septic system, but rather attempting to find a solution based on the recommendations from the staff and the statement made by the Zoning Administrator Director regarding having a compostable toilet.

Mr. Missel said that he was unsure if it was their responsibility to decide whether a toilet was required. He said that in his opinion, this should be determined by codes based on the specific requirements for toilets.

Ms. Madison said that she did look it up with them because when they were mobile workers, it had been questionable. She said that they mentioned that when they had the option to drive or transportation was readily available and as long as it was within less than 10 minutes, then it was not required for a mobile crew. She said that in arboriculture, their role was limited to picking up equipment, making them a mobile crew.

Mr. Bivins asked if there would be no one in the office.

Ms. Madison said that there was no office, just a barn. She said that there would not be an office at that site for the foreseeable future.

Mr. Bivins asked if there would be no offices, why they should be concerned about the appearance of the parking situation. He asked what necessitated formal parking.

Ms. Firehock said that they needed to be able to leave their car to pick up the equipment.

Mr. Missel said that perhaps he misunderstood the situation; however, he was not certain if it was their responsibility to determine whether a restroom was necessary or not. He said that one of the conditions was reviewing and approving a permanent onsite sewage disposal system. He asked if they could specify that it would be as determined or as required.

Mr. McCollum said that both comments from building inspections and the Department of Health were included in the staff report. He said that essentially, the building inspection comments stated that the facility was transitioning from a farm building use to a commercial use, which required the installation of bathrooms. He said that they were open to whatever the Virginia Department of Health could approve.

Mr. McCollum said that VDH had likely provided some options for consideration, but the staff was going one step further by suggesting that a permanent onsite well and septic system would be appropriate in their opinion. He said that in his view, relying solely on off-site bathroom facilities could pose issues if the property were to be sold, as access to an available bathroom might no longer be guaranteed. He said that therefore, having a bathroom on this property would be more suitable.

Mr. Murray said that if the permit would encompass area 71737-J, then several issues would be resolved. He said that the buffer and bathroom problems would no longer exist. He asked if they had thought about expanding the application to include the other property.

Ms. Madison said yes, they had considered it after the acquisition. She said that she would leave the decision regarding merging the two properties up to the owner to discuss. She said that the owner had not yet decided, but it had been considered that merging the properties would be beneficial. She said that she was uncertain whether combining them would necessitate another special use permit application.

Ms. Firehock said that they could not consider the use of the bathroom on the adjacent property because they could not condition an approval of one site on a separate site. She said that it did not matter if they had different owners because the owner could sell one of them, and then it would not be necessarily favorable to run back and forth between the properties. She said that she was not even considering that option.

Ms. Firehock said that she had sympathy for the owner's situation. She said that it did not appear to be a location where people spent time hanging out; they arrived, obtained equipment, and departed. She said that it was a small business, and there could be potentially expensive overhead costs. She said that she did not think that they required condition number three. She said that throughout the entire conversation about whether to add a bathroom, she felt it was not necessary.

Mr. Clayborne asked if the materials being stored on the site were chemicals or inert materials.

Ms. Madison said that the storage was for the actual equipment and for mulch, as well as some occasional logs that would be brought in. She said that it was a zero-waste facility, so nothing would end up in the landfill and would be reused at the facility.

Mr. Clayborne asked if the car park was paved or gravel.

Ms. Madison said that it was gravel.

Mr. Clayborne said that he believed that they could not have ADA parking in a gravel lot.

Ms. Madison thanked Mr. Clayborne for the clarification.

Mr. Clayborne said that lastly, he would ask if they were washing any equipment on the site.

Ms. Madison said that there was no maintenance and no washing. She said that it was simply parked to shield it from the weather elements. She said that they had mulch and that was it.

Mr. Bivins asked if they were moving operations from German Gap Road to this new location.

Ms. Madison said that the office was situated at 1146, but they had been located at 250 for over 27 years. She said that due to recent growth and increased traffic, exiting onto 250 during rush hour had become slightly hazardous.

Mr. Missel asked if there were any further questions from the Commission for the applicant. Seeing none, he opened the public comment for the public hearing.

Roger Willis said that he was Mr. Baber's' former father-in-law but remained close friends and business associates. He said that he would like to point out a couple of important points to consider regarding the existing lot on 250. He said that this was an equipment shed only, and there were eight employees, which was a high number. He said that they would go to the site to pick up their equipment and proceed to the job. He said that at times, they had helpers who were on the truck, but essentially, they collected the equipment from this location.

Mr. Willis said that there would be no chemicals stored there. He said that he had not considered the ADA regulations, but he did not know that as a general practice, they had anyone requiring a handicap-accessible situation. He said that this was basically a tree operation for landscaping purposes. He said that this service differed from what Waynesboro Nursery provided.

Mr. Willis said that to address the need for a restroom facility, they contacted the health department. He said that the VDH stated that a pit privy would be acceptable instead of installing a septic tank. He said that to put in a septic tank and necessary infrastructure was not necessary for the brief amount of time that employees would be at the site. He said that the office facility would be another limitation.

Miles Burns said that he owned 243 Patterson Mill Lane and 313 Patterson Mill Lane under the ACE program. He said that he had lived at 243 for approximately 10 years now. He said that Mr. Willis was a valuable member of the community, and he supported his efforts there. He said that one point not discussed was when he moved into his current property in 2014, located below the other buildings they mentioned earlier, the lot was kind of a mess. He said that Mr. Willis had cleaned it up, installed a building with a nice fence and did some landscaping. He said that as a result, the facility now had an entirely different appearance. He said that it was much cleaner and well-organized when compared to its previous state.

Mr. Burns said that Mr. Willis' efforts had influenced VDOT to maintain their facilities more efficiently. He said that the property appeared well-maintained, and he had no concerns regarding it. He said that the residential area between their properties was suitable, as they shared a significant border area. He said that regarding the bathroom situation, since he worked from home due to the pandemic and closed his office in town, there was rarely anyone at the site except for early morning deliveries.

Mr. Burns said that the bathroom was not an issue. He said that he worked for various companies, including contractors, developers, a solar energy company, and an international firm. He said that their crews frequently visited the site for tasks such as swapping out vehicles or picking up cars. He said that his neighbor was an excellent person who assisted others in the community, including recently when he removed a fallen tree at his daughter's house.

Blair Turner said that he was the owner of the property directly across from VDOT, situated near Patterson Mill Road on both sides and extending to Burchs Creek Road on the west side of the property. He said that the appearance of this property had never been better in his memory. He said that Mr. Willis owned a successful business in the area, which he had built over his lifetime. He said that Mr. Willis was a well-respected individual who consistently supported numerous charities and could be relied upon to help others in need regardless of the day or circumstances.

Mr. Turner said that there should be some consideration for people who have lived in the community their entire lifetime. He said that he had experienced this situation and observed what he thought the special use permit aimed to achieve, which was addressing the issue of

commercial vehicles being parked illegally around the County by various contractors at their residences, where workers arrived in the morning, took their work vehicles, and left for work.

Mr. Turner said that this appeared to be one of the first attempts to enforce such a special use permit. He said that they had a suitable candidate here who wished to implement it. He said that he believed this would set a positive example for the rest of the work community and facilitate the implementation of these permits that they all desired. He said that he would provide some context by mentioning that the VDOT maintenance facility was directly opposite his property, which, if people had visited the area, they knew was not visually appealing.

Mr. Turner said that on the rear side of his property, there was Interstate 64, leaving little use for this small strip of land. He said he believed he had found the best possible utilization for it. He said that perhaps most importantly, they aimed to alleviate some truck traffic off Route 250 in Western Albemarle and Brownsville Market. He said that many people who lived nearby, like himself, traveled through these areas during mornings and afternoons, and could attest that the congestion was quite severe.

Mr. Turner said that by redirecting some of that commercial vehicle traffic to an easily accessible area near Interstate 64 with less traffic, they served the community well. He said that in his opinion, this proposal benefited everyone, and he strongly recommended approving the permit.

Mr. Missel asked if the applicant would like to address any of the comments from the public. He said that the applicant had declined to do so, and the matter now rested with the Planning Commission. He said that the primary focus seemed to be on condition number three. He said he was still working to understand the role of the Planning Commission in relation to this comment. He said that he understood the County's perspective and the Virginia Department of Health's comments included as well. He said that his question was, was it reasonable to soften that language so that it remained a consideration but not an absolute requirement for site plan approval.

Mr. Moore said that he had a similar thought. He asked if they could change that to the review of human waste disposal by VDH. He said that it was a business that had to comply with VDH regardless, so he wondered why they would not just strike condition three.

Mr. Barnes said that they would have to comply with being a commercial building and having a type of restroom facility. He said the primary concern was regarding the pump-and-haul procedure, so they were considering a wide range of acceptable options and sought to further liberalize that. He said that the building code would also require them to have potable water on the site as well.

Mr. Moore said that there was a prohibition on permanent pump-and-haul situations for employment places, so he understood that. He said that his question was whether including that clause in this document might be redundant since it already had to happen with VDH.

Mr. Barnes said that it sounded like a logical statement. He said that he believed staff was amenable to striking condition three.

Bart Svoboda said that if there was potable water required by code, then a septic system or disposal of that potable water would be necessary. He said that an important factor to consider was that this involved a transition from a farm structure to a commercial building. He said that as an example, handicap spaces were required due to building codes when a structure became commercial.

Mr. Svoboda said that for the other aspects that applied in this case, he would need to defer to the building official regarding whether or not bathrooms were required. He said that regardless of what OSHA stated, according to the health department, USBC, and zoning ordinance, only two types of systems for waste disposal on individual lots were allowed: conventional and alternative facilities. He said that the definitions provided by these authorities discussed health department approval.

Mr. Svoboda said that the pit privy could potentially be an alternative system. He said that point discharge systems were prohibited unless one was a sewage disposal provider like the service authority. He said that the restriction aimed to protect groundwater and surface water health. He said that he agreed with Mr. Barnes' statement; however, they would need to examine it further before presenting their position at the Board meeting. He said that they may or may not require that condition based on their research.

Ms. Firehock said that they did not usually enumerate things in the conditions if they were already required in the building code, so she wondered why this was different.

Mr. Svoboda said that he believed that this issue originated from discussions with the applicant regarding a portable toilet, which was not an allowed type. He said that it was also regarding the pump-and-haul system, which should be used for emergency purposes under VDH regulations. He said that if it was a permanent pump and haul, then that responsibility lay with the Board of Supervisors. He said that permanent pump-and-haul systems are not issued to individuals; they were issued to localities.

Mr. Svoboda said that the purpose of this clarification was to address any confusion or requests regarding whether a system was required and who holds ultimate authority. He said that the County could override state regulations or vice versa if they conditioned the permit, and they could be more restrictive than what the state required. He said that they needed to research that specific condition further before making a decision.

Mr. Missel said that it appeared that staff was supportive of removing condition three, and they would do further research between now and the Board of Supervisors meeting to clarify what language was necessary to include.

Mr. Murray said that he wondered if the park-and-ride had a bathroom.

Ms. Firehock said that the change from an agricultural building to a commercial building was what necessitated a bathroom.

Mr. Murray said that in the land use regulations, it included horticulture under agriculture. He said that this was an agricultural enterprise, so he questioned why this use was not treated as agricultural. He said that this was a great example of considering a zoning or comprehensive plan designation for agriculturally supportive industries. He said that he questioned whether or not this use should be categorized as commercial or industrial when it did not neatly fit into any category.

Mr. Missel said that he believed that the staff also experienced some difficulties in this regard. He said that was why the setbacks were characterized as commercial setbacks; however, it was not actually a commercial zone.

Mr. Murray said that he would rather see agricultural support in the area surrounding Crozet, as the historical use of the area was agricultural support, rather than gas stations, restaurants, and expanding commercial uses.

Ms. Firehock said that it was a special use permit specifically for a landscape contractor, rather than simply being for a commercial building.

Mr. Murray said that he would like to see more progress in this area. He said that one of the initiatives they were working on involved promoting the use of native plants. He said that they discovered that nurseries were diminishing in the County, and horticulture was disappearing as an occupation in the region due to narrow profit margins.

Ms. Firehock noted that the land was expensive to use only for allowing potted plants to mature on it.

Mr. Murray said that putting more regulations on this made it more difficult for these types of operations to survive in the County.

Mr. Bivins said that this was a continuation of the conversation they had two weeks ago regarding Broadway. He said that they must ask at what point they wanted to encourage light industrial services. He said that this was a legacy building involving a legacy business, but even if it were a business from a less-admired owner, they must still ask if they wanted to have this type of business in this location.

Mr. Herrick said that as Ms. Firehock indicated, it was not the practice of staff to include conditions or restate conditions in special use permits that were already required by other agencies. He said that in this case, any type of restroom facilities would require approval from the Virginia Department of Health. He said that staff continued to recommend against having portable toilets and pump-and-haul systems on the property. He said that the prohibition was in addition to what VDH would require, therefore, it was staff's recommendation was that at least the second sentence of condition three remained. He added that ultimately, the final recommendation would be determined by the Commission.

Mr. Bivins asked if that meant condition three would then state that the use of portable toilets and pump and haul would be prohibited on the site.

Mr. Herrick said that he believed the current language was sufficient, however, if the Commission wished to propose any changes, that was their purview.

Mr. Murray said that he had concern regarding condition two, which was for the 50-foot setback. He said that requiring a landscape buffer of some kind was acceptable, but he would leave out of the condition that it must be screening using large trees.

Ms. Firehock said that she did not feel it was necessary to amend the language regarding the screening at this time. She said that it could be worked out with the applicant.

Mr. Murray said that it did not need to be a condition if it was already a part of their code.

Mr. Missel said that it was likely beneficial to establish it as a condition to serve as a reminder.

Ms. Firehock moved the Planning Commission to recommend approval of SP202300006 Arbor Life Tree Service, with the conditions recommended by staff, except for the first sentence of staff’s proposed condition #3, and for the reasons stated in the staff report. Mr. Clayborne seconded the motion, which passed unanimously (7-0).

Committee Reports

Mr. Carrazana said that the MPO Tech met today due to a rescheduling caused by the snow day last week. He said that they engaged in a few intriguing discussions. He said that one topic was the presentation of their needs assessment tool, which evaluated proposed projects for inclusion in the CAP plan. He said that another subject was the heat map, focusing on community comments.

Mr. Carrazana said that the heat map did not directly correlate with the projects being proposed, so for example, Crozet had a strong heat map presence but no associated projects. He said that there was a significant amount of desire for development, but with other measures, they did not rank highly. He said that there were numerous conversations regarding this issue, particularly focusing on how to evaluate future development.

Mr. Carrazana said that they had development zones and projects that they approved in specific areas, so it was not only about addressing the needs of today, but also forecasting what would happen in the future. He said that the comment made was that the forecasting tool was part of what was being implemented. He said that this was a work in progress, as demonstrated by what they saw today. He said that he believed it was promising, as it could potentially be something they could utilize to further develop high-priority projects for the County.

Mr. Carrazana said that they then examined some of the VDOT Smart Scale projects, such as the Fontaine Avenue and Route 29 interchange, which had gone through numerous iterations. He said that there were now a few options being presented; however, in all cases, it eliminated the left turn from 29 onto Interstate 64. He said that all proposed solutions aimed to remove this problematic turn and provide alternative routes for vehicles to rejoin the southbound 250 by making a right turn.

Mr. Barnes said that he believed that the application that received funding did provide an alternative U-turn option. He said that traffic would have to go up to Fontaine intersection, make a U-turn under the bridge, and head southbound. He said that all of the alternatives proposed by VDOT eliminated this option and would continue to maintain the northbound route.

Mr. Carrazana said that was not presented today by VDOT.

Mr. McDermott said that Mr. Barnes was correct about the original proposal including the removal of the left turn and directing all traffic up to Fontaine for a U-turn. He said that in most of the items presented today, they no longer addressed that left-hand turn from northbound 29. He said that they did propose one new alternative that would send those vehicles up to Fontaine; however, in all the options presented during the VDOT study presented by Ms. Shackleford at the beginning, these alternatives no longer addressed the left turn from northbound 29 to westbound 64.

Mr. Carrazana said would forward the meeting materials to everyone for their review.

Mr. Murray said that the Crozet CAC met, and because the scheduled presentation on the Barnes Lumber project was postponed, they had a discussion about ideas for future topics and how they could get more people engaged in the budget discussions and comprehensive planning discussions.

Mr. Moore said that he had attended the first Citizens Transportation Advisory Committee meeting of the year, and there were two meeting items that somewhat reflected what Mr. Carrazana had discussed. He said that one item was regarding how to prioritize or identify places that needed attention. He said that these included addressing roadway safety, walking accessibility, bike and pedestrian safety, as well as other categories. He said that they applied a rubric to identify current project needs, which confirmed that Route 29 from Greenbrier to 250 required improvement.

Mr. Moore said that the analysis focused on needs rather than solutions. He said that they also discussed the sixth round of Smart Scale projects, for which applications were currently being developed. He said that two projects planned for submission included an interchange at I-64 and 5th Street extended near Wegmans, where a diverging diamond design was considered due to heavy traffic and challenging left turns onto the highway.

Mr. Moore said that the second project involved various improvements to the Peter Jefferson Parkway and Rolkin Road area on 250 Pantops, including sidewalks, a park-and-ride facility, and additional features near the senior living community. He said that if projects could be identified in time, they hoped to include something in the Barracks corridor at 250 and another at Ivy and Old Ivy at 250 along that corridor near where he worked. He said that one project initially intended for this round required an extra layer of review before it could be submitted to Smart Scale this year.

Mr. Moore said that the goal was to connect Hillsdale, which currently had a new section running parallel to Highway 29 but terminating at Whole Foods, and extend this further, allowing it to continue all the way to 250 and intersect there. He said that this would enable the possibility of closing down or moving some other things in the area. He said that at present, there was a congested bottleneck near Hydraulic Avenue where Whole Foods was located, and efforts were being made to alleviate this issue by directly connecting it to the highway.

Mr. Bivins asked if they were aware there was going to be a roundabout there.

Mr. Moore said that the roundabout was part of the development.

Mr. Bivins said that the roundabout was funded. He said that regarding the conversation about expanding Hillsdale up to 250, he had participated in numerous discussions regarding that matter many years ago, and one of the issues with it was that they could not acquire the necessary rights-of-way at an affordable price. He said that it never reached the level that warranted the amount of money required for implementation.

Mr. Moore said that the staff for MPO said that it would rank highly in Smart Scale criteria, and the only existing building gin the vicinity was the Chinese restaurant on the far end.

Mr. Bivins said that they would need to go through the Kroger’s parking lot, and there was a lot of land acquisition involved.

Mr. Murray said that they had a lot more data about pedestrian activity, and he wondered if there had been more use of that data during these meetings.

Mr. Moore said that this was the first of these meetings he had attended, but he was not entirely sure how pedestrian access was assessed. He said that the evaluation was data-driven, but he was unsure what data had been used.

Mr. Carrazana said that the tools they were developing were incorporating a number of factors, including walkability, bike and pedestrian paths, and street safety. He said that they had criteria that determined ranking for different projects.

Mr. Murray asked if they were using the data from the existing traffic of walking, cycling, and running.

Mr. Carrazana said that they were getting data for vehicular traffic, but he was unsure of the monitoring of bike and pedestrian counts.

Mr. Murray said that it seemed useful for planning if they were considering pedestrians and alternative transportation. He said that he had been concerned about being late during his drive because he was on the national bike route, with a cyclist ahead of him, causing him to drive at the speed of a cyclist. He said that it would be beneficial to utilize data regarding where these modes of transportation were predominantly used.

Mr. Carrazana said that they were exploring ways to connect the existing infrastructure of bike and pedestrian paths as well as sidewalks to connect unserved areas.

Mr. McDermott said that Mr. Carrazana was correct. He said that typically they utilized land use data to identify areas where pedestrian and bike connections were required. He said that they did not possess comprehensive data on existing pedestrian usage in these locations. He said that to address this issue, they had collaborated with the Department of Transportation to install pedestrian counters and bike counters at select sites. He said that the counters aimed to gather information regarding usage patterns and origin-destination studies to determine where people needed to move from and to. He said that the existing data on where people were currently traveling was quite limited.

Mr. Bivins said that they utilized accident data for specific intersections. He asked if pedestrian or bicycle accident data was also captured in that.

Mr. McDermott said that yes, it was, but the data was not always complete. He said that many pedestrian accidents went unreported when there were no injuries, so those incidents were not collected. He said that however, they assumed that anywhere that had a pedestrian accident occur was a place they should address the pedestrian accessibility.

Mr. Missel said that the 5th and Avon Community Advisory Committee met last Thursday, and one item of interest was the expansion of the Kappa Sigma International Headquarters on Route 20. He said that it was interesting to note that there were approximately 10 neighbors who attended the meeting to express their concerns about the viewshed. He said that they were relocating what was previously approved by a special use permit as a location for the expansion.

Mr. Missel said that the new location is approximately 90 degrees from the original one and pushed it toward the back property line, which was originally zoned without residential properties. He said that now, it was dense residential townhouses on the back side. He said that those who had been looking out over the top of the existing Kappa Sigma house would be looking at the back wall of the expansion of the Kappa Sigma house. He said that this was a point of concern. He said that they all provided some constructive feedback to the applicant.

Mr. Missel said that the second item was 1928 Scottsville Road, which was a small lot measuring 1.33 acres. He said that the request was to change it from an R1 residential zoning district to an R10 residential zoning district and, by proffer, limit it to eight dwelling units. He said that he did not want to influence anyone's opinion, but upon seeing the site, one could say that it was quite full. He said that there was discussion regarding interconnecting streets and accommodating those, as well as the lots on the property. He said that it was a rather tight site.

Review of January 10, 2024, and January 17, 2024, Board of Supervisors Meetings

Mr. Barnes said that at the Board’s meeting last week, they considered two rezoning proposals and approved both of them. He said that one was for the Arbor Oaks townhouses located on Hydraulic Road, which passed. He said that the second proposal involved reducing some setbacks at Albemarle High School, and this proposal also received approval. He said that during the day, there was a lengthy discussion regarding the AC44 goals and objectives for

environmental parks and recreation, housing, historic resources, and economic development. He said that the Commission engaged in their own discussions as well.

Mr. Barnes said that the staff had structured the presentation in such a way that it began with slides discussing goals and objectives, and those slides incorporated the Planning Commission's input as well as their recommendations. He said that this allowed the Supervisors to reflect on these points and add further comments. He said that the result was a constructive and thorough discussion. He said that staff could provide additional details if required, but this summarized the main events of the last meeting.

Mr. Missel said that at the 5th and Avon Community Advisory Committee meeting, Jim Andrews, Chair of the Board of Supervisors, said that he wanted to extend his thanks and appreciation to the Planning Commission for their comments, which they thoroughly considered in their deliberations.

AC44 Update

Mr. Barnes said that the Pantops CAC had a presentation on AC44 last night, which involved a discussion. He said that there were some rural meetings coming up in the near future. He said that one would take place in Esmont on February 12, and another meeting was scheduled for Batesville tomorrow night. He said that, as discussed at their previous meeting, they were working to provide more information regarding land use and transportation details. He said that they had previously discussed higher-level goals, and now they would be coming back with additional information for everyone during the second meeting in February. He said that their main focus since their last discussion about AC44 had been these two aspects.

Mr. Clayborne asked if an update on the micro-transit program could be provided. He said that its performance and investment would be important to consider as they continued their work on the comprehensive plan.

Mr. Barnes asked if he could provide that information at the same time as the other matters.

Mr. Clayborne said that would be fantastic.

Ms. Firehock said that the recycling center opened in Keene, and she appreciated it very much. She said that however, there were no signs on the road that gave directions to the recycling center, so anyone driving down Route 20 would have to know it was already there. She said that it was meant to attract people who were going to the post office, but it did not seem to do so effectively. She said that she had talked with multiple people who expressed surprise that it was located there. She said that despite the kickoff event and related media coverage, the information had not been disseminated widely enough. She requested that signage be provided on the road to communicate that the recycling center was located there.

Mr. Barnes said that he would share the suggestion with staff.

Ms. Firehock said that the availability of recycling in the southern portion of the County was a significant achievement, so she would like to ensure they could make full use of the facility.

Mr. Bivins said that the local media did not do a good job of reporting on matters in the County. He said that they should be working with their local media outlets to ensure the big ideas of the community were published.

Mr. Missel said that he understood that staff had experienced difficulty in engaging the public in these meetings. He said that press at the right time might make a significant difference.

New Business

Mr. Barnes said that he would like to schedule meetings between himself and the Commissioners in the next few weeks as they began their professional relationship.

Ms. Schaffer said that regarding vacation planning, if any Commissioner was going to be absent, she requested that they inform her and Mr. Barnes as soon as possible.

Mr. Clayborne said that Item 9A could be struck from the Consent Agenda, as it had been covered back in December. He said that as they were thinking of the future comprehensive plan, he wondered if it would be helpful to discuss long-range planning regarding schools.

Mr. Murray said that the Soil and Water Conservation District was recommended to obtain a letter of support for designating the Hardware River as a scenic river. He said that he suggested that the letter of support should come from Albemarle County as well, because the river ran through Albemarle and was also an important river with scenic qualities and diverse sites along it. He said that he wanted to bring it to the Commission's attention, as it may rise as something for the Commission to consider.

Ms. Firehock said that as an individual Commissioner, Mr. Murray could present a resolution regarding the issue to the Commission.

Mr. Murray asked if they could include it in the upcoming meeting agenda.

Mr. Missel said that was acceptable.

Old Business

There was none.

Items for Follow-Up

The items for follow-up included the micro-transit update and the joint meeting with the Charlottesville Planning Commission.

Adjournment

At 8:34 p.m., the Commission adjourned to Tuesday, February 13, 2024, at 6:00 p.m.

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Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date:
Initials: