Albemarle County Planning Commission
Draft Minutes May 14, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, May 14, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray

Other officials present were: Jeff Richardson, Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Kevin McCollum, Senior Planner II; Trevor Henry; JT Newberry; Bill Fritz, Development Process Manager; Jodie Filardo; Bart Svoboda; 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. Bivins motioned the Planning Commission adopt the consent agenda, which was seconded by Ms. Firehock. The motion passed unanimously (7-0).

Public Hearings

ZMA202300010 Granger

Kevin McCollum, Senior Planner II, said that he would give staff's presentation on the Granger Development rezoning application. He said that he would begin with the location of the property. He said that it was situated near the Interstate 64 and Route 29 interchange off of Sunset Avenue Extended on the northern side of I-64. It was just to the west of the City of Charlottesville and south of UVA Fontaine Research Park. He said that directly across Sunset Avenue Extended from the proposed development were Parkside Eagles Landing condominiums and Jefferson Ridge apartment communities. He said that Redfields was on the other side of I-64.

Mr. McCollum said that the map displayed on the slide showed the boundaries of the parcel. He said that the property spanned approximately 69 acres and was currently zoned R1 residential. He said that the property was bordered by Sunset Avenue Extended, Interstate 64, a railroad track, and two creeks. He said that the two creeks, Moores Creek and Morey Creek, divided the property, and there were a significant number of critical resources on the land, including managed and preserved steep slopes, stream buffers, and a floodplain. He said that the site remained undeveloped, featuring hilly terrain covered in trees. He said that additionally, there was a large electrical easement running along the eastern edge of the property.

Mr. McCollum said that the surrounding properties consisted of abutting R1 residential lots to the east, commercial properties to the north, across the train tracks, which included the University of Virginia Research Park and the Virginia Department of Forestry. He said that to the southeast, across Sunset Avenue Extended, there were more residential areas, including apartment communities like Parkside Eagles Landing and Jefferson Ridge.

Mr. McCollum said that further to the west lay the Redfields neighborhood, also designated as a Planned Residential Development. He said that that the next map was from the comprehensive plan information for

the properties within the Southern and Western neighborhoods, as identified in the comprehensive plan. He said that the future land use recommendations consist of neighborhood density residential, depicted in yellow on the screen, and green systems, displayed in green.

Mr. McCollum said that the neighborhood density residential designations represent residential areas with a desired density of three to six dwelling units per acre, and primary uses include single-family detached, single-family attached, and townhouse units. He said that the parks and green system designation signifies areas designated for parks, recreation, environmental preservation, and regions not intended for development. He said that the parks and green system designation cannot be utilized to determine available density.

Mr. McCollum said that the creeks, floodplain, and preserved slopes present on the property constitute most of what was recognized in the parks and green systems layer. He said that the project proposal entails rezoning the entire property from R1 residential to planned residential development. He said that the accompanying application plan encompasses a maximum of 203 units, with a mixture of housing types comprising single-family detached, attached such as townhomes, and multifamily units including unit types like attached two over ones. He said that 15% of the total units provided will be affordable for rent and for sale units.

Mr. McCollum said that access to vehicular traffic to the development will be facilitated by Sunset Avenue Extended. He said that pedestrians and cyclists will also have the ability to traverse throughout the site and into the City via provided multi-use trails along Sunset Avenue Extended and connecting through the site to Stribling Avenue Extended and towards Fontaine Avenue.

Mr. McCollum said that over 50% of the site will be open, featuring amenities, amenity areas, green spaces, and trails. He said that to clarify, the illustrative plan is not a binding plan but rather offers an overview of how the site would be developed. He said that the proposal consists of a mix of single-family detached lots and attached townhouses in two over one style units. He said that displayed on the next slide was sheet four of the application plan.

Mr. McCollum said that as this was a requested planned residential development district, it was a planned zoning district, meaning the application plan would be legally binding if the ZMA was approved by the Board. He said that consequently, the proposed number of units, placement of roads, multi-use paths, affordable housing, trails, and everything else displayed on the application plan would need to be fulfilled during the subdivision and site plan review process.

Mr. McCollum said that the application plan allows for some flexibility since it does not precisely indicate the positioning of individual units but does showcase significant features within the building envelopes. He said that he would zoom in on the screen to display further details of the application plan. He said that there was one primary entry point into the development along Sunset Avenue Extended, which aligned with the entrance of Jefferson Ridge Apartments. He said that the thick red line represents the public street network, while the thick dashed blue line signifies a private street.

Mr. McCollum said that the tan-ish region in the center was the proposed building envelope where homes could be constructed. He said that the skinnier red dashed line along Sunset Avenue Extended was a proposed multi-use pathway that runs the length of the property's frontage. He said that the orange dashed line denotes a 20-foot emergency access road that also serves as a multi-use path, and there is also a 10-foot asphalt trailway crossing the creek and connecting all the way to Stribling and Fontaine. He said that the lightly tanned area in the northwest corner of the screen was a private trail network that becomes public as it approached the creek. He said that along the creek, the trail system was public.

Mr. McCollum said that the next slide depicted sheet six of the application plan, which displayed trail conditions in greater detail. He said that the Class B primitive trail was a 3-foot-wide mulch path trail, whereas the Class A trail was a 10-foot-wide asphalt multi-use path designed for cyclists and pedestrians. He said that the next map indicated that the proposed multi-use trails and greenways would have public

access easements. He said that the public would have access to all the proposed paths and trails, as depicted in the application plan. He said that the areas covered by the green hatching would be available for public use and the red-hatched region was designated for future dedication.

Mr. McCollum said that the applicant and Albemarle County Parks and Recreation were still refining the language concerning that area's future reservation. He said that they were collaborating with staff to determine the ideal location for the emergency access road within the eastern section of the property. He said that preserved slopes existed currently in that area, so their focus was on identifying an optimal location for all enhancements that catered to users' functionality while considering environmental impacts. He said that he would like to acknowledge their ongoing collaboration with the applicant in finalizing specifics. He said that nevertheless, the application plan accurately displayed the general placement of these improvements.

Mr. McCollum said that he would try to address the most commented-upon and questioned impacts. He said that transportation effects of this development had been assessed by Transportation Planning staff and Virginia Department of Transportation (VDOT). He said that the application included a traffic impact analysis, and based on the findings and staff's evaluation, no offsite roadway improvements were deemed necessary or advisable upon completion of the proposed development.

Mr. McCollum said that the application suggested one primary entry point to the development via Sunset Avenue Extended, and all additional roads were intended for internal usage. He said that a secondary access route had been incorporated for Fire Rescue purposes. He said that it was a 20-foot asphalt emergency access road, doubling as a pedestrian and cyclist path. He said that this path connected to a 10-foot asphalt trail that traversed the site over a 10-foot pedestrian bridge spanning the stream and linked to Stribling Avenue before continuing onto Fontaine Avenue.

Mr. McCollum said that although the application did not propose a Sunset-Fontaine connector road as described in the master plan, the multi-use trails along the property frontage and throughout the site provided significant and safe connections for pedestrians and cyclists. He said that residents of the proposed neighborhood and members of the public would have safe and convenient access to the UVA Research Park and connections to Fontaine and the City of Charlottesville since the multi-use paths and trails would all have public access easements.

Mr. McCollum said that for environmental impacts, the site development would comply with Department of Environmental Quality (DEQ) and Albemarle County requirements for water protection, including water quality and water quantity requirements. He said that a stormwater management plan would be provided with the final site plan for land disturbance. He said that the application plan sheet 5, displayed on the screen, showed a utility and grading plan. He said that the notes on the plan stated that water quality and quantity practices would meet state requirements.

Mr. McCollum said that the site would be provided with water quality and quantity practices meeting state requirements and may include a number of Best Management Practices (BMP) such as quality swales, pervious pavers, underground retention, rain gardens, water harvesting, nutrient credits, etcetera. He said that development had been largely kept out of the critical resources such as the stream buffer, the floodplain, the preserved slopes.

Mr. McCollum said that where development did impact these features, staff and the applicant had worked to minimize the impacts. He said that some impacts were necessary to access the site and provide needed improvements. He said that regarding schools' impacts, he would address that in just a second, but nothing had been proposed by the applicant at that time to alleviate any potential school impacts. He said that based on the anticipated unit type mix, the total number of estimated students was 50, with 24 being elementary school, 10 middle, and 16 high school.

Mr. McCollum said that staff identified several factors favorable to the proposal. He said that it was consistent with the land use recommendations of the Southern and Western Neighborhood's Master Plan.

He said that the proposal was for a maximum of 203 residential units at a density of 5.985 units per acre; this was consistent with the three to six dwelling units per acre recommendation in the neighborhood density residential area. He said that the request was consistent with the Comprehensive Plan's Neighborhood Model Principles.

Mr. McCollum said that new transportation improvements align with the transportation recommendations of the Southern and Western Neighborhoods Master Plan, including new multi-use paths along Sunset Avenue Extended and through the site connecting Sunset Avenue Extended to Stribling Avenue and Fontaine Avenue for pedestrians and cyclists. He said that the request offers essential public trail connections and preserves space for a future public greenway trail.

Mr. McCollum said that these trails assist in completing the trail network as demonstrated in the parks and green systems plan in the Southern and Western Neighborhoods Master Plan. He said that lastly, the request provides 15% affordable housing, consistent with the County's affordable housing policy in effect when this application was submitted.

Mr. McCollum said that concerning unfavorable factors, staff assessed the effects on schools based on the existing conditions of the educational institutions within the applicable school districts. He said that it was noted that Mountain View Elementary School is over capacity, and the development would exacerbate overcrowding. He said that they have been in touch with school representatives, and a new southern feeder elementary school scheduled to open in the upcoming few years will alleviate present overcrowding concerns.

Mr. McCollum said that the preliminary site plan for that project has already been approved, and upon following up with the school's contacts, they indicated that the new school would alleviate current overcrowding issues at Mountain View Elementary School since the student body would essentially be divided in half without altering the boundaries. He said that furthermore, there is also a proposed High School Center II that might mitigate some student impacts for Monticello High School. He said that the center would be an option for any high school student; however, it was challenging to forecast precisely how many pupils would attend that institution.

Mr. McCollum said that in summary, even though their sole negative aspect was school impact, there were two forthcoming schools set to open soon that could alleviate some of those potential overcrowding concerns resulting from this development. He said that staff recommended approval of this rezoning application ZMA202300010 Granger Development.

Ms. Firehock asked what the reserved area was.

Mr. McCollum asked if she was referring to the area on the northern side of the creek.

Ms. Firehock said yes. She said that she did not understand that.

Mr. McCollum said that basically, the applicant was leaving that up to future development. He said that they propose a maximum of two units; however, if they build all 203 units on the southern side of the creek, they would not have the ability to develop further in that area. He said that as a result, there had been considerable discussion about whether this might turn into a future park or open space. He said that the proposal allows for the possibility of constructing two units.

Mr. McCollum said that an existing crossing of the stream was present there. He said that earlier, a house was situated on that part of the property but has since been torn down. He said that the crossing of the creek was where the old driveway used to be. He said that his understanding was that they aim to preserve the option to potentially develop approximately two houses on the northern side of the creek.

Mr. Carrazana said that he would like to clarify the stormwater management strategy that Mr. McCollum had mentioned. He said that underground retention had been highlighted, but no bioswales or ponds. He asked if the applicant was not planning on anything other than the underground retention.

Mr. McCollum said that the notes on the application plan leave a lot of options available for the future design. He said that the applicant could discuss that further. He said that they would review the stormwater management plan with the site plan.

Mr. Murray said that when he looked through the County Code on the determination of managed versus preserved slopes, he became confused as to why the two slopes on the site near the creek were indicated as managed when they appeared to be natural and thus should be identified as preserved slopes. He asked if Mr. McCollum could describe why they were managed slopes and not preserved slopes.

Mr. McCollum said that he appreciated Mr. Murray raising that point earlier, which gave staff the opportunity to research the issue. He said that after consulting with Engineering and Planning staff, they found through the GIS data that it was an intermittent stream, and stream buffers only applied to perennial streams. He said that based on the information available, there was no evidence of a perennial stream at that location.

Mr. McCollum said that the slopes had been initially zoned as managed slopes when the Board adopted the Preserved Slopes Overlay District in 2014. He said that his understanding was that there must have been a reason for categorizing them as managed instead of preserved, perhaps because their characteristics did not align with the definition of a continuous area of slopes. He said that they were designated as managed slopes, permitting development according to the by-right uses outlined in the ordinance for managed slopes.

Mr. Murray said that his understanding was that during the discussions when those were passed, a promise was made to the environmental community that this was just a preliminary map and that there would be site truthing of those, and they would not simply accept the GIS algorithm as to what would be preserved and managed. He said that according to the current ordinance, it only stated that something was associated with water but did not specifically mention that intermittent streams were exempt from preserved slopes. He said that under the current wording, it would classify any type of stream, whether intermittent or perennial, as a preserved slope. He asked the County Attorney to provide input on this matter.

Mr. Herrick said that he was not familiar with the issue. He said that he would need to look into it to provide a more definite answer.

Mr. McCollum said that they contacted Frank Pohl, the County Engineer, and he said that if there were any concerns, staff could definitely look into it. He said that the applicant could also examine whether there was an existing stream or channel present. He said that they could follow up on this matter.

Mr. Bivins asked which portion of the area was located in the Jack Jouett District.

Mr. McCollum said that the magisterial districts followed the same as the school district boundaries, which were indicated on the map. He noted that the northern portion had the magisterial district line.

Mr. Bivins said that he did not think any of their children would go to Western, so he would leave that for another discussion. He said that he would share with the Commission that by chance, he attended a CAC meeting last night and heard a presentation from Kate Acuff about the schools. He said that to address concerns about schools for this project, there were two schools set open in August 2026, assuming everything goes well. He said that one of these schools was located in Mountain View.

Mr. Bivins said that although he believed the developer was a platinum developer, he doubted they would have this up and running by August 2026. He said that he did not believe this project would cause any pinch points for schools regarding one school. He said that as for the lower and upper elementary schools being separated, he believed the applicant has received a green light on that point. He said that lastly, concerning

the Lambs Lane campus, he learned at the meeting last night that Center II could accommodate 400 to 600 students daily. He said that this project would not affect that part of their academic community. He said that he wanted to clarify that now, so they would not have to address concerns later. He said that one question he had was regarding the site itself.

Mr. Bivins said that it was one of the most challenging sites he had seen in Albemarle County. He said that there were high tension lines, bollards, and various other elements present. He said that while having one exit for 203 residents might meet VDOT standards, it raised concerns from a cautionary standpoint. He said that he would propose they discuss the possibility of adding another entrance for safety reasons. He said that with high tension lines crossing the property, there were many potential issues that could arise. He said that his main concern was ensuring the development becomes a premier one, so he would wait to hear how the applicant planned to achieve this goal.

Mr. Moore said that he had a question for his own edification. He asked why they had mostly public streets and then one private street, and why they chose to implement a private street rather than entirely public roads in this development.

Mr. McCollum said that according to his understanding, a private street was necessary for that road because of the plans for perpendicular on-street parking. He said that VDOT permits parallel parking on-street but does not allow perpendicular parking. He said that the objective was to establish two-over-one parking units, which facilitated designated, parking lot-style parking instead of individual parking lots. He said that having shared, on-street parking spaces proved to be more efficient compared to parking on individual lots.

Mr. Moore said that he thought that might be the answer. He asked about the reason behind the lack of higher density on this particular parcel, considering its significant acreage and a substantial section was reserved.

Mr. McCollum said that the applicant had based the proposal on the recommendations from the comprehensive plan, taking into account the acreage available. He said that the recommendations indicated that between three and six dwellings should be constructed per acre, and the applicant proposed 5.99 as their figure. He said that when calculating this, they had utilized the area highlighted in yellow on the map of the comprehensive plan. He said that this encompassed all the available land, even the portion situated on the northern bank of the creek, which they had incorporated into the total acreage for the calculation. He said that this resulted in the proposal of 203 units.

Mr. Moore said that he had noticed that it was almost six units per acre net. He said that he would like to emphasize a point brought up during their recent comprehensive plan discussions, which was that he believed they should not have any more neighborhood density residential areas. He said that due to the continuous housing crisis, merely constructing additional dwellings would not resolve the predicament. He said that if they did not start implementing “missing middle” housing types, they would not even begin to build their way out of it, even with that as a tool in their toolkit.

Mr. Missel said that he appreciated the staff report, which was both comprehensive and well-detailed. He said that he had a question regarding page 6 of the application plan, which referred multiple times to the location of public access and maintenance easement, which was to be dedicated to the County. He asked if the County was planning to maintain that as part of the maintenance easement.

Mr. McCollum said yes, he believed so. He said that staff was still working with the applicant on the timing of that. He said that his understanding was that Parks and Recreation would maintain that as part of the public access easement.

Mr. Missel asked if staff was aware of a timing issue or development density issue that would trigger the trails.

Mr. McCollum said that yes, that was another element of the plan they will continue working with the applicant on. He said that there were two components. He said that one was the access easement, which would be approved with the subdivision plat. He said that the second component was the actual dedication of the land to the County, which he believed would happen later. He said that he believed that note referred to the later dedication of the land, while the easement will be in place from the start. He said that the public would have access from the beginning; it was just the actual dedication of the land that would take place later. He said that the applicant could clarify if he misspoke about the situation.

Mr. Bivins asked if they passed the new regulations on affordable housing so that the threshold was higher.

Mr. McCollum said yes, it was adopted by the Board in March, but because this application came in before that, they would apply the previous policy to any items under review prior to that new regulation.

Mr. Bivins asked if that was why there were 15% affordable units.

Mr. McCollum said that was correct.

Mr. Bivins asked if these were rent or for purchase.

Mr. McCollum said that they had the option for both.

Mr. Bivins said that perhaps the applicant could give more clarity about that.

Mr. Missel said that he would like to clarify something related to the affordable housing. He asked if they now required 20% of the units at 60% of Area Median Income (AMI), or if the applicant chose to provide 20% affordable housing, they would be eligible for incentives.

Mr. Barnes said that he believed that applications currently under review had the option to provide 20% affordable housing, but it was not required.

Mr. McCollum said that for new applications, staff would be looking for 20% affordable housing, but there were also incentives in place to offset the cost of that to the developer.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Ashley Davies said that she was working for Riverbend Development. She said that she was accompanied by Alan Taylor, also from Riverbend, and Chuck Rapp from their engineering team. She said that they were also joined remotely by Carl Hultgren, their transportation analyst. She said that this presentation aimed to share their proposal for the site. She said that over the past 16 years, they had explored multiple designs and iterations for this location. She said that they believed they had struck a balance between housing density, environmental preservation, and maintaining excellent trail systems.

Ms. Davies said that all visuals displayed during the presentation were captured last week. She said that these images would offer a glimpse of the beautiful green spaces and plant communities present on the site. She said that their discussion would revolve around three primary themes. She said that initially, they would address the various constraints of the site, which was why it took them so long to arrive at this stage. She said that next, they would delve into the neighborhood they intended to establish. She said that lastly, they would explore the site as a central hub connecting both the City and the County. She thanked staff for their comprehensive report.

Ms. Davies said that the site featured several constraints, as depicted in the image on the left. She said that Moores Creek and Morey Creek, along with their tributaries, traversed the property, dividing it into two distinct parts. She said that furthermore, numerous preserved slopes lined the stream banks, occupying a considerable portion of the site. She said that other constraints included the hard edges formed by Interstate 64 and the railway tracks, restricting potential access points. She said that lastly, a vast electric utility

easement stretched across the site from north to south, further complicating development possibilities. She said that she believed that these constraints ultimately serve as a significant advantage to the site.

Ms. Davies showed a slide offering a visual representation of the different streams, some of the slope regions, the railroad, and the size of the power lines running through the area. She said that after considering the factors, what remained was a location that consisted of 54% open space, which was quite rare. She said that with the rest of it, they mainly contained a substantial portion of the development in that 25-acre segment. She said that with the six-acre section above, they reserved it for possibly one to two units up there; however, they mainly concentrated the development on the southern side. She said that what that permitted them to do was avoid impacting some of those crucial environmental regions.

Ms. Davies said that in the northern slopes that ran alongside the creek, they possessed lovely plant communities of mountain laurels and many other wonderful species. She said that they were happy to protect those. She said that this allowed them to cluster the neighborhood with a range of unit varieties, from single family houses to attached unit styles. She said that it also allowed them to build affordable housing on site, positioned close to the City and the university. She said that they kept this density since it corresponded with both the comprehensive plan and the current transportation infrastructure's capacity.

Ms. Davies said that staff had already discussed the schools, so she would only bring up that topic if the Commission had further questions. She said that one of the most appealing elements of this site pertained to its location. She said that when reviewing these zoning recommendations, they predominantly focused on the site context, but it was fascinating to zoom out and observe the site in relation to neighboring areas. She said that regarding the Granger property, the existing Rivanna Trails network passed through it, indicated by the blue dots visible on the screen. She said that this area would be within easement and accessible for public usage.

Ms. Davies said that they had incorporated a 10-foot Class A shared use path on the site itself, illustrated in pink. She said that this path offered potential for future extension. She said that even though they could not manage areas beyond their site, she believed now was the optimal moment to participate in the development of these trail networks. She said that by building upon these connections, they could potentially extend all the way to Biscuit Run Park or even reach the Sieg property and the future Hedgerow Park. She said that it was exciting to imagine these possibilities. She said that the map illustrated the extent of both the trails and the areas designated for public access easements.

Ms. Davies said that the existing crossing across Moores Creek for the Rivanna Trail could be quite an adventure to get across. She said that many days, it was impossible to get across. She said that one of the great features of their proposal was the creek crossing that would be a part of the overall Class A shared use path. She said that unlike the 8-foot-wide bridge shown as an example, their proposed creek crossing would be a 10-foot-wide bridge that matched the path. She said that anyone walking or biking would easily be able to cross the creek and get right into the City. She said that they were excited about the opportunity to provide a new neighborhood in this location, appreciating its natural environment and proximity to work opportunities and amenities.

Mr. Moore said that he had a question concerning the 20-foot-wide emergency road situated on the eastern boundary of the property. He asked whether this path would be obstructed by bollards or accessible for automobiles requiring passage via that route.

Ms. Davies said that it was an emergency access point, and usually, there were bollards present. She said that these bollards allowed pedestrians and cyclists to pass through at any time. She said that, when necessary, the bollards could rise to provide emergency access.

Mr. Moore said that he could see a beautiful multi-use trail leading to Stribling. He asked why there was not a road for cars going north instead of just a path for bikes and pedestrians.

Ms. Davies said that they had examined various auto connections and found that they were damaging to the delicate parts of the site. She said that there was no substantial advantage to this method. She said that even if they could navigate through an auto connection, both the Stribling Avenue extension, the power substation, and the road alongside the research park would be difficult to traverse and unsuitable for numerous car journeys. She said that the ecological harm from this choice appeared impractical to them.

Mr. Moore asked if the applicant had plans yet for what units would be for rent versus what would be for sale.

Ms. Davies said that they tended to offer a variety of options. She said that Greenwood Homes, their home building company, would be working on the site. She said that at this stage, they preferred to keep both options open because having a mix of homeownership opportunities and rental opportunities was beneficial. She said that they did not know how the market would behave in the future. She said that they were proud of the fact that they were constructing affordable units in Albemarle and throughout the City.

Ms. Davies said that in the past, people would simply contribute to an affordable housing fund without ever seeing the resulting units. She said that it was exciting to finally see those units being built. She said that she fully agreed with Mr. Moore that they were in the midst of a crisis and shared statistics showing that the median sales price in Albemarle had increased by 15% during the first quarter of the year compared to the previous year. She said that this increase was indeed alarming. She said that they felt fortunate to be contributing to the solution.

Mr. Moore said that he recalled learning during their meeting in North Fork last November that affordable rental units typically got snapped up rapidly due to high demand, while affordable houses for sale often remained unsold since the connection with potential buyers frequently failed to materialize. He asked if they had implemented any improved systems or were working on developing them to address the issue of affordable homes for sale that met their criteria becoming available on the market.

Mr. Barnes said that he did not have specific information to answer that question. He said that he had met with their housing staff this past week and knew that they recognized that particular issue and were actively seeking solutions.

Mr. Bivins said that he had some concerns regarding natural disasters, bad driving, and a landlocked property. He said that he was concerned about potential high tension wire failures causing fires. He said that there would only be one route for evacuation unless someone moved the bollards. He said that also, there have been numerous accidents involving trucks on Interstate 64, leading to spills on the side of the road. He said that the presence of rail lines owned by the Commonwealth of Virginia paired with recent train incidents resulting in spills added to his concern. He said that as they considered this matter, he requested that they explore providing an alternative exit route, as it would likely bring some reassurance to their community. He said that he did not ask for an immediate response regarding those concerns.

Mr. Bivins said that he would like a response to a question he had regarding the proposed private road. He asked what would happen to the road if the land was sold. He said that at the moment, the private road would be going through the smallest units. He said that if he lived in the area and was informed by the HOA that he must cover the expenses for snow removal on the private road, he would feel quite annoyed. He said that this was because his street was classified as a public street, and VDOT took care of removing snow from public roads as well as fixing potholes. He asked how the maintenance costs would be allocated between the residents who owned the smallest units and those who owned larger properties. He asked how they would address this issue if an HOA was responsible for the private road maintenance.

Ms. Davies said that it was almost certain that this neighborhood would have an HOA, as all of their neighborhoods did. She said that her guess was that everyone would pay an HOA fee, so everything about the neighborhood would be included in that fee. She said that this would include the maintenance of the private road. She said that in order to live in the community, one would have to pay the HOA fee.

Mr. Bivins asked if they would create a reserve for that purpose.

Ms. Davies said yes.

Mr. Bivins said that he would let their team analyze his other concerns regarding potential disasters. He said that Ms. Davies had shown some images that appeared to be of their project on Route 29 North, and he would like to challenge them to acknowledge the distinctive location that was the subject property. He asked them to not make it look like a garden apartment complex but to make it something special. He said that they had good designers and creative people who could help. He said that they could integrate a biosphere into the project or do something else that would make it extraordinary rather than just another garden apartment community.

Mr. Murray said that considering the environmental constraints that were already in place, he would like to know whether they had thought about choosing apartments or possibly selecting a taller structure or a more compact design to optimize the limited space that was available.

Ms. Davies said that they had done designs on this site that included apartments. She said that they were at a higher density than what was currently proposed, and as she had mentioned, they were trying to be sensitive to the surrounding areas and ensure they were not overburdening the road system. She said that they analyzed that quite carefully. She said that they had made probably 50 designs for this site, and they finally decided that this current proposal was the best variety of unit types and home ownership possibilities in this location close to the City.

Mr. Murray said that on the illustrative plan there were two small green triangles. He asked if it was possible that they could serve as both green spaces and biofilters. He said that although meeting stormwater requirements was acceptable, he inquired whether there were any additional measures planned to minimize the project's environmental impact even further.

Chuck Rapp said that he was with Collins Engineering. He said that they had a variety of measures for managing stormwater on the project site. He said that to start, they would implement several localized bioretention facilities to capture water nearer to the houses. He said that also, they proposed an underground retention system further downstream to handle larger volumes of water and treat it. He said that this method limited their impact on the slope.

Mr. Rapp said that other approaches had been considered, but they resulted in more significant areas of disturbance. He said that instead, they opted for smaller, localized facilities and the underground system to minimize disruption. He said that maintaining 50% of the site intact also played a significant role in fulfilling stormwater requirements. He said that combining different techniques was their strategy to address stormwater issues on the site.

Mr. Clayborne said that it looked like a good project. He asked if the applicant could discuss where the affordable housing would be located on the site.

Ms. Davies said that it would be in the central part of the site where there would be a combination of attached units.

Mr. Clayborne said that he believed there should not a designated area for affordable housing. He said that they should not be able to tell how much money someone makes based on the plan. He said that he would encourage the applicant to find ways to disperse the affordable housing throughout the site. He asked if the applicant could explain how this development was a model for sustainability and could be used as an example for others to follow in the future.

Ms. Davies said that Greenwood Homes would be constructing all of the homes on-site, and she knew they strive towards sustainability in their construction, unit types, and energy standards. She said that they also focused on the aspects of allowing units to age in place and visit-ability.

Mr. Clayborne said that he was unsure if it was a procedural matter, but he believed it would be beneficial to include in the criteria of the narrative how the project met the Board of Supervisors' goal of equity and sustainability. He said that rarely do they see anything in project proposals that addresses that goal. He said that he understood it was a challenging site, but he found it surprising that roads bisected the only green space in the project. He requested that during their design of the common areas the applicant keep in mind the projected 50 children who would live there.

Ms. Davies said that that was a good point. She said that they had aimed for the neighborhood amenity space to be centralized near the units. She said that parents appreciated this feature because it allowed for better supervision of children playing. She said that furthermore, the 37 acres of green space provided numerous possibilities for creative play. She said that in their Glenbrook communities, trails offered diverse play opportunities within the more wooded areas.

Mr. Clayborne said that they lived in similar neighborhoods where people drive too fast even when kids were playing everywhere.

Mr. Carrazana said that he was glad to hear Mr. Rapp mention the incorporation of bioswales or bioretention systems, along with underground solutions. He said that these features could offer attractive landscape additions while simultaneously tackling stormwater problems. He said that he recalled staff members discussing the potential use of pervious pavers.

Mr. McCollum said that yes, it was listed on the application plan as being just one of the options that they could choose from.

Mr. Carrazana asked where those would be located if they were implemented.

Ms. Davies said that typically, previous pavers would be used in parking areas rather than travel ways. She said that these pavers could be employed, for instance, on the private road designated for perpendicular parking.

Mr. Carrazana said that the reserved space could be a great location for the biosphere mentioned by Mr. Bivins.

Ms. Davies said yes, that sounded great.

Ms. Firehock said that she would like to briefly discuss the bioswales. She said that most pollution, particularly the runoff containing oil residues, occurs during the initial inch of rainfall, which is typically captured by the majority of bioswales. She said that following that, the streets become comparatively clean, and any remaining excess water flows into the underground storage tanks. She said that the bioswales primarily address the issue of water quality. She said that due to the 50% open space, this development qualifies as a conservation subdivision.

Ms. Firehock said that she recommended marketing it as such. She said that in her experience, having written a book on conservation subdivisions, she can attest to their effectiveness. She said that once this project is completed, they can assess its performance. She said that during their walk, she suggested incorporating pedestrian connectivity throughout the site. She said that although this design is still conceptual and subject to change, she believed adding narrower paths for pedestrians would enhance the overall layout. She said that these paths need not be ten feet wide; even a four-foot-wide path would suffice for children to safely traverse the area.

Ms. Firehock said that by implementing such mid-block breaks, residents can easily access various parts of the neighborhood without traveling long distances. She said that considering some green spaces among the buildings to break up their monotony. She said that this would also facilitate movement between them. She said that although creating a grid pattern might not be feasible due to the topography, narrower paths

and designated pullover areas could accommodate various users. She said that overall, the design seemed thoughtful and respectful of the environment. She thanked them for their efforts.

Mr. Missel asked if Ms. Davies could explain more about the 150th unit before the issuance of a public access.

Ms. Davies said that as they developed the site plan and subdivision plats with the County, all of those trails and areas, as Mr. McCollum noted, would be included, along with their locations, as they got into the specifics of the plan. She said that when they did the platting, all the easements would be implemented. She said that generally, they put in the trails during the initial phases of the development process. She said that during the actual rezoning, they allowed some flexibility concerning the completion of the trails.

Ms. Davies said that this enabled them to handle any unexpected issues that might emerge, such as collaborating with the County to guarantee compliance with their requirements. She said that for the timeline, they aimed to integrate everything as soon as feasible. She said that after homeowners moved in, they preferred minimal disturbance to their property. She said that consequently, they avoided actions like tree removal or trail construction following residents having settled in. She said that regarding the acceptance of easements by the County, she was uncertain; nevertheless, they incorporated all easements into the plats while creating the site plan.

Mr. Missel said that he would like to summarize what he had heard from Ms. Davies. He said that their intention was to deliver the trails and public access as quickly as possible since this was a selling point for the community and its residents would expect it. He said that secondly, they wanted to offer flexibility, so they were not ready to commit to doing something on day one because they did not want to delay the issuance of a certificate of occupancy related to either the first or tenth. He said that thirdly, the figure of 150 seemed arbitrary and was chosen because it would provide sufficient flexibility. He said that it was a large portion of the 203, and he wondered if there was interest in reducing it from 150 to show that their intention was to deliver the product sooner while still allowing flexibility.

Ms. Davies said that during her discussion with Mr. Krebs about the matter, she suggested considering the idea of splitting the difference, so it would be 75 units rather than 150.

Mr. Bivins said that he would like to build on Ms. Firehock's comments and encourage the applicant to thoughtfully consider the edges of the property. He said that when looking at the project from a birds-eye view, the integration of green paths from the outside being able to move people across the property would provide a sense of place. He said that softening the edges so that the 50% green space was a part of the design would intentionally incorporate the space and the trails. He said that they were a premier company in the community so they should do something grand.

Mary Catherine King said that she was a resident of the Oak Hill Farm neighborhood, situated opposite the Redfields neighborhood. She said that she had previously sent her comments in an email to the Commission, but she had additional points to discuss tonight. She said that as the Chair of the 5th and Avon Community Advisory Committee, she had participated in the community meeting and shared some of the community's concerns. She said that however, she did not represent everybody. She said that she also held a civil engineering degree from the University of Virginia and worked as a realtor.

Ms. King said that she understood property and land, along with a little about land development. She said that she had also thoroughly studied the effects of different developments on the schools. She said that despite mentioning this in her letter, she wanted to stress it again because although she was not concerned with kids learning in closets, she was concerned that the overall way they count for students in the County with new developments is flawed. She said that this concern had been talked about repeatedly during their CAC meetings for three years.

Ms. King said that she was uncertain if this subject came up at other CACs. She said that in her own neighborhood, Oak Hill Farm, there were 85 homes and approximately 75 school-aged children. She said

that this proposed development of 200 units implied a maximum of 45 pupils. She said that this served as a concrete example of how, as developments continued throughout the whole County, the identical school factor remained consistently used. She said that during the recent visit of the schools, they mentioned that the new southern feeder and Albemarle campus would meet the current overcapacity standards.

Ms. King said that she believed this did not include future growth due to new developments. She said that this was her understanding from their previous conversation at the CAC. She said that she was uncertain if the comprehensive plan still had room for building a road or a vehicular passageway through the area. She said that she wanted to know if it remained a feasible future possibility. She said that she had concern about avoiding a situation similar to Eastern Avenue, where developers promised a connection but failed to deliver due to financial constraints. She said that affordable housing was very important, but so was providing market-rate housing within the development.

Ms. King said that she supported inclusionary zoning, which was being implemented there, but it did not genuinely produce affordable units. She said that she believed they should allow the developer to offer housing at market rate prices for people who currently were buying lower-rate units because there was an overall lack of housing in the County. She said that they had to supply housing at all levels, and when they did so, they would allow the developer to properly fund the transportation between Sunset Avenue Extended all the way to Old Lynchburg Road, which was a huge problem.

Mr. Wingfield said that he lived at 700 Sunset Avenue Extended. He said that everything sounded great and beautiful from what he had heard tonight, but he expressed concern regarding the impact on the local residents currently living on Sunset Avenue. He said that he was particularly worried about the limited information they had about the site plan and runoff. He said that he could only speak about the effect it would have on himself and his neighbor, which was that they would be totally washed away. He said that the proposed plan intended to direct the water runoff into Moores Creek, right at the entrance of his property. He said that it could exacerbate existing flooding issues, potentially causing significant damage.

Mr. Wingfield said that he was uncertain if anyone present had visited Sunset Avenue Extended. He said that in the case of heavy rainfall, the road from the entrance of Eagles Landing to the bridge connecting the City and County would become impassable. He said that emergency access would be severely restricted. He said that it would also affect a lot of the residents at Eagles Landing because people often took the back entrance and crossed the bridge to Jefferson Park Avenue and the university. He said that before approving this proposal, he urged the Commission to consider the potential consequences for the local residents who already lived there.

Betty Saunders said that she represented her son who could not attend due to another meeting. She said that her son has owned property there since the 1990s, when flooding was minimal. She said that speaking with someone who had lived nearby since the 1920s, they confirmed that flooding was rare in those days. She said that recent construction near her son's home has led to numerous floods. She said that she assumed that they must have heard about the bridge destruction during the last flood a few years ago, which trapped residents. She said that one night when a flood was predicted, she requested permission to pass through the apartment complex's gate and keep a vehicle on the hill in case they could not get out, and the complex refused.

Ms. Saunders said that she called for emergency services to get them out another night when they had two people and three dogs, and they never came. She said that she called back later, and they said that they could not get down there, and they did not even call to tell them that. She said that she did not know if anyone was noticing the flooding. She said that she had called the County, and no one was really interested. She said that they came forward to cut the water flow down, and each one of these subdivisions caused more flooding.

Ms. Saunders said that cutting down the trees and plants was the foremost cause, but then they used water. She said that she saw water standing just before the entrance of the property due to the housing located above. She said that no one seemed to recognize it. She said that her son told her that he attended one

Planning Commission meeting regarding the first housing development located behind his house, and the Commission laughed at him. She said that her son could not sell his house due to severe flooding issues. She said that his basement had flooded up to his shoulders, and he had suffered a lot.

Ms. Saunders requested additional consideration from the Commission for those living in the area. She said that they could not even get out when it was flooded. She said that the road above his house was washed out, and a man from the highway department had to come down the side of the road to get her to a doctor's appointment that morning. She said that if something bad were to happen, they could not get out. She said that she hoped it would not rain heavily tonight because it was scary. She thanked the Commission for listening to her concerns, which she had primarily because she was a mom.

Mr. Missel asked Ms. Shaffer if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel asked if the applicant would like to respond to the comments from the public regarding this item.

Mr. Rapp said that he would like to respond about the concerns of stormwater management on the property. He said that it was mentioned earlier that the plan was to set up an underground retention system in the corner of the site, close to the stream. He said that the purpose of this system was to manage large amounts of rainwater and store it effectively. He said that by taking into account the modern stormwater requirements, the pre-development conditions of the site were analyzed, ensuring that the post-development conditions met or even surpassed those standards. He said that as a result, the discharge of water during heavy rains would be slowed down. He said that their goal was to improve the overall stormwater management in that specific area by capturing more runoff at a regulated speed while releasing cleaner water.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Ms. Firehock said that she would like to briefly comment on stormwater. She said that there was a significant amount of new development in the area; however, there were also developments that took place prior to the implementation of stormwater management requirements. She said that Interstate 64 had no stormwater management. She said that this led to the flooding of Moores Creek, resulting in the need for the large creek restoration project in Azalea Park. She said that there were legacy stormwater issues dating back to the 1920s, 1930s, and 1940s that remained unresolved because VDOT was not obligated to remediate those pre-existing highways.

Ms. Firehock said that the site featured steep slopes, but she trusted this excellent firm to manage stormwater effectively. She said that she believed that they utilized innovative solutions, such as permeable pavement for parking spaces, enabling water to drain directly into the ground without freezing during winter months. She said that despite the difficulties, she believed the applicant had utilized their resources optimally and would take the public feedback to heart.

Mr. Murray said that while serving on the Soil Water Conservation District, he had encountered a bacterial Total Maximum Daily Load (TMDL) from Moores Creek. He said that the focus of this TMDL was to identify the source of increased bacterial levels in the waterway. He said that in order to ascertain the origin of the contamination, they carried out a genetic analysis, which led them to discover that pet waste was the main contributor to the heightened bacterial levels. He said that the TMDL was basically referring to substances in the stream that should not be present.

Mr. Murray said that in this case, the unwanted substance was bacteria. He said that the DEQ has set a standard that children should be able to play in streams, fishing should be allowed, and creatures should inhabit them. He said that due to this assessment, the waterway was deemed impaired. He said that he believed that the comments from the public regarding management of stormwater volume were important.

He said that he was glad to see interest in addressing both quantity and quality. He said that he hoped that the HOA requirements took pet waste seriously, as it contributed to that stream's poor health.

Mr. Bivins said that according to the school division, the southern feeder elementary school would have approximately 500 students. He said that this would not be a temporary or auxiliary solution but would add permanent capacity to the system. He said that because the school in Southwood was not going to happen, this school would address the capacity issue. He said that High School Center II would have about 400 to 600 students per day, so that would also add capacity. He said that residents of White Hall and Crozet would see the 33,000 square foot addition took care of the elementary school issue.

Mr. Bivins said that the School Board may need to undertake some redistricting, so he would recommend everyone stay calm while they try to balance the student load across the districts. He said that they had not built a brand new school from the ground up in 22 years, so some of these projects would be for catching up. He said that there would be a project at North Point on Route 29 which would create an elementary school at some point to give some relief to Baker Butler. He said that they were trying, and it definitely would be moving faster if they had gotten the referendum for sales tax, but that would be for another administration.

Mr. Moore said that he appreciated several aspects of the project, particularly the improvements made to the trail system. He said that maintaining the greenway alongside Moores Creek and having a bridge without large rocks would be great. He said that he currently lived in a neighborhood that has only one exit for vehicles. He said that during the previous summer, the road was repaved, leading to significant disruptions because of the single entrance and exit point. He said that it would be prudent to evaluate if bollards were necessary on the 20-foot section where people might need to exit, because it could be an easy change.

Mr. Moore said that in a broader perspective, he understood the reasons behind restricting travel to only pedestrians and cyclists on Stribling Avenue; it was a difficult area to establish a vehicular connection. He said that older suburban developments often necessitate traveling long distances for driving when it should only be two or three miles as the crow flies, but he understood the reasoning here. He said that in general, as they moved forward, he would like to see neighborhoods be as connected to each other as possible. He said that he had already discussed his opinions on density.

Mr. Missel said that he would acknowledge the site was challenging. He said that the land had been owned by the applicant for 16 years. He said that a rezoning had taken place for the Fontaine Research Park in 2010, during which they discussed the Granger tract, so he could relate to that. He said that he believed the plan was good, although it might be a tight fit for this particular site. He said that the plan did advance paths and greenway systems, as previously mentioned. He said that addressing school impact factors was not the developer's responsibility; instead, it was a County matter.

Mr. Missel said that population growth from new developments was inevitable, and thus, it should always be assessed. He said that their community, like many others, was dealing with stormwater management issues that were the result of negligence in the past. He said that he encouraged the applicant to explore ways to exceed requirements and benefit the existing community. He said that finally, he suggested revising the 150th trigger point. He said that he recommended reducing it to 75, which would be ideal. He said that he was uncertain if this change should be incorporated into a resolution or a condition.

Mr. Herrick asked if Mr. Missel would like to add a condition to those already proposed.

Mr. Missel asked if the note about the 150th unit was located in the application plan.

Mr. McCollum said that was correct.

Mr. Missel said that in that case, his request would be to modify the application plan to replace the 150th unit with the 75th unit.

Ms. Davies said that the applicant was in agreeance with that request.

Ms. Firehock motioned for the Planning Commission to recommend approval of ZMA202300010 for the reasons stated in the staff report, with the additional condition that the application plan be modified so that the trail dedication will occur after the construction of unit 75, which was seconded by Mr. Bivins. The motion passed unanimously (7-0).

Recess

The Planning Commission recessed at 7:31 p.m. and reconvened at 7:36 p.m.

ZMA202400002 & SP202400014 Rivanna Futures

Mr. Missel said that he would like to make a statement regarding the State and Local Government Conflict of Interest Act. He said that he was a member of the following group, the members of which were affected by the transaction. He said that the group consists of three or more persons whose employer owns property along the Route 29 North Corridor. He said that with that being said, he was able to participate in this transaction fairly, objectively, and in the public interest.

Bill Fritz, Development Process Manager, said that he would be giving staff's presentation for the rezoning and special use permit proposals. He said that the application had two parts. He said that the rezoning requested to change 172 of the 462 acres owned by the County from Rural Areas (RA) and Planned Residential Development (PRD) to Light Industry (LI). He said that for simplicity, he would refer to them as RA, PRD, and LI. He said that the special use permit would allow offices in newly constructed buildings.

Mr. Fritz said that the image displayed on the slide was of the surrounding area's characteristics, highlighting the County-owned land with an orange line. He said that the area to be rezoned was highlighted in blue. He said that east was at the top of the image. He said that the rural areas to the north and east were typical of the County's rural areas, featuring a mix of open and wooded areas with scattered residential developments. He said that the development along Boulders Road was Rivanna Station, consisting of office buildings.

Mr. Fritz said that to the west, across Route 29, lay the Briarwood development. He said that another image showed the County-owned land boundaries in orange again. He said that the proposed rezoning area included lands currently designated PRD, shown in green, and RA, which was shown in white. He said that he had overlaid the proposed rezoning area on the map. He said that access to the site was via Boulders Road, which intersected Route 29 at a signalized intersection. He said that as seen by examining the map, the rezoning consumed all of the PRD's development potential.

Mr. Fritz said that a proffer was proposed to limit traffic generated to 5,000 vehicle trips. He said that this traffic volume was consistent with what would be anticipated from the PRD and the area recommended for residential, office, industrial, and limited commercial development in the comprehensive plan. He said that VDOT had not recommended any transportation improvements. He said that one thing to note quickly was that rezonings may be initiated in two ways. He said that the County could initiate a rezoning, or a request could be made by the property owner. He said that only during a property owner-initiated rezoning could proffers be accepted. He said that by submitting as a property owner, the County was allowing the possibility to have this proffer to limit the traffic volumes.

Mr. Fritz said that some of the area currently zoned RA was recommended for residential, office, industrial, and limited commercial development. He said that there were a lot of comprehensive plan designations. He said that the boundaries of the comprehensive plan were general in nature, except where they followed physical boundaries such as roads or watercourses. He said that staff had reviewed the comprehensive plan and the Board's past actions to extend water and sewer service and was of the opinion that the area proposed for rezoning was consistent with the boundaries of the plan.

Mr. Fritz said that there were two small areas outside the development area boundaries. He said that these areas followed the edges of two lakes. He said that however, the property lines passed through those lakes. He said that he had highlighted both those areas on the map. He said that he had to exaggerate the size with these circles so that everyone could see them, as they were quite small. He said that no development may occur in these areas due to existing regulations, resulting in no conflict with the comprehensive plan.

Mr. Fritz said that these applications, the rezoning and the special use permit, were reviewed for consistency with the criteria for rezoning considerations and the special use permit criteria. He said that the staff report contained comments for all the review criteria, and he would be glad to address any questions anyone might have regarding the staff findings. He said that although he would not go over all the findings, he wanted to highlight the portion of the review focusing on the comprehensive plan. He said that as demonstrated in the previous slide, most of the area proposed for rezoning was not designated for office, industrial, or commercial development in the land use recommendations within the comprehensive plan.

Mr. Fritz said that instead, the area was designated for residential use. He said that however, the economic development section of the plan discussed supporting target industries. He said that the County's acquisition of this property promoted economic development for defense and security industries, which were target industries. He said that furthermore, the comprehensive plan specifically mentioned Rivanna Station and emphasized its significance and the necessity of supporting this facility. He said that the comprehensive plan was organized into chapters, and the plan explicitly stated that the order of the chapters was deliberate.

Mr. Fritz said that consequently, based on the sequence of the chapters, it was the staff's belief that this rezoning supported Rivanna Station and target industries, allowing for a determination that the proposed rezoning and special use permit aligned with the comprehensive plan. He said that staff recommended approving the rezoning application and acceptance of the proposed proffer. He said that staff recommended approval of the special use permit. He said that no conditions were identified as necessary for the special use permit due to the proposed proffer.

Ms. Firehock asked for clarification regarding the proposed rezoning of the land within the orange boundary. She asked whether the remaining area would be utilized and if it was designated as a buffer zone because of its current undeveloped state.

Mr. Fritz said that this area was identified for the rezoning. He said that he would let the applicant speak on that further. He said that one of the purposes of the boundaries was to alleviate the need for addressing buffers, for example, in a proffer. He said that this was achieved by ensuring that the boundaries did not extend all the way to the property line, thus leaving room for RA land to function as a buffer between the area proposed for LI and adjoining rural lands.

Ms. Firehock said that it appeared there was existing farmland, or at least cleared land. She said that if the land was not being used, there would be trees growing.

Mr. Fritz said that it had been farmed, but it had recently been replanted with groundcover that had taken off very well.

Ms. Firehock asked if there was not necessarily active use of everything within the orange boundary.

Mr. Fritz said that was correct. He said that the applicant could speak more to it, but it was vacant land. He said that there were buildings currently there, such as a house that had been boarded up and was no longer in use. He said that there was a small portion that was used as a parking lot for Rivanna Station.

Ms. Firehock said that she understood it was the County's application that the Planning Commission would review before it was sent to the Board. She said that she heard a comment yesterday from someone who

thought there would be more proffers coming with this, and they were surprised there were not. She said that she was unsure if that should be addressed now.

Mr. Fritz said that proffers were meant to address deficits in an application. He said that the only deficit identified in this application was the need to keep the traffic volumes to a point that did not affect the road.

Ms. Firehock said that this was the main impact to traffic.

Mr. Fritz said that items such as building heights, setbacks, lighting, and the path system for the area, which could be required through the site plan regulation, were already ordinance regulations. He said that staff did not identify anything needed.

Mr. Murray said that he understood the point about proffers, but because the County owned this property, he wondered if the County could establish conditions as a measure of showing it would go above and beyond the minimums. He said that it would be great if the County could show that it was setting the bar higher. He asked if putting those intentions in proffers could show they were setting that bar higher.

Mr. Fritz said that as a reviewer of the application, he would defer to others who have expertise in the subject, which in this case would be the applicant.

Mr. Bivins asked if the proffer in this case was that the applicant agrees to limit the amount of buildings on the site within the pink area so that they did not breach the traffic threshold.

Mr. Fritz said that they had utilized traffic count rather than square footage, as this was what actually triggered improvements. He said that consequently, it was possible to possess a substantial structure producing minimal traffic. He said that as a result, there was no discussion regarding the quantity of structures or their dimensions; it was exclusively concerned with traffic count.

Mr. Bivins asked if they expected Boulders Drive to handle whatever was built, so another traffic study was unnecessary.

Mr. Fritz said that was correct.

Mr. Bivins said that currently, it was a difficult part of the County to drive through in the afternoons. He asked if there would be any changes to the road connecting to Watts Passage.

Mr. Fritz said during the site plan review process, they must consider the access. He said that part of the site plan process involved determining the number, location, and design of entrances, which can be decided by the County during the review process. He said that evidently, permitting this amount of traffic to exit through Watts Passage would not be suitable. He said that therefore, they would not endorse an entrance in that position. He said that they may approve an emergency access.

Mr. Bivins said that he hoped it was not impossible to provide an emergency access if necessary.

Mr. Fritz said that it was unclear. He said that part of the site review process would be working with Fire Rescue and other departments to determine that.

Mr. Missel said that considering the process they just went through with their last application, while each application stands on its own, he was thinking about the County, the development community, and how many applications they saw. He asked if staff could explain why a lot of the specifics of the application were being pushed to the site plan review process and not included in an application plan that may provide more detail on pathways, setbacks, stream protection, and other items that they may typically see in a normal zoning application.

Mr. Barnes said that they were working to prepare the site, and the applicant had discussed this a lot with him. He said that they had focused on moving up the tiers within the state's economic development strategy. He said that a significant aspect of this involved obtaining the correct property zoning, gathering funds, and then proceeding with the master planning of the site. He said that this progression led from level two to level three and ultimately to level four within the statewide system. He said that he believed that staff were adhering to the process, although the procedure had been expedited due to extensive deliberation by the Board regarding the property acquisition, public hearings related to the purchase, and anticipating further public hearings and decisions concerning the property's development.

Mr. Missel asked the question because many of the queries from the other Commissioners focused on details typically found in a zoning application or similar plans. He said that however, those specifics were absent. He said that they observed some related information in certain Rivanna Futures economic development documents, but believed it was best left for the applicant to address.

Mr. Bivins said that assuming the County would be a public partner in a public-private partnership, where the County would bring the land to the deal and someone else would construct the building, he would like to know if the entity responsible for construction of the buildings would come before the Planning Commission or if it would continue forward to the site review.

Mr. Barnes said that Mr. Henry could likely address that question.

Mr. Bivins said that he recalled when the University of Virginia Foundation had approached them concerning the construction of over 300 homes on that adjacent plot of land. He said that the Foundation had been quite particular about their contributions to the development, given the large number of residences planned. He said that this location was merely half a mile distant. He said that while considering their proffer, he did not wish for the County to encounter a quandary where it possessed a valuable opportunity, yet because of the inflexible nature of their proffer, they could not fully realize its potential.

Mr. Bivins said that he would propose incorporating some flexibility into their terms, much like how the Foundation had approached their contribution. He said that by doing so, they could stipulate that if certain conditions were met, such as a specific number of inhabitants or traffic volume, then further contributions could be made. He said that he was not recommending that the County contribute, but rather, to offer more latitude in managing that property, instead of imposing stringent restrictions, such as declaring that there would never be more traffic than a previously determined quantity.

Ms. Firehock said that her understanding was that upon receiving the rezoning, the development would become by right and the Commission would not see this item again unless they wanted to call something up. She said that they had the right to do that, but they would not change the outcome and would only be looking at it. She said that once it was by right, so as long as they followed the rules, they followed the rules.

Mr. Carrazana said that this would be the opportunity to take a look at that in detail, but they did not have such an opportunity.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Trevor Henry, Deputy County Executive, said that he was joined by JT Newberry, Deputy Director of Economic Development. He said that they had several slides prepared, and he appreciated the efforts of the Community Development staff who helped bring this forward. He said that he aimed to address the questions raised and answer any new ones that might arise during the session. He said that before delving into the specific land use matter at hand, he would briefly review the context. He said that approximately a year ago, on May 24, 2023, the Board accepted a contract to purchase 462 acres surrounding Rivanna Station.

Mr. Henry said that he had previously presented before the Board on October 24, discussing the details, reasons, and methods behind the project. He said that he would not repeat those details today but would merely acknowledge that this presentation is an extension of that prior work. He said that since 1997, Albemarle County had housed Rivanna Station. He said that the U.S. Army acquired the property along what was now known as Boulders Road.

Mr. Henry said that Rivanna Station served as a microcosm of the intelligence community. He said that originally, the National Ground Intelligence Center (NGIC) was its primary mission. He said that subsequently, the National Geospatial Intelligence Agency (NGA) and the Defense Intelligence Agency (DIA) operated there. He said that in total, the federal government has invested approximately $315 million into the site. He said that as of now, construction continues on the premises. He said that Rivanna Station occupies 75 acres of secured land and employs about 3,000 people. He said that their work was crucial to national defense.

Mr. Henry said that despite its low profile in the northern part of the County, it played a significant role in national defense and contributed to nearly $1.3 billion in annual defense-related revenue. He said that 50% of that was attributed directly to Rivanna Station. He said that this was important for them to pay attention to, and it was something their Board had paid attention to for a long time. He said that he would provide a bird's eye view of the situation. He said that the red area, which represented the 75 acres of the existing Rivanna Station, was a sub-installation of Fort Belvoir, located in northern Virginia.

Mr. Henry said that the owner of the site is Fort Belvoir, and it was a fenced and secured location. He said that the rectangular area was known as Boulders 1, which was a commercial building that had been leased for a couple of decades for supporting the functions at Rivanna Station. He said that the work had continued within its premises. He said that their property was all the property highlighted in the white boundary, with the yellow area being the development area. He said that the total acquisition was 462 acres, half of which was development area and the yellow portion.

Mr. Henry said that they were looking to rezone only 172 acres of that area. He said that one of the intentions behind this was to secure the area, which had been flagged for a couple of decades as the only base or installation in the state that had available property around it. He said that this was both a positive and a concern. He said that the positive aspect was that there were opportunities for expansion. He said that the concern was the encroachment happening nationwide, where bad actors buy land near military bases, affecting their operations. He said that this had been a known and communicated concern for a couple of decades.

Mr. Henry said that the County stepped in last year to address this issue and help retain the functions present there while also believing that there was significant growth potential. He said that he also would provide a timeline of the entire process, which had been quite public. He said that they announced it on May 24 during a Board meeting, followed by several others, including Planning Commission meetings and EDA meetings. He said that they had held public hearings, which brought them to the current rezoning work. He said that it had been an intense effort involving both the public and staff members. He said that the County officially acquired the land on December 15, 2023.

Mr. Henry said that as property owners and landlords, they received contracts to maintain the existing parking and received some revenue from it. He said that the June public hearing was significant because the Board expressed its intentions by approving a resolution to permit business and industrial development. He said that this set the stage for the necessity of rezoning work. He said that if they had remained solely for public use, there would have been no need for rezoning. He said that they carried out extensive research, with the primary focus of ensuring the property met their expectations for the public funds invested.

Mr. Henry said that in December, they recommended moving forward. He said that since then, their efforts concentrated on site readiness and engagement. He said that although he would not elaborate on the specifics of engagement, it involved state and federal levels, fostering partnerships to envision the future

development. He said that in parallel, they collaborated internally with staff to prepare the site for rezoning. He said that rezoning allowed them to proceed with further design work, such as the traffic impact analysis (TIA).

Mr. Henry said that a critical aspect mentioned by Fort Belvoir to the County Executive and himself was the significance of the road connection, which would be a $40 million+ project to connect Boulders to 229, improving resilience and security for the base. He said that the design work allowed them to access potential funding sources at the state and federal level. He said that site control was crucial to provide assurance concerning existing operations and facilitating collaboration with partners to move forward with the necessary work for future growth.

JT Newberry, Deputy Director of Economic Development, said that he would like to discuss site readiness using the state's five-tier system. He said that at Tier 1, properties have minimal infrastructure and unclear developability. He said that a Tier 5 represented a shovel-ready project with approved site plans, permits, and a high level of confidence for the end user. He said that in the context of Rivanna Futures, the County's holdings likely fell around Tier 2. He said that they were in the comprehensive plan for growth, had undergone initial due diligence, and possessed site control.

Mr. Newberry said that if the Board of Supervisors approved rezoning, it would elevate them to Tier 3, making them eligible for state and federal grant funding. He said that the purpose of this rezoning was to enhance competitiveness for funding and complete additional due diligence. He said that the best practice was to achieve a Tier 4 level of site readiness, which would be their goal. He said that this level ensured flexibility for the end user while providing enough due diligence to minimize risks associated with its usage. He said that they continued two lines of effort concurrently.

Mr. Newberry said that one focused on conceptual engineering, providing technical details regarding the extension of Boulders Road, stormwater infrastructure, and utilities like water and sewer. He said that these findings would inform the future campus planning effort engaging various stakeholders. He said that this placed them in a favorable position for funding. He said that they believed that light industry uses, and the special use permit would enable them to pursue compatible development adjacent to Rivanna Station without conflicting with existing facilities at Rivanna Station.

Mr. Bivins said that regarding the proffer, he wanted to ensure they had sufficient flexibility that was not tied to a traffic volume that would hinder their future advancements for intelligence work on the site.

Mr. Murray said that there have been other situations in Virginia, such as the case in Chesterfield where the Economic Development Authority played a role in a solar acquisition affecting a site of state significance and housing several endangered species. He said that they did not wish to become that County. He said that in some parts of Virginia, military activities have resulted in toxic waste legacies, such as the Radford Arsenal. He said that he believed that this would not be an issue in their case since they primarily discussed office-type uses. He said that nonetheless, it was crucial to keep this possibility in mind and ensure that the County does not face similar problems.

Mr. Murray said that even though they did not possess a site plan, or the typical documentation required for rezoning approval, they should find methods to demonstrate to the public and establish guidelines that surpass expectations, thereby setting an example for others to follow. He said that this way, when private developers appear before the Planning Commission, they could see how they can go beyond the minimum requirements for stormwater management and environmental protection, much like the University of Virginia has done in various aspects of quality stormwater management and environmental protection.

Mr. Missel said that he had a question related to Mr. Murray’s comments. He asked if the applicant could provide some narrative to help them understand anticipated building layouts, road networks, stormwater issues, natural resource preservation, buildout projections, and timelines. He said that this would give the Commission some details that they did not have as part of the application plan.

Mr. Henry said that they could address some of those concerns. He said that the final slide was a rendering that represented the completely designed plan, which he would refer to as the “art of the possible.” He said that this was public engagement work conducted in 2014 with key stakeholders at Rivanna Station, Fort Belvoir, North Fork Foundation, and the Board of Supervisors. He said that the County expanded upon that idea by illustrating what it might look like. He said that that was as far as the work has progressed in terms of specificity.

Mr. Henry said that he believed the only thing that was certain was the Boulders Road connection. He said that they understood how crucial that was to resiliency of the station. He said that it would also benefit the community. He said their development would primarily focus on the initial 50 to 75 acres. He said that the building layout and parking was still to come and would be determined by the requirements they were currently developing with their partners. He said that there was a possibility of incorporating extra gate security and separate access for the present facility. He said that that work was forthcoming, but it would proceed concurrently.

Mr. Henry said they were seeking state-supported financing to assist them in furthering the technical design, particularly concerning the road and the impacts, as well as gaining a clearer understanding of the demands of their Department of Defense (DOD) counterparts and their academic partners. He said that they had spoken with the Foundation, UVA, and Virginia Tech. He said that the campus concept united the secure side of DOD with academia and the private sector, much like in other cities across the nation, such as St. Louis, which served as a model they could follow. He said that however, he acknowledged that was a visionary achievement. He said that they had work to complete before reaching that point.

Mr. Missel said that while he fully supported this initiative, he wanted to ensure that this body that was responsible for overseeing land use held the County to the same level they expected of other applicants.

Mr. Clayborne said that it seemed like a great opportunity. He asked if they could comment on how the economic development vision for this site related to that at North Fork.

Mr. Henry said that his meetings with economic development from UVA had led him to believe in the phrase "a rising tide raises all boats." He said that they believed that there was growth needed within their intelligence community, particularly from a defense budget. He said that this was crucial since the largest threats originated from this sector. He said that at a federal level, funding was driving this work.

Mr. Henry said that they envisioned a location between Rivanna Station as the anchor, the property they have acquired surrounding it that was moving through rezoning, the Foundation's work that was already built and what was in their rezoning, which would collectively create an opportunity to continuously attract similar work and jobs. He said that their Board supported this type of growth. He said that it aligned with the desired growth in technology sectors they wished to foster. He said that their focus on engagement had been with the federal DOD side, and they were spending a lot of energy with that and would continue to do so.

Mr. Clayborne said that rarely was the County the landowner that comes before the Commission, so as they were looking to bring to fruition the different projects or buildings, they should set the standard for climate and equity. He said that it would be a missed opportunity if they did not do that, so with this chance to control their own destiny, they should seize it.

Mr. Henry said that there was great news because there was a lot of federal funding available in the resiliency field, specifically for military bases and installations. He said that he attended a conference in March where he learned about funding opportunities for solar panels to provide alternative power backups for these facilities. He said that he believed it was worth mentioning that such funding options exist, even though he did not necessarily suggest they should pursue them.

Mr. Murray asked if there was opportunity for providing resources on-site, such as access to medical clinics and other services for military personnel.

Mr. Henry said that during the previous SWOT analysis, an issue was raised about the lack of childcare access and medical facilities at sub-installations. He said that people working there had pointed out that these amenities were absent compared to larger cities like Norfolk or Fort Belvoir. He said that they this as an opportunity to partner with Fort Belvoir and others to resolve these problems. He said that he wanted to emphasize the potential of the eastern area of the site.

Mr. Henry said that they viewed this area as mostly a barrier against encroachment. He said that the landscape was beautiful and could inspire innovative park designs tailored for military personnel, veterans with PTSD, and the general public looking for serenity. He said that funding existed for such initiatives. He said that a natural area like this would harmoniously fit alongside the existing Rivanna Station.

Mr. Murray said that there had been work done regarding therapeutic forests, which he believed could be useful. He said that it would also provide a landscape to provide protection and security for the location.

Mr. Carrazana asked to see the illustrative 3D rendering. He said that he understood that similar information was previously presented during Mr. Henry's appearance before the Commission in 2023. He said that his question concerned the numerous questions raised there and the data available then. He said that he knew that a concept map could have been constructed using the available details.

Mr. Carrazana said that he acknowledged that these maps evolved over time, especially after property sales following rezoning. He asked why specific elements were left out, particularly the lack of overlays such as stream buffers, critical slopes, and others. He said that he sought clarification on why they were not considered essential. He said that it was unclear why they were excluded from this presentation, considering their usual requirements for other applicants.

Mr. Henry said that it was not a question of it not being needed; rather, they were not at the stage of design or development to offer that. He said that they had taken a 2D concept and created a 3D image to represent the "art of the possible." He said that the state had run a listening session, which was performed every four or five years and developed the opportunities and concepts. He said that the image on the left was driven out of the "art of the possible" concept and was used to develop the 3D plan. He said that they used that as a vision, but they required engagement at the partner level to ensure that was what was wanted.

Mr. Henry said that they could not provide that level of detail at this time. He said that when they presented this to the Board in its many iterations, they stated that the first thing they needed to do was rezone it to get it consistent in order to get grant access. He said that the Board directed staff in December to move at the best speed to get the site ready for this work and for partner engagement. He said that they were in the process of validating the model created.

Mr. Newberry said that part of the materials provided by the consulting engineer for the staff report were built upon an older vision. He said that the consultant had created a three-dimensional image showing an expansion of approximately 600,000 square feet of development. He said that the engineer had calculated that this area would generate around 5,000 vehicle trips per day, based on the Institute of Transportation Engineers' (ITE) assumptions for square footage for offices and warehouses. He said that this diagram served as the foundation for the proposed 5,000 daily vehicle trips. He said that essentially, if they considered this vision as Phase 1, then their submitted proposal would cater to this vision depicted in the document in terms of traffic impact.

Mr. Carrazana said that he believed they would have asked other applicants to provide much more information than they were getting with this proposal. He said that there was an inconsistency in the application process. He said that he personally supported the initiative and understood the importance from an economic development perspective, but the method of presenting it was unsatisfactory. He said that he kept hearing suggestions to bring it above and beyond, but it was not even equal to what they typically saw. He said that he struggled with the process of how it was brought forward, but not with the subject of the proposal.

Ms. Firehock said that she agreed with Mr. Carrazana's and Mr. Murray's comments. She said that she would like to add briefly that their goal should be to exceed expectations and serve as a model for the County in this project. She said that they mentioned the availability of significant funds in the field of resilience, focusing on energy efficiency and initiatives such as solar panels, among others. She said that as someone who worked in the resilience sector, she was familiar with the Department of Defense's emphasis on sustainable practices.

Ms. Firehock said that green infrastructure was not limited to energy conservation; it encompassed various aspects. She said that for example, green roofs can absorb as much water as a forest, and they can also capture and store water. She said that their County office building features an impressive green roof that reportedly reduced energy consumption by up to 30%.

Ms. Firehock said that she would suggest that when presenting this proposal to potential partners, the County should establish resilience standards and pursue available resilience funding opportunities. She said that the Department of Defense had issued several memos outlining its commitment to energy and environmental resilience efforts. She said that they have awarded tens of millions of dollars across the country, and they talk about being stewards of species as well. She said that she would like to see more emphasis on that aspect. She said that they should develop green standards for this site when courting partners. She said that the process might take more time than currently available.

Ms. Firehock said that the Department of Defense currently had a dedicated green infrastructure staff person and had already developed all of the tools, programs, and funding. She said that they may be able to leverage some of that since they focus not only on bases but also the surrounding military facilities. She said that they should articulate this further to make it more appealing. She said that with the County as a developer, they should showcase innovative approaches rather than traditional development methods. She said that she believed that establishing connections with the right people in the Department of Defense could lead to leveraging funding, expertise, and support.

Mr. Bivins asked if there would be any barracks there, and if so, they should make it a more general proposal in order to accommodate housing.

Mr. Henry said that they had discussed housing for the military personnel at Rivanna Station, but at this time there was no plan for barracks or housing on the property. He said that it was a concern for the E-5 and E-6 personnel members working at Rivanna Station.

Mr. Bivins said that they should give themselves as much flexibility as possible in case of potential housing. He said that he would like them to have as many Tier 4 properties so they could secure businesses and be competitive with surrounding counties. He said that if there were going to be barracks, that should be included in the application so they can leverage resources. He asked if the County purchased the building on Route 29 that housed a palm reader.

Mr. Henry said yes.

Mr. Bivins asked if the road coming up through the north of the property was coming through the Route 29 psychic reading building.

Mr. Henry said yes, the County purchased that property around 2016. He said that it was done so with the idea of gaining some level of control of the entire area.

Mr. Bivins said that if they were going to use that as an exit, they should take it to the next level because a different amount of public scrutiny would be involved. He said that if they needed it, they should declare it, so the public was aware.

Mr. Murray said that there was formerly agricultural land around the property. He asked if they had considered nutrient banking or carbon credits as a method of reducing revenue off the property while providing that benefit. He said that it could be used as a way of offsetting the County's purchase of the property.

Mr. Henry said that he had not been involved in those conversations, but it was a great concept that staff would take note of. He said that they knew the area would not be developed and would be a passive use, so it would be beneficial to take advantage of it with carbon credits.

Mr. Murray said that it would be a great way to mitigate environmental impacts locally and could be a great asset to the County.

Mr. Missel said that he wanted to voice his respect for the work done so far by the County staff, as he knew it was a huge undertaking. He said that he agreed that it would be great for this area to see this project thrive. He said that he also was searching for a differentiator, which perhaps was the millions of dollars of public funding being invested in this property, or potentially the defense-related mission of national security. He said that however, the Commission was tasked with answering to the development community that may now request a rezoning with only the "art of the possible" presented and not have a plan until after the rezoning for their parcel was approved. He asked how the County would reconcile with developers if they allowed the County itself to approve rezonings in this manner.

Mr. Henry said that it was a great question, and he appreciated how it had been framed. He said that there were several potential answers to the question. He said that the acquisition of Rivanna Station was essential due to its nature and function, which aimed to provide security and eliminate the threat of encroachment. He said that this decision had received significant recognition and support from the locality. He said that secondly, the development would require careful collaboration with relevant parties to develop master plans and future designs. He said that although this did not directly answer the question, it highlighted the unique circumstances surrounding their project. He said that creating design concepts and ideas throughout the process could take time.

Mr. Henry said that a key differentiator between the County and previous developers was their transparency and accountability. He said that rezoning process had been ongoing for nearly a year, and every step required Board approval and action through an appropriation. He said that even after obtaining site plan approval, they would still need Board approval for each subsequent stage, including schematic design for major capital projects.

Mr. Henry said that in comparison, a private developer could move quickly once they had site plan approval. He said that for instance, Mr. Newberry could present to the Board multiple times over the next 20 years. He said that regarding the development pipeline, it had a 20-year horizon. He said that the primary distinguishing factor, he believed, was the ongoing public oversight they would maintain during future work.

Mr. Missel asked if there were any speakers from the public who wished to comment on this item.

Rob McGinnis said that he was representing the Piedmont Environmental Council. He said that he would begin by stating that their organization was not opposed to the growth of the defense and security sectors in Albemarle County. He said that however, they had concerns about the process for advancing Rivanna Futures through the real estate transaction and entitlement processes. He said that the entitlement process had been significantly truncated, and the County's application and review could be, but this did not necessarily mean it would be problematic.

Mr. McGinnis said that what was concerning to them was the proposed initial two phases. He said that the development of Rivanna Futures could be part of the much broader growth of the defense and security sectors. He said that he would review a quote from the final minutes of the October 24, 2023, Planning Commission meeting. He said that the quote came from the record of the presentation on Rivanna Futures as part of AC44 Economic Development Goals and Objectives.

Mr. McGinnis read, "Mr. Henry said that they saw potential for development from North Fork all the way up to Greene County, approximately eight miles, with a possibility of realizing a level of potential similar to Silicon Valley at its onset. He said that they believed the Rivanna Station Futures projects would help anchor that work. He said that there was an ecosystem in the community to support it." He said that there was also a sentence in the ZMA packet in that proposal stating, "It is likely that the County will make additional applications, including rezoning applications in the future to further support Rivanna Station and target industries."

Mr. McGinnis said that the meeting minutes and staff report implied a larger initiative with a potential scope of development virtually unknown to community members. He said that as a result, he had received numerous conversations and phone calls expressing confusion, in which people said they did not understand what Rivanna Station Futures was other than this initial project. He said that there needed to be a better communication of what the intensity and level beyond this project entailed. He said that if this was a catalyst, they needed to better understand how far this project's reach would extend.

Tom Olivier said that he was a resident of the Samuel Miller District. He said that he had recently sent an email discussing his concerns about the Rivanna Futures project, which he presented to the Board of Supervisors before its April project update. He said that in his statement, he questioned the benefit of Rivanna Futures for current residents and highlighted the lack of comprehensive impact analyses available to the public. He said that he had urged the Board to either release existing impact analyses or postpone their commitment to Rivanna Futures until such analyses were prepared.

Mr. Olivier said that following the Supervisors' discussion, the Chair acknowledged the necessity for impact analyses concerning Rivanna Futures and instructed staff to prepare them. He said that if these studies already existed, he had not seen them. He said that as far as he knew, with Albemarle County's intentions to proceed with the endorsement of Rivanna Futures, there remained insufficient data regarding its fiscal, academic, ecological, and other implications.

Mr. Olivier said that furthermore, there were other problems about how Albemarle County processed Rivanna Futures. He said that the $58 million purchase of land for the project occurred and was approved in a closed meeting. He said that he was aware that Virginia law allows such actions. He said that the Free Enterprise Forum had noted the County's own review of its development proposal was moving unusually quickly and with less than usual required information.

Mr. Olivier said that if this was acceptable for the County, he asked why it was not the norm for private enterprises. He said that the County claimed it purchased land due to the potential relocation of federal agencies to Rivanna Station if the County did not offer additional land for expansion. He said that they should consider the precedent. He asked if the County would hastily make large-scale decisions every time the federal government suggests relocating its Albemarle installations.

Mr. Olivier said that also, County staff mentioned that a rapid review was needed to qualify for VEDP site development funds. He asked if the County had become so seduced with economic development that they were willing to compromise their review procedures for VEDP funds. He requested the Commission to inform the boss that the present Rivanna Futures review procedure was substandard and should not become standard practice. He asked at what stage in their rise as a national intelligence hub did, they anticipate becoming a target of nuclear weapons.

Michael Scott said that he was a resident of Earlysville. He said that he spoke at the June 21 Board of Supervisors meeting, which was held to discuss this purpose. He said that his comments at that time were that he had been a resident of Albemarle County for 30 years and was very familiar with the area and this opportunity. He said that he had previously stated it was the most forward-leaning move the County had made in three decades. He said that he commended the folks who moved forward with it.

Mr. Scott said that he believed the County's decision that evening to open this up was exactly what this rezoning enabled. He said that this was 11 months ago, so he would not call it hasty by any stretch of the imagination. He said that he had read through all the due diligence work done, and there had been a lot of work done in terms of slope analysis and other items. He said that he knew there was more to be done before they could build something, but they were dealing with the state and federal governments, so that level of readiness was necessary for interest in investment.

Mr. Scott said that as a County resident and part-owner of a $58 million bill, he looked forward to bringing those federal and state dollars in as quickly as possible. He said that his real focus tonight, which he spoke about last year when he was mistaken about the discussion being about whether or not they should purchase the land, was that he asked that 25% of the property be set aside to create as a natural area rejuvenation facility for veterans, military, and first responders.

Mr. Scott said that it should be a quiet area for those who did not have ready access to large acreage and quiet space could clear and heal their minds, and work with others in the community who specialize in healing. He said that it would be a perfect place to do that, and the Board and staff had been extremely receptive to that idea. He said that he looked forward to developing that, although it was outside of the scope of what they were discussing tonight. He said that he would encourage the Commission to take the next step forward.

Mr. Missel asked if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel asked if the applicant would like to respond to any comments from the public.

Mr. Newberry said that they could provide more details regarding the concept of an innovation corridor. He said that after signing the contract to acquire the land, many individuals within their community expressed interest in working alongside the County to maximize the potential of the opportunity. He said that several notable partners who showed enthusiasm for this idea came from Greene County, which has a defense production overlay zone and controls around 500 acres of land similarly designated for the same type of development observed in North Fork.

Mr. Newberry said that Greene County intended to establish a similar arrangement in the Ruckersville area. He said that the innovation corridor stretches eight miles, extending from Airport Road to Route 33 in Ruckersville. He said that within this distance, approximately 1,500 acres of land owned by the County, the University of Virginia Foundation, and Greene County could be meticulously planned for industries and applications aligned with this vision. He said that this was more of an aspirational and brainstorming discussion with regard to best practices of other corridors jointly marketed around the country.

Mr. Moore said that he would begin by discussing the broader context and expanding upon a topic that several people, including Mr. Missel, had previously brought up. He said that the question was why this scenario differed from a private developer requesting a rezoning. He said that he found it surprising that this was even a question, as the solution seemed quite apparent to him. He said that they did not run the government like a business. He said that if anyone running for political office claimed they would handle government as if it were a corporation, he would not support them. He said that their responsibility was to provide public goods and public benefits.

Mr. Moore said that in contemporary society, he believed that the idea of a public good had been mostly forgotten, and therefore, in his opinion, this was a County government deciding what served the best interests of the entire population. He said that the site preparation was something that County decision-makers had deemed a public asset. He said that this involved ensuring safety around the existing Rivanna Station facilities and preparing the site for stable, high-paying job opportunities. He said that the proposers themselves noted that this was a public priority addressed through a public process. He said that although

they could keep debating whether this was the right industry to concentrate on or not, that was the decision made.

Mr. Moore said that for him, that was the main difference. He said that another advantage of taking a proactive stance was that it laid the groundwork for future efforts aimed at benefiting the public good. He said that there were many unfulfilled public requirements out there. He said that they should not always wait for a private developer seeking personal gain to approach them asking for a zoning change. He said that they could actively pursue initiatives that benefited the public. He said that maybe this was something they could think about more often in the future.

Mr. Missel said that Mr. Moore made a good point. He said that he believed a challenge that applicants with affordable housing initiative requests often saw that as a public good, but their requests were not expedited and often took years to get approved. He said that the challenge was how they defined public good. He said that it was a bigger question that they could not address tonight. He said that he believed there were differentiators that they must clearly articulate to the public, because most applicants would say that what they were proposing was for the public good.

Mr. Bivins said that he believed everyone has heard his attempt to provide the applicant with some flexibility so that they can, in fact, do the things that might arise that are not known today. He said that he wanted to address what Mr. Moore was discussing and remind everyone, particularly the Supervisors, about what kind of County property might actually help to advance housing. He asked what types of County property could potentially aid in advancing housing options in regards to AC44. He said that through this discussion, he hoped they could re-evaluate their target industries for the future.

Mr. Bivins said that after all, what they were and what they are today would not necessarily dictate what they will be tomorrow. He said that he thought it would be beneficial to engage in a more thorough examination of what constitutes a target industry. He said that he believed everyone deserved access to housing. He said that he did have concerns regarding the situation perpetuated by the GI Bill and other factors affecting their community. He said that the County did possess a valuable resource, which was the potential for a diverse workforce. He said that they should considering how best to utilize this asset by attracting a diverse group of individuals to their area.

Mr. Bivins said that the University of Virginia Foundation was an example of individuals with a diverse workforce. He said that this diverse workforce requires transportation networks and adequate housing stock. He said that his perspective was that the housing stock could consist of land or even involve swapping land owned by the County. He said that his point was that the Rivanna Station and Rivanna property demonstrated the County's willingness to invest in infrastructure. He said that he hoped the County was also willing to invest in the people who will work within the County.

Mr. Bivins said that if employees must continue driving long distances to work, it will deter potential businesses from locating there. He said that businesses prefer to keep their employees closer to work. He said that Albemarle County offered a desirable location, but a comprehensive approach to land usage was essential for economic development. He said that their Supervisors should consider both land for working and living purposes when planning for growth. He said that in conclusion, he was supportive of this initiative.

Mr. Murray said that since there was no concept plan present, after discussing various opportunities related to the site, he desired a condition to be implemented. He said that the County should create a set of sustainability and equity objectives. He said that these objectives would be linked to the project, utilizing the comprehensive plan as its basis. He said that there were numerous exceptional, specific elements within the comprehensive plan, such as a suggestion that County facilities should contain 80% native plants.

Mr. Murray said this idea could function as a goal. He said that he was uncertain about the difference between a goal and a requirement. He said that he did not wish to enforce limitations that might hinder the development of the project according to their preferences. He said that incorporating a series of sustainability and equity objectives would prove advantageous.

Mr. Clayborne said that he agreed with Mr. Murray that they should take this unique opportunity to set the standard. He said that they did not have this chance often.

Mr. Carrazana said that he agreed with many comments but disagreed with some aspects. He said that if their government had certain standards for others, they should certainly follow them. He said that using the term “differentiator” and what made them different, he believed something the applicant said was a differentiator for him, which was regarding all the public processes they would need to continue to go through. He said that it was true that it was not the case with a typical developer.

Mr. Carrazana said that as they looked to go above and beyond, they should hold themselves to at least the same standards as other applicants, so he held his original thought on this in that it was not quite to the standard it should have been. He said that nonetheless, he was in support of what this would do. He said that he agreed with his colleagues that there was a lot they had not seen yet, but hopefully they would have the opportunity to see that in the future, whether it was here or in other public processes.

Ms. Firehock said that when discussing industries related to the Department of Defense, it would be appropriate to mirror the Department of Defense's newly established sustainability objectives and resilience goals. She proposed that staff members attend a tour of NASA Langley's facility in Hampton, as they often provide guided visits and allow participants to spend a day away from the office. She said that she could facilitate this connection. She said that there are numerous federal defense and logistics facilities that have successfully integrated environmentally friendly infrastructure.

Ms. Firehock said that there are existing examples to follow. She said that when developing a set of guidelines, she advised against imposing strict requirements, such as mandating that every parking area must consist of permeable pavement. She said that instead, she recommended establishing design principles, similar to those found in a form-based code concept. She said that by doing so, she believed that more people would be inclined to support the initiative, as many individuals prefer being part of a green campus rather than yet another workplace building.

Mr. Missel said that in terms of differentiators, they had discussed a lot of ways to show how to be excellent as a County and how to represent that. He asked if a statement to the effect of “The applicant is encouraged to focus on excellence in areas of land planning, equity, resilience, resource management, and other land use-related considerations" was appropriate. He said that it was not a condition but an aspiration.

Mr. Herrick said that there were two petitions before the Commission tonight, one for rezoning to light industrial and one for a special use permit. He said that while the Commission had raised issues regarding the process, the question before the Commission was whether the petitions had met all of the requirements of the zoning ordinance and impacts foreseen. He said that staff had indicated that they had, so if the Commission felt that there were unaddressed impacts, that should be part of the Commission’s motion. He said that to the extent that the Commission believed the petitions addressed the impacts to the Commission’s satisfaction, then the motion should be focused on the petitions and their merits rather than the process.

Mr. Missel said that there had been questions raised as to whether they have the information necessary to make that determination.

Ms. Firehock said that they had talked about the process, but according to the County, the only impact was traffic, so the proffer was to limit the number of vehicles. She said that they could not evaluate the potential for other impacts because they had insufficient detail in the plan to know what additional conditions may be necessary for those unknown impacts.

Mr. Missel said that with the differentiators discussed, he was supportive of the two items before them this evening. He said that his question was if there was a method for inclusion of the encouragement of the

Commission that would then go to the Supervisors, stating that they supported this, and that staff's presentation was acceptable but wanted to underscore the recommendation for excellence in land planning.

Mr. Murray said that if the applicant was willing to offer that themselves, then it could be included as a conditional offer from the applicant.

Ms. Firehock said that the Commission could include it as a formal statement after the vote was taken.

Mr. Herrick said that the applicant was entitled to a positive or negative recommendation on both its applications, but if the Commission wanted to make additional recommendations in the form of a motion, it could certainly do so.

Mr. Clayborne motioned that the Planning Commission recommend approval of ZMA202400002 Rivanna Futures for the reasons stated in the staff report, which was seconded by Mr. Bivins. The motion passed unanimously (7-0).

Mr. Clayborne motioned that the Planning Commission recommend approval of SP202400014 Rivanna Futures for the reasons stated in the staff report, which was seconded by Mr. Murray. The motion passed unanimously (7-0).

Mr. Clayborne motioned that the Planning Commission recommend the County take into consideration ways to actively set the standard by focusing on excellence in areas of land planning, equity, resilience, and sustainability features listed in the vision and mission of the County in its respective direction, including resource management, transportation, and other related considerations with the Rivanna Futures project. The motion was seconded by Mr. Murray and passed unanimously (7-0).

Committee Reports

Mr. Murray said that the Crozet CAC had an intriguing presentation on the Crozet Fireworks. He said that he gained more knowledge about fireworks than initially expected. He said that a local winery owner had offered to host the event. He said that a special use permit would be necessary because of the significant number of attendees. He said that there were discussions about addressing community concerns, specifically concerning traffic and accessibility to the site.

Mr. Bivins said that when fireworks were hosted at Claudius Crozet Park, it did not require a special use permit.

Mr. Murray said that development had moved closer to the park, leading to a gradual reduction in allowed mortar sizes. He said that ultimately, with the latest developments, the smallest mortar still fell within the restricted zone. He said that alternative options, such as drone displays, turned out to be excessively expensive.

Ms. Firehock asked if the restrictions were due to County policies.

Mr. Murray said that it was fire safety regulations.

Mr. Bivins said that prior to the construction of the Parkway and Parkside development, firework displays took place in that area. He said that during his term on the Commission, no one had asked for authorization to organize fireworks events in that location during multiple Fourth of July festivities. He said that at present, there was reduced oversight over wineries when compared to the previous constraints imposed on the proposed fitness center project.

Mr. Murray said that the special use permit was not for the fireworks but rather the number of people expected to attend the event.

Mr. Bivins asked if he would have to get a special use permit to have a high-society wedding with lots of attendees.

Mr. Svoboda said that concerning their wineries, breweries, and distilleries, there was a limit on the number of attendees. He said that a special use permit enabled surpassing this restriction.

Mr. Murray said that another portion of the presentation had been given by the Rivanna Water and Sewer Authority, who would often come and provide updates. He said that there had been many engaging discussions during this segment. He said that he also shared that he discovered something new - the issues discussed affected his own community in Sugar Hollow. He said that a bladder failure had occurred, so there was flooding that reached far down and even overflowed onto one of the last bridges. He said that measures were being taken to prevent similar occurrences in the future. He said there was an engaging conversation on this topic. He said they discussed plans for future capacity needs in Crozet.

Mr. Bivins said that he heard from Hydraulic 29. He said that he had shared his meeting notes when discussing schools.

Mr. Moore said that in late April, Rio 29 met, and there was a proposal made by City Church, which was located just up the hill from Rio, near KTEC. He said that prior to this meeting, the church had already constructed a main building. He said that now, they had proposed to build a 13,000 square foot structure situated behind and perpendicular to the main church. He said that this new building would serve as office space and a gym.

Mr. Missel said that the 5th and Avon Street CAC was canceled for this month.

Review of Board of Supervisors Meeting

Mr. Barnes said that there have been two Board of Supervisors meetings since the last meeting. He said that one took place on the 24 and focused on the budget, without any land use-related items. He said that the other meeting occurred on May 1. He said the application for the climbing gym off of Old Ivy was addressed, which was approved by the Board in a brief meeting concluding before 7 PM. He said that the sole other item was a public hearing to grant an easement to the Service Authority across a piece of County-owned land linked to the Rio Point project off of Rio Road. He said that this plot of land stemmed from a prior rezoning decision concerning the prospective route of John Warner Parkway near the Waldorf School.

AC44 Update

Mr. Barnes said that what his team had accomplished at the staff level was that they had reassessed all the data they had amassed. He said that one of the most significant aspects was how to communicate this information in a manner that was meaningful to someone who might only read a segment of the document. He said that he was scheduled to return and speak to both the Commission and the Board at the beginning of June, providing more information on what they are accomplishing. He said that they anticipated returning with an overview of the initial part of the plan, along with the first rendition of that introductory section, possibly during the August, September period.

Mr. Missel asked if that would occur prior to the action steps.

Mr. Barnes said that this section went deeper into the heart of the document. He said that there was a likelihood that they would present some preliminary material from the beginning. He said that even though most of this had already been written, it remained uncertain if they would incorporate the initial segment or not.

Ms. Firehock said that regarding the creation of action items, particularly within strategic planning documents, although ideas could appear good and objective on paper, they could become challenging to execute upon further scrutiny. She said that some of the objectives themselves might not always be entirely

coherent. She asked if staff had experienced similar situations. She said that while reviewing a project in its entirety, one might discover that the scale was too vast, rendering the plan impracticable due to its intricacy.

Mr. Barnes said that they possessed all the feedback regarding their goals and objectives. He said that they had a comprehensive list detailing how these goals could be implemented. He said that most of this input originated from other departments within their organization. He said that their objective was to clarify the meaning behind implementing their overall strategy. He said that possessing this wealth of data significantly impacted their ability to accurately depict the broader picture - the overarching goals for the County, along with the prioritization of their implementation across different geographical areas.

Mr. Barnes said they were considering how they could make their actions more tangible and integrate them into their work plans. He said that each department needed to collaborate to accomplish this objective, transitioning from a set of objectives and aspirations to something they could execute that offered guidance for the future.

Ms. Firehock asked if they had a professional editor to review the documents to correct the style.

Mr. Barnes said that he believed that this had a few individuals who had been quite dedicated to writing the document. He said that their efforts had resulted in much of the work product that had been observed, and they would likely remain their primary contributors to this project.

New Business

Mr. Clayborne asked if they were still discussing during the Chair and Vice-Chair meetings with staff about if there were any groups they should bring before them to potentially aid in informing some of their intelligence. He said that they had included economic development when reviewing those action steps and related matters. He asked if there were other departments they could be briefed by to better inform their decisions.

Mr. Missel said that he believed they had discussed resilience previously during their meeting. He said that he thought it was an interesting subject that had come up multiple times. He said that a collaboration between the University, City, and County was working on developing a resilience plan.

Mr. Murray said that he was uncertain how frequently the County had obtained feedback from the Department of Natural Heritage under DCR concerning biodiversity. He said that gaining more knowledge about their activities could prove advantageous. He said that delving into the value of biodiversity and outlining their endeavors within Albemarle County would most likely provide insightful information.

Mr. Bivins said that it might be helpful to at some stage engage in discussions with schools. He said that a cross-departmental, cross-agency committee exists for this purpose; however, it would be beneficial due to the gap between the initiatives they assess and the future of education in Albemarle County. He said that the gap arises from the fact that numerous projects will not be concluded within nine years, implying that kids will probably be in college prior to these tasks being completed. He said that if they persist along their present course, Albemarle County will progressively evolve into a predominantly elderly community.

Mr. Bivins said that schools were now contemplating how the educational panorama had evolved since the outbreak of the pandemic, specifically concerning the decrease in public school enrollment. He said that even though public school enrollment figures were slowly recovering, the quantity of pupils attending home-schooling programs and assorted private/independent institutions keeps increasing and displays no indications of abating. He said that this raises concerns about the future of education in Albemarle County.

Ms. Firehock said that the equation used to measure often came up during CAC meetings. She said that she acknowledged that although they could not directly address the issue, they understood that the equation existed for use within the development community. She said that many questioned its relevance

because it seemed unrelated to their personal experiences.

Mr. Bivins said that the school had been very good until the pandemic. He said that they were particularly skilled at handling the numbers. He said that they were excellent at predicting the number of students. He said that they were not very good at determining the distribution of the students. He said that they could accurately predict the number of children attending the public school system but could not identify where those children would be located within the school district.

Old Business

Ms. Firehock said she wished to create a list containing forthcoming matters for the subsequent two months. She said that her supervisor frequently inquired about project schedules, and she often did not know. She said that possessing a timetable for the following two months would be helpful.

Mr. Barnes said that he would follow up with a schedule.

Items for follow-up

There were none.

Adjournment

At 9:30 p.m., the Commission adjourned to May 28, 2024, Albemarle County Planning Commission meeting, 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: