Albemarle County Planning Commission
Final Minutes Regular Meeting June 11, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, June 11, 2024, at 6:00 p.m.

Members attending were Luis Carrazana; Corey Clayborne; Karen Firehock; Nathan Moore; Lonnie Murray

Members absent: Julian Bivins; Fred Missel

Other officials present were Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Carrazana established a quorum.

Consent Agenda

Mr. Clayborne motioned that the Planning Commission adopt the consent agenda, which was seconded by Mr. Murray. The motion passed unanimously (5-0). Mr. Bivins and Mr. Missel were absent from the vote.

Other Matters Not Listed on the Agenda from the Public

There were none.

Requesting Deferral

AFD202300001 Ivy Creek District Review

AFD202400002 Hardware District Review

Ms. Firehock motioned that the Planning Commission defer item AFD202300001 and AFD202400002 to the requested date of September 10, 2024, which was seconded by Mr. Murray. The motion passed unanimously (5-0). Mr. Bivins and Mr. Missel were absent from the vote.

Public Hearings

ZMA202300005 Berkmar Flats

Rebecca Ragsdale, Planning Manager, said that she would be presenting this rezoning request. She said that she would provide the details of the request, the location, and staff's recommendation. She said that the Commission had received some updated materials as well. She said that Berkmar Flats, highlighted in yellow on the map, with other developments labeled for context. She said that the location of Berkmar Flats was between Woodburn Road and Berkmar Drive, just south of Berkmar Overlook which had been developed right with about 52 units.

Ms. Ragsdale said that Victorian Heights had approval for approximately 88 units nearby. She said that the Commission may recall the recent rezoning for Woodbrook Apartments in this neighborhood. She said that other nearby landmarks included Agnor-Hurt and the SPCA, as well as some commercial uses between Berkmar and Route 29. She said that Woodburn Road served as the dividing line for rural and development areas.

Ms. Ragsdale said that displayed on the screen was another view of the neighborhood using the most recent pictometry. She said that Victorian Heights had grading occurring currently, while Berkmar Flats, adjacent to Berkmar Overlook, had been constructed. She said that the zoning map showed the 3.62 acres already zoned R6 as part of this request. She said that the proposal was to rezone from R6 to R15. She said that Victorian Heights' zoning was also R15, and to the south was R6. She said that the rural area on the other side of the development area was indicated in white and the red represented the highway commercial zone.

Ms. Ragsdale said that the land use plan recognized in their analysis that the Places 29 land use plan did not recommend residential as a primary use but contemplated it as a secondary use. She said that it did not indicate a density, but it was acknowledged that this was an area with a lot of by right zoning and development under its by right zoning. She said that it had not been rezoned or transitioned to what was contemplated in the Places 29 Master Plan several years ago. She said that this was something to be considered during the comprehensive plan update discussion.

Ms. Ragsdale said that regarding the specifics of this proposal, there would be 54 units with the rezoning and up to 28 units through by right options. She said that the primary entrance was from Berkmar Drive, and an updated concept plan was received on June 10. She said that this plan provided a full connection to Woodburn Road, which would not be converted to emergency access. She said that sidewalks were planned along Woodburn, and there was a provision for an additional interconnection over to the parcel between Victorian Heights and this one. She said that the primary access had been proposed from Berkmar Drive.

Ms. Ragsdale said that included in the packet was information regarding the constraint with the 20-foot width for their RWSA easement, making it challenging to make that connection to Swede Street. She said that it was R15 with proffers, and the proffers included the concept plan and commitment to the general layout in terms of building orientation, location, and the parking area locations. She said that they were happy that they had made commitments to the size and location of open space and the updated proffers dated June 10 no longer included a provision that would convert the Woodburn Road entrance at the 29th CO from a regular entrance to emergency access.

Ms. Ragsdale said that there were also provisions for 15% affordable housing, which could be for sale or for rent, consistent with the policy at the time this rezoning was initially reviewed. She said that their recommendation had changed from the original staff report based on the current provisions for interconnections, which was their primary concern. She said that staff was recommending approval, based on the updated June 10 proffers and the concept plan primarily.

Ms. Firehock said that she had not yet compared the information presented a moment ago with what was in their packet. She asked if it was accurate that there was slightly more open space.

Ms. Ragsdale said that the only changes were for the interconnections.

Ms. Firehock asked if the open space remained the same.

Ms. Ragsdale said yes.

Mr. Murray asked if staff had any thoughts about the rezoning of commercial industrial land to residential when the County had such limited commercial-zoned land available.

Ms. Ragsdale said that staff did not have concern regarding the subject 3.6 acres, but it was recognized that they must revisit this area and explore other parts of the County to offset that acreage. She said that they did not conduct any sort of analysis or balance sheet. She said that they examined the character of the area as it currently existed and its changes since the completion of the master plan.

Mr. Moore asked if there were guidelines for what triggered additional interconnections. He said that south of Berkmar, between Berkmar and Woodburn, there was only one way in and out with 53 units, except for an emergency. He asked what the guidelines were for that.

Ms. Ragsdale said that there was a provision to look for interconnections and require them based on where they make sense with site plans, regardless of emergency access. She said that Berkmar Overlook had only an emergency access from Woodburn, which played into the required emergency access that may lead to additional entrances. She said that the desire was to set up interconnections and not lose any opportunities as developments came through, especially when considering how things could connect through multiple ones at the same time.

Ms. Ragsdale said that in a few places, they had seen this, so they tried to look for those opportunities. She said that some sites may have constraints or could not make it work, so they must consider that when establishing them on the application plan. She said that it was also included in the ordinance that they would look at site plans as well.

Mr. Moore said that he was not in favor of the suburban design of many small pockets of housing with only one road in and out of each development; he very much preferred more neighborhood interconnections. He said that he noticed with Berkmar Overlook, the access to Woodburn was emergency only, and he wondered if they were moving towards encouraging more neighborhood interconnections.

Ms. Ragsdale said that referencing the plan, there were a few interconnections. She said that there was the main connection to Berkmar but they were also planning ahead for other connections.

Mr. Carrazana asked what the impediment was to the RWSA connection right of way.

Ms. Ragsdale said that the applicant had the full details, but she believed it was due to topography and the depth of the water line.

Mr. Barnes said that part of the issue was that when Swede Street was planned, it was generally too flat. He said that it did not rise up to adjacent property lines or cut into the slope. He said that it was six feet or so below the existing grade of the property they were discussing tonight. He said that to make that grade, they would have to drop the subject property's grade to meet the lower grade of the adjacent property.

Mr. Barnes said that the principal water line from the water plant was not interested in them disturbing that, as it was impractical in some respects. He said that they likely made an oversight when examining this adjacent property during the site plan process. He said that they should have raised the road during that time and did not. He said that it may be a lost opportunity for interconnection, but he believed it would be.

Mr. Carrazana asked when the determination would be made as to whether the rental units would be for sale or for rent.

Ms. Ragsdale said that the applicant had the option for either, and it would be determined at the site plan phase.

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

Kelsey Schlein said that she was an engineer with Shimp Engineering, representing the property owner, Third Mesa. She said that also present with her were Justin Shimp, project engineer, and Whit Graves from Evergreen Home Builders, a local home builder partnering on the project. She said that she would provide some context about the site, noting that Berkmar Drive was an active development corridor.

Ms. Schlein said that the 3.6-acre property had Berkmar Overlook to its south, completed recently, and a parcel with an existing duplex to the north. She said that nearby were other developments like Victorian Heights and Berkmar Overlook. She said that a hotel and self-storage building were under construction just south of their site, while a Flow automotive development was on another part of the corridor.

Ms. Schlein said that the Berkmar corridor had changed significantly in recent years compared to what was initially planned about 15 years ago when the Places 29 Master Plan land use designation was set for office R&D flex light industrial for this property. She said that she would discuss this further in her presentation.

Ms. Schlein said that regarding their request, they were seeking a rezoning of the 3.623-acre property, which consisted of three separate parcels. She said that they requested a change from R6 to R15 zoning classification. She said that the proposed conditions submitted with this request were related to the concept plan and major elements, including affordability.

Ms. Schlein said that the R15 residential district allowed up to 54 units maximum on this site, while the current zoning district, R6, with bonus factors, could permit up to 32. She said that a site plan was under review for 20 units by right in the R6. She said that the difference in rezoning here was an additional area yield of 22 to 26 more units from what was discussed for the by-right condition, with nine of those additional units designated as affordable.

Ms. Schlein said that the comprehensive plan adopted in 2011 and last amended in 2015 showed a purple swath on the map to be the flex R&D light industrial designation. She said that she believed that the comprehensive plan and Places 29 Master Plan offered specific language for the flex R&D light industrial district, where they were consistent with that. She said that the specific language related to the fact that these designations should be viewed holistically with adjacent properties subject to the same zoning district.

Ms. Schlein said that not every recommendation needed to take place on every single parcel. She said that residential was a secondary use, and secondary uses were identified as necessary to support the primary uses on the property. She said that within this designation, they had Better Living across the way, a more light industrial user. She said that they had self-storage and hotel coming across the street. She said that they felt this residential development contributes to the character of this district while recognizing the context in 2024 and how it may have evolved differently than imagined 15 years ago.

Ms. Schlein said that displayed was an overlay where they could see the Berkmar Overlook development and the Victorian Heights site plan. She said that the 3.6-acre parcel existed between two developments, making higher intensity residential the logical next step for this site and an efficient use of land in development areas. She said that the proposal was consistent with the comprehensive plan's promotion of density within development areas to create new compact urban places and infill redevelopment compatible with surrounding neighborhoods and uses.

Ms. Schlein said that in the concept plan, major elements in the proffers and design elements such as building envelopes fronting on Woodburn Road and Berkmar Drive had been identified to establish a streetscape and street presence on both property frontages. She said that they also had proffered central amenity space as a minimum of 3,000 square feet but realized at 8,000 square feet. She said that they ensured that a larger contiguous area exceeded the minimum tot lot requirement area of 2,000 square feet required by the ordinance.

Ms. Schlein said that the next slide displayed a more detailed illustrative plan, which depicted an inner parcel connection with the properties to the northeast, connecting off of Berkmar Drive and Woodburn Road. She said that focusing on connectivity, she wanted to provide an explanation of why they put this in that location. She said that they were aligning themselves with the interparcel connection that was proposed on Victorian Heights.

Ms. Schlein said that regarding connectivity, a continuous connection from Berkmar Drive to Woodburn Road was provided. She said that a sidewalk along Woodburn Road had also been established, which would be an urban street section. She said that they were continuing the urban street section that Victorian Heights would install to their north and then to their south, the Woodburn multifamily development approved by the Board a few months ago.

Ms. Schlein said that there was a landscape strip and sidewalk on Woodburn Road. She said that considering the site's context, it had an existing sidewalk along its frontage on Berkmar Drive. She said that the site was very close to an existing bus stop, and there was a proposed County-funded shared use path construction opposite of Berkmar. She said that the site was just under half a mile from Agnor-Hurt Elementary School, and there was a continuous sidewalk all the way to the school.

Ms. Schlein said that there was an option to access the elementary school through Woodburn Road, which, with the development on Woodburn, trips would increase over time. She said that however, as that urban street section continued down Woodburn Road, she believed that the hope was that one day there would be a complete pedestrian connection. She said that in the meantime, there were very limited trips on that road, so a bike ride to school would be possible for Agnor-Hurt students.

Ms. Schlein said that on the Swede Street connection, she would focus more on the engineering side of things. She said that Swede Street was a public connection. She said that the purple line on the graphic represented the portion of the road that has been constructed, while the purple dotted line showed the profile of the road designed to be carried onto the applicant’s property, marked by the red line.

Ms. Schlein said that the green area indicated the existing grade. She said that the road was constructed and came right into a steep slope before continuing up onto the applicant’s property past the property line. She said that the blue dot represented the approximate location of the existing RWSA water line. She said that if they were to continue the road, they would have to drop the RWSA water line. She said that she wanted to ensure she made it through these specific details. She said that regarding the screening, which she understood was very important to the neighbors, she wanted to note that the screening of parking lots was a requirement in the ordinance.

Mr. Moore said that the Swede Street diagram was disappointing because it hit him like a punch in the gut. He said that staff had informed him that it was planned to be the interconnection back at Berkmar Overlook, but instead it ended in a wall of dirt, which was unfortunate. He asked why not connect Swede Street with Woodburn Road instead, which seemed to be an easier solution than creating a new exit to Woodburn Road. He said that he was unsure about the cost implications of this alternative connection, but considering its simplicity, he believed it would be preferable. He asked if they knew what was possible for that area and if it would be cost-prohibitive to the project if they went that way.

Ms. Schlein said that as Mr. Barnes pointed out, RWSA usually preferred them to avoid getting near their water mains, as they had very limited grading restrictions. She said that the organization was quite strict about what can and cannot be placed within their easement. She said that in this specific instance, a 12-inch water main connected to a 36-inch water main. She said that dropping the 12-inch pipe by at least six feet would prove to be cost-prohibitive for this particular project.

Mr. Moore asked what the applicant's plans were regarding stormwater runoff.

Ms. Schlein said that at this phase, they were required to conduct a conceptual analysis. She said that they had provided this with their initial concept to staff. She said that the details would be finalized during the site plan stage. She said that they acknowledged that this was a sensitive issue in this part of the County.

Mr. Murray said that he had concerns about the steep slope. He said that steep slopes such as this one contributed significantly to long-term sedimentation. He said that there was a nearby reservoir, and it seemed ironic that the RWSA had a pipe which prevented them from fixing the grade of that slope. He said that the sediment would go directly into the reservoir due to this issue. He asked Ms. Schlein could provide information as to how the slope was being stabilized.

Ms. Schlein said that she believed it was a three-to-one slope. She said that although it was a steep slope, vegetation could grow on those slopes. She said that the vegetation was still being planted at the time, but it was vegetated at the moment. She said that she understood why the design team had chosen to place the stub outs in their current locations at the development next door in order to make interparcel connections. She said that it appeared to be an oversight not to have considered how to connect those stub outs with the properties adjacent to it in the future.

Mr. Murray asked if there was any bare soil on that slope at this time.

Ms. Schlein said that she was not involved with that particular project, but she knew that if the slope was not stabilized, the developer would not be able to have their bonds released on that property.

Mr. Murray said that he noticed there was a large amount of pavement in that area. He asked if the applicant felt this was the appropriate amount of parking, or if they would consider installing less parking for this development.

Ms. Schlein said that they must meet the minimum requirements stated in the ordinance. She said that the graphic may show fewer parking spaces than they currently had in the concept plan. She said that originally, this proposal was for 70 units when a zoning determination by BZA allowed potential bonus factors on this property. She said that however, those factors were not applicable now because the ordinance had changed.

Ms. Schlein said that the design and layout were originally planned for more units. She said that her initial response to Mr. Murray's comment was that probably were still parked for what was imagined with 15 more units, so they were likely going to use some of that. She said that in this location, they wanted to ensure adequate parking for residents since there were limited opportunities for on-street parking elsewhere.

Mr. Murray said that since they were discussing converting a property that could have been used for commercial purposes into residential use, he would like to know the approximate distance a resident here would need to walk to access services such as a grocery store or local cafe.

Ms. Schlein said that she did not have the distances memorized but knew Agnor-Hurt was less than half a mile away as it had been recently measured. She said that Kroger, located south of Agnor-Hurt and accessible from Woodbrook, was nearby. She said that Walmart and Kroger in the vicinity, one could easily reach those destinations within a mile or less.

Mr. Moore said that it was approximately half a mile to Kroger.

Mr. Murray asked if the applicant had considered adding something other than just residential. He asked if they had thought about including a commercial establishment within the property, such as a café or another type of business. He said that this would serve the local residents and prevent the area from being entirely residential.

Ms. Schlein said that this was the first time that idea had been brought up. She said that the proposal and partners involved at the moment were residential developers, so no, they had not considered that at this point.

Mr. Murray said that one of the factors making Old Trail a very livable community was the commercial spot located in the middle. He said that this feature differentiated it and made it very livable versus not livable. He said that the presence of doctor's offices, restaurants, and physical therapist offices contributed to this. He said that those small details enhanced the community greatly.

Mr. Murray said that particularly because this was surrounded by automobile dealerships and industrial uses, the development could greatly benefit from having a service that catered to residents within the development or adjoining developments. He said that they were very close to the reservoir there, so he would prefer adding more green space on the Woodburn Roadside to create a buffer to the rural areas side and the reservoir.

Mr. Clayborne said that his comment related to Mr. Murray's point as well. He said that as an architect, his attention was drawn to the small green spaces present in the design. He said that his desired outcome would be to have a more usable green space. He said that he was unsure if their architect could do this, and he suspected not, but perhaps rotating some of the orange buildings would create additional room for green space, especially since there were no plans to connect to Sweet Street on the left side.

Mr. Clayborne said that he believed that this change could present an opportunity to reevaluate the design's usable green space. His preferred desired outcome was an increase in usable green space within the project. He asked for clarification regarding where the affordable housing was planned to be located within this project.

Ms. Schlein said that they had not yet determined which units would be considered affordable. She said that this decision would be made during the site plan stage.

Mr. Clayborne said that he would prefer not to have all affordable units in one building because no one should be able to tell whether it was an affordable unit or not from an aesthetic view. He said that he would include that comment as they considered the design moving forward.

Ms. Firehock said that she had similar comments about the green space. She said that a finger shape stuck out as one came off Berkmar Drive, which appeared to buffer but was unclear if it did so effectively. She said that it seemed like a series of leftover scraps. She said that if they had altered the layout and had the road running through the middle from one end to another, splitting up the two buildings in the center, they could have shifted things to the left and eliminated that right-side road.

Ms. Firehock said that this would create a larger park on the right-hand side. She said otherwise, it seemed too asphalted, which may degrade the livability of the community in the future due to the heat of the pavement. She said that regarding the light green color, she asked if it was meant to be backyards or small open spaces. She said that she wanted to know if it was usable for residents to sit outside and relax in a lawn chair.

Ms. Schlein said absolutely. She said that they had not imagined that the surface would be hard. She said that she had heard the comment about expanding the centralized green space echoed as well. She said that they would definitely consider that while balancing it with connecting Woodburn and Berkmar, providing a traffic-calming road design instead of just a straight shot through.

Ms. Firehock said that they could affect some of that by incorporating curves in the road design. She said that by examining the development to the left, there was a curve visible using Google Street View and placing the man icon down. She said that it seemed more curved than the drawing suggested due to the elevation involved, which created a traffic calming feature with curving lines rather than straight ones. She asked whether the illustration provided was the proffered layout that must be adhered to or if it simply depicted the number of units and general layout.

Ms. Schlein said that the proffered general accord development included the provided concept. She said that the major elements of that plan were the buildings fronting on Woodburn and Berkmar, with parking relegated to the rear and a central green space of a minimum of 3,000 square feet. She said that this was the general accord plan and design, highlighting major elements such as establishing streetscape on both frontages and having a centralized green space. She said that they could take the consideration of increasing the minimum size of the green space from the current 3,000 square feet.

Ms. Firehock said that breaking up the long stretch of buildings with smaller human-scaled blocks would create more windows and make the area feel more like a neighborhood. She said that she wanted to take a pencil and resketch it but did not want to irritate Justin Shimp by pretending to be an engineer.

Ms. Firehock said that the grade could be improved to connect the green space better, making it less random and more inviting for walking between them. She said that it was not in the purview of the Commission to redesign the plan, as they were only looking at density and the basic

fronting, but she recommended adding creativity to enhance the green thread throughout the development.

Mr. Carrazana thanked the applicant for the changes they had made. He said that it was not mentioned in the proffers, but the connection to Woodburn was also included in this concept site plan as a requirement.

Ms. Schlein said that they removed the requirement that designated the Woodburn entrance as an emergency access road. She said that the proffer for that had been struck.

Mr. Carrazana asked if it would be full access.

Ms. Schlein said yes. She said that this decision was made because their phase one site plan, which was currently under review, was for units that front along Woodburn. She said that as a result, the primary access for these units would be from Woodburn, and consequently, the design included a commercial entrance to begin with.

Mr. Carrazana said that he wanted to echo the comments made by several Commissioners earlier. He said that there were many opportunities available within the concept shared, and by not having a connection to the south, it could help them rethink the layout. He said that he agreed with the idea of splitting the buildings to help with the topography, making the turn more manageable. He said that there was approximately a 40-foot difference between Berkmar and Woodburn.

Ms. Schlein said yes.

Mr. Carrazana said that it was a challenging site from a topographical perspective. He said that there were opportunities to make changes that would benefit not only the residents but also the children playing near the streets. He said that he agreed with what had been said, and he hoped the applicant could dedicate more time to this layout while considering the people who will live there. He said that although they were currently focused on placing buildings and addressing topography, he believed they could elevate their approach further, and he was confident that they would.

Ms. Schlein said that the comments they could take away during this rezoning phase were to take a look at committing to making the centralized green space larger in their proffers. She said that it was their goal to make it an enjoyable place for people to live. She said that there they had to balance the dynamic between presenting a general zoning concept and then bringing a specific site plan. She said she appreciated all the comments and assured that they would take them into account during the site plan process.

Mr. Carrazana asked if there were any members of the public who wished to speak on this item.

Claire (never said last name) said that she resided at 720 Empire Street in Berkmar Overlook, which meant her property bordered the Berkmar Flats property. She said that she was here to voice her opposition to the proposal, specifically the change from R6 to R15 zoning. She said that even with the modifications made, this would result in the removal of all trees on that property. She said that they all opposed any proposal that would not include preservation of some of those trees, especially a tree line between the Berkmar Overlook and Berkmar Flats.

Ms. Claire said that regarding the hill descending from the properties' boundary to those on Empire Street, there was in fact a drainage issue. She said that despite having plants along that hill, water still drained onto their patios during rainfall. She said that if all trees were removed from the area, this problem would certainly worsen. She said that she also had concerns about power. She said that every time it stormed, rained heavily, or even when the sky was clear, her development lost power. She said that she had experienced more blackouts in the last two years than in the previous ten years in Albemarle County on Pantops.

Ms. Claire said that she was unsure if burying power lines would help, but adding another development with numerous units crammed into a small space using the same power grid would be disastrous. She said that referring to the Places 29 Master Plan, it promoted neighborhoods offering diverse housing options connected by an attractive, efficient, accessible multimodal transportation system, urban-style development, parks, open spaces, sense of respite, and contributing to overall quality of life. She said that this R15 rezoning went against these principles.

Janet Calley said that she lived in Berkmar Overlook. She said that she knew that the HOA had submitted an objection with several reasons. She said that she wanted to ensure that those reasons were reviewed because they represented the opinions of many residents in Berkmar Overlook, whom she had spoken to. She said that as a 70-year-old new resident of Virginia, specifically Charlottesville, and having taken on a 30-year mortgage in Berkmar Overlook, which was insane at her age, she did so because she believed it would be an ideal, well-located, green, and beautiful place to live.

Ms. Calley said that already, the situation had already changed for the worse. She said that the traffic was now extremely congested, the drainage system was inadequate, and the once-beautiful trees had been removed. She said that there were numerous dense housing developments along Berkmar Drive. She said that this small patch of land with its lovely green space and scenic reservoir view was now at risk of being destroyed. She said that some of their residences would be situated right next to asphalt, which was not how it was presented when they moved in. She said that the construction of the hotel had also obstructed their views.

Ms. Calley said that she was speaking from her heart that this was not what was represented to them. She said that she did not believe it was in the best interest of Charlottesville. She said that they had an opportunity to preserve the green space and maintain the good look of the area. She said that as previously mentioned, power outages were constant, and drainage issues persisted. She said that she requested that these concerns be included in the record.

Ms. Shaffer said that there were two speakers signed up online.

Stacy Tanner said that she lived next door to Claire Calley at 722 Empire Street, next to Swede Street. She said that the previously mentioned slope was not vegetated and was barren. She said that she was in complete agreement with the other comments. She said that she only saw one entity who was benefiting from this, which was not Charlottesville or the community, but only the developer. She said that the developer would come in, do what he wanted, get his money, and then be gone. She said that the people there would not have any green spaces or quality of life.

Ms. Tanner said that while they would have a roof over their head, that would be it. She said that there was no walkability to speak of, and there were no crosswalks going across Route 29, so any of the restaurants or other places over there could not be accessed without a car, adding to the increased traffic along Berkmar Drive. She said that they could not walk to anything in that

neighborhood. She said that she would like to say she was vehemently opposed to this rezoning, and the parcel should stay at the smaller density so they could enjoy more green spaces and preserve some of the trees.

Mr. Carrazana asked if the applicant had a response to the public comments.

Ms. Schlein said that she wanted to discuss who would benefit from this proposal. She said that 22 additional households would benefit compared to what could be built by right. She said that the reasons for desiring to live in this area include the location's access to conveniences in the development area and having rural areas nearby. She said that it made it an ideal spot for efficient land use in the development zones. She said that regarding some additional comments, Mr. Shimp could provide follow-up remarks.

Ms. Schlein said that they discovered a more significant grade change across the property than initially thought, which was 45 feet instead of 30 feet. She said that another design consideration was ensuring they could traverse this terrain and get from a connection point on Berkmar to another connection point on Woodburn while meeting grading requirements for parking lots, travel ways, fire rescue, and various engineering design standards.

Justin Shimp said that he was the engineer for this project. He said that for the record, he would never be offended by constructive criticism about his designs because it was part of the process. He said that the drawing may not show the revised layout accurately as it displayed the original 70-unit proposal, which had been reduced to 54 units, making it over-parked. He said that the by right site plan showed the top units facing Woodburn now had garages in the back, reducing the parking lot size by half. He said that there were some positive changes like this resulting from the modifications.

Mr. Shimp said that the reason for the unusual layout not connecting to a central space was due to the grade requiring a connection that met standards. He said that to cover 45 feet of grade change, a fishhook design was necessary, although it may not be aesthetically pleasing. He said that regarding the water line comment, it served as a high-pressure line for many customers.

Mr. Shimp thought if they planted a tree within it, they would come and cut it down, and that was just what it was. He said that regarding the comment from folks regarding R6 versus R15. He said that he assured them that in these kinds of developments, if it was R6, all the trees got cut down as well. He said that it was a matter of what size housing went in and how many affordable units were included. He said that the change here from the by right, which Ms. Schlein pointed out, was that they could get nine more affordable units out of this.

Mr. Shimp said that the added density increased affordability but did not affect the quantities of trees saved. He said that with a site with this much grade, developers had to cut the trees, put them down, regrade, and replant new trees. He said that he thought the County had a good landscape ordinance that they could see in neighborhoods like Old Trail, for example, where they could walk in now, was urban but there were trees. He said that it was very attractive, showing that people could live well together with the trees if it was built from the start, which was what they aimed to do with these developments.

Mr. Clayborne said that he never saw the graphic design that showed less asphalt.

Mr. Shimp said that was correct; it was not part of the zone. He said that they had a by right site plan underway for the units facing Woodburn. He said that the design changes in their site plan were similar to the one being reviewed, but they removed the parking row adjacent to those units and replaced it with garages instead. He said that as one entered Woodburn, there were units on both sides that matched the zoning plan under review.

Mr. Shimp said that it was an early iteration of a zoning concept, and he believed that the site plan was an improvement over the sketch in front of the Commission. He said that the site plan level included details about their garage and landscaping locations. He said that they would maintain the green space around the units, providing small yard spaces with balconies, porches, and spots to sit outside. He said that this layout accommodated these features despite the grading required for the road to work.

Mr. Carrazana said that the light green space Ms. Firehock mentioned earlier which were near Woodburn could be landscaped with trees.

Mr. Shimp said that was correct; there were street trees all along there as well as landscaped front lawns between the units and the street.

Ms. Firehock asked about the border to buffer between the adjacent development. She said that she understood there were grade changes.

Mr. Shimp said that they were required by the ordinance to screen any type of parking lots. He said that while it was not depicted on the concept plan, there would have to be screening of some type, such as a fence or shrubs on the top of the hill between their parking lot and the adjacent development. He said that they could not plant them in the easement but they would be on their site. He said that they would likely lose a few parking spaces to execute the landscaping required by the ordinance.

Mr. Murray said that he would like to go back to the diagram showing the water pipe and its slope. He asked if it was possible to work with RWSA to resolve some of the slope's problems, making it more manageable than at present. He asked whether there was any chance to improve that area so as to prevent stormwater from flowing down the steep incline and onto the neighboring property.

Mr. Shimp said that the slope was actually not on their land. He said that Ms. Schlein also pointed out that the bond should have been released, but they were not involved with that development so it was possible that the bond may have not been released and could still be under County review. He said that one thing to note was that with the contour maps, the gray lines indicated water flow in that direction. He said that they would have to intercept it and pipe it down the road.

Mr. Shimp said that there may actually be some mitigation in this case. He said that it was not always the case, but in this situation, he could see how the neighbor might have an issue. He said that from the top of this road, the water flowed straight down to their property. He said that their stormwater plan would require them to intercept that and discharge it to an adequate receiving channel, which would not be those backyards.

Mr. Shimp said that in this situation, there may be some improvement for the neighbors. He said that they were not allowed to make it worse as part of their design. He said that they would have to evaluate the runoff in that direction, but inherently they would have to capture it all and take it

down the street to meet the requirements. He said that there may be a little bit of improvement for the neighbors in that regard.

Mr. Carrazana said that in regards to landscaping, the RWSA did not permit planting trees over the waterline; however, shrubs and ground cover were allowed. He said that by doing so, they could potentially mitigate any runoff, even if it was not on their property, as much of the steeper part is on their land. He said that implementing appropriate ground cover could help address the issue. He said that he would encourage considering landscape improvements for the buffer area, as there were options available to enhance it.

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

Ms. Firehock asked if it would be possible to see the current site of the 28 townhomes under review, as this was replacing that design. She said that they had submitted an application to exchange the original design for one with 54 multifamily units in townhomes.

Ms. Ragsdale said that she had the information in the slides. She said that this plan was created considering the other phase. She said that there was no grading sheet available. She said that the townhomes were arranged in rows facing Woodburn with parking located at the back. She said she had only pulled up this particular slide to show where they were supposed to be located.

Ms. Firehock asked if there were 28 units because they were stacked townhomes.

Ms. Ragsdale said yes.

Ms. Firehock said that the new plan offered almost twice the density compared to before and included some affordable housing options.

Ms. Ragsdale said that if they decided against stacked units, they could consider alternative townhouses located further down the hill.

Mr. Moore asked whether the rezoning request was straightforward or not. He said he wanted to know if the map of conceptual grading and utilities attached to that request. He asked for clarification on whether it bound future building plans and site proposals in any way, or if it was just a proposal for rezoning.

Ms. Ragsdale said that it was a rezoning proposal which included proffers committing to this as a concept plan. She said that the project was in general accord.

Mr. Moore said the other commissioners seemed to indicate that it would be better if the recreational space and green spaces could be consolidated.

Ms. Firehock said that she understood what the applicant said about the green finger and having to go in a curvy way to try to get up to create a through road meeting grade requirements for emergency vehicles. She said she still believed that the connection between the green space could be improved. She asked whether this was better or if it represented the County's desire to prioritize density over other considerations. She said that they should consider if more units were always better and if they needed to get as much density in the urban ring as possible. She said she felt that this approach did not focus enough on the neighborhood itself.

Mr. Murray said that when he considered the comprehensive plan and its objectives, particularly Places 29 and the principles behind them, a lot of it focused on livability. He said that in his view, this proposal failed in terms of livability. He said that he was less concerned about where the green space was located. He said that he did not want to dictate their plan but wanted to find ways to make it more livable.

Mr. Murray said that the concept shown was not particularly livable. He said that they had been discussing giving up valuable commercial space that was revenue positive. He said that residential areas, on the other hand, tended to be revenue negative as they spent more money supporting them than they received in tax revenue. He said that if they decided to give up their commercial space for another purpose, it should ideally be an improvement over what they currently had.

Ms. Firehock said that they had rejected other applications on Avon Street in the past because they did not meet the expected level of quality. She said that in return for the developer receiving additional units, there was a benefit for the developer. She said that society required housing, but it was their responsibility to ensure that the housing provided was of high quality and long-lasting.

Ms. Firehock said that whatever was constructed in this area would likely remain unchanged or undeveloped for at least 60 to 70 years. She said that she questioned whether this development justified the rezoning. She said that density could be achieved aesthetically while still providing green, welcoming spaces. She said she did not believe that was the case with this development.

Mr. Clayborne said that he had concerns about designing in general accordance with the concept plan. He said that he had the same questions and requested the applicant to share information regarding the community's needs, particularly concerning the possibility of increasing green space. He said that as it stands, he believed there was a significant missed opportunity for more greenery, and it appeared that the current priority was circulation and asphalt over livability.

Mr. Moore said that he believed it was a good attempt to put a design on a small, challenging site. He said that this was due to limited space in the development area, but they had more people moving in, and there was a need for homes for these individuals. He said that finding ways to do that on these small sites would be limited in scope. He said that they were trimming around the edges when there was a need for a big housing push. He said he was uncertain about whether the market alone could achieve this goal.

Mr. Moore said he believed that they needed to use every tool at their disposal. He said he thought that the site was suitable for robust infill development. He said it was near schools, groceries, public transit, and other urban amenities. He said that he was not entirely tied to using this road solely for commercial and light industrial purposes, even though they had a limited number of those options for businesses. He said that dense housing tended to pay more for itself than single-family homes.

Mr. Moore said that it was undeniable that single-family homes did not cover their infrastructure costs. He said that he understood the concerns of people who appreciated treed hillsides and pretty spots near their townhomes and enjoyed the sounds of birds in their surroundings. He said that they had identified a particular atmosphere for the area, but then there was a proposal for numerous houses behind them. He said he was uncertain about how to communicate this information to everyone within the development zones regarding properties they did not own being able to change and have structures built on them for new residents moving into those

neighborhoods.

Mr. Moore said that if residents wanted 20 acres where they could urinate off their porch, they had to go to the rural areas. He said that he was unsure how this message could be conveyed more clearly and broadly. He said that this was the way the development area had been planned for more than 40 years, and those who were sold on it not changing were sold on lies.

Mr. Moore said that there was a significant underlying question about how do they create homes for both existing residents and newcomers. He said that regarding this specific parcel, he had no issue with the density or variances. He said that the design appeared odd to him, and he wished it incorporated more opportunities for community space and green areas. He said that he was uncertain if these concerns were enough to oppose it outright. He said that he believed that the site plan design could be improved.

Mr. Murray said that one of the things about this was that there were many design considerations. He said that there was much to discuss regarding County parking requirements. He said that he did not care if they met them; he would be fine with fewer parking spaces or taller buildings. He said that the question for him was how to make the area more livable.

Mr. Murray said that improving green space or adding commercial features that residents could benefit from were ways to achieve this goal. He said that this design did not meet his expectations. He said he completely supported density in this location but believed it must be a livable density, as otherwise, people would not want to live there. He said that even if they provided affordable housing, it should be a place where people would want to reside for equity reasons.

Mr. Carrazana said that there was very little commercial development occurring on the Berkmar side, and he did not see any in the other two developments: one completed to the south, and another being built to the north. He said that both lacked commercial areas as well. He said that the current zoning allowed for commercial development, which was happening across the street. He said that this raised questions about whether residents would be able to take advantage of amenities without relying on driving to work.

Mr. Carrazana said that from a community standpoint, he questioned if they were helping to build a community or just looking at each site independently. He said that this was not their job nor the staff's responsibility. He said that this left many opportunities for the applicant to improve not only the layout but also address density concerns and livability issues. He said that he thought that the application had much room for improvement in his opinion.

Mr. Herrick said that the Commission may want to hear from the applicant.

Ms. Schlein requested to defer the application so that they could amend the concept plan to take into account the feedback from the Commission.

Mr. Herrick asked if that was a deferral to a date specific or a general deferral.

Ms. Schlein said that they were requesting a general deferral. She said that they hoped to be back before the Commission in a few months.

Mr. Moore motioned the Planning Commission to defer the item to a date to be determined, which was seconded by Mr. Carrazana.

Mr. Clayborne said he appreciated the request because he wanted the project to be successful.

Ms. Firehock said that she agreed and believed it was a site for infill. She said that Mr. Moore was correct in that most projects would now be dealing with difficult sites. She said she thought that by focusing on better design and human-scale connectivity, they could create something great.

Mr. Carrazana said that despite the significant challenge posed by the grading, there were many opportunities present in the layout.

The motion carried unanimously (5-0). (Mr. Bivins and Mr. Missel were absent)