Albemarle County Planning Commission
Work Session and Regular Meeting
Draft Minutes March 25, 2025

The Albemarle County Planning Commission held a public meeting on Tuesday, March 25, 2025, at 4:00 p.m.

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

Members absent: None.

Other officials present were Michael Barnes, Director of Planning; Ben Holt; David Benish; Emily Kilroy; Rebecca Ragsdale; Scott Clark; Andy Herrick, County Attorney; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Work Session

CPA202100002 AC44 Comp Plan – Facilities Infrastructure

David Benish, Development Process Manager, said that today, they would be reviewing the community facilities chapter of the comprehensive plan. He said that he would begin by reviewing general feedback from the Planning Commission regarding the Community Facilities Plan, as well as community input. He said that this would be a brief overview of the chapter. He said that given its length, he would focus on highlights and discuss the upcoming schedule.

Mr. Benish said that they also had a couple of focus questions that they would like to discuss with the Commission. He said that Objective 1 was intended to be an overarching objective, and the actions would apply across all facilities. He said that one of the changes in the chapter was related to guidance on public facilities in rural areas, and they wanted to get the Commission's feedback.

Mr. Benish said that they would be joined by Facilities and Environmental Services (FES) staff to help answer some of these questions. He said that they had a collaborative relationship with each agency, but they did not invite them to this meeting solely for efficiency's sake. He said that they would do their best to address the questions and concerns, and they would follow up with the agencies as necessary.

Mr. Benish said that as for previous comments from the Planning Commission, they had heard that public water and sewer connections for housing were essential for properties within the development area that were not connected or nearby properties adjacent to the development area. He said that they had addressed this concern in Objective 2. He said that they had also heard that there was a need for community centers and meeting places where communities could gather, which they had addressed in this section and other chapters of the comprehensive plan. He said that they had also taken steps to address safety concerns related to wireless service in public parks.

Mr. Benish said that other comments had been addressed in other chapters of the plan. He said that actions to address natural hazard mitigation, solar power, and local food systems were included in the Resilient Communities chapter. He said that community input focused on more library services, more mobile services in the rural area, school capacity, transportation to schools, more recycling options and better incentives, and improved access to community facilities.

Mr. Benish said that the community themes discussed included improved stormwater management and flood control, low-impact development, ensuring adequate water supply, and addressing potential drought conditions. He said that concerns about above-ground power lines, losing power during storms, and failing septic systems had been specifically addressed in the stewardship chapter and rural areas land use plan chapter.

Mr. Benish said that the goal statement was consistent with the County's mission as it related to public service provision. He said that they had 11 objectives in the chapter, including an overarching objective and specific objectives addressing various types of facilities. He said that the comprehensive plan outlined objectives and actions for various public services, including public water and sewer, library services, schools, emergency services, broadband, wireless service, communications, electric, and other utilities. He said that it also addressed stormwater management and climate action/resiliency.

Mr. Benish said that the themes that continued from the 2015 plan were focused on implementing the growth management policy and the recommendations of the development area in rural areas. He said that the provision of community facilities and infrastructure remained a key implementation tool for growth management policy, with decisions on facility location guiding growth. He said that the plan had always had some flexibility in allowing public health and safety services to be located throughout the County, and this plan provided greater clarity and specificity, particularly in rural areas.

Mr. Benish said that there was a greater emphasis on serving rural populations and addressing emerging issues with private central water and sewer systems. He said that this plan also had fewer actions related to service standards and operational issues, stepping back from the level of detail seen in previous comprehensive plans. He said that the development area land use and community design guidelines would be discussed with the Board on April 2, and the thriving economy would be addressed on April 16, both in conjunction with the community facilities chapter. He said that public engagement opportunities would take place.

Mr. Benish said that he believed the best approach would be to start by addressing any general questions the Commission may have about the format, as well as any information they had heard during this review. He said they could proceed to step through each objective and action, gathering input on those, particularly Objective 1, which served as the overarching standard.

Mr. Moore said that he had a question regarding the hazard mitigation measures that were included. He asked where they were focusing on adapting to climate change disasters, specifically storms, flash flooding, and wildfires.

Mr. Benish said that he believed that topic was largely covered in the Environmental Stewardship and Resilient Community chapters.

Mr. Bivins said that he had a couple of questions regarding page two, where they reviewed the 11 objectives. He said that he was trying to gain some clarity on this. He said that specifically, on Objective 6, it appeared to be similar to Objective 9, which discussed coordinating with service

providers to ensure adequate and reliable communications, including electric services. He said that they could combine the two objectives.

Mr. Benish said that broadband had been separated because they had a broadband authority with a specific directive. He said that directive had largely been achieved. He said that arguably, the broadband services provided by private providers could be combined. He said that there were actually several objectives that could be compressed.

Mr. Bivins said that Objective 7 and Objective 10 looked like they could be combined. He said that it seemed to be a repetition of the Objective 7 description.

Mr. Benish said that the level of importance of the objective had been raised, but they could be combined.

Mr. Bivins said that he appreciated the conversation about equity, as it was an underlying theme throughout this discussion. He said that it was the underlying concern that he was trying to balance. He said that this was not about equity and what was being banned in the northern communities. He said that he was trying to find a balance between the rural part of their community and development area, considering how to achieve that balance. He said that during public hearings, they often received residents from the rural area expressing a desire for services that were previously limited in those areas. He said that he believed they may be reaching a point where some of those restrictions were no longer as rigid as they once were.

Ms. Firehock said that fire and rescue services had been increased in the rural area and also extended into the evenings, when most of the accidents occurred.

Mr. Bivins said that was exactly what he was thinking about. He said he had also been thinking the investments that had been made in rural schools. He said that the challenge was balancing limited resources between these two jurisdictions. He said that was a fundamental aspect of equity. He said that when they discussed balancing resources, they were essentially trying to find the equation that would guide their decisions. He said that as they considered community and infrastructure, they needed to think about the global public good.

Mr. Missel said that he believed combining Objective 6 and 9 made sense, because Objective 9 emphasized coordinating with providers to ensure adequate and reliable communications. He said that although they had made progress, he believed they were not yet done. He said that this was relevant to the topic of broadband access.

Mr. Benish said they were approximately 97 to 98% complete with broadband access. He said the next step was to ensure quality and the upgraded service. He said that he wanted to note that there was actually better service available in the rural area than in some of the development areas. He said that they were close to meeting the goal set by the authority for completion.

Ms. Firehock said that staff indicated it would be completed by the end of 2025.

Mr. Missel said he had a slight difference of opinion regarding Objectives 10 and 7. He said that to him, they felt distinct and stood out more than the others. He said that urban stormwater management, drainage, and flood control remained an issue, even from a resilience perspective. He said that reducing greenhouse gas emissions from local government and school facilities felt like a different objective to him.

Mr. Moore said that there was a typo in the objective.

Mr. Bivins said that he would remove the sentence starting with "7." from Objective 10.

Mr. Murray said that he agreed with some of the comments that had been made, but upon reviewing the goal statement, he noticed that resilience and climate action were mentioned, yet sustainability was not explicitly stated. He said that while it was referenced, he believed it would be beneficial to include a specific mention of sustainability in the goal statement, as it was an important aspect of many of the objectives being pursued.

Mr. Missel said that in that sense, even though Objective 9 discussed utilities that were resilient to the impacts of climate change, Mr. Murray suggested that there may be a broader climate change objective in addition to the existing section on climate change. He said that he was wondering how this new objective would fit.

Mr. Murray said that he was referring to the goal statement, not the objectives. He said that he believed that the objectives could be reorganized to make them clearer. He said that he was generally in agreement with the objectives.

Mr. Clayborne said that he was curious about the agency they had, particularly in relation to public schools, and how it was being framed. He said that he would like to know where their agency stopped and started. He said that for example, were they responsible for the maintenance of facilities, or was that the responsibility of the school system. He asked if they were involved in the construction of school facilities.

Mr. Benish said that he believed that the School Board played a significant role in governing decisions regarding those facilities. He said that there had been interaction between the School Board and the Board of Supervisors regarding budget, but it was largely the School Board and their facilities management that made decisions.

Mr. Benish said that they assessed land use and strived to adhere to County land use and location guidance. He said that in the past, the comprehensive plan had included detailed design guidelines for schools, but issues such as school size and security had made implementation challenging. He said that as a result, those decisions were typically left to the School Board.

Mr. Benish said that their focus was on determining the locations of the schools. He said that they provided infrastructure recommendations, including sidewalks, access, and connectivity to the schools. He said that they also had standards for school size that they encouraged, but these were more related to infrastructure access and location.

Mr. Clayborne said that was helpful because he was reviewing the objectives and actions, and a couple of them caught his attention, and he was wondering if they could really achieve that. He said that perhaps they could discuss this further when they got there and determine whether it belonged in this section or if it was more aspirational in nature.

Mr. Carrazana said that he had a couple of general comments regarding the organization. He said that when he reviewed the objectives, everything appeared to be fairly clear. He said that he agreed with the comments that had been made. He said he expected the document to more closely follow the objectives, and it did to some degree, but not entirely. He said that as a result, some of the objectives were not included in the body of the document. He said that, for example, Objective 9 mentioned broadband, but it did not address the electrical grid, which was a related issue.

Mr. Carrazana said that many of the objectives were included, including stormwater management, wireless infrastructure, solid waste management, and others. He said that he had envisioned write-ups for each objective.

Mr. Benish said that some of them, such as emergency services, were combined into a single write-up, while others were objectives that fell under topic areas addressed in other chapters, which may not have been fully emphasized in the front section. He said that they could review this further to determine if there was an opportunity for improvement.

Mr. Barnes asked if there was something specific Mr. Carrazana wanted to see.

Mr. Carrazana said that he believed there were several aspects missing, one of which was the energy grid and its resilience. He said that they often took it for granted, but there were areas, both in rural and development zones, that were better served and could be back fed. He said that if a line was lost, it could be regained, and so on.

Mr. Carrazana said that he would also encourage a heightened level of coordination due to the increasing demand for power in Virginia, both in the state and in the County, over the next five to ten years. He said that this demand would be significant even within the next five years. He said that it was essential to also examine resilience, as it was not evenly distributed throughout the County. He said that some areas could be back fed, while others could not. He said that this was an aspect that he noticed was missing from the objectives. He said that he could not find a description of it in the writeup.

Mr. Barnes said that to clarify, Mr. Carrazana would like to add a bit more discussion in the upper part of the document.

Mr. Carrazana said that he believed it would be beneficial to ensure that all objectives were covered at some level. He said that he would like to know how low-impact development for County facilities differed from typical development in terms of requirements.

Ms. Firehock said that in many of their development applications, when they discussed stormwater management, they often mentioned volume controls and off-site credits for water quality. She said that low-impact development focused on treating water quality on-site, whereas traditional stormwater management often relied on off-site credits. She said that for instance, the rain garden in the County parking lots not only controlled volume but also treated the quality of the stormwater, reducing the need for credits from elsewhere. She said that this approach allowed for more comprehensive treatment of pollutants.

Ms. Firehock said that low-impact development was a smaller-scale, on-site stormwater management strategy that was closer to the source, rather than relying on large stormwater ponds or dispersed treatment systems that required expensive underground pipes. She said that by placing a series of small rain gardens around a facility, the need for extensive piping was eliminated, and the discharge was often absorbed on-site, making it a more environmentally sustainable approach.

Mr. Carrazana said that he believed that the Chesapeake Bay Water Act required them to consider both the quantity and quality of water.

Ms. Firehock said that they can purchase off-site credits to offset local pollution. She said that when the stormwater law was updated years ago, the committee that wrote the law included several required provisions. She said that when the law reached the legislature, it underwent a

process that resulted in making the requirements optional. She said that as a result, their current laws for stormwater management were less stringent than they were 15 years ago.

Mr. Murray said that the distance over which these credits can be traded was quite significant. He said that it was almost equivalent to the distance to Northern Virginia or Richmond, about two hydrological units. He said that the impacts were local, but the mitigation was not.

Mr. Carrazana said that the water management aspect was certainly one of the considerations. He said that when he read about low-impact development, it was clear that this was one of the approaches being taken. He said that he was also curious about the sourcing of materials and their origin. He said that he wondered what the overall impact of development would be and whether there were specific guidelines being followed for County buildings versus other types of buildings.

Mr. Carrazana said that he was wondering about their overall approach to low-impact development. He asked if it was codified somewhere or if it was something staff was working on.

Greg Harper, Chief of Facilities and Environmental Services, said that he wanted to inform them that they had developed draft policies for consideration within FES and other departments. He said that these policies aimed to make the County buildings, fleet, and landscape management more sustainable. He said that they were exploring options such as LEED or green buildings, as well as a third option that was specific to Virginia. He said that although it was not currently included in the comprehensive plan update, they were considering it internally.

Ms. Firehock said that they should include more provisions in the comprehensive plan to support the initiatives that FES was undertaking.

Mr. Harper said that they were currently at the consideration stage, rather than the adoption stage. He said that he could discuss this further with the planners and potentially incorporate it into the comprehensive plan.

Ms. Firehock said that the comprehensive plan was sufficiently vague at this point, so she believed they could provide some policy backing.

Mr. Benish said that he believed that some of the dialogue in this section of the plan struck a balance between providing detailed information that could sustain itself over the long term, such as 5-, 10-year, and 20-year plans, and offering higher-level guidance that acknowledged the work being done by other agencies. He said that while they could certainly aim to add more specificity to the plan, it appeared that there was still some internal work being done to determine the specifics of those actions.

Ms. Firehock said that as they discussed the infrastructure chapter, she believed it was essential to mention green infrastructure and natural infrastructure. She said that for instance, a single large mature oak tree could absorb thousands of gallons of water per year. She said that multiplying that by all the large mature canopy trees, they were looking at a significant amount of water being protected. She said that as they continued to grow, develop, and pave, they were losing this natural capacity, resulting in more runoff. She said that she wanted to highlight the importance of harnessing and utilizing natural infrastructure. She said that they should mention the green infrastructure available in the comprehensive plan.

Mr. Benish said that he believed it aligned with the intent of Objective 11, to increase environmental sustainable management practices in the County.

Ms. Firehock said that she would like to call it out more specifically and explain why it was important. She said that she would be happy to write a few paragraphs. She said that she understood the goal to keep the comprehensive plan concise, but she would like to build upon Mr. Harper's point made earlier, as well as the observations shared by many around the County. She said that in the past, they had done a better job of incorporating green infrastructure, particularly when a certain water manager worked with developers to implement rain gardens and other natural systems.

Ms. Firehock said that she believed they should continue to emphasize the importance of using these natural systems to achieve resilience. She said that preserving a grove of trees was significantly cheaper than removing them and constructing alternative green infrastructure. She said that as someone who frequently worked with developers to minimize their footprint, she would like to suggest that they include a paragraph or two in the plan explaining what green infrastructure was and its benefits.

Mr. Benish said that it may be helpful to include cross-references to sections where this topic had been previously discussed.

Ms. Firehock said that would be fine. She said that this was the infrastructure section, but they did not talk about how nature was infrastructure.

Mr. Murray said that he believed there was a convergence of concepts. He said that he thought of Crozet as a good example. He said that they had successfully integrated native plants and stormwater management into the streetscape in Crozet. He said that he was not sure if this fell under this chapter or transportation, but he would like to see more of this approach in the future.

Ms. Firehock said that the infrastructure for stormwater management in the streets was a key aspect, and what was happening in Crozet was truly beautiful, but they were not consistently implementing this everywhere.

Mr. Carrazana said that it seemed that they were using the correct terminology and expressing their desired goals for moving the County forward. He said that he believed it would be beneficial to have tangible examples to illustrate how to achieve these goals. He said that he was wondering if they had a clear policy in place for low-impact development, as having one would allow them to specify requirements such as A, B, and C, and provide a clear framework for implementation.

Ms. Firehock said that a relevant example of this was the new recycling center located off Route 20. She said that she saw this as a missed opportunity because it would have been easy to design the site to direct stormwater into a native plant display in the middle of the site. She said that it would have been a beautiful and sustainable design. She said that when they had another facility come to them for Northern Albemarle, she suggested they consider this approach. She said that they should have a policy that prioritized green design for public facilities.

Mr. Carrazana said that this stemmed from a lack of clear guidance. He said that this was a good first step. He said that having guidance on how to implement this would help them avoid spending another five years before adopting the policy. He said that by including this in the plan, they could ensure that they were following up on the guidance and clarifying the meaning of terms such as green infrastructure and low-impact development, which could complement each other.

Mr. Missel said that in addition to providing examples, he would also like to emphasize the importance of resources. He said that if they were requiring or planning to increase the use of

environmentally sustainable management and maintenance practices, they should provide the development community with a clear understanding of the resources available to them. He said that this could include learning tools, grant opportunities, and other ways to implement these practices, so that it did not appear they were simply adding sustainability requirements without providing support.

Ms. Firehock said that what was really interesting is that Dave Hirschman, who used to work for the County, conducted workshops with developers to teach them about available resources and established demonstration sites. She said that for example, the local cement company, which previously could not produce permeable pavement, acquired a shaker machine that created porosity. She said that they now can build permeable pavement.

Ms. Firehock said that Luck Stone produced biofilter soil. She said that this technology already existed in the region. She said that it seemed they had lost their way in implementing this type of infrastructure. She said that they used to be more proactive in incorporating these solutions, and she was not sure why they had become less so.

Mr. Missel said that this could be an action item to revisit those types of resources and examples, where they can be shared with developers.

Ms. Firehock said that if a bioswale had been installed at the recycling centers in the turnaround area, and permeable parking had been created, it would be less expensive than constructing a stormwater pond, installing pipes, and then excavating the pond with a backhoe. She said that in other words, it would not be more costly. She said that however, it was more challenging to bid on this type of project.

Mr. Murray said that he believed the current comprehensive plan included a percentage goal for native plants and there was specific language and goals surrounding native plants. He said that similarly, when discussing sustainability, there were specific standards, such as the LEED standard, as well as the landscape architecture standard for sustainable sites.

Ms. Firehock said that it was called the Sustainable Sites Initiative.

Mr. Murray said that should also be considered.

Ms. Firehock said that she had one minor comment regarding the wording of Objective 3. She said that she would like to rephrase it to be more specific and less general. She said that the current objective stated that the library services and facilities should be high-quality, modern, welcoming, comfortable, fully accessible, and community-oriented to promote accessibility for all community members. She said that she thought it would be more concise to put a period after "facilities." She said that it already stated a commitment to accessibility.

Mr. Benish said he believed there were two meanings, one for the building and one for equity, although they could revisit that later. He said it did sound redundant.

Mr. Missel said that many of the points they had been discussing, particularly in the preamble section, would be beneficial to have linked to specific areas. He said that, if possible, it would be helpful to have hyperlinks to certain sections that provided more information. He said that for instance, when discussing climate resilience in some areas, it would be great to have a direct connection to that section, allowing readers to easily access related information. He said that ideally, this would enable digital readers to click on the link and be taken directly to the relevant sub-plan or area of focus.

Mr. Benish said that they would consider links and callouts.

Mr. Barnes said that the intent was to include hyperlinks, particularly for the information in the appendix.

Mr. Missel said that he believed the second bullet point on the slide was intended to discuss the extension of public services. He asked if this concept was similar to the section in the public water and sewer preamble, which outlined the County's policy for extending the jurisdictional area to provide services in rural areas under specific circumstances, such as health and safety issues or when other reasonable options were not available.

Mr. Benish said that he believed the bullet point addressed this issue. He said that the policy allowed for certain services in rural areas, including schools adjacent to those areas. He said that this policy had remained relatively unchanged and was a long-standing one.

Mr. Bivins said that he was aware that the Board had discussed extending services to rural areas. He said that there were certain places, such as one near him, that were built before these ordinances were in place. He said that he could speak to a specific example where the owner spent a significant amount of money to correct sewage issues that arose from the fact that some sewage systems were built on top of each other.

Mr. Bivins said that he could see how extending services to a development which was currently affordable could lead to them becoming unaffordable if the issues were corrected. He said that the owner had stated that. He said if they could get something like that approved, they would preserve some affordable housing and prevent sewage from entering Ivy Creek, which would then flow into the reservoir. He said that the goal was to find a way to address these concerns, which involved both safety and health, as well as preserving affordable housing.

Mr. Bivins said that he had been trying to figure out how to facilitate this process, particularly with legacy housing that was built at a time when it was not as well scrutinized as it was today, which had systems that were failing. He said he was concerned about individuals who could get into a house, but they may not be able to afford the costs associated with maintaining it, such as a new heat pump. He said that he had also looked into the work being done on Georgetown Road, which had public water but no public sewer, and the estimated $20,000 cost to connect to a public sewer.

Mr. Bivins said that he was not suggesting that they needed to solve these issues but rather find a way to address them under the guise of improving health and reducing environmental pressure. He said that it would be beneficial to establish a clear process by which a community or advocate could approach the County to initiate a discussion about a potential project, even if it was just to open the conversation.

Mr. Benish said that there was a process in place, known as the Jurisdictional Area Amendment. He said that this was an example of its application, as seen in two locations. He said that under the policy as written, if a property was adjacent to an existing line and there was a documented health or safety issue, water service could be provided.

Mr. Benish said that the issue was proximity, and the purpose was to prevent the extension of water lines to areas where development was not desired. He said that this was demonstrated by a location in Crozet, where Beaver Hill Mobile Home Park and an adjacent residence received sewer service. He said that Beaver Hill Mobile Home Park had previously received service 10

years earlier. He said that the change in the jurisdictional area map to provide sewer service to Beaver Hill was made to address failing septic systems.

Mr. Benish said that the example brought up by Mr. Bivins was when something was not adjacent. He said that in such cases, the costs were typically borne by the property owner, and sewer costs were extremely expensive. He said that he would not be surprised if the extension of a single line to a particular property was more than $500,000. He said that this policy was part of the comprehensive plan, providing guidance for individual decisions made by boards.

Mr. Benish said that the Key West subdivision, located approximately three miles from the boundary, had contamination of its water system. He said that the Board chose to add it to the jurisdiction area to allow for public service, and grant funding was used to finance it. He said that large subdivisions, if necessary, would be able to tap into the site's water supply. He said that this process was designed to be conservative, allowing for exceptions to be made in true health or safety situations.

Mr. Murray asked if the proposal was to continue existing practices.

Mr. Benish said that this was a continuation of what they were already doing, so it was not a significant change. He said that he wanted to ensure that the Commission was aware of this, as they typically did not address these matters, although they could be a regular occurrence. He said that the Board's determination was crucial in determining how closely a development met those criteria. He said that they had previously approved the adjacency issue, which had ranged from 800 feet to a mile.

Mr. Murray said that he believed an important factor that should be included was age, and possibly even specifying a date, to ensure clarity. He said that for instance, if someone were to introduce a new development in the development area and there was a failing septic system, it would not be their responsibility, but rather the developer's or the community's. He said that he thought age was a significant consideration. He said that it was possible to pinpoint a specific date based on when the septic system was installed.

Mr. Benish said that typically, they would set a specific date for implementation, such as in a zoning ordinance, and then anything approved after that date would be subject to that implementation.

Mr. Missel said that as they reviewed the objectives and actions, he was unclear whether Objective 1, Action 1.2, was specifically intended to address this issue.

Mr. Benish said that this particular action was more specifically for utilities. He said that it did also apply to public safety facilities. He said that Action 2.2 addressed extending services to rural areas.

Mr. Benish said that under Action 2.2, item 1, the statement indicated that rural area property should be served by private services. He said that item 2 provided the grounds for exceptions, stating that services could be provided in the development area, but also allowed for circumstances that may warrant an exception. He said that item 3 discouraged the use of a central system, but noted that in some cases, it may be the only alternative for a remote location with failing infrastructure.

Mr. Missel said that they were currently on Action 2.2, specifically item 3, regarding on-site private water and septic utilities. He said that he was wondering if there was any possibility that a

developer might argue that private water and septic utilities were not the best approach because it was cost prohibitive. He asked if the wording had changed.

Mr. Benish said that that provision had been added to allow for specificity by practice. He said that what they had tried to do was determine what was reasonable for a property owner. He said that for a single property owner, drilling three or four wells to obtain adequate water was cost-prohibitive, or a package plant may not be a reasonable cost given the topography and constraints of that property. He said that a commercial property was different, as it generated revenue. He said that without setting a specific standard, they were making a judgment on a case-by-case basis.

Mr. Missel asked if it applied to existing rural area development.

Mr. Benish said that it was for replacing existing systems in the rural area.

Mr. Murray said that he believed Action 2.2 should specifically reference the age of systems, even if it was not a specific date. He said that this would help clarify the matter. He said that in his opinion, it was essential to mention another critical criterion: the availability of water and sewer services for development area properties.

Mr. Murray said that they had a significant number of development area properties that lacked these essential services. He said that in his view, these properties should be prioritized before expanding the jurisdiction to rural areas. He said that given their limited funding, he believed it was crucial that they ensured they were adequately serving the development area with water and sewer services before expanding those jurisdictions.

Mr. Barnes said that he believed that most of the exceptions they were discussing would be primarily funded through private investments. He said that generally, they did not use public funds to expand the jurisdiction to the rural areas.

Mr. Murray said that there were certain circumstances where they had had issues with applications that came before them. He said that specifically, there were areas in their development area that did not have access to water and sewer services. He said that he believed that in those areas, they should prioritize expanding the coverage of water and sewer services, especially when funding was limited. He said that it made sense to focus on getting full coverage of water and sewer services to their development areas, rather than continuing to address gaps in those areas.

Mr. Benish said that this also related to the challenge of not extending services into rural areas. He said that there was a high operational costs for lines, particularly dead-end lines that often served rural areas. He said that these created significant budget constraints that limited their ability to serve development areas.

Mr. Missel said that this seemed to align with Action 2.2, as it utilized the development area as boundaries to guide the Albemarle County Service Authority's (ACSA) jurisdictional area for the provision of public water and sewer.

Mr. Missel said that they would shift to reviewing the implementation objectives and actions.

Mr. Benish said that they could break down the objectives and actions as they moved forward. He said that the first objective was overarching.

Ms. Firehock said that she had a question regarding infrastructure. She said that during a CAC meeting last week, she was reviewing the budget and noticed that they were providing more police. She said that she was wondering if there was any interest in establishing additional substations, since officers were currently driving long distances. She said that for example, the Yancey Community Center, which was a County facility, could have a police substation there.

Mr. Benish said that he understood that their primary interest was in establishing satellite facilities that were beneficial to the officers during patrols. He said that for instance, at the Village of Crozet, there was a small office space located in the village center, which provided a convenient space for storage and conducting interviews as needed, but it was not a substation. He said that the need for substations had gained some traction.

Ms. Firehock said that at least the forces she had worked with in the past had benefited from having a substation, which provided them with a place to go and complete paperwork when they were not on a call. She said that there was a significant gap in services in Southern Albemarle, particularly in terms of available locations.

Mr. Benish said that Action 5.1 plan addressed satellite offices, and he believed that was where their focus lay. He said that in the first objective, there was an action that promoted the multi-use of public facilities, with the idea that fire stations could also serve that purpose. He said that while this may not be as applicable to schools due to conflicts.

Ms. Firehock said that she was wondering if there was a need for more specificity regarding the substations. She said that upon reviewing the information, she noticed that it mentioned substations, but there was no mention of their intended locations. She said that it was possible that the conversation with the police department was still ongoing, and they may not know their exact requirements.

Mr. Benish said that with regard to community facilities, the expectations often involved dialogue with the Board as needed during budget, and those discussions were operationally oriented. He said that although it was a physical facility, the focus was more on how it operated rather than a specific infrastructure need. He said that given its small scale, it was more of an operational consideration. He said that in this draft of the plan, he believed the preference was to leave guidance with the agencies and avoid being overly prescriptive.

Mr. Benish said that they did plan to develop a map of existing facilities and potential future facilities. He said that they would identify public lands the County owned and consider potential uses for those lands, which may result in actual development.

Mr. Bivins said that on page nine under the police section, it stated that giving them areas to be in allows officers to foster and strengthen relationships within each district community. He said that they did not currently have a community policing model in place. He said that while Crozet may have a community policing model, the rest of the development area did not.

Mr. Bivins said that any initiative that would enable police officers to connect with those specific areas would be beneficial. He said that was a step in the right direction. He said that since they had expressed a desire for this, he would suggest that they support it, particularly during these stressful times that the community was currently experiencing.

Mr. Missel said that moving forward with implementation, they would begin with Objective 1, providing public facilities, infrastructure, and services in a responsible, equitable, and cost-effective manner to serve the existing and future needs of the community.

Mr. Clayborne said that as they considered rural areas, he was wondering if there was a specific type of facility that they should prioritize when expanding construction in these areas. He said that he was curious to know if there were certain building typologies that would be more suitable for comprehensive planning purposes, particularly when it comes to meeting the needs of rural communities. He said that for example, he came across information about libraries in rural areas, which could serve as disease testing centers, provide education and workforce development opportunities, and offer a range of other services. He said that rural area libraries may serve different purposes than development area libraries.

Mr. Missel said that he would like to mention one example they previously discussed, which was crossroads communities and their connection to resilience. He said that this concept was tied to the presence of essential services such as medical facilities, fire and rescue, and convenience stores. He said that for instance, a crossroads community might include these types of amenities, which could potentially be encouraged.

Mr. Bivins said that he wanted to clarify a point regarding Action 1.7, where it mentioned proactively rezone County-owned land that was being used for or was designated for public facilities. He said that specifically, he was wondering if it was referring to something like the Lamb's Lane campus, which was previously known as Center 2. He said that when they had discussed it earlier, it was zoned rural areas. He asked if the action was seeking to rezone properties to institutional zoning.

Mr. Benish said that public facilities were often located on land zoned as rural areas, which can lead to setback and building height issues. He said that this action highlighted the need for zoning modernization to better accommodate public institution facilities. He said that in their efforts to make it easier for these facilities to locate, they should consider being more reflective of their needs. He said that this may involve rezoning or making tweaks to existing zoning ordinances, and that was the intended outcome.

Mr. Bivins asked if that would set aside properties such as Rivanna Station, which were zoned rural. He asked if the Commission would expect a request to rezone the property to institutional, commercial, or research and development.

Mr. Benish said that the property had been rezoned for industrial purposes. He said that if a school facility were to be located there, he believed that what they were looking at was the potential for some accommodation to be made for public facilities due to its unique location.

Mr. Clayborne said that he was wondering if there was a hierarchy or classification system for building typologies that might fit the methods for providing services to the rural area.

Mr. Benish said that staff had not articulated that, but he believed that there was guidance available in both the development area land use plan and the rural area plan regarding scale and matching scale of the area. He said that as a specific building typology, he was not aware of any other examples besides what was likely permitted by the zoning ordinance for rural areas.

Mr. Missel asked Mr. Benish to elaborate on Action 1.7, where it mentioned updating zone regulations to better accommodate institutional uses.

Mr. Benish said that was what they had just discussed. He said that schools, public facilities, and many other types of buildings were often large and sprawling. He said that in urban areas, setbacks could be a significant issue. He said that this was an opportunity to examine whether

they could improve their ability to accommodate public facilities, thereby avoiding a situation similar to the campus issue with the old High School Center 2. He said that the problem was that it was not built tall enough to meet setback requirements on a campus that had already been developed.

Mr. Missel asked if there were any comments or questions on Objective 2.

Mr. Moore said that including Action 2.5 seemed unusual. He asked for clarification.

Mr. Benish said that there were two aspects to consider. He said that first, there was a long-standing history that this project had been included in the Comprehensive Plan for many years. He said that the Crozet line passed through the water supply watershed area and rural areas, and the intent from the early days of the comprehensive zoning in 1982 was to prevent this extension from becoming a catalyst for growth.

Mr. Benish said that secondly, and equally important, was the engineering challenge posed by the need for a force main to transport wastewater to the treatment center. He said that this required multiple pump stations and pressurization, creating significant engineering difficulties and costs. He said that while it could be done, it was a costly and complicated process that also raised issues with connecting to existing force mains. He said that the language used in Action 2.5 was not typical of comprehensive plans, but it was the historical usage.

Ms. Firehock said that she had a question regarding sewage. She said that in the draft, she believed it was mentioned on a previous page that the EPA did not recommend package treatment plants. She said that in fact, they discouraged them due to their tendency to fail. She said that these plants required regular maintenance by an operator, which was often neglected. She said that they were like automated wastewater treatment plants. She said that she thought they should consider prohibiting them altogether. She asked if they could adopt language prohibiting them.

Mr. Benish said that regarding Action 2.3, related to central systems, they could be more precise by saying that it was precluded. He said that one complication was that, ultimately, systems would fail, and the public system would not be an alternative. He said that in certain circumstances, there may be an exception where essential systems were considered the lesser of two evils.

Ms. Firehock said that the language used may be stronger in the general text, not in the objective, focusing on the fact that they have a poor history of failure and that they were discouraged in the County.

Mr. Benish said that this was an issue that they had documented in the background report, as it was becoming a more pressing concern.

Ms. Firehock said she wanted to see stronger language. She said that she also wanted to discuss another rural sewage treatment method, mounded septic systems. She said that in this method, when soils were not suitable, the dirt was piled on top, and the septic system was essentially built in a mound. She said that the Association of Municipal Governments in Virginia had disavowed them, stating they were ineffective. She said that the only study on their efficacy was conducted by the manufacturers. She said that she was curious to know if this method was a preferred option in the County.

Mr. Benish said that he believed the health department had become more open to alternative systems. He said that they did have a recommendation in the environmental stewardship section regarding improved septic system standards, which may be worth investigating further.

Ms. Firehock said that it may be worth investigating later. She said that she just wanted to bring up the fact that this was something that was being pushed forward. She said that if a system was failing, she wanted to highlight that there were some questionable technologies being used across Virginia and other states.

Mr. Missel said that he would like to consider Action 2.8, which recommended to continue the RWSA Board of Directors' current policy that biosolids produced by the RWSA should not be applied to land as fertilizer for agriculture. He said that he strongly supported this policy, but he had some questions regarding its implementation. He said that he was struggling to understand why it was included with the action to provide public water and sewer services to development areas and County consistent with the growth management policy. He asked if it related to water quality and ground water quality.

Mr. Benish said that it could be moved to another part of the chapter. He said that the section governed the actions of service authorities, and since it was a service authority effort, it was placed there. He said they could consider a better location or cross references.

Mr. Missel asked if there was a better place to establish a general policy regarding biosolids that addressed considering the elimination of its use on County land.

Mr. Benish said he could not speak on what they were working on with biosolids in the comprehensive plan. He said he would look into it. He said that they wanted to ensure that the service authority was involved in this process.

Mr. Missel said that he had a comment regarding Objective 3.3, specifically requesting resources for the renovation of the main library. He said that this seemed to be a specific item related to the question about prohibiting access to the Crozet sewer interceptor. He said that he was wondering if they could consider a more general action item that addressed providing resources for ongoing library renovations as needed. He said that he was not sure why they were focusing on the Market Street library, but he assumed there might be a capital plan for libraries that would address this.

Mr. Benish said that the facility was jointly owned by the City and the County. He said that in his view, it was considered that these facilities were not recommended for replacement. He said that they were very costly, and he thought this recommendation may be an indirect way of supporting the existing facilities as the primary large-scale library facilities. He said that since the facility was co-owned, he thought it was important to the Director to acknowledge the County's commitment to that facility.

Mr. Missel said that if this was a 10- or 20-year plan, he wondered if it might become obsolete once they implemented it. He said that perhaps a more general approach would be more suitable.

Mr. Benish said that it was specific, and they could discuss with the library about the importance of leaving it as is or making it more general.

Mr. Clayborne said that he wanted to see more quantification. He said that if they could include a specific expectation for the number of visitors or increase in visitors, it would be helpful. He said that for example, if they implemented these changes in libraries, they could expect a significant increase in usage.

Mr. Clayborne said that he came across a well-written article about the results of some successful design projects, which aligned with the topics they were discussing. He said that unfortunately, he did not have time to find the specific article, but he would send it to them if he could locate it.

Mr. Bivins said that he had been trying to understand the equity component and facilities in this area. He said that when he examined the library map, he noticed a glaring gap in the County, particularly on the north side, where it would take 30-40 minutes to reach the library. He said that as he considered equity, he was thinking about the possibility of developing a library in this area, despite the costs.

Mr. Bivins said that he was concerned about equity because they were promoting development along Route 29 as their new main street, yet they were neglecting basic needs, such as community spaces. He said that for instance, while there was a park in the area, it was not sufficient. He said that he was trying to figure out how they could balance encouraging development with providing County resources to support the people who would be living there.

Mr. Benish said that they had a proffered site in the North Point area for a library. He said that the site was subject to a rezoning request, which may change, but they had previously approved a site for a future library. He said that he wanted to caution that this rezoning request may change. He said that libraries, like all public facilities, were expensive to operate, and efficiency was a key consideration. He said that users from other localities that utilized these facilities also factored into the decision-making process.

Mr. Moore said that he was reminded of how 10 years ago Albemarle reduced funding for libraries, resulting in the loss of Sunday hours. He said that this had been a personal issue for him, as he often needed to schedule a meeting room on Sundays, but they were closed. He said that he wanted to consider implementing seven-day-a-week access or conducting further investigation into this matter. He said that while he understood that budget constraints were the primary issue, he believed it was worth considering in the context of other access and availability points.

Mr. Missel said that regarding Objective 4, he wanted to bring up a point regarding the way the preamble was written under the school system, which was also mentioned by Mr. Clayborne on page 7. He said that AC44 had recommendations for school buildings, including location, form, and recreational amenities. He said that the recommendations suggested that new schools should be located in development areas or adjacent to them but also noted that rural area schools could be constructed with physical constraints and land availability in mind.

Mr. Missel said that this felt restrictive for rural area schools. He said that half of the County schools were located in rural areas. He said that he wanted to ensure that these schools were not shortchanged.

Mr. Bivins said that he had been trying to verify the frequency of the Long Range Planning Advisory Committee's meetings. He said that the last report on their site was from 2024. He said that he could not find any subsequent meeting times listed, so it may be worth confirming whether they continued to meet regularly.

Mr. Benish said that it was his understanding that they met annually.

Mr. Clayborne said that Action 4.3 stood out to him as it related to agency, as they were able to control it.

Mr. Moore said that he wished to address Objective 6 and 7. He said that both focused on reducing greenhouse gas emissions. He said that he was aware that they were considering the climate action lens throughout this process. He said that at times, he felt that they needed a fresh perspective to accurately assess the climate crisis in this era. He said that he understood the desire to reduce emissions, but he believed that even achieving zero emissions tomorrow would not be enough to address the issue.

Mr. Moore said that he thought it was essential to prioritize not just reducing emissions but also thriving and supporting one another. He said that initiatives like cost-effective bioswales could be both effective and address the climate crisis in smart ways. He said that at the household level, having safety nets and backup systems felt more important to him.

Mr. Clayborne said he would suggest using the AIA framework for design excellence as a guiding principle.

Mr. Murray said that he had a suggestion for Action 9.2. He said that when they discussed electric providers, they had a long-standing policy of discouraging herbicide use on right-of-ways. He said that this approach had been very successful. He said that he had noticed that when leaving Albemarle County and entering an adjoining county, the right-of-ways in those areas were often brown. He said that it would be beneficial to acknowledge and recognize this positive aspect of their policy, even though it had been unofficial, by highlighting their efforts to discourage herbicide use and promote biodiversity in those right-of-ways.

Mr. Bivins said that he believed this was a place for broadband to be included, since Objective 9 dealt with communications. He said that since the broadband installation was nearing completion, it would soon become a maintenance hub. He said that he suggested that they include a mention of maintenance in this section to ensure that it was properly addressed.

Mr. Carrazana said that, regarding Action 9.2 and building on their previous discussion about the distribution of electric and the electric grid, capacity was not mentioned in the body. He said that he wanted to emphasize this because he believed there was an urgency, particularly in Virginia, where they needed to consider capacity and its relationship to resilience. He said that he thought they often focused too much on emissions and the source of their electric. He said that for example, in Action 9.3, they discussed eliminating gas from facilities.

Mr. Carrazana said that gas-fired boilers were likely to be one of the largest energy users, but they were extremely efficient. He said that in fact, they were often cheaper to operate than electric boilers. He said that when considering the electricity source for these boilers, it was essential to think about the overall energy picture. He said that what they were actually achieving was critical to consider. He said that capacity and electric grid resilience were critical considerations, especially given the projected exponential growth in demand over the next five years. He said that as a result, their priorities would shift to address the needs of the grid, rather than individual homes.

Mr. Bivins said that this appeared to be a follow-up to their previous discussion on the data centers, where they initially explored the potential of such facilities. He said that one aspect of that discussion was the potential ordinances that data centers must adhere to, specifically regarding their ability to generate or manufacture their own energy. He said that if data centers failed to meet these requirements, it could accelerate their transition to a capacity issue much sooner than the five years.

Mr. Carrazana said that there was only one county currently considering a provision for one gigawatt centers or larger. He said that this was an enormous amount of energy.

Mr. Bivins said that the data center going in at Fontaine would utilize the geothermal energy system being built there. He asked if this would enable the data center to supply its own energy.

Mr. Carrazana said that the geothermal system provided a source of cooling and heating. He said that this reduced the energy costs, but it was still being supplied by Dominion.

Mr. Bivins asked if there was a part of the draft ordinance, they were presented related to data centers and power.

Mr. Benish said that there was a size limitation that they had established prior to issuing special use permits, which would enable them to evaluate the potential impacts. He said that he was aware that there were limitations on their ability to control and approve uses solely based on power. He said that they had limited influence over regional capacity issues. He said that it was essential that they consider these factors. He said that in their recommendations, they could address their ability to approve uses that generated certain capacities. He said that he would like to clarify that there were limitations to what they could do regarding utilities.

Jodie Filardo, Community Development Director, said that, based on their understanding, they could not regulate data centers in the County based on power. She said that they had alternative options, such as water usage, and they could regulate setbacks to keep data centers away from adjoining properties. She said that this would help mitigate the impact of the low-frequency hum from a data center on neighboring properties. She said that they were exploring various approaches to data centers.

Ms. Filardo said that their proposed two-step process involved a zoning text amendment, which would establish phase one thresholds for sizing and locations where data centers could be allowed. She said that phase one would set a couple of different thresholds, and they would then evaluate the results and follow up with a phase two process, which would include outreach to stakeholders and further evaluation of data centers as they came forward.

Mr. Murray said that they had mentioned native plants several times throughout the chapter. He said that he also thought it was essential to mention the management of invasive species. He said that although they addressed this in other chapters, they had significant issues with invasive species at some of the County schools and other properties.

Recess

The Commission recessed at 5:36 p.m. and reconvened at 6 p.m.

Public Comment on matters pending before the Commission but not listed for a Public Hearing on this agenda

There were none.

Consent Agenda

Ms. Firehock motioned that the Planning Commission approve the Consent Agenda as presented. Mr. Clayborne seconded the motion, which carried unanimously (7-0).

Public Hearing

ZMA202300018 Albemarle Business Campus Amendment - NMD Amendment 2

Kevin McDermott, Deputy Director of Planning, said that he was presenting in place of Syd Shoaf, who had done the review. He said that the location was off Old Lynchburg Road, just south of I-64. He said that one could see the parcels highlighted in yellow on the map. He said that the site was directly across from the County Office Building and adjacent to the Region 10 offices.

Mr. McDermott said that the original rezoning was approved in 2020, and it had created five blocks. He said that Block one, colored in pink, was already developed with 128 multifamily units. He said that Block 5, in yellow, was already developed with a self-storage and office building. He said that Vision Lane, which one could see lightly on the map, was already fully constructed. He said that currently, Blocks 2, 3, and 4 were vacant. He said that this amendment primarily pertained to blocks 2 through 5, which covered approximately 8.5 acres.

Mr. McDermott said that the existing zoning for these blocks was neighborhood model development, as approved in 2020. He said that the existing zoning plan showed that they had C1 commercial and residential uses adjacent to each other, as well as highway commercial uses. He said that the comprehensive plan recommended community mixed-use development, which included residential, community-scale retail, service, and office uses. He said that places of worship, schools, and public and institutional uses were also allowed. He said that the applicant was proposing to amend the code of development, application plan, and proffers for the previously approved rezoning.

Mr. McDermott said that he would now walk through some of the proposed changes. He said that the first element was the code of development, which included changes to the uses in Table A. He said that specifically, drive-through windows were now permitted by special use permit, and parking structures could be built as a by-right use but must be relegated to the side of the associated structures to minimize visibility. He said that this was the only change to the uses in the code of development.

Mr. McDermott said that the square footage and density were being amended. He said that Blocks 2 through 4 were transitioning from 20,000, 25,000, and 4,000 non-residential square footage, respectively, to zero in Block 2, zero in Block 3, and 10,000 in Block 4. He said that this reduction lowers the overall total minimum square footage from 94,000 to 55,000. He said that regarding residential uses, previously, only Block 1 was proposed for residential uses. Blocks 2 through 5 already had zero minimum residential units.

Mr. McDermott said that the change was to increase the maximum residential units in Blocks 2 through 4 from 85, 56, and 38 in the previous rezoning to 240. He said that previously, the total residential units was limited to 128 units. He said that the key change here is that the 128 units were entirely filled by Block 1. He said that now, the total residential units was limited to 368, which will be distributed among Blocks 2 through 4.

Mr. McDermott said that building regulations were also changed, increasing the maximum stories in Block 4 from three to four stories and the maximum height from 50 to 60 feet. He said that the primary front minimum setback was reduced from five to zero, primarily due to sidewalk construction. He said that the proposed changes allowed for covered porches, balconies, eaves, and other architectural features to project not more than four feet into any required yard.

Mr. McDermott said that the proposed changes to the application plan were largely focused on updates to residential use types in Blocks 2 through 4 and general updates, such as instrument numbers for previous dedications. He said that one note worth mentioning was the removal of a note for an existing transit stop that needed improvement. He said that although the transit stop was removed from the application plan, it may still be required due to the development agreement.

Mr. McDermott said that the exhibits for the roundabout and shared use path had been updated to reflect the County and VDOT's plans to upgrade the roundabout and to provide more exact designs. He said that the proposed changes to proffer statement 1a decreased the cash proffer to the Albemarle County CIP from $500,000 to $250,000. He said that this cash proffer was previously triggered by the approval of the site plan or certificates of occupancy for the 187 residential units. He said that was when the 487 vehicles per day was triggered.

Mr. McDermott said that the proffer had already been triggered, and the proffer funds had been requested by the County. He said they had not received those proffers at this time, and they had been requested in May 2024. He said that one important aspect to note about the proffer was that staff would like to see additional information on the basis for the reduction. He said that the applicant had mentioned that previously built infrastructure was being impacted by the change in VDOT designs.

Mr. McDermott said they had not seen the specific infrastructure that had been impacted on the estimated cost of replacing it. He said that they lacked an estimation of the potential cost of the additional right-of-way that the applicant proposed to dedicate. He said that no change in the amount of traffic generated by this development was included in this application.

Mr. McDermott said that the proffer for the roundabout exhibit referenced the new update. He said that proffer 3 still contained language for a performance agreement, and the County requirements for that performance agreement were enacted prior to the previous rezoning. He said that it required, among other things, a reservation of Class A office space on the site. He said that this performance agreement had been entered into by the EDA and the applicant, but it was no longer required. He said that during the time of the proffer, no tenants were found to occupy the site.

Mr. McDermott said that the County had provided the $100,000 in TIF funds to the applicant at this point. He said that staff would like to ensure that the other elements of the performance agreement, such as transit accessibility, the proposed transit stop, pedestrian and bike facilities, were being carried through. He said there were still questions about whether these elements were being implemented.

Mr. McDermott said that this document showed the updated right-of-way for the design of the roundabout. He said that the previously dedicated light pink area had been proffered during the first rezoning, and the applicant was now proffering to dedicate an additional 0.08 acres of right-of-way for the shared use path that would be constructed along the frontage as part of the project. He said that the applicant would be constructing a portion of this path, and VDOT would be constructing the remaining portion.

Mr. McDermott said that the positive aspects of this application were that it could result in up to 36 additional affordable units within the development, in line with the previous affordable housing policy of 15%. He said that the 15% was what was requested, and this request was largely consistent with the neighborhood model principles outlined in the Comprehensive Plan and Master Plan. He said that the primary areas where they found inconsistency were related to the mixture of uses. He said that as he had mentioned earlier, the Comprehensive Plan did require or set an expectation for a more community-oriented mixed-use area in that location.

Mr. McDermott said that they had very little mixed-use available in that area, which was heavily growing with residential development. He said that while staff supported additional residential, they also wanted to see a mix of uses. He said that this information was included in the previous comprehensive plan and was part of the recommendation for the update to the comprehensive plan. He said that concerns arose that this request was inconsistent with the Southern Western Urban Neighborhoods Master Plan and the Comprehensive Plan's principles for mixed use in neighborhood centers.

Mr. McDermott said that the reduction in the minimum non-residential square footage requirement removed a significant amount of required non-residential area. He said that Mountain View Elementary and Albemarle High Schools were currently over capacity, and the number of students generated by this development would likely further overcrowd these schools. He said that additionally, the reduction in the proffered mitigation and transportation impacts was a concern. He said that given these factors, staff was recommending denial of this ZMA.

Mr. Moore said that he had a couple of questions regarding the concerns that he had heard about the inconsistency with the Southern and Western Urban Neighborhoods Master Plan. He said that specifically, he would like to hear more about how this inconsistency related to the plan for this part of the growth area.

Mr. McDermott said that the primary recommendation for community mixed-use development was to include residential, retail, office space, and other non-residential uses. He said that the reduction to 10,000 square feet seemed to be at odds with this concept.

Mr. Moore said that he was wondering if they had any available data on the number of square feet of empty commercial space in the County.

Mr. McDermott said he did not have that information.

Mr. Moore asked if staff was still concerned about commercial space when they already had a lot of empty commercial space.

Mr. McDermott said that they were concerned. He said that he would be happy to discuss other non-residential uses. He said that he believed a significant part of the issue lay in the fact that non-residential uses were highly location specific. He said that their problem was that in this area, they were primarily seeing residential development, and they wanted to ensure that there were adequate services to support that growth. He said that the key issue was that it was location specific. He said that if one visited the south side of town, they would notice that the development area was dominated by the County Office Building, Region 10, and a small, older gas station.

Mr. Moore said that he recently visited that area and noticed that the residents he knew in the neighborhood often frequented the Wegmans, which was just a quarter mile up the road. He said that he had another question regarding school capacity. He said that the capacity issue was not typically considered when assessing proposals for other groups. He said that it was stated that Albemarle High School was currently over capacity. He said that the development was not in the Albemarle High School District; it was in the Monticello District.

Mr. McDermott said that was correct.

Mr. Moore asked what the capacity was for Monticello High School.

Mr. Bivins said that Monticello High School had capacity.

Mr. Bivins said that he wanted to reiterate that point and also consider the other school system. He said that as they moved forward with a new elementary school in that same feeder district, it was essential to note that the high school already had capacity, and the elementary school would also have available seats for kindergarten through middle school. He said that he wanted to clarify one aspect: was this piece of property still designated as an opportunity zone, which was the catalyst for this project.

Mr. McDermott said that it remained within the opportunity zone. He said that the staff report indicated that Monticello High School was projected to remain over capacity or near its limit for the next 10 years.

Mr. Bivins said that the applicant was seeking to include a drive-up window in this project, which was a feature commonly found in banks with drive-up windows. He said that he wanted to clarify whether banks with drive-up windows were considered under this restriction.

Mr. McDermott said that it applied to any drive-up window.

Mr. Bivins said that they were now considering all-day traffic since they were changing commercial uses to residential uses. He said that they had not received a traffic study or revised traffic generation figures.

Mr. McDermott said that they had not.

Mr. Bivins said that the applicant had not provided a rationale for reducing the cash proffer.

Mr. Missel asked if it was related to the fact that they were providing the right-of-way.

Mr. McDermott said that there were multiple reasons. He said that one reason was the additional right-of-way that the applicant would dedicate. He said that the other reason was that the additional right-of-way would negatively impact the infrastructure that they had already planned for.

Mr. Bivins said that he recalled that when they initially reviewed this, it seemed to be about improving traffic flow and reducing congestion. He said that the traffic conditions he experienced while traveling through that intersection were particularly challenging at present. He said that he was having difficulty understanding why infrastructure was solely associated with the flow of traffic, when the infrastructure he observed was primarily focused on sidewalks and turn lanes. He said he did not understand how the improvement in infrastructure improved traffic flow.

Mr. McDermott said that the roundabout project, as a whole, aimed to enhance both Old Lynchburg and 5th Street.

Mr. Bivins said he wanted to understand what the applicant's contribution was supposed to be.

Mr. McDermott said that the applicant had set aside a piece of right-of-way, which enabled the previous roundabout design. He said that they had proffered $500,000 to the CIP, which could be used for infrastructure improvements. He said that the County's plan was to utilize this $500,000 as a local match for the roundabout project as a whole. He said that this local match had already been allocated and was moving forward. He said that they were now progressing with the project in conjunction with VDOT.

Mr. Bivins asked if there would be a gap in funding if the Board approved the cash proffer reduction.

Mr. McDermott said that was correct.

Mr. Missel said that on page 12, it was stated that both Mountain View Elementary School and Monticello High School were currently over capacity.

Mr. Bivins said that they were scheduled to open a new elementary school in two years.

Mr. Missel said that the elementary school was projected to remain over capacity for the next 10 years, while Monticello High School was expected to remain over capacity or near its limit for the next 10 years.

He said that they had been referring to it as the Southern Elementary Feeder School.

Mr. Bivins said he attended a meeting last week, and it was mentioned that Center 2 and the Southern Elementary Feeder School would be coming online by 2027.

Mr. Murray asked if staff could provide more information about the parking structures and the statement made here. He asked if parking structures were currently prohibited as a standalone use in these areas.

Mr. McDermott said that would be part of the neighborhood model zoning, which would require identification in the previous plan. He said that the neighborhood model allowed for a self-designed code of development.

Mr. Clayborne said that he had a question regarding policy. He said that if a proposal was submitted and approved under an old policy, and they wanted to make amendments, he wanted to know if it had to be compliant with current policies. He said that if a proposal such as this, which had been initially approved under the old affordable housing 15% policy, were to be amended, it would not have to be brought into compliance with the new policy that was currently in effect.

Mr. McDermott said that they had previously set a date to begin enforcing the new policy, but it was delayed. He said that the Board initially planned to conduct additional work and establish their incentive program before they started enforcing the policy. He said that the application was submitted just before they began enforcing the policy.

Mr. Clayborne said that the application was reopened prior to the enforcement date.

Mr. McDermott said that was correct.

Mr. Carrazana said that he did not see any illustrations of bus shelters or bus stops. He said that he wondered if there were plans to include these with the improvements to the roundabouts.

Mr. McDermott said that that was part of the question he was trying to address. He said that the initial rezoning showed an area for a new enhanced bus stop on the application plan. He said that this was also discussed in the development agreement, but the new proposal no longer included it, which created confusion about whether it remained part of the proposal.

Mr. Carrazana asked if there were any bus stops nearby.

Mr. McDermott said that there were bus stops in the area, with one located in front of this location. He said that their issue was that the current bus stop was a small asphalt sidewalk with a sign, whereas the intended enhanced bus stop was supposed to include amenities such as a shelter and a bench.

Ms. Firehock said that her questions were primarily financial in nature. She said that she would first like to discuss the $100,000 incentive grant that was awarded to the applicant for being located in the Opportunity Zone and attempting to spur development there. She said that the applicants received this grant, but they did not build it to what they originally proposed. She asked how that worked.

Mr. McDermott said that they were only required to reserve the area for that purpose, so if the County or developer identified a tenant during that time period, then that area would be available for them to construct an office space and occupy it.

Ms. Firehock said that following their due diligence, if they were unable to secure the biotech tenant, they still retained the funding. She asked if that was correct.

Mr. McDermott said that that was correct.

Ms. Firehock said that it was an incentive to try really hard.

Mr. McDermott said yes. He said that as a note, the incentive occurred just before January, before COVID-19 was starting to impact the area, which marked a significant change in circumstances.

Ms. Firehock said that it was a challenging time to search for in-office commercial tenants. She said that her second question pertained to the applicant's request to reduce their proffer from $500,000 to $250,000. She said that this had been discussed in the staff report, and according to the application, the rationale behind the reduction was that the applicant was providing land for the roundabout.

Mr. McDermott said that that was correct; that was what was shown.

Ms. Firehock said that Mr. McDermott had mentioned earlier that the value of the land dedicated to the roundabout was unknown, making it challenging to determine equivalency.

Mr. McDermott said that that was correct.

Ms. Firehock asked if it was Mr. McDermott’s opinion, as someone with a background in transportation planning, it would be true that the applicant was receiving a benefit from the roundabout, specifically improved traffic flow and circulation at the difficult intersection. She said that this meant that they were not merely giving up land; they were gaining something in return. She said that it was not a zero-sum total. She said that the applicant likely understood that the roundabout was coming and would require some land to be given up, given its circular design.

Mr. McDermott said that he agreed.

Mr. Missel said that he had a couple of questions regarding the planning aspects of this proposal. He said that fortunately, many of his questions had been addressed. He said that he did have one question that may seem unfair, but he would ask it nonetheless. He said that if this application

had been submitted as a neighborhood model district, based on the feedback outlined in the staff report, this development would not be an acceptable neighborhood model district design.

Mr. McDermott said that he believed that with the proposed amount of non-residential land, that would be a factor that staff would find unfavorable.

Mr. Missel said that Mr. Moore had previously asked several questions regarding the shared use path. He said that there was a shared use path initially intended to cross the Fifth Street Bridge over Interstate 64.

Mr. McDermott said that that was correct.

Mr. Missel asked if it was no longer a plan.

Mr. McDermott said that although it was still a plan, they had sought funding through Smart Scale to improve the bridge that spanned Interstate 64, which included a shared use path. He said that the ultimate goal was to have a shared use path along the entirety of Fifth Street and a portion of Old Lynchburg.

Mr. Missel said that for now, the one shown here was reserved for the shared use path, but it would essentially be a path to nowhere until it was connected across Fifth Street.

Mr. McDermott said that yes, except that there were existing pedestrian facilities, albeit minor and narrow, which connected through this entire area. He said that this project was primarily upgrading one segment of it. He said that they had applied for funding twice, once for the bridge and once to extend the project south from here all the way down to Southwood. He said that there had been two projects to try and fill that.

Mr. Barnes said that to provide more detail, he believed that the previous application, which was unlikely to be funded, involved significant bridge repairs, including the installation of a shared use path. He said that this process was complex and required multiple components, including deck rebuilding. He said that he thought what VDOT was starting to realize was that it may be more cost-effective to build a parallel pedestrian structure instead. He said that VDOT was already planning for another design process, which would likely include the intersection in their next round of projects.

Mr. Missel said that he had one final question regarding the blocks and their design. He said that upon reviewing the Code of Development, page 11, he noticed that there were graphics illustrating two of the blocks, but he did not see any graphic representation of how the other blocks would be affected by the redesign or potential addition of residential units.

Mr. McDermott said that was correct. He said that the existing design had faded over time from the previous iteration, and the plan indicated that it was conceptual in nature, primarily reflecting the non-residential build-out. He said that as a result, there was no design provided for the residential component. He said that additionally, he double-checked the transportation numbers. He said that according to the estimate, 240 units would generate approximately 1,098 trips. He said that the new proffer still included a maximum of 3,200 daily trips or 509 peak hour trips. He said that it was challenging to determine where this project might fall within that range, as they did not know the exact mix of residential units. He said that the applicant had provided some transportation numbers, which were included in their submitted narrative.

Mr. Moore said that Monticello High's predicted enrollment did have it as being slightly over capacity right now. He said that it would be over capacity by one student in a couple of years.

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

Kelsey Schlein, Planner with Shimp Engineering, said that she was representing Fifth Street Forest LLC, the owner and developer of this project. She said that she was joined tonight by Kyle Redinger, the developer of Albemarle Business Campus. She said that she would like to briefly review the project's history and then turn it over to Mr. Redinger to delve into the details and address any questions or concerns raised earlier.

Ms. Schlein said that as the Commissioners may recall, this project had undergone significant changes since its initial presentation in 2019, when they first proposed a planned unit development. She said that they later modified that to a neighborhood model district, and many of them have seen the project evolve through multiple iterations. She said that in 2020, they returned to address an amendment to the NMD, which allowed for biotechnology tenants and larger building footprints. She said that this amendment was approved right after the beginning of the COVID-19 pandemic, and since then, the project's financials and realities had undergone significant changes.

Ms. Schlein said that the proposal before the Commission tonight included a summary of the project's history and the various approvals and revisions. She said that Mr. McDermott provided a comprehensive staff report, which she appreciated. She said that the proposed development consisted of five blocks in total; the amendment before the Commission tonight focused on blocks two through four.

Ms. Schlein said that block five was currently built out as office and self-storage space, while block one featured 128 residential units, the maximum permitted in the Albemarle Business Campus. She said that the entire development was currently at maximum capacity for residential units. She said that a summary of the revisions included increasing the residential density in blocks two through four to 34 DUA, revising the minimum non-residential square footage in block four, and reducing the overall minimum non-residential requirements throughout blocks two through four.

Ms. Schlein said that an additional component of this application was the proposed reduction in the proffered amount to $250,000, accompanied by the provision of additional right-of-way. She said that she would like to note that there had been several iterations of this proposal, and Mr. McDermott had more information on the justification for the reduced proffer amount. She said that the main justification for this proposal was that flexibility was crucial for continued project success.

Ms. Schlein said that she would like to provide a few examples and were familiar throughout the County. She said that one thing they had learned with these plan developments was that they tried to get it right the first time, but market factors changed, and what could be built and what could not had changed over time. She said that the COVID-19 pandemic was an unexpected situation, and it impacted the Albemarle Business Campus project.

Ms. Schlein said that she would like to bring up a few examples of planned development districts in the County that demonstrated how large commercial developments were initially planned but ultimately did not materialize due to changing market conditions. She said that for instance, the HTC Area C was first rezoned in 2001, and blocks two and seven remained vacant for 20 years until the Code of Development was modified to permit residential uses. She said that block two

was now built out with townhomes, and the Hollymead Town Center had seen an increase in rooftops.

Ms. Schlein said that block nine was still vacant, while block seven was nearing completion with initial site plan approval for residential units. She said that a similar example could be seen at Belvedere, where a commercial block was initially approved with permits for up to 30,000 square feet, but only 2,000 square feet of commercial space had been built, with the rest being developed as residential units. She said that another example was Wickham Pond, which had a mixed-use and commercial component, with the exception of block one, which remained vacant. She said that she would like to highlight these examples to illustrate the importance of flexibility in project development.

Kyle Redinger said that he would like to thank Mr. McDermott for his presentation. He said that he had had the opportunity to work with the County team for the last 12 years that he had been a developer. He said that when they first rezoned this property a few years ago, the County's intention was to undertake some form of transportation improvement. He said that they had recommended a stoplight as a more cost-effective and efficient solution, but the County preferred a roundabout. He said that they agreed to this, and in exchange, they would provide a cash proffer and land dedication.

Mr. Redinger said that during the construction of the apartments, they reviewed the initial plan for the new VDOT roundabout design. He said that one notable aspect of this design was the prominent stormwater pond, which was located on their property, occupying a significant portion of that corner. He said that the stormwater facility had undergone changes, and it appeared that it had been reduced or eliminated in the most recent plan. He said that VDOT had not yet finalized their plans for the site, and as a result, they had been dealing with a moving target in terms of what they wanted on the property.

Mr. Redinger said that the initial thinking was that by revising their plans, they could avoid a potentially contentious condemnation process and negotiate a mutually beneficial agreement with the County and VDOT. He said that they were also influenced by market factors that were driving demand for more apartments in the area. He said that according to the roundabout exhibit, the orange area appeared relatively small, but it was not entirely clear to them how this would impact their site design.

Mr. Redinger said that they had invested a significant amount of time and resources into renderings, site plan design, and infrastructure development; however, it was unclear exactly how the final plan would unfold. He said that they had some challenging site conditions, including a significant slope near Cavalier Crossing, which would require substantial adjustments to their walking path and stormwater infrastructure. He said that while they had done extensive rendering and site planning, they did not have a finalized VDOT plan to work with.

Mr. Redinger said that on the business side, the uncertainty surrounding land ownership had created additional challenges, particularly in terms of presenting a viable building or commercial space to tenants and securing financing. He said that they had hoped to finalize the plan by this meeting, but it was not complete. He said that he did not want to speculate on the direct impacts, but they could take a standard market calculation of the land value and adjust accordingly.

Mr. Redinger said that however, the delays and uncertainty surrounding VDOT's process had been significant, and the potential for a 10-year legal battle had created a lose-lose situation without some form of amendment to their proffer situation. He said that he was not suggesting

that their current plan was ideal or perfect, and they would ultimately like to see a fully finalized VDOT plan before revising their proffers in more specific detail.

Mr. Missel asked if the Commission had any questions for the applicant.

Ms. Firehock asked if the applicant could elaborate on the VDOT complication. She asked if he was suggesting that the uncertainty surrounding the land acquisition and potential impacts on the site, such as new steep slopes, was leading to concerns about additional expenses. She asked if this was the reason behind the request for the proffer being reduced from $500,000 to $250,000.

Mr. Redinger said that that was right. He said that they previously rendered a site with an office pad, which did not account for the 10-foot strip adjacent to where the graded sidewalk would be placed. He said that at this point, it was unclear how the plan would need to change. He said that although it may not seem like a significant issue now, it could become a problem. He said that it was challenging to predict. He said that from a corporate perspective, if one considered the potential VDOT condemnation, it created an uncertain environment for a tenant who wanted to be in the location for a long time.

Mr. Missel said that he had a clarifying question along the same lines. He said that according to this exhibit, it appeared that the applicant would be dedicating permanently 0.08 acres.

Mr. Redinger said that he believed that calculation to be accurate.

Mr. Missel said that the remaining areas were either temporary or already reserved.

Mr. Redinger said that they had made a prior dedication that was part of their original proffer package, which had already been completed.

Mr. Missel said that in terms of the $250,000, that was essentially the 0.08 acres being considered.

Mr. Redinger said that that was right. He said that when they first saw the initial plans for this application, they included a stormwater pond that would occupy the entire corner, which had since been reduced. He said that there were planned stormwater outflows on their property, which were not shown in this exhibit. He said that he was not sure where those outflows stood now, but presumably they had been engineered away.

Mr. Redinger said that he had not seen the final plan, but generally, VDOT had been willing to be more accommodating to their site situation. He said that they had been somewhat off-target in their efforts to reduce the pond, and if it had been included, it would have been an adequate solution. He said that he thought there would need to be some negotiation after they received the final plan.

Mr. Carrazana said that he would appreciate it if the applicant could provide some clarification on the bus shelter situation. He asked if it was currently planned, pending, or had it been eliminated.

Mr. Redinger said that this was a VDOT issue, so when VDOT presented one of the early plans, they stated that a bus stop would be located on the opposite side of the street from their property. He said that they responded by referencing their proffered plan, which indicated that they were required to build a bus stop there. He said that it was suggested that it did not make sense to build a bus stop that would never be used, especially since another bus stop was already nearby.

Mr. Redinger said that he believed the proffer stated that the obligation to build a bus stop would not be required if it was built on that adjacent side. He said that the intent was not to remove themselves from that obligation, but to avoid redundancy. He said that it also requested that they did not have to build a path next to the VDOT path, because it was not made clear in the proffer language.

Mr. Carrazana said that there was no bus shelter on the applicant's side of the street.

Mr. Redinger said that that was right. He asked if Mr. McDermott knew the current plan for that bus stop.

Mr. McDermott said that he did not know. He said that he could look at the most recent plans.

Mr. Redinger said that during the most recent meeting with VDOT and Albemarle County, which included himself, there was a bus stop located near where his cursor was currently positioned on the screen. He said that if that bus stop was no longer planned, then it was a non-issue.

Mr. McDermott said that in the 60% design, which they had received in October, did not include a bus stop. He said that it matched with what was used to come up with that amount of necessary right-of-way He said that provided was the most recent design provided by VDOT, which he believed the applicant had used to develop their new right-of-way dedication plan. He said that the stormwater pond had been relocated, but he did not see a bus stop included on this current plan.

Mr. McDermott said that in contrast to the previous application plan, which required an enhanced bus stop with a shelter and a bench, he thought the County would likely request that the applicant provide funding or materials for the enhanced bus stop, even if it was not located on their property. He said that this was because the enhanced bus stop was typically not included in a VDOT plan.

Mr. Clayborne asked what the availability was for vacant units in block one.

Mr. Redinger said that for the existing apartments, they were currently about three-quarters full.

Mr. Clayborne asked what the target audience was. He asked if it was student housing.

Mr. Redinger said that they had a few students as well as young professionals, including UVA employees and individuals affiliated with the hospital system.

Mr. Clayborne asked if the applicant could provide some insight into the prospects for non-residential development, and what changes had occurred since the last update.

Mr. Redinger said that they believed that if they had office space available, they would have built this facility years ago, and it would have been a great success for everyone. He said that they did have a commercial tenant, PS Fertility, a startup that spun out of UVA and received funding. He said that they had a lab space, and they were able to subsidize construction costs through the storage building.

Mr. Redinger said that people often viewed storage as only for those who had too much stuff, but it was not true. He said that about a third of their tenants were small businesses in town, and many were storing items seasonally, such as makers and artisans. He said that two years ago, it appeared that a lot of money was flowing into biotech for biotech manufacturing, and they felt that

the timing was ripe to provide a site that was shovel-ready for biotech tenants. He said that they worked with Thalhimer, a commercial broker, on this project for years.

Mr. Redinger said that recently, he hired another commercial brokerage team to market the site, and they still hoped to attract a larger, credit-worthy tenant. He said that there was indeed a demand for light industrial flex space for small tenants, but unfortunately, the rents for new construction on smaller buildings often did not work for these smaller tenants. He said that they needed larger, more creditable tenants, such as a hospital system or an out-of-town biotech manufacturer, to afford those rents. He said that he had discussed the possibility of using the site for a school with the school department, but they had also explored other commercial avenues.

Mr. Redinger said that they had considered adding apartment usage to the site in the future, which did not mean they were giving up on their commercial properties. He said that unfortunately, the real estate development environment had become more challenging, with interest rates closer to 10% for construction loans and material prices increasing substantially. He said that they were also facing macro factors, including inflation, which had pushed rents higher and made it more difficult to build.

Mr. Murray said that when he thought about commercial development, the kind of commercial that neighborhoods relied on, he considered Old Trail, for example. He said that it had a coffee shop, several restaurants, ACAC physical therapy, and a dentist, among other services. He said that these were amenities that people in that neighborhood would typically walk to.

Mr. Murray said that he did not see residents regularly walking to the storage facility. He asked if the applicant had considered the potential for commercial development on the lower level of the apartments, specifically services that residents would use. He said that given its distance from other commercial areas, he believed that residents would utilize these services.

Mr. Redinger said that he agreed with Mr. Murray when they built the storage building and incorporated an outdoor patio, as well as a grease trap, in the hopes of attracting a brewery, restaurant, or coffee shop. He said that however, they found PS Fertility as a tenant. He said that he wanted to emphasize that they were not trying to eliminate all commercial development. He said that they had retained approximately 10,000 square feet on that corner for those types of uses.

Mr. Redinger said that currently, there was not a demand for 100,000 square feet of Class A office or biotech space. He said that he was concerned about having properties that sat idle for years, and they were now on their fifth year at this site without significant progress on the initial project. He said that however, the idea was to reconfigure the site.

Mr. Redinger said that he believed that with the proposed density, it would be feasible to include over-under type development, which would require addressing financing challenges. He said that as they had done with the storage building, incorporating productive uses, such as a gym or coffee shop, into the construction process could make it more affordable and reasonable for local businesses. He said that their goal was to build a speculative space that could be financially prudent, allowing them to attract tenants like the ones Mr. Murray had mentioned.

Mr. Murray said that the applicant had reduced some areas to zero commercial space.

Mr. Redinger said that they had reduced them to the required minimum. He said that this was primarily about adding the option to include apartment uses on the site, without significantly altering the building's scale or scope; it was simply a matter of adding that option.

Mr. Redinger said that he thought that this raised a question for him to pose to the Commission: what was the ideal mix of residential to commercial uses? He said that it may be best to defer until there was a finalized VDOT plan, but he would appreciate clarification on whether a range of 240 to 10,000 was an acceptable range or if there was a more suitable number. He said that he believed that this was a key consideration for the Planning Commission, and they could work out the proffers once they had a final plan and a justifiable number. He said that this was ultimately a question for the Planning Commission to address.

Mr. Missel said that it seemed that what he just heard the applicant say was that he was requesting a deferral. He said that he believed they should continue with their questions with the applicant to clarify any outstanding issues. He said that he had some thoughts that might help the applicant in this regard.

Mr. Bivins said that he was sorry that the design was not moving forward as he had envisioned, as he thought it was forward-thinking and would bring a unique commercial look to Fifth Street. He said that he had some questions for the applicant. He said that in blocks two and three, the lavender and aqua colors, those were where the applicant was looking at a minimum of zero commercial development. He said that assuming that stayed at zero, the rest of the area would become residential. He said that he understood that. He asked if they were planning for that to be four stories or five stories.

Mr. Redinger said that it would be four stories above the road, from their internal road grade.

Mr. Bivins said that the lavender piece sloped down a good deal, so perhaps when he returned, he could consider making it taller. He said that from Fifth Street Extended, the visual impact of the slope could provide additional height, allowing for an increase in the number of affordable units. He said that regarding the structured parking, he would like to know if it would be located on both the lavender and aqua pieces, or would there be structured parking on all three.

Mr. Redinger said that it would be just on three and four. He said that the idea, if feasible and realistic, would be a podium-style build. He said that he was uncertain if the economics would support this, as it was not an urban site.

Mr. Bivins said that on block four, specifically the orange block, he was referring to the one in front of the block with the storage units for people's grandmother's belongings. He said that he believed block four was the one he was referring to. He asked what the commercial space would be on that block.

Mr. Redinger said that it would be 10,000 square feet of commercial space, with the option for residential.

Mr. Bivins said that he did not think that was enough. He said that in reality, 10,000 square feet was actually quite small. He said that to truly revitalize the area, he would recommend a larger minimum of 10,000 square feet. He asked if all of the parking would be structured or if some would be surface parking.

Mr. Redinger said that he did not think they would do structured parking on that corner piece of block three; it would be surface parking.

Mr. Bivins asked if they were looking for 240 residential units.

Mr. Redinger said that they were planning for 120 units.

Mr. Bivins said that if there were 120 units on one side and 120 units on the other, it brought the total number of potential residents to 240. He said that this was a number that might be able to support some type of service there. He said that he believed they would be selling short by estimating fewer than 10,000 square feet. He said that this was because they already had a substantial presence across the street with the County Office Building, housing a suite of professionals.

Mr. Bivins said that he was unsure about the status of Southwood, which was initially intended to include a commercial sector. He said that, however, it appeared that the apartments were being developed without any accompanying commercial space.

Mr. Barnes said that they had been discussing this with those guys, and he believed that the commercial aspect was always intended to be more internal to the site. He said that they had been focusing on the internal part of their site.

Mr. Bivins said that that answered his question.

Mr. Moore said that in relation to Mr. Bivins' questions, he had looked up the average size of a Trader Joe's store, which was approximately 10,000 square feet. He said that it was relatively small. He said that he was reminded of their previous discussion about the proposed development near Wawa on Route 29. He said that they had all agreed that it was a prime location, capable of handling the traffic, and had potential for dense development. He said that he encouraged that approach.

Mr. Moore said that he believed a quick influx of housing in this area would be beneficial. He said that they often discussed the suitability of this location for housing, and he thought it was a strong candidate. He said that it was already surrounded by dense housing, and he thought the number of units could be increased, depending on the costs. He said that he concurred that more than 10,000 square feet might be a reasonable target. He said that while it may not be a contentious issue for everyone, the presence of daytime office workers across the street meant there was potential for 350 units in the area to be a viable option. He said that he appreciated the applicant's recognition of the VDOT uncertainties created some difficulty with this project.

Mr. Missel said that with all due respect to his colleagues, he would not attempt to provide a specific number for commercial or non-residential use, as he believed that was not feasible. He said that the applicant was the one with the pro forma, and they needed to determine the market. He said that they had to balance inputs and outputs.

Mr. Missel said that what he would like to focus on was what constituted good planning. He said that to turn Mr. Redinger's question around, when they initially zoned this to a neighborhood model district, they had allocated 20,000 square feet to non-residential use in block two and 25,000 square feet in block three. He said that he wondered what their initial thoughts were on a reasonable amount of non-residential use, and why they chose those numbers at the time.

Mr. Redinger said that he believed they were originally limited by surface parking.

Mr. Missel asked if Mr. Redinger believed that based on the requirements for commercial or non-residential parking, they had sufficient square footage on the ground to accommodate that amount of non-residential parking.

Mr. Redinger said exactly. He said that when they returned to the site for the larger biotech building, they added the structure because it was necessary to create more usable square footage in the building.

Mr. Missel said that he understood. He said that when designing a neighborhood model district, he would like to know the applicant's strategy to understand compatible planning uses and how much they considered factors such as internal trip capture, walkability, and other neighborhood model principles. He said that these elements helped alleviate the burden on adjacent roads and contributed to a more livable community.

Mr. Redinger said that, from a design standpoint, nothing had really changed in terms of internal pathways, connections, park and green space. He said that they would still have to comply with all the existing plans. He said that he did not have the renderings in front of him, but they would still need to adhere to those prior plans.

Mr. Redinger said that this was simply a different use, and he agreed that they wanted to prioritize internal services and walkability, which was a nice amenity for everyone living there. He said that he believed it ultimately came down to a number, as he needed to put a figure in the plan that would be voted on at some point in the future. He said that to him, a ratio of 20,000 to 50,000 was problematic, as it suggested a back-to-office design.

Mr. Missel said that market studies played a crucial role in this process, allowing them to analyze their concentric rings of study and understand their captured audience and the influence on that. He said that without a walkable route to Fifth Street Station, it seemed logical to have more non-residential areas to support the units and the number of residents and businesses in that general area.

Mr. Missel said that he was unsure of the exact number, but he believed the challenge lay in designing for one market, only to have it change, requiring them to redesign for another market. He said that this was why neighborhood model districts were meant to be flexible. He said that he had concerns regarding the VDOT question. He said that the applicant had mentioned that the $250,000 was intended to offset the value of 0.08 acres, which was approximately 3,400 square feet.

Mr. Missel said that substantial justification was needed, in addition to the fact that the request had been made nearly a year ago and had yet to be paid. He said that it felt like a matter of owed compensation, given that the request had been triggered, and the payment was due at that time. He said that he would have difficulty with this, personally, as it seemed like they were essentially redoing the rules.

Mr. Redinger said that he was not a lawyer, but he was instructed that the proper way to petition the Board for the proffer change was to go through this process.

Mr. Bivins said that he concurred with Mr. Missel, as that was the essence of his question to Mr. McDermott regarding the County's commitment to funding its share, which would be based on a $500,000 anticipated payment from the applicant. He said that he assumed that they had received the necessary funding for that package. He said that now they were proposing a new arrangement with a $250,000 space gap that needed to be filled, which seemed counterintuitive.

Mr. Bivins said that it appeared that they were essentially asking the County to absorb half of what they initially committed to paying. He said that although it was not the Commission's role to handle the proffer, the Board of Supervisors was attentive to the Commission's concerns. He said that it

confused him that they previously had a deal which promised $500,000 from the applicant, and now that the deal had gone through, the applicant only wanted to offer $250,000. He said that it was an intriguing business model.

Ms. Firehock said that the shift towards a more residential mix would result in increased costs for the County. She said that they would need to provide funding for schools due to the children living in this development. She said that the County's desire for more commercial development was driven by tax revenue, as commercial properties tended to generate more tax income than residential ones. She said that the County Executive had stated in the budget meeting and town hall meeting last week that the County was overly reliant on residential real estate taxes and needed to diversify its revenue streams.

Mr. Missel asked if there were any additional questions for the applicant before they proceeded to open the floor to the public.

Ms. Firehock said that she had a comment to share. She said that while she may not be able to achieve the ideal balance of commercial and residential space, she did think it was a great idea to have commercial on the first floor and go dense on this site, given its proximity to town. She said that this would result in a very short commute for those commuting to town for work, and hopefully, better transportation options could be explored in the future.

Ms. Firehock said that perhaps a bike path could be established, making it a relatively short ride into town. She said that when considering building designs, she understood that this site may not be as dense as some other areas, but the Pearl District in Portland was a great example of wonderful apartment buildings with first-floor commercial spaces. She said that she had mentioned this before, and she thought it was something they could benefit from in their region.

Ms. Firehock said that she was not suggesting they become exactly like Portland, but she did think they could do something different here. She said that if they were getting a lot of residential development, they could potentially have a larger customer base to attract businesses, as there were not many walkable options nearby. She said that she sympathized with the biotech project not taking off; she was excited to see some innovative commercial spaces that were modern and forward-thinking. She said that given that these buildings would be more front facing, she thought it was an opportunity to be more innovative with the design and make it truly special.

Mr. Missel asked if any members of the public wished to speak on this item. Seeing none, he closed the public hearing.

Mr. Redinger requested a deferral to the next available date after the VDOT land dedication was finalized.

Mr. Herrick asked if there was a specific date for that meeting.

Mr. Barnes said that no, he did not have a specific date for that.

Mr. Herrick said that what that meant was that they would need to re-advertise, but they could certainly take the applicant's request into account. He said that however, they would not be able to identify a calendar date as of today. He said that he believed the applicant's request was satisfactory. He said that if the Commission would like to consider a deferral, it would be up to a Commissioner to make that motion for a deferral.

Ms. Firehock motioned that the Planning Commission accept the applicant's request for a deferral. Mr. Missel seconded the motion, which carried unanimously (7-0).

Mr. Barnes said that he was waiting to hear back from their VDOT Engineer regarding the date for that meeting. He said that at this time, the design-build process was ongoing, with the intersection at 240 and 250 in Crozet being one of the initial projects. He said that they were very close to completing the design, so they would be able to work with the applicant on this specific issue.

SP202400024 Spring Hill Farm

Rebecca Ragsdale, Planning Manager, said that she would be presenting this special use permit request, which was actually an amendment to a 1980 special use permit. She said that to provide context, she would give the Commission some general information about the location of the property and the vicinity of the request. She said that she would also review the history of this special use permit, which was a unique item in terms of its zoning history. She said that she had some slides that would go into more detail about the specifics of the request and what had changed since the original packet was issued. She said that in this case, staff had recommended denial.

Ms. Ragsdale said that the Commission may choose to approve, deny, or, at the request of the applicant, defer the decision. She said that the property, subject to the special use permit, was located west of town and just south of Ivy, one of their former villages in the comprehensive plan. She said that looking more closely at it, the property was generally situated between Grassmere Road to the north and Dick Woods Road to the right.

Ms. Ragsdale said that each slide would focus on the property between Grassmere and Dick Woods Road, and some of the lots were shown from prior plats associated with Spring Hill Village, including Loblolly and Spring Lane. She said that the history of the parcel began in 1981, when the SUPs were originally approved. She said that at that time, the ordinance allowed for the clustering of 21-acre lots, enabling the creation of multiple two-acre lots, as well as the availability of 21-acre lots for clustering.

Ms. Ragsdale said that however, not all of the lots that could have been clustered in 1981 were platted, and the residue was subject to a SUP. She said that therefore, they were amending the 1981 SUP. She said that prior history had been outlined, but those permits had expired. She said that as a result, they were revisiting the 1981 special use permit. She said that in between 1981 and today, there had been a special use permit that was reviewed in 2022, which approved a corner of that adjacent to Dick Woods Road for the development of two residential lots with conservation areas. She said that, however, they were limited to six lots of at least 21 acres in size, based on this history.

Ms. Ragsdale said that she would now go into more detail about the specifics of the proposal and the property subject to this 2024 request. She said that the property had Grassmere Road to the north, with several water resources, including Little Ivy Creek and Ivy Creek along Dick Woods Road. She said that the associated stream buffer and floodplain were shown in purple, and the critical slopes on the property were marked in orange. She said that the property was primarily forested. She said that at the end of Spring Lane, there were cleared areas and existing road beds that were noted by the applicant as being associated with prior activities on those parcels.

Ms. Ragsdale said that provided was the lot layout included in the packet, which showed the configuration of the six parcels, including the six tracks. She said that the tracks referred to the

parcels that would include the residential home sites, the building sites, and the driveway locations from multiple access points. She said that she would zoom in on a couple of parcels in a minute to show where those driveways were and some of the staff concerns with those.

Ms. Ragsdale said that the proposal included some conservation areas, which may be platted separately or included on lots. She said that in the original proposal, those conservation areas were separate tracks or lots. She said that they had provided an acreage breakdown. She said that one of the concerns staff had was the acreage in individually owned residential lots, which was 21 acres. She said that provided was the new proposal that had been emailed to them yesterday; the critical slopes were now highlighted in green.

Ms. Ragsdale said that the building sites remained the same, except for one shift to avoid critical slopes. She said that the prior plan and this plan also showed a hiking trail. She said that in the prior plan, that trail was proposed at 15 feet, now it was proposed at 6 feet, reducing the width of that impact in those areas. She said that the applicant had increased the conservation area on lots. She said that this was a concept plan, not a final plat, but staff still had concerns. She said that they had not been able to review it much further than that, and there were some elements that remained the same.

Ms. Ragsdale said that she would show them in a minute where the access points and driveways were. She said that the major change was the designation of additional conservation area, which, in her understanding, was that some of that conservation area would be on the residential tracks and some on what she understood to be the original conservation parcels. She said that again, it had not been subdivided. She said that staff's recommendation was that the conservation parcels be greater in size and less acreage on residential lots.

Ms. Ragsdale said that they had provided that breakdown for her as far as the increase in conservation areas, going from 78 to a combined total of 208. She said that when reviewing special use permits, they were analyzing the request and considering impacts to adjacent properties. She said that in this case, a community meeting had been held, and adjacent properties had been notified of the meeting. She said that they had received emails of support, with some general questions and generally support for the request in terms of larger residential lots. She said that one of the owners had noted that they appreciated knowing what was going to happen, as the parcel had been a large residue parcel for many years.

Ms. Ragsdale said that however, in terms of the rest of the special use permit criteria, she wanted to focus on the comprehensive plan and the character of the parcel in terms of the change from a larger forested block to one that would be bisected and fragmented to some extent for this residential development. She said that they were aware that, according to the comprehensive plan, the primary use for rural areas was agricultural and forestal uses. She said that therefore, she would like to bring up some concerns regarding consistency with this plan.

Ms. Ragsdale said that as previously mentioned, there were issues with residential tracks in conservation areas, including driveway locations and stream buffer zones. She said that while some of these concerns may have been addressed in the latest proposal, the amount of disturbance remained the same, and staff was concerned about the location of building sites, which affected the length of driveways and the number of access points. She said that they encouraged a single access point, and it was only approved through an agent waiver.

Ms. Ragsdale said that they believed this should be analyzed in conjunction with the special use permit request that had not yet been submitted. She said that to provide clarity on their concerns, she had included the location map again, with the proposed lot layout and inset slides to examine

the critical slopes and flagged areas more closely. She said that specifically, they were focusing on the corner of the parcel where lots 3, 4, 5, and 6 were located, which they had previously identified as areas of concern.

Ms. Ragsdale said that the slide highlighted the existing entrance points, including shared driveway locations, and the bold outlines indicated the location of the building sites, where they believed opportunities existed to improve their locations and address rural area conservation concerns. She said that the rural area setbacks were relatively minimal, with a 75-foot setback from Grassmere and 25-foot front, side, and rear setbacks. She said that they did not believe setbacks were driving this configuration, and they believed there was an opportunity to change that.

Ms. Ragsdale said that the applicants believed they would address the issues that had led to this configuration in their time. She said that moving on to the other corner of the property, where lots one and two were proposed off of existing Spring Hill Road, and the lower portion of lot three, they had identified opportunities to reduce access points and driveways. She said that the proposed building site locations and access points were highlighted in blue, indicating conservation areas on the lots.

Ms. Ragsdale said that they had provided the necessary details for the Commission's discussion, and staff was recommending denial based on the concerns they had regarding fragmentation and the lack of detail in the plan, even at the special use permit stage. She said that this project had several positive aspects, generally. She said that the applicant was continuing their approach to offering conservation areas. She said that they had previously discussed the special use permit conditions that related to conservation, and they had not received any strong objections from property owners.

Ms. Ragsdale said that additionally, the neighbors who attended the community meeting had provided positive feedback. She said that there were over 20 attendees, and she had data from the applicant and herself that the lot pattern and large residential well were not consistent with the comprehensive plan but were consistent with activity in that part of the County that they were familiar with.

Ms. Firehock said that there were 41 lots available, with 33 being used. She said that in 2022, two residential lots were used, leaving six lots remaining. She said that she recalled that there was a dispute in some emails with the applicant regarding whether the total number of used lots was one more than initially reported.

Ms. Ragsdale said that they had confirmed that it was six. She said that the applicant was also aware of this. She said that there had been some discussion about whether it was actually five or six, but they had determined it was six.

Ms. Firehock said that she was glad that he had pointed out the length of the driveways. She said that upon reviewing the submission from the weekend, she agreed that it was an improvement. She said that in terms of the fragmentation of the landscape, she thought it would be better if the houses were positioned closer together, without the long driveways that caused more fragmentation and disturbance. She said that by doing so, the development could be made lighter in footprint.

Mr. Carrazana said that he had a couple of questions. He said that based on his understanding, they were still reviewing the original submission that was currently in front of them.

Ms. Ragsdale said that that was reflected in their analysis in the staff report.

Mr. Carrazana said that both in the original and the revised versions, there was still encroachment on stream buffers, specifically due to driveways.

Ms. Ragsdale said that yes, there was one location where the existing access was within the stream buffer and critical slopes.

Mr. Murray said that this was a unique situation with a past. He asked if the lots had to be 21 acres in size, even if they were clustered.

Ms. Ragsdale said that that opportunity was no longer available to them under the current ordinance.

Mr. Murray said that that was unfortunate. He said that they should consider an alternative, and he hoped they could revisit that in their discussions on AC44.

Ms. Firehock said that she had a follow-up question regarding the cluster question. She said that she was unclear about this. She said that they had a cluster ordinance in place, and they also had a grandfathered ordinance that predated the state's updated cluster ordinance. She said that she understood from Scott Clark that they retained their original ordinance, which was in effect before the state's changes.

Mr. Herrick said that the Rural Preservation Development (RPD) ordinance remained in effect. He said that a Rural Preservation Development was not the proposal that the applicants had before the Commission tonight.

Ms. Firehock asked if the applicant did not take advantage of that opportunity.

Mr. Herrick said that that was correct. He said that there was an RPD ordinance in place, but the plan submitted by the applicants did not align with it.

Mr. Murray said that it was an option that they could have considered.

Mr. Herrick agreed that the applicants theoretically could have, though they would have to meet the specified criteria. He said that the applicants would first need to obtain an amendment to their prior special use permit, as the existing permit restricted further subdivision. He said that without this amendment, the applicants would not be able to proceed with further subdivision. He said that the applicants would also have to meet the criteria for the RPD development.

Ms. Firehock said that that would be a two-step process.

Mr. Bivins said that he was trying to understand the requirements. He asked if all lots and tracks must be a minimum of 21 acres.

Ms. Ragsdale said yes.

Mr. Bivins asked if they were not including track six, with 6.65 acres, in that requirement.

Ms. Ragsdale said that she believed that only conservation areas were allowed to be less than six acres.

Mr. Bivins said that they were only discussing five tracks for people to build houses on. He said that there were six tracks in total, numbered one through five, and three conservation areas. He said that track six had 6.65 acres, while track five had 20.5 acres.

Ms. Firehock said that the parcel acreage was 23.2, and the conservation area was 6.65 acres. She said that according to their proposal, they were required to conserve 6.65 acres.

Ms. Ragsdale said that she was hesitant to present a large number of figures, but she had them available in case they wanted to discuss these details further. She said that this was a conservation area on the tracks. She said that it was not reducing the lot size for the residential tracks; rather, it was designating specific areas on those tracks as conservation areas, which were not previously shown.

Mr. Bivins said that he would like to clarify a point from the plat they received with the staff report. He said that according to the report, track one originally had 50 acres, but now it also had 22 acres of conservation land and a conservation area. He said that he wanted to express his difficulty in dealing with the two plats that were received recently. He said that he was finding it challenging to make a decision based on the two different versions of the plats.

Mr. Bivins said that one was completed at the beginning of the process, and it seemed reasonable. He said that the new version had different language, which may be fine, but he would prefer if staff could conduct an analysis using the new information and present them with a revised document that felt comprehensive. He said that without this, he was not feeling adequately informed to make an informed decision, and he was concerned that this was becoming unnecessarily complicated.

Mr. Moore said that he thought he understood the concept, but he was still grappling with the details. He said that it was taking some time for him to process the new information presented on the small-printed map. He said that he believed he had a grasp of the situation. He said that one reason for this seemed to be the pushback against the original proposal, with concerns about the need for more conservation and land. He said that as a result, they came up with a revised plan that prioritized conservation. He said that he was open to further clarification and would listen to the presentation.

Mr. Missel asked for clarification regarding the statement that the maximum disturbance would be two acres.

Ms. Ragsdale said that staff provided for their reference the history of when the special use permit was approved, particularly the more recent ones. She said that these permits had included a set of conditions aimed at minimizing disturbance on the residential tracks. She said that these conditions had been included on the prior special use permit, which served as a reference point. She said that she believed they had discussed this and the applicant had indicated that they would be willing to accept these conditions again.

Mr. Missel said that he noticed that point in the staff report, and he also saw it in a comment from the homeowners association. He said that he was curious about the feasibility of that option. He said that although they did not know for certain without measuring the distance, he thought it was worth discussing.

Ms. Firehock said that she believed the driveway would make it over two acres.

Mr. Bivins said that as they reviewed the revised attachment with the conservation area summary, he was wondering if they were to understand that if this proposal moved forward, the conservation areas would be subject to a covenant on the land, meaning they would be tied to the property and would transfer with the land. He said that he noticed a potential loophole in the applicant's email, which mentioned a benefit to this arrangement if the new owners chose to retain the conservation easement.

Mr. Bivins said that if that was the case, then this provision would not be relevant. He said that the key point was that the owner would have the ability to decide whether to keep the conservation easement, regardless of the tax implications. He said that in essence, his question was whether the conservation area was a fixed component of the property, or if it was simply at the discretion of any potential buyer.

Ms. Ragsdale said that they would expect special use permit conditions that run with the land and be incorporated into the development review process, including subdivision and building permits.

Mr. Bivins said that the conservation easement would be attached to the SUP.

Ms. Ragsdale said yes, and they were seeking two key things with this project. She said that they aimed to have as much area as possible in one owner, rather than being subject to individual future residents down the road. She said that although they could not control who owned the property, they could utilize the preservation track to maximize their goals.

Ms. Ragsdale said that however, due to the 21-acre lot size requirement, they needed to implement additional layers of regulation to achieve their objectives. She said that this was where the special use permit conditions came in, which were not optional. She said that these conditions would be included on the plats and would provide clear information on the required submissions, including restrictions, when building permits were applied for.

Mr. Herrick said that he would like to add to Mr. Bivins' previous point. He said that page seven of the staff report contained suggested conditions for approval. He said that one of these conditions, noted on page seven of the staff report, was condition 1B, which required that the development be in general accord with the applicant's submission, including the location of conservation areas. He said that this condition would serve as the mechanism by which staff in the future would enforce the location and size of the conservation easement if the commission recommended approval with these conditions.

Mr. Bivins thanked Mr. Herrick for the clarification. He said that the phrasing in the applicant's email suggested that a new owner might decide not to have the conservation easement.

Mr. Herrick said that that would not be an option if the Commission approved this proposal with the proposed condition.

Mr. Bivins said that he wanted that to be very clear because he simply did not want to leave any room for misinterpretation.

Mr. Herrick said that if a future owner were to decide not to honor those conservation easements, it would be a zoning violation.

Mr. Murray said that as a clarification, these would not be conservation easements; they were not dedicated as easements.

Mr. Herrick said that he may have misspoken when he referred to them as conservation easements. He clarified that they were conservation areas. He agreed that they did not appear to be conservation easements.

Mr. Murray said that it was true in other localities in Virginia that there may be requirements that open space be dedicated as an easement.

Mr. Herrick said that conservation easements were not typically a land use condition.

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

Ethan Miller said that he had presented this project before the Commission two years ago. He said that he would like to provide a brief overview and address some of the questions raised by the commission. He said that there was some misunderstanding, which he hoped to clear up. He said that to start, his wife and he had acquired this property in 1993, 32 years ago, from his wife's grandmother, who had owned the farm. He said that when they acquired the property, there were existing approvals for SP81-181-55. He said that the property included 33 existing lots and 442 acres of residue, mostly forest.

Mr. Miller said that the staff presentation included an aerial photograph that showed the majority of the land was forest, and it still was today. He said that the forest was primarily composed of hardwoods, including oak and tulip poplar, with some sections of loblolly pine that had been decimated by a pine beetle infestation about 25 years ago and required clear-cutting. He said that while some of the loblolly pine had regrown, it was still relatively young compared to the mature hardwoods.

Mr. Miller said that the good news was that his wife and he agreed with staff that there were six additional lots that could be developed. He said that the question was, what to do with that? He said that they had a restriction with the Zoning Ordinance that encouraged a minimum density of 21 acres, which could be used for forestry, agriculture, or residential purposes.

Mr. Miller said that he took exception to the notion that they were doing residential development; this was exactly what the ordinance allowed for in rural areas. He said that it provided for large lots that could be used for forestry or agriculture, as well as residential use by the owner. He said that this was not residential development out of character with the rural area; the ordinance was asking for these types of large lots. He said that their proposal restricted residential clearing to two acres, similar to the SP2022-30 proposal that had been approved in 2023.

Mr. Miller said that this would preserve the majority of the property for forest or agricultural use, while allowing for some residential development on the southern two lots, with only four acres of those lots able to be cleared for residential purposes. He said that there had been a misunderstanding about the distinction between a conservation area and forest or agricultural use. He said that the ordinance did not require conservation, but rather encouraged forestal and agricultural use in rural areas.

Mr. Miller said that this project fell under that category. He said that if only two acres of each lot could be cleared for residential purposes, what would happen to the remaining land? He said that it would either be forest or agricultural use. He said that they were dealing with the issue of land use taxation, which was a significant incentive for property owners to maintain their land in either agricultural or forestry use. He said that it was not a requirement, and he did not think they could compel owners to do so.

He said that he did not think that abandoning it was a workable solution. He said that in any case, when they examined this project, they had 342 acres of property, and only 12 acres could be cleared for residential purposes. He said that this left 96% of the property, 330 acres, which would remain in agricultural and forestry use. He said that it appeared that the ordinance would favor this approach. If this were a by-right development, without a special permit, they would not have the ability to restrict the number of acres cleared for residential purposes.

Mr. Miller said that however, because it was a special use permit process initiated in 1981, the Planning Commission had the authority to impose additional restrictions. He said that he and his wife were comfortable with that. He said that they wanted this property to be conserved. He said that his wife, Diane, was a dedicated conservationist, not only in Albemarle County but also globally. She said that she had worked tirelessly to conserve rainforests in South America and Asia. He said that the question was, what would happen to this property if they did not divide it?

Mr. Miller said that it was 342 acres, and it did not have to be in forest use. He said that if it was not kept in forestal use, it would have a very uncertain future. He said that residents had expressed concerns about this issue for 40 years. He said that originally, in 1981, when the first two special use permits were approved, his wife's grandmother had proposed future development, including creation of a right of way for an additional roadway on Spring Lane and a temporary cul-de-sac on Loblolly Lane.

Mr. Miller said that, however, the first Spring Hill phase one lot sold quickly, and the phase two lots were subject to market conditions, which did not lead to further development. He said that his wife's grandmother passed away in 1991, and the property remained in her estate for a period of time. He said that eventually, Diane and he acquired the property, largely due to its inactivity for 30 years.

Mr. Miller said that as they stood there today, they believed that having 97% of the property remain in agricultural and forestry use was a good outcome. He said that however, the timing of changes had been somewhat fluid. He said that until they received the staff report last Tuesday, they had not received direct written confirmation from the staff that they did not have sufficient conservation areas.

Mr. Miller said that in response, they agreed to add some conservation areas, but they were unsure what constituted a conservation area. He said that they could discuss the legalities of how to implement this, and they considered having a condition that would allow for zoning enforcement if changes were made. He said that alternatively, they could have had a perpetual restriction, similar to a covenant restriction, which would benefit the other lot owners. He said that it was not intended that the owners could opt out of conservation, but rather that they would not necessarily maintain the property in forest use. He said that they may choose to abandon it or use it for cultural purposes.

Mr. Miller said that in terms of the roads, their goal had been to minimize disturbance by using existing logging roads. He said that they had not created new long driveways but rather utilized the existing infrastructure. He said that the question remained, what if the property remained intact, or if it was divided, what would the driveways be? He said that regardless of the outcome, logging roads would still be necessary, whether the property was used for forest or agricultural purposes. He said that if residents wished to maintain forest on their property, trucks would still need to access the land to cut trees. He said that they could discuss the specifics further.

Mr. Miller said that in his opinion, this was a good project, and he hoped the Planning Commission would review it and acknowledge the certainty issue. He said that the property was 342 acres,

located four miles from town, and the current political climate was not conducive to further division. He said that however, as the political climate could change, it was essential to consider the potential for future developments. He said that 10 years from now, 20 years from now, when the rest of them were no longer there, a Board of Supervisors may decide that this property was ideal for rezone and development, turning it into a village or village residential area with additional lots.

Mr. Miller said that the area's residents would undoubtedly want certainty in this matter. He said that this was the only outcome that would occur for the property. He said that they were comfortable with that. He said that they hoped the Commission could see this and approve their project. He said that they were happy to listen to the Commission's concerns today and were willing to work with them to address any reasonable requests.

Mr. Missel asked if there were any questions from the Commission for the applicant.

Ms. Firehock said that she understood Mr. Miller's comments about working with the logging roads. She said that she had worked with forestry agencies across the south. She said that, however, she would still suggest and hope that the residences be moved closer to the entrance of the property. She said that a rural logging road was significantly different from a driveway driven daily by residents, in terms of the amount of disturbance it caused. She said that if the land was not logged, the driveway would eventually fill in and close, whereas logging was typically done for shorter periods, such as six weeks, followed by extended periods of inactivity. She said that this meant that logging was not a daily activity, but rather an intermittent one.

Ms. Firehock said that she acknowledged his point that they did not know if landowners would choose forestry or agriculture, but in terms of habitat fragmentation, she believed it would be better for the environment if these houses were moved closer to the entrance. She said that upon reviewing the topography, it appeared that the driveways could be relocated, potentially reducing the distance from the entrance and minimizing the disturbance to the surrounding area.

Mr. Miller said that he understood the point being made; however, typically, people who were building these houses wanted to locate them in prime building spots. He said that to examine lot two as an example, there was already a residence there, a summer house that served as the original farm, which had burned down some years ago. He said that the chimney remained, and it was a beautiful spot with a great view of the mountains.

Mr. Miller said that to say to those individuals that they could have 75 acres, but they wanted to be situated at the cul-de-sac, eliminating their view, was counterintuitive. He said that given the existing property with a former house and a stunning view, it was challenging for them in terms of marketability. He said that he would be substantially impairing the economics of the project.

Mr. Miller said that similarly, lots three and four offered a beautiful view of the Blue Ridge to the west. He said that to suggest to them that they build their house 100 feet from Grassmere Road, down from the existing location, would result in no view, and when approaching the hill, they would have a gorgeous view of the sunset. He said that this was in line with the purpose of the roads.

Mr. Miller said that staff had mentioned that the waiver of the single point of access was a concern, particularly with lot four. He said that if they had a single point of access at Ivy Depot Road, the distance from Ivy Depot Road to the house side on lot four was considerable, compared to accessing it via Grassmere Road, which would require approximately 200 or 300 feet from Grassmere Road, rather than requiring a driveway and entrance all the way at Ivy Depot Road to serve those lots. He said that in any case, he understood the point, and they were willing to work

on the issue of driveways. He said that before the Planning Commission and Board, they were at a conceptual stage, and these were details.

Mr. Miller said that a conceptual plan was essentially asking, could they have six more lots, what they would look like, should they all be 21 acres, with a 120-acre or 200-acre conservation area. He said that if they had a rural preservation track. He said that this was the key point of disagreement with staff, who was concerned about who would take care of it into perpetuity.

Mr. Miller said that the good news about having lots like this with this configuration was that they were the best stewards of these forests and properties. He said that the people who lived there were the most likely to take care of them. He said that if they reduced the size of the lots to 21 acres and created a 200-acre rural preservation tract, it was unclear who would be responsible for its maintenance. He said that where the money would come from to care for it was a concern.

Mr. Miller said that it could be the lot owners themselves, but the owners of the other lots would have no control over it. He said that in their experience, this had been a problem. He said that for example, his mother-in-law had a rural preservation tract at Far Hills, where they had issues with nobody taking care of it. He said that as the generations passed, it became increasingly difficult to ensure that the land was being properly maintained. He said that the truth was, there was often nobody to take care of these tracts. He said that therefore, the best stewards were the owners of the houses.

Ms. Firehock said that if it were a conservation subdivision, the typical approach would be for all the owners to contribute to a common fund that would cover the cost of maintaining the residual conservation zone. She said that this was a common and well-documented practice. She said that she understood the market's desire for a beautiful view, but she had also worked with landowners in this County and others who had prioritized conservation.

Ms. Firehock said that the key consideration here was that if landowners were primarily concerned about preserving the quality and health of the landscape, they could voluntarily implement conservation measures on their own properties, which would include moving their homes closer to the road. She said that this aligned with the County's policy, which had been promoted by Scott Clark, their Conservation Planner.

Ms. Firehock said that it was not something that would be developed anyway; Mr. Miller was requesting to develop a rural and agricultural area and then add residential. She said that the Commission’s role was to assess whether this approach was reasonable and consider the development patterns around the area. She said that there were larger lots with more conservation, and she believed they could minimize the footprint and disturbance. She said that she would like to leave this as a point of consideration until they had more public input and could deliberate further on the matter. She said that she would like to find a way for this proposal to meet Mr. Miller’s goals for the market while also disturbing the least amount of land and conserving as much as possible.

Mr. Miller said that the issue of disturbing the land was one that may be challenging to visualize. He said that they currently had mature forest with minimal undergrowth, and the logging roads were already there, as they had been 50 years ago.

Ms. Firehock said that she understood the point, but those roads could overgrow and fragment over time. She said that if the applicant wished, she could provide him with references to articles on the impacts of logging roads and residential driveways, but that was not necessary for tonight's discussion.

Mr. Miller said that the reason the roads did not overgrow was due to the tree canopy. He said that there was no undergrowth, which meant they would not overgrow unless the trees were cut down, and then they would.

Mr. Clayborne said that he appreciated the insights provided. He said that he was curious if they could elaborate on any outstanding staff concerns. He said that unfortunately, he did not have the opportunity to review the new plan prior to their public hearing, so he was learning about it.

Mr. Miller said that the staff concerns mentioned in the staff report were that they wanted additional conservation areas, so they responded by adding 170 acres for conservation purposes. He said that in essence, this meant that no structures could be built, and these areas would be subject to restrictive covenants. He said that in terms of whether they would be conservation easements or zoning, he did not know how the County wanted to set it up.

Mr. Miller said that furthermore, Virginia Outdoor Foundation may not be interested in these easements. He said that an easement in gross, which was not attached to real estate, would not run with the land. He said that the question remained, regardless, whether the County Attorney viewed it as a zoning restriction, which seemed to be the most accurate interpretation. He said that legally, this could be structured as a zoning restriction, and a violation would be considered a zoning infraction.

Mr. Herrick said that a zoning restriction was possible, and that was indeed one alternative, which he believed was being proposed tonight.

Mr. Clayborne asked about the other concerns raised by staff.

Mr. Miller said that another concern he had pertained to the size of these lots. He said that specifically, they had a 75-acre lot. He said that the staff's preference, as he believed they had heard tonight, was that all the lots would be approximately 21 acres, with the remaining 200 acres designated as a conservation area.

Mr. Miller said that he did not have any issues with conserving this land, as they were only clearing 12 acres out of 342 acres for residential purposes. He said that the land would remain in forest and agricultural use. He said that the question was, who would own this 200-acre conservation area and be responsible for its maintenance?

Mr. Miller said that in his view, the best stewards were those who owned the property. He said that for instance, if he were to purchase that land and build a million-dollar house there, he would be very invested in its upkeep. He said that he would be concerned about potential issues such as hunting, poaching, or land maintenance.

Mr. Miller said that on the other hand if the community, adjacent property owners, or whoever owned the land, they may not be as diligent in their stewardship. He said that he had seen this in his own experiences. He said that homeowners associations could be particularly challenging, especially when it came to paying for maintenance.

Mr. Miller said that he would like to hear from the phase one owners, who were here tonight, about their potential interest in taking care of a 200-acre conservation area. He said that he recalled that Jim Foster, the head of the Homeowners Association, had expressed interest in receiving the land, but only if they did not include a hiking trail in the proposal. He said that they would not want to pay for its maintenance.

Mr. Murray said that for clarity, the County could receive easement donations.

Mr. Miller said that as the applicant he was willing to make these conservation easements and transfer them to the County. He said that it would certainly be a good solution.

Mr. Murray said that it that was something that could be done. He said that in several instances throughout the document, the applicant referred to the property still qualifying for land use valuation as if it were an amenity He said that he had a concern regarding that issue. He said that one of the problems he had was that they paid a penalty to the City of Charlottesville for every property and land use valuation. He said that they incurred significant financial losses for these properties. He said that in his opinion, if it were up to him, he would prefer to have 12 houses on two acres rather than the six houses they currently had in this area.

Mr. Missel asked if Mr. Murray was referring to the local composite index.

Mr. Murray said yes. He said that what he was trying to say was that he was looking at the 21 acres lot size. He said that he grew up just down the road from Morgantown Road. He said that as a result, he was very familiar with the area. He said that across the tracks from this site, there was a historic Black community where, growing up, many residents lacked access to basic amenities like running water and functioning septic systems.

Mr. Murray said that this situation was a very “across-the-tracks” situation, where these large lots were home to affluent residents, and these homes would never be affordable. He said that to him, it was a concerning issue. He said that he would like to explore the possibility of a rural preservation development, where smaller lots were available. He said that at the very least, making these lots as small as possible would be a step in the right direction. He asked Mr. Herrick if there was a bonus density for rural preservation.

Mr. Herrick said that he did not believe so. He said that the RPD ordinance was set up to allow preservation tracts and a specific number of lots per preservation tract. He said that he did not believe there was a bonus, but he could look into that further while the discussion continued. He said that he would like to note that the Albemarle Conservation Easement Authority was the holder of conservation easements, not the County itself. He said that, however, the ACEA was a County-affiliated entity that held conservation easements, which aligned with Mr. Murray’s point.

Mr. Murray said that staff also mentioned that there was an area where the driveway was crossing over the stream. He asked if the applicant could elaborate on that issue.

Mr. Miller said that the driveway does not cross the stream itself, but rather the stream buffer. He said that this has been the case since the logging road was established. He said that it was not a stream crossing, but a stream buffer crossing. He said that in their previous resubmission, they mentioned that if the lots were to enter from Grassmere Road, there would be no stream crossings.

Mr. Miller said that however, if they were to enter from the Ivy Depot entrance, a stream crossing would be necessary to access the property. He said that they had considered the revised proposal with three lots entering from Grassmere Road, which would not require any stream crossings; the crossing would be located in the stream buffer, near the driveway to lot number three. He said that he was interested in their perspective on the property's history.

Mr. Miller said that although he did not have extensive knowledge of the property prior to 1984, he was aware that there was once a large plantation house from the 1830s. He said that the workers, likely slaves, lived in small houses nearby. He said that even after the Civil War, they continued to reside in these small houses. He said that this was a significant part of rural Virginia's history. He said that while he was from Pennsylvania, he was somewhat familiar with the state's rural history. He said that however, upon reviewing the Ivy area and the original plat, he saw that the area had undergone significant development.

Mr. Miller said that in 50 years, the Ivy farms had given way to a more urbanized landscape. He said that in 1981, the plan was to establish a village residential area, which was ultimately abandoned. He said that today, this was the largest parcel of land in the area, and the question remained about what to do with it. He said that he believed this proposal was reasonable. He said that they were constrained by an ordinance that limited the size of lots to 21 acres. He said that their comprehensive plan encouraged forestal and agricultural use, which aligned with their plan.

Mr. Miller said that they had limited the clearing to 12 acres, allowing for agricultural and forestal use. He said that despite their efforts to comply with the ordinance and comprehensive plan, there was still concern that they had not gone far enough. He said he understood Mr. Murray’s point; if they asked the owner or prospective purchaser of these lots whether they cared if it was 35 acres, they probably would rather have four acres, but the ordinance did not permit that. He said that if they could somehow manage to acquire the remaining land and put it into conservation, that would be acceptable to them.

Mr. Murray said that 21-acre lots could be a viable option.

Mr. Miller said that it could be 21 acres, as they had mentioned earlier. He said that if that was the case, then they had been discussing this with staff for approximately four months, and it seemed they had been going around in circles. He said that his view was to hear the Commission's perspective and concerns and then revisit the issue.

Mr. Miller said that if the Commission expressed a consensus to reduce the lots to 21 acres, they were willing to consider it. He said that in that scenario, they would create a large conservation area and work to determine its future use. He said that he did not think it was perfect, but if it satisfied the Commission, they were willing to collaborate on it. He said that what was most important was the Commission's perspective, as they were the ones making the decision, and the staff was specifically interpreting the ordinance.

Mr. Herrick said that to address Commissioner Murray's earlier question, there is a bonus density provision for environmental standards, which requires a certain percentage of wooded land. However, he said that this provision did not apply to Rural Areas zoned properties; it applied only to development area properties.

Mr. Murray said that he appreciated that clarification.

Mr. Miller said that perhaps that would constitute a rezoning, but that was a discussion for another day.

Ms. Firehock asked Mr. Herrick to repeat his comment.

Mr. Herrick said that the bonus density provision did not apply to the Rural Areas zoning district. He said that it applied to development area zoning districts, such as R1, R2, and other districts,

where certain amounts of wooded land were required. He said that there was a bonus density incentive for leaving properties wooded, but it did not apply to Rural Areas zoned properties.

Ms. Firehock said that that was ridiculous.

Mr. Bivins said that on track two, which had a surface area of approximately 74 acres, on the revised piece included a portion of the 40 acres, which he intended to set aside for conservation. He asked, if he were to offer Mr. Miller a million dollars to purchase track two, what would be the nature of the property he would be acquiring? He asked what he would be able to do with the rest of the property.

Mr. Miller said that the remaining portion of the property was currently in forest and agricultural use, as owned by the current owners. He said that he and his wife were the current owners, and upon transferring the property to a new owner, there was no requirement that the new owner continue the property in land use taxation; that was a separate issue.

Mr. Bivins asked about the conservation area.

Mr. Miller said that on the conservation area, they would not be able to build any structures.

Mr. Bivins said that if he recalled correctly, he had mentioned that he would include a restriction in the deed, which would be a covenant. He said that he understood that. He said that now, he would like to revisit the idea of 21 acres. He said that he had some reservations about that. He said that he would like Mr. Miller to reiterate his reasoning for preferring 71 acres, with some set aside for a conservation area, versus 21 acres and then having a separate conservation area.

Mr. Miller said that if they should restrict the lot to 21 acres, and the remaining 74 acres would be in a conservation area. He said that they would apply the same approach to each lot. He said that once they configured the lot lines, the question arose as to what happened to the area in conservation, specifically who would be responsible and what the responsibilities would be. He said that according to the comprehensive plan, they aimed to conserve forest and agriculture in these areas. He said that this raised an intellectual question: what did it truly mean to conserve forest and agriculture in a rural area, especially when it was close to a densely developed area?

Mr. Miller said that for instance, if a property was donated to the Nature Conservancy, as he had observed in Middlesex County, there still may be uncertainty after the initial donation. He was surprised to learn that the Nature Conservancy had clear-cut the loblolly pines on that property, despite their stated goal of preserving the forest. He said that the plan did not guarantee that the property would remain in its original state.

Mr. Miller said that in fact, it may be clear-cut and regrown over time, as was the case with the pine beetle infestation. He said that this raised questions about the true effects of conservation efforts and the true meaning behind the Albemarle County Comprehensive Plan's goals. He asked what it meant when the rural area was very close to a densely developed area.

Kirk Hughes said that he had drawn the plat and had surveyed the property since 1984. He said that he had personally walked on and surveyed most of the roads that Mr. Miller had been discussing. He said that the proposed project would involve six new driveways, for the most part, built on existing roadbeds. He said that these would be graveled in some cases and asphalted in others. He said that erosion and sediment control features would be installed if required, and best management practices would be implemented to control any additional runoff.

Mr. Hughes said that he estimated that approximately 1.6 acres would be disturbed for the construction of the driveway. He said that this concept, as discussed today, seemed to focus primarily on the size of the lot and the length of the driveway. He said that most of these driveways would be built, and houses would be constructed in the community, with the exception of those on Loblolly Lane and Spring Lane would never see those homes until they cut the forest down. He said that they were not proposing that.

Mr. Hughes said that they were proposing to save this area, put it into a conservation area to protect it, and also encourage people to manage the property themselves. He said that the 21-acre parcel had been in existence since the Rural Area Zoning Ordinance was implemented. He said that he recalled attending Board of Supervisors and Commission meetings, listening to the concept of how this would work. He said that he recommended that you take a look. He said that the 1979 tax map, which was used to create this, provided valuable insight.

Mr. Hughes said that the idea was to protect the property, and the ordinance included a rule of care. He said that the ordinance also required that if a road was built, it must meet VDOT standards for three lots. He said that two lots could be built without standard, but once there were reached, larger roads had to be built. He said that in most cases, these driveways were not built; rather, they built houses with 250-foot road frontage and two- or three-acre lots.

Mr. Hughes said that the character that everyone was discussing was the Sunday afternoon drive through the countryside, after church or dinner, and look at how beautiful Albemarle County was. He said that if they were to follow that rule of character, they would see a different landscape. He said that thousands of homes had been built in these rural areas on the roads. He said that if the County had allowed driveways to be put in and residences to be put back farther, all they would have seen would be the driveways. He said that his heart was not in 21 acres; he believed bigger was better.

Mr. Moore said that he wanted to confirm a few points. He said that he was reviewing the two different special use permits that had been in effect, including the one from 1981 and 1984. He said that the original permit had 41 division rights, but only 33 were utilized, leaving some available. He said that before it was reinstated in 2022, there were still some rights available. He said that as part of their agreement with the County, they were allowed to expand to 41 units in this area. He said that at that time, there was a village with village housing. He said that he wanted to hear more about the forestry practices they had been implementing on the property over the past few decades.

Mr. Miller said that there were two different portions of the property, one with hardwoods, primarily tulip poplar, and the other with loblolly pine. He said that the loblolly pine was fully mature, so it was harvested and replanted. He said that in contrast, the tulip poplar was also fully mature, and they had been selectively removing it. He said that to his knowledge, they had not removed any mature oak trees, as they were known to be longer-lived. He said that however, the area with the tulip poplar was particularly interesting, and he had gained a significant understanding of forest ecology through this process.

Mr. Miller said that he wanted to point out the tulip poplars seemed to kill everything else in their vicinity. He said that it was fascinating to observe the towering tulip poplars, with their understory devoid of life, while the pine trees and other vegetation struggled to survive. He said that his son, an environmentalist and farmer, had explained to him that oak trees possessed a natural protection, releasing chemicals into the soil that poisoned other trees that tried to grow near them.

Mr. Miller said that however, tulip poplars required harvesting, but even if done incorrectly, the results could be devastating. He said that he had had the misfortune of hiring a commercial forester, who, unfortunately, showed no mercy, using large hydraulic saws to clear everything in sight. He said that in contrast, the owner of this property was willing to selectively clear a few trees, it could be much less disturbing.

Mr. Miller said that currently, he was selectively clearing the tulip poplar and his son was milling the boards to build a horse barn. He said that they were taking a more measured approach, leaving the nicer trees intact and selectively removing the tulip poplars. He said that while it had been a slow process, they were doing it to preserve the natural beauty of the area. He said that however, he was unsure about the commercial viability of this approach.

Mr. Miller said that compared to selling the land as residential home lots in Albemarle County, where properties could sell for $1.5 million, he believed that commercial forestry was not a viable option in this heavily developed area. He said that he had dealt with International Paper, a large paper company with two million acres of pine trees in the south, which were harvested for paper production.

Mr. Miller said that his wife had also worked with old-growth forests in the northwest, where clear-cutting had occurred, and the forests would regrow in 150 years. He said that unfortunately, the history of the southeast was that the old-growth forests had largely been timbered, and they no longer existed. He said that most of the forest land in the southeast was now in small tracts, owned by private individuals.

Diane Miller said that she had run a foundation for over 40 years, with climate change as their primary agenda and numerous initiatives. She said that in forestry, she had spent about 15 years investing in old-growth forests in Oregon and Washington state. She said that unfortunately, this led to the issue shifting north, and the market responding to pressure in British Columbia, where the same salmon runs and fisheries existed. She said that in the southeast, she then focused on this region, given its proximity to her base of operations. She said that the predominant land configuration in the Appalachians was 100-acre tracts, mostly privately owned.

Ms. Miller had also worked with Mesa on carbon offsets, attempting to mitigate their environmental impact. She said that however, it was a one-by-one process, and it was not comparable to addressing larger issues on federal forest lands. She said that additionally, she had recently become a Virginia Master Naturalist and had learned about the changes in the region's forest composition.

Ms. Miller said that chestnut forests, once prevalent, had largely disappeared, replaced by fast-growing but weak tulip poplar trees that pushed out understory vegetation. She said that this land was not commercially viable, and she would like to hear from their neighbors, who could provide valuable insights on who would effectively manage this land. She said that she had seen firsthand the challenges of rural preservation tracts, which were designed to preserve open spaces in subdivisions. She said that it was a complex issue, and she was grateful that they had been able to sell the last one without sacrificing buildable land.

Mr. Moore asked if this property had been in land use taxation. He said that to clarify, when a home was built on a home site, which was not considered part of land use value taxation, it was taxed at the regular rate. He said that if a new property owner chose to put that land in land use value taxation, they could potentially receive a significant discount.

Mr. Miller said that he was in favor of the land use taxation program when considering the overall landscape. He said that he was curious about the viability of this property if it were not subject to land use taxation. He said that if the property were not generating income for 50 years, it would be impossible to maintain a forest and pay $50,000 in real estate taxes annually, based on its valued worth.

Mr. Missel asked if any members of the public wished to speak on this item.

Patrick Dorsey said that he wanted to address what the new owners would do. He said that his wife and he were from Ohio, and they had relocated to Sarasota, Florida, ten years ago. He said that he was concerned about the previous presentation, which had raised some red flags for him. He said that they had moved to Siesta Key, a quiet beach town that was only open for three months a year. He said that however, ten years later, it had grown by 25%, and it had become a miserable place to live.

Mr. Dorsey said that yes, it was sunny, but the traffic was terrible, taking 40 minutes to travel just 12 miles. He said that when he thought about the questions that were raised or what a new owner might do, he was reminded of his own experiences. He said that he had driven here multiple times to look for a property, but every time, he almost drove off the road due to the mountains. He said that the scenery was breathtaking, and he felt spoiled. He said that he disagreed with the comment that the current layout was ideal. He said that he agreed with Mr. Hughes that people did not realize what they had here.

Mr. Dorsey said that building houses right next to the road seemed counterintuitive, especially with the mountains present. He said that it was beautiful, and people who lived there were accustomed to it; it was like those who were used to the ocean. He said that he had bought lot two, and he had driven up to it immediately. He had said he wanted it, and he had called the realtor. He said that he had wanted this property, which overlooked a pond. He said that he would not cut down any trees or mow the grass there. He said that it was so peaceful, and one could literally hear their heart beat. He said that the stars were supremely visible, and it was a serene atmosphere.

Mr. Dorsey said that it was the vibe of the neighborhood and the surrounding area, where he had met the other Patrick Dorsey. He said that their intention was to get track one. He said that the driveway they were talking about ran through a pasture. He said that they had previously lived in the country in Ohio, so they understood the conservation aspect. He said that their intention was to build a house there, live peacefully with their neighbors, and respect the conservation efforts.

Mr. Dorsey said that he understood the importance of preserving the natural environment, and that was their goal. He said that they planned to do forestry as needed, but conservation was their focus. He said that he believed that was the intention of everyone in the neighborhood. He said that if they disrupted the natural balance, the community would certainly not tolerate it. He said that he drove through the area every day, and his wife and he had bought a house there. He said that their intention was to build on that lot.

Patrick Dorsey said that he lived on Plantation Court, located in the upper left section of the map. He said that he wanted to express his gratitude to County staff for the thoroughness displayed in this presentation. He said that he appreciated the care taken to address their concerns. He said that they had submitted a letter, and he encouraged the Commission to review it. He said that in the time he had available, he would like to focus on two key concerns that emerged during the comments. He said that first was the location of the access points. He said that if the goal was to minimize disturbance, building a mile-and-a-half-long road through the forest, shaped like a half-

moon, would not be ideal. He said that on the other hand, if they allowed for constructing driveways on existing roadbeds, it would offer several benefits: a more permeable surface, less roadway overall, and the ability for wildlife to circumvent the areas.

Mr. Dorsey said that from a neighbor's perspective, the consensus was that they would prefer the passage to be allocated in smaller areas, such as those on Spring Lane, Loblolly, and Grassmere. He said that this approach would preserve the natural beauty of the area, while still providing the necessary access. He said that he believed this was a common-sense solution that would achieve the desired benefits without the drawbacks. He said that he understood that there may be procedural requirements to implement this arrangement, and he thought Mr. Miller would be understanding of those.

Mr. Dorsey said that his second concern was consistency with the rural area designation. He said that this was a special place, and they knew that. He said that if they considered subdividing properties of 21 to 70 acres, interspersed among smaller lots of two to five, the answer was yes, and they were already doing it. He said that one example was Spring Hill Farm, which had been a farm since the 1800s. He said that it was a unique combination of large estate-sized residential and smaller lots. He said that he encouraged the Commission to be pragmatic and not let perfection be the enemy of the good.

Mr. Dorsey said that what you had right now was an opportunity to cement the current use of the property for generations to come. He said that the presentation highlighted the pitfalls of seeking perfection in a way that was not commercially viable. He said that he encouraged the Commission to accept this as an 85% solution that aligned with the values expressed by many of them. He said that he would be happy to answer any questions they may have. He said that he represented 17 of his neighbors, and he was willing to share their views if they were interested.

John Hedges said that he was there with his wife, the owner of the original Spring Hill Farm located at 420 Spring Hill Farm. He said that their property boundary was arguably the most affected by this project, as they shared the longest contiguous boundary with the residue. He said that they were discussing six lots and 300 acres. He said that he saw the time they had spent this evening discussing the prior application, which included 128 units built along the road.

Mr. Hedges said that this project was six lots; it was a relatively small amount. He said that he did not understand what the difficulty was with this. He said that 21-acre parcels was the minimum required by County ordinance, and that was as exclusive and unaffordable as it could be. He said that however, the applicant was proposing 50 to 60 acres, which was the most low-impact approach to the land, driveways notwithstanding.

Mr. Hedges said that his property was used for both forest and agriculture, and as they had heard earlier, the best steward of the land was the landowner. He said that his wife and he worked on it every day, removing bad trees and investing thousands of dollars in fertilizer each year. He said that taking care of the land was crucial. He said that generally speaking, they supported the project. He said that the applicant had been responsive to neighbors' concerns and genuinely cared about this project. He said that the best course of action was to approve it without further delay, as it was unclear what they were really accomplishing by delaying it.

Walter Zirkle, 585 Loblolly Lane, said that he believed it was a rare circumstance when a developer like Mr. Miller, who had worked closely with existing residents, could come up with a plan that reflected the needs and wants of those residents. He said that Mr. Miller had made multiple changes to the plan to accommodate the current residents, and they had a plan here that

they believed was a no-brainer. He said that while there may be technicalities that needed to be addressed, conceptually, but he did not believe there was a need for the holdup here.

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

Mr. Miller said that in brief, it was clear that existing residents supported this project because it preserved the property. He said that what concerned them was the uncertainty surrounding the project's future. He said that Bud Zirkle had mentioned that he had worked with them, and they were in favor of the project. He said that if technical issues needed to be addressed, they were willing to work on them.

Mr. Miller said that the key was that they were not altering the rural character of the property. He said that the main issue for the residents and Albemarle County was what would happen to the property in the future. He said that he believed that this was a good use of the property, but if they could not come up with a viable alternative, it may be delayed for 10 to 20 years, and it was much more uncertain what the outcome would be at that time.

Mr. Missel closed the public hearing.

Mr. Missel said that he had a question for staff about a part of the staff report, number three of staff's concerns with the request. He said that the last sentence of number three stated that including the waiver of Section 14-404 of the Subdivision Ordinance. He asked if staff could clarify what that meant.

Ms. Ragsdale said that that was what they referred to as a single point of access. She said that they often referred to it as such, where all the lots would be served by one access road. She said that they were not suggesting that this was the best approach for this particular case. She said that they were open to a Section 14-404 waiver, but it had not been submitted. She said that in her opinion, they needed to review the additional analysis and criteria outlined in the ordinance to determine what they could support in terms of access points. She said that they could go through this analysis and criteria in the ordinance section, even though it was not required to be submitted with the special use permit, it could be submitted before the plat process.

Mr. Missel said that it also stated there were outstanding staff comments and details requested to complete the review of this request. He said that he was curious to know what other comments and details were outstanding. He asked if they were limited to the issues they had already discussed, such as relocating lots, shortening driveways, and conservation areas.

Ms. Ragsdale said that she believed that covered everything. She said that she had it on the slide. She said that they had requested additional information, and what she had seen appeared to be the formatting of the plan, aimed at improving readability and confirming some of the details. She said that for instance, the hiking trails were a notable example. She said that they were currently grappling with the issue of how much should be included in the SUP versus what could be covered by conditions, and they had not yet reached that point with these plans.

Mr. Missel said that to clarify, they had included draft conditions that were consistent with prior approved special use permits for the parcel. He said that these were draft potential conditions that could be finalized before the Board of Supervisors. He asked if these were amended draft conditions based on today's application, reflecting the earlier special use permit conditions.

Ms. Ragsdale said that yes, and she believed it may not be sufficient on its own, as they were discussing the remainder of the parcel. She said that it served as a different application than before, but it was provided as a starting point and background information.

Mr. Missel asked if the applicant had had the opportunity to review the plans and provide feedback, or if this was the first time they were seeing them through the staff report.

Ms. Ragsdale said that they did not circulate conditions before the staff report.

Ms. Firehock said that she had previously spoken with staff about this application, trying to understand the process and addressing the applicant's concerns. She said that the applicant had requested information on the timeline, and she spoke with Ms. Ragsdale, who explained that she could provide them with notes, but only if they were willing to wait until the next round of comments. She said that this would have delayed their appearance at tonight's Commission.

Ms. Firehock said that, however, the applicant chose to come forward tonight, aware that Ms. Ragsdale would not have had a chance to review and revise their comments in time for a recommendation to support their application. She said that the applicant's choice was the deciding factor. She said that additionally, they heard tonight that the applicant expressed interest in hearing their thoughts and was open to revising the proposal. She said that the applicant's final comment was that they might otherwise wait 20 years or more. She did not think it was either or situation, with a deferral or a 20-year wait

Ms. Firehock said that she would feel more comfortable if she had confidence that staff had addressed all the applicant's concerns and was ready to recommend approval. She said that although the Commission could disagree with staff's assessment, they could also express that the proposal was ready. She said that she had heard from some of her fellow Commissioners, who had expressed concerns that they had not had sufficient time to thoroughly review the proposal and determine if it was the right solution. She said that she commended the applicant for their efforts to make the necessary revisions to improve the proposal. She said that while the current proposal was better, she was not sure if it was entirely perfect and ready for approval.

Mr. Carrazana said that he agreed with many of the comments made. He said that in his opinion, the Board of Supervisors must approve this project. He said that the Commission recommended that it be approved. He said that there were opportunities to collaborate with staff between now and the Board of Supervisors, and he believed the changes were relatively minor, with only six slots available.

Mr. Carrazana said that there were already noticeable improvements from the original submission and what they were seeing today. He said that through further conversations with staff, he was confident that they could prepare the proposal for the Board of Supervisors and potentially secure an approval.

Ms. Firehock said that she had a legal question related to this topic. She said that not that she was challenging his position, but she had noticed a discrepancy between what was advertised to the public and what was submitted over the weekend. She said that since the general public did not have access to the latter, she was wondering if they could rely on the former for the Commission’s decision-making.

Mr. Herrick said that the document had been submitted, but it was not what staff had reviewed.

Ms. Firehock said that it was also not what was advertised.

Mr. Herrick said that that was correct. He asked staff whether the application had been processed and accepted by the Community Development Department at this point.

Ms. Ragsdale said that she was not sure what he meant by "processed and accepted." She said that they had received the documents, and they had them in hand, but they had not circulated it for review as a new submission.

Mr. Herrick said that that meant the applicant's latest submission was before the Commission but without the required CDD review.

Mr. Clayborne said that he tended to agree with Mr. Carrazana on this matter. He said that initially, he was learning on the fly, which he did not like doing, because he had not had the opportunity to thoroughly review the new plan. He said that after they had thoroughly discussed this for approximately an hour and a half to two hours, he believed he was in a position where he would feel comfortable with the applicant working with staff to refine any necessary details before the Board of Supervisors meeting, as long as that aligned with legal requirements.

Mr. Missel said that he had a question to follow up on that point. He asked, if they were to approve the project with conditions, and they were considering this as a hypothetical scenario, would they be concerned about not having a complete set of conditions? He asked if it would be preferable to see those conditions fully reviewed by the Commission before they were presented to the Supervisors. He said that this was just something to keep in mind as they considered their recommendation, which may otherwise be based on conditions that were not fully reviewed by the applicant or by staff.

Mr. Carrazana asked if the conditions would be significantly different from what they had been discussing over the past two hours.

Mr. Missel said that it was unclear. He said that he was concerned that the applicants may have only seen the staff report and not the actual changes that would be implemented.

Ms. Firehock said that the applicants had been unable to make the necessary modifications as per the staff's requirements. She said that it is possible that they have a different perspective and may want to engage in a discussion with the staff about making specific changes, such as altering certain aspects of the project while keeping others intact.

Mr. Missel said that a deferral was intended to provide them with the opportunity to do so.

Mr. Murray said that he had a concern and a question for staff regarding the proposed conservation areas. He asked if the conservation areas were proposed to be part of the lots and overall development, or if they would be a separate part.

Mr. Barnes said that they were part of the lot; the conservation area was an overlay on top of it.

Mr. Murray said that for some of those properties, they were not suitable for development due to the stream buffer, resulting in little to no benefit. He said that in cases where the land was not limited to a specific use, such as agriculture, it could be cleared all the way to the stream. He said that since they did not have ordinances protecting stream buffers from agricultural activities, clearing the entire lot from front to back would be an allowed use. He asked if that was correct.

Ms. Firehock said that theoretically, there was no requirement that prevented an applicant from converting the site into a large lawn, except for the conservation area. She said that in fact, many people around the rural area had done exactly that. She said that she was not referring to the character of the individuals who had testified this evening, but rather the common practice of maintaining large lawns in front of their homes. She said that this was not the same as agriculture.

Mr. Murray said that there was nothing preventing the conservation area from being turned into a lawn.

Ms. Firehock said that they would have to leave the conservation area alone and undisturbed.

Mr. Murray asked if it was explicitly stated that they had to leave the area forested.

Ms. Firehock said that they could cut down the trees for agricultural purposes, but they would still have to adhere to the rural area regulations.

Mr. Missel said that the draft conditions only provided the location of the conservation areas.

Mr. Murray said that his point was that these areas would be subject to land use valuation and would automatically qualify for land use, as long as they completed the necessary paperwork. He said that as a result, any use made of these areas would be allowed. He said that for example, if they cleared every tree and converted the land to hay, whether it was a nominal crop or not, it would still be permitted. He said that in essence, there was no practical difference between the conservation-designated areas and those that were not. He said that they were essentially the same, with no distinction between the two.

Mr. Missel said that it was not possible to build on conservation areas.

Mr. Murray said that it appeared that they were not planning to build there anyway.

Mr. Bivins said that he walked in feeling annoyed because he did not like to receive a lot of information before he was supposed to make a decision on an item. He said that he was still annoyed, but he was at least more positively inclined towards the applicant's perspective. He said that he also wanted to acknowledge that one person could do what they wanted with their land, except that in this particular location, there was a carve-out that would be a conservation area, which, according to the applicant, would be a restricted covenant on the deed.

Mr. Bivins said that if that happened, he was supportive of it. He said that he did know that it was a significant burden for the entire community to maintain that land, and it would likely go to waste. He said that he thought they had more incentive for an individual to use the land and keep it looking good as long as they were living on it, rather than setting it aside and letting it become a 300-acre wilderness that no one would use until the owner decided to log it.

Mr. Bivins said that he was actually in a positive state regarding voting yes for this, even though he was still annoyed. He said that his basic question was regarding who would be responsible for the unused space, and he would much prefer for the homeowner or property owner to have that responsibility. He said that could they make that a deed restriction, so that it stayed with the property and did not become a separate issue.

Mr. Murray said that he was uncertain about the enforceability of the deed restriction, with the exception of the one condition that prohibited the placement of a structure there.

Mr. Bivins said that he believed that it was enforceable by a zoning violation, which, given the nature of that community, he did not think they would be slackers and able to easily circumvent the rules. He said that he thought that they would get compliance, and he said that he believed that they had enough people in place to ensure that it took place.

Mr. Murray said that there were large properties in Albemarle County that were cleared from front to back, primarily for agricultural purposes, such as hay production, because they were farm estates. He said that if one were to drive past one of these properties, they would likely comment that it was basically a huge lawn. He said that this was a significant concern, and it was possible that they may end up in a similar situation here.

Mr. Murray said that he would like to suggest an alternative approach to addressing the issue of managing the property. He said that if the goal was to ensure that the property was managed effectively, he would suggest they consider dividing it into five smaller lots and one larger lot owned by a single entity. He said that this could potentially increase the likelihood of the property being managed and operated in a more sustainable and agricultural manner.

Mr. Bivins said that the charitable case for this community was that they would likely want to be good neighbors. He said that having lived in an area similar to this in another part of the County, he was aware of the community pressure to act responsibly. He said that unless one was from a more affluent background, such as Connecticut, and had attended Yale, there was less concern for community expectations.

Mr. Missel said that there was also a track record.

Mr. Bivins said that there was also a track record, which had led him to be less concerned about bad behavior here compared to other places.

Mr. Moore said that upon further reflection, he realized what was happening with the new lines on the conservation areas. He said that it did take some time to understand. He said that some of his earlier comments were influenced by the fact that this was a late-breaking development. He said that he believed that they were all capable of figuring things out, and that was exactly what they had done tonight.

Mr. Moore said that he appreciated the applicants' mindful approach to logging over the years. He said that realistically, the size of this property was not sufficient to support logging as a primary source of income. He said that the logging that had taken place, combined with the responsibility and use value taxation, had made it possible to discuss an agricultural forestal economy.

Mr. Moore also said that he noticed that there were unrealized divisions from the 1980s on this parcel of property that had never been divided. He said that he would like to bring up a larger question: they had unrealized villages and their capacity for organic, mindful growth throughout the County had been stymied. He said that they had lost half the development area they had in the early 1980s, and now they were trying to squeeze everything into the existing developed space.

Mr. Moore said that the County ordinances prevented affordable housing in rural areas, which was a fact he had mentioned before. He said that the median new home build in rural areas was approaching $1 million. He said that he recalled a previous proposal to provide an affordable manufactured home park in the rural area, which was met with opposition from everyone except him.

Mr. Moore said that he wished there was a C option, but that was not possible. He said that the A or B option was whether they allowed the forest to continue being maintained by aging individuals, or they approved six new homes that were well-received by the neighbors and would contribute to their tax base in a significant way. He said that he had chosen option B, and he must say he did not see the issue, similar to the comments provided by the Spring Hill Farm owner.

Mr. Missel said that he had a couple of comments to share, and he would like to ensure everyone had a chance to express their thoughts. He said that after their two-hour discussion, he would like to mention something that may seem obvious, but it was worth highlighting. He said that they had spent a significant amount of time discussing six lots, and he believed the reason for this was because of how much they valued the rural areas and the quality and beauty that allowed them to appreciate the peace and quiet of standing on their own property.

Mr. Missel said that this was critically important to continue, and he appreciated the time and effort everyone had invested in the process. He said that he also wanted to express his appreciation for the gift they had in Albemarle County. He said that from his perspective, he would support this application, but he would like to ensure that the logistics and specifics were well thought out.

Mr. Missel said that he believed it was essential that the applicant and staff had sufficient time to discuss and agree on the conditions before presenting them to the Board of Supervisors. He said that if that was not possible, he thought it was necessary for the Commission revisit this application in some way. He said that having the ability to discuss this with both the applicant and staff would be crucial, as he would not want either the applicant or the County to be inadequately represented.

Ms. Ragsdale said that this item was not scheduled for the Board of Supervisors and scheduling it for the Board of Supervisors would provide the applicant with the provision and certainty they need to have a public hearing with the Planning Commission within the time frame established in the ordinance. She said that the applicant could choose to proceed within this timeframe, but for the Board, the timeframe is more flexible. She said that she would like to clarify any additional comments they may have or acknowledge what they were comfortable with.

Ms. Ragsdale said that it was not uncommon for staff to need to clarify conditions, such as the intent behind conservation areas, to ensure clarity on what can be allowed and what cannot. She said that these conditions would not add additional restrictions on agricultural uses that were not already applicable, and they did not allow agriculture in the floodplain, making them more restrictive in that regard. She said that if they were recommending approval, it should be noted that any conditions referenced were based on the February 20 plan, not the March plan. She said that they would need to update this information accordingly.

Mr. Barnes said that to clarify, he had heard the Commission discussed lot three, where the driveway crossed the buffer and extended to the other location. He asked if the Commission was looking for them to attempt to relocate some of the building lots, or did the Commission feel that, given the conservation areas and restrictions, the layout was something they could agree with and that they were working to refine the conditions.

Mr. Missel said that upon reviewing the draft conditions, he did not see any mention of relocating any parcels.

Mr. Barnes said that they had been attempting to move towards larger lots and 21 acres at one point. He said that to him; it seemed that what the Commission was saying was that the layout shown here was essentially the approach that they all supported as conditions. He said that their

concerns about things like driveway lengths, encroachments in the stream buffer, and the use of development lots across the entire parcel, rather than concentrating them in one area and leaving a larger parcel. He said that his understanding was that now, it was not that they had an objection to the distribution shown on this plat, but rather that they were focused on getting the conditions right.

Mr. Carrazana asked if this plat was the February submission.

Mr. Barnes said that this one was the one submitted Sunday afternoon.

Ms. Ragsdale said that this was the latest concept plan that was emailed to them. She said that as she had mentioned earlier, it was flawed in some ways, particularly in terms of compliance with the ordinance, which the Commission's action tonight did not waive. She said that she wanted to reiterate that there were ordinance conflicts that needed to be addressed.

Ms. Ragsdale said that the 404 waiver and the location of any such waiver were not being approved. She said that this decision did not approve a 404 waiver, nor did it approve the critical slopes waiver or the disturbance to the stream buffer that was not permitted. She said that they simply wanted to clarify that. She said that this information had been included in the staff report, and she wished to further explain what this action did and did not do.

Mr. Miller said that he had been very helpful. He said that earlier in his presentation, he mentioned that they were working with staff, and he wanted to hear the Commission's thoughts on the matter. He said that he had listened to their comments tonight and believed he understood the general direction. He said that there were a couple of issues that he was not entirely clear on, particularly regarding the 21-acre site with a single large common area versus the alternative.

Mr. Miller said that he was unsure if the Commission was comfortable with the proposed layout. He said that he would like to know if they were open to only 21 acres and a single large common area. He said that the applicant was willing to request deferral to address some of these concerns, which he believed could be resolved relatively soon with staff assistance. He said that if the Commission was not satisfied with the driveway location for lot three, they were willing to relocate it and move forward.

Mr. Miller said that the most pressing issue he needed to address tonight was the staff's preference for 21-acre lots versus the larger lots he had previously discussed. He said that the staff's preference was for a more rural preservation approach, utilizing 126-acre lots and the remaining land for other purposes. He said that this was a significant difference, and they needed clarity on the Commission's stance.

Mr. Miller said that while they were open to working with either option, they required the Commission's guidance on this matter. He said that they requested a deferral, but with that deferral, they would like the Commission to express its view on this issue, so that they could return to staff and ensure they were in compliance with the Commission's perspective.

Ms. Firehock said that her opinion was that the driveways should be shorter and nearer the road. She said that she was comfortable with the staff working with the applicant on that. She said that it would be more in keeping with the County's policy of reducing fragmentation of the rural area.

Mr. Barnes said that he believed what he was hearing them say was that they should aim for a reasonable layout of the house site. He said that they were not seeking to maximize a single parcel but rather minimize the remaining land to 21 or 25 acres.

Ms. Firehock said that they were comfortable with their conservation areas.

Mr. Barnes said that they could work to modify the conservation areas to ensure they functioned effectively.

Mr. Carrazana would like to add that the March 22, 2025, proposal had improved significantly. He said that it aligned with the direction they had previously discussed. He said that from here, he would encourage the applicant to work from this revised proposal and discuss the 322 and the 404 waiver.

Mr. Bivins said that to clarify, he was not looking for 21-acre cookie-cutter lots. He said that he wanted to be clear that this was not the approach he was advocating for.

Ms. Firehock said that they were in agreement on that.

Mr. Murray said that to express his minority opinion, he did not believe 21-acre lots were necessary, but he thought there would be value in having one of the lots significantly larger, and not as a conservation lot or area that was unmanaged but rather owned by a single individual. He said that this would allow for the management of a large, single lot, rather than the smaller, fragmented lots they were currently considering.

Ms. Firehock said that they did have to have a minimum of 21 acres. She said that they could only get so large with this.

Mr. Murray said that if the other lots were reduced in size, the result was a single, much larger remainder lot.

Ms. Firehock said that she was unsure who the ideal landowner would be. She said that to find a John Muir who could preserve this land for future generations was appealing but she was unsure how feasible it would be.

Ms. Firehock motioned that the Planning Commission accept the applicant's request for deferral to the Planning Commission meeting on May 27, 2025, with the March 22, 2025, application submission serving as the basis for any necessary revisions. Mr. Carrazana seconded the motion, which carried unanimously (7-0).

Committee Reports

Mr. Murray said that the Crozet Community Advisory Committee (CAC) met and covered similar ground to their discussion. He said that they discussed the comprehensive plan in relation to Thriving Economies chapter. He said that as a result, he did not have much new to share, but one aspect that caught his attention was a matter brought up by the public.

Mr. Murray said that a representative from the Fire Department was present and mentioned the issue of electric vehicles. He said that specifically, they highlighted that fires involving electric vehicles were more intense and put additional strain on Fire and Rescue services. He said that this was a new perspective for him, and it was an interesting consideration in terms of the impact on fire services.

Mr. Bivins said that these fires were not only more intense, but they also required different materials to extinguish them. He said that using water from a fire hydrant was not sufficient.

Mr. Moore said that the Citizens Transportation Advisory Committee met, primarily for presentations. He said that at this time of year, it was common for them to be wondering what they were actually accomplishing here. He said that there was a notable presentation about light detection and ranging (LIDAR), a test system being implemented in the County at four different intersections. He said that it was essentially a light-based system similar to radar, which had been featured in Sean Tubbs' news article or other media outlets.

Mr. Moore said that although it was not currently being used for enforcement, it was being tested. He said that the other report was technically from the Rio 29 CAC meeting, but it was part of a budget presentation at the Center. He said that there was a robust discussion about taxes, not all of which were anti-tax in nature.

Mr. Missel said that he also attended the town hall meeting, the topic was the budget, and he found it interesting. He said that initially, he was able to walk around the various staff booths and engage in conversations with different individuals, which provided him with a wealth of information on various topics. He said that the online comments were largely focused on why they were spending so much money and why their tax assessments were being raised, as well as why their taxes were being increased. He said that one comment stood out, which mentioned the legal requirement to keep tax assessments up to date.

Ms. Firehock said that there is a state law governing how properties were assessed.

Ms. Firehock said that she was thrilled to hear that they would continue to invest in Police and Fire and Rescue services, which they had expanded through grants. She said that it was also worth noting that as a County, they would be taking on the responsibility of underwriting these costs, resulting in a $0.04 tax increase on every $100. She said that this investment would provide 24/7 paramedic coverage at their rural fire stations, allowing assistance to people who got injured after 5:00 p.m. She said that she was particularly excited about this development, as many fires occurred at night, and the additional coverage would greatly benefit their community.

Mr. Bivins said that they were transitioning from relying on volunteers for those services.

Mr. Moore said that in addition to that, he also learned that the requirements to be a volunteer firefighter had become quite extensive. He said that the ongoing training was typically required for months, and it could be challenging to find individuals who had the time to commit to such a demanding schedule for no compensation.

Ms. Firehock said that their neighbors once considered an unusual approach in her neighborhood, which involved acquiring an old fire truck and collecting water from James to put out their own fires. She said that they researched the necessary rules and regulations and ultimately decided against it.

Review of Board of Supervisors Meeting: February 26, 2025, March 5, 2025, March 12, 2025, and March 19, 2025

Mr. Barnes said that three of these meetings were budget work sessions, with the regular meeting on March 19 being a brief and efficient meeting. He said that the Board had the public hearing on the Charlottesville Community Church, was passed unanimously. He said that the issue with the buffer zone between Avinity and the church was being addressed, and it appeared that the subdivision was planning to restore some of their land, which had caused some concern among

residents. He said that there was discussion about relocating the road to align with the private driveway on the church's property, which fed to the house behind it

Discussion and vote on May 6, 2025, extra PC Work Session Meeting at 6:00 p.m.

Mr. Barnes said that he should apologize; this meeting should not include a vote. He said that displayed on the screen was the calendar to complete the 10 chapters of the comprehensive plan, and he had highlighted the Planning Commission dates for the remaining items in yellow. He said that tonight, they discussed Community Facilities. He said that he wanted to request a special meeting outside of their regular schedule, which would be held on May 6 at 6:00 p.m. to have an extended discussion on Transportation. He said that he wanted to confirm that this date was acceptable to everyone so that they could achieve a quorum. He said that if so, he would ask the Chair to call a special meeting.

Mr. Missel asked if they would be discussing Historic, Cultural, and Scenic Resources and Community Resources on May 13.

Mr. Barnes said that that was correct. He said that they would be trying to wrap up with the Board of Supervisors in the beginning of June.

Mr. Missel asked if those two items would be work sessions.

Mr. Barnes said yes, and they would push into the 6:00 p.m. meeting schedule as necessary to allow time for the work session discussions.

Mr. Missel said that he had worked with staff to develop a few potential draft topics for Planning Commission briefings. He said that this was not new business, but rather a discussion he had with staff. He said that he had compiled a list of potential topics which were subject to change. He said that if there was anything missing, he would ask the Commissioners to please let him know.

Mr. Barnes said that one thing he had been thinking about was how to respond to this. He said that they did prepare some presentations for the Board, such as their quarterly transportation report. He said that he thought one way to provide them with the information they were asking for was to share the presentation they made to the Board.

Mr. Barnes said that they could even provide a link to the Board presentation, allowing the Commission to review it and stay informed. He said that this would enable the Commission to keep him up to date on various topics of interest while also conserving staff resources and time on the Commission's agenda. He said that this idea was suggested by one of his staff members, and he thought it was a good solution.

Mr. Carrazana said that he believed doing double duty would be beneficial. He said that the Commission would receive reports on transportation, housing, and other topics on a regular basis, although not quarterly. He said that it had been a while since they had comprehensive reports on these subjects, so he thought it would be helpful to have them again.

Ms. Firehock said that those topics were worth discussing.

Mr. Carrazana said that he was open to doing double duty with the Board, but there was a benefit to having staff attend and participate in a conversation with the Commission that they could not have if they were just watching from afar. He said that it was something they did as a matter of course in the past, particularly before Mr. Barnes' tenure. He said that he would love to see that

return, and perhaps not all of these, but some of them could be beneficial. He said that they had not had that type of interaction in a while, which was likely why some of these issues had become pent up.

New Business

There was none.

Old Business

There was none.

Items for follow-up

There were none.

Adjournment

At 9:35 p.m., the Commission adjourned to Tuesday, April 8, 2025, at 4 p.m., Albemarle County Planning Commission meeting, Lane Auditorium.

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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: