Albemarle County Planning Commission
Draft Minutes Regular Meeting
December 16, 2025

The Albemarle County Planning Commission held a public meeting on Tuesday, December 16, 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:

Other officials present were Michael Barnes, Director of Planning; Cameron Langille, Principal Planner; Rebecca Ragsdale, Planning Manager; Jenny Tevendale, Deputy County Attorney; and Carolyn Shaffer, Clerk to the Planning Commissions.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Other Matters Not Listed on the Agenda from the Public

Neil Williamson, representing the Free Enterprise Forum, said that in what had become a holiday tradition, the Free Enterprise Forum presented an adapted holiday poem or carol to the Albemarle County Planning Commission. He said that previous iterations had included Rudolph the form-based code, Rio the small plan, a Coronavirus carol, walking in a form-based code wonderland, the NIMBY who stole diversity, the bleak mid-comp plan, middle density is coming to town, and the original, an Albemarle County planning Christmas. He said that in 2025, they were preparing for change as staff, elected, and appointed officials would be rotating off and doing other things.

Mr. Williamson said that the new Board would aim to implement the revised comprehensive plan, which had included minimal changes, and find innovative ways to adapt local ordinances to accommodate a new economic development driver and all that came with it. He said that as the new year began, they looked forward to new challenges but remained encouraged. He said that they were encouraged by the shared desire to strengthen their community by increasing diversity in building types and regulatory flexibility, whilst retaining the character that defined them.

Mr. Williamson said that without further ado, he presented the 2025 edition: Let it grow. He said that outdated regulations roasting on an open fire, affordable housing demand nipping at their nose, plan review flexibility being sung by a choir, and folks dressed up like Eskimos. Everybody knows that an expanded development area and some mistletoe would help make the County right, Albemarle planners with their eyes aglow would find it hard to sleep tonight, they know that AstraZeneca was on the way, Kilroy's loaded lots of jobs and investment goodies were on the sleigh, and Jodie Filardo was going to spy to see if high residential density was going to fly, now the regulatory fire was still glowing, and their steers were still growing, but as long as they loved Albemarle so, let it grow, let it grow, let it grow.

Consent Agenda

Carolyn Shaffer, Clerk to the Planning Commission said that there were no items on the Consent Agenda tonight.

Public Hearing

ZMA202200002 Sieg Property Rezoning

Cameron Langille, Principal Planner, said that he would be presenting staff's report and recommendation for ZMA202200002, also known as the Sieg property rezoning. He said that this was a follow-up from a public hearing they originally held on September 9, 2025. He said that since that time, the applicant had since revised some aspects of the proposal, which he would elaborate on in his presentation. He said that before doing so, he just wanted to clarify that this was the second public hearing for this item.

Mr. Langille said that he would provide some general specifics on this request. He said that the request from the applicant was to rezone six parcels from the R-1 Residential zoning district and the HC Highway Commercial zoning district to the Neighborhood Model District, covering a total of 62.4 acres. He said that this rezoning would be subject to the application plan and Code of Development, and the proposed development would be a mixed-use project with both residential and non-residential uses. The applicant proposed to disturb 3.6 acres of Preserved Steep Slopes Overlay District for construction purposes, which was a reduction from the original 5.1 acres proposed in the previous application presented in September.

Mr. Langille said that to reorient everyone, the six properties in question were located at the southwest corner of the Interstate I-64 interchange with the Route 29-Route 250 bypass, Exit 118. He said that they were highlighted in light blue on the map and the surrounding area featured a variety of uses, including Fontaine Research Park to the northeast, the Redfields and Sherwood Farms neighborhoods to the south and east, Future Hedgerow Park to the west, and I-64 to the north, with the Ragged Mountain Reservoir nearby.

Mr. Langille said that he would summarize the key changes the applicant has made. He said that originally, the proposal included a range of residential units, from a minimum of 100 to a maximum of 1,200. He said that the applicant had since reduced the maximum and increased the minimum, with a new range of 275 minimum to 600 maximum. He said that the original non-residential square footage was 50,000 square feet, and the applicant had increased this to 100,000 square feet, with the maximum non-residential remaining at 440,000 square feet.

Mr. Langille said that the affordable housing provisions had also been updated. He said that originally, the applicant proposed 15% of the total units to be affordable units at 80% area median income (AMI). He said that they had since increased this percentage to 20%, breaking it down into two separate tiers: half at 60% AMI and the other half at 80% AMI. He said that in total, if built out to the maximum, this would result in 120 new affordable units.

Mr. Langille said that to reiterate, the applicant had reduced the amount of disturbance proposed for the steep slopes. He said that originally, the proposed disturbance was 220,000 square feet, but it had been reduced to a little less than 160,000 square feet. He said that for non-residential uses permitted, they had removed self-storage facilities from the Code of Development and added hospitals.

Mr. Langille said that in his presentation he had included a page from the application plan, which showed minimal changes aside from the areas of preserved slopes that were getting disturbed. He said that the new densities were 9.6 units per acre, and he had listed the affordable housing. He said that this proposed development would be on the Albemarle County Service Authority (ACSA) public water and sewer system. He said that page one from Attachment 4, depicted the application plan.

Mr. Langille said that the transportation proposal had not changed significantly. He said that there would be two entrances, one with a full access entrance and signal at the intersection, and the other at the north with a right-in, right-out entrance. He said that the development proposed a

multitude of pedestrian facilities, including sidewalks and shared use paths. He said that the shared use path would cross Route 29 and continue on the east side of Route 29 for approximately 900 feet to the north.

Mr. Langille said that he had also included the applicant's block plan and an updated table for density regulations showed a maximum of 600 units and a minimum of 100,000 square feet of non-residential uses. He said that he had also provided maps comparing the original disturbances proposed to the preservedpreserve slopes and the revised proposal. He said that originally, they were going to disturb preserved slopes to install infrastructure like new buildings, utilities, and roads. He said that the applicant had since revised it, and a significant portion of preserved slopesit would remain undisturbed as preserved slopes.

Mr. Langille said that they had reduced the disturbance in Areas 4, 5 and 7. He said that the green area between Area 2 and Area 3 had widened slightly; overall, this came down to a 60,000 square foot reduction. He said that the staff's recommendation for this request was to recommend approval because the positive aspects outweighed the concerns. He said that the positive aspects included that the development was consistent with the land use and density recommendations from the Southern and Western Urban Neighborhoods Master Plan.

Mr. Langille said that it also provided new transportation improvements, including transit stops, shared use paths, and an upgrade to the existing park and ride lot located at Teel Lane on Route 29. He said that it also included 20% of affordable housing, meeting the County's housing policy. He said that one concern remained, which they had initially noted in the September version, regarding the potential impact on local schools. He said that specifically, Red Hill Elementary and Monticello High School were currently over capacity and projected to remain so in future years, and this development would certainly have an impact on the overcrowding.

Mr. Langille said that however, the impact had been reduced by half, from 108 elementary students and 96 high school students down to 54 and 48, respectively, assuming the development reached its maximum density.

Ms. Firehock said that she understood the right-in, right-out entrance to the development. She asked if they would then need to make a U-turn. She asked how the U-turn would not cause new problems.

Mr. Langille said that the northern entrance to the site was where the right-in, right-out entrance would be. He said that the signalized intersection would be at the southern entrance.

Ms. Firehock asked if people would stop at the light to make the U-turn.

Michael Barnes, Director of Planning, said that yes, that was correct.

Ms. Firehock asked if the currently existing signal was in this area.

Mr. Langille said that it was not shown on this map, but he had another image in the presentation that showed that.

Ms. Firehock asked if the Virginia Department of Transportation (VDOT) had reviewed the distance between those two signalized intersections on the highway.

Mr. Langille said that yes, VDOT had reviewed this and did not note any concerns about the separation distance between this proposed intersection and the existing one. He said that he did not think the map he had was entirely accurate, as it did not reflect the conditions since the project was completed to address this interchange issue. He said that nevertheless, the light timing appeared to be generally acceptable here.

She said that she visited that location regularly, so she was familiar with traffic patterns~~it~~.

Mr. Carrazana asked if Mr. Langille could walk them through the affordable housing recommendations and align them with their existing policies and guidelines.

Mr. Langille said that 20% of the total units they proposed would be affordable housing units, with half of those at 60% area median income and the other 10% would be at 80% area median income. He said that this effectively proposed a hybrid version of their current housing affordability model policy, similar to previous versions prior to the adoption of the Housing Albemarle policy. He said that the proposed affordability period for these units was 10 years, which, if consistent with the current Housing Albemarle policy, would result in 20% of the units being at 60% AMI.

Mr. Langille said that there were different affordability periods that must be maintained, whether for rental or sale. He said that Dr. Pethia provided a written assessment from the Housing Office, stating that this proposal would provide affordable units consistent with their policy. He said that it was also worth reminding the Commission that, based on the date the application was submitted, the requirement to provide 20% affordable units was not yet in effect, as this was submitted in 2022 and was therefore under the old Housing Policy in place at the time.

Mr. Carrazana said that he was having difficulty understanding how this was consistent. He asked if the rationale was that this was consistent because, in this case, they were falling into the older policy.

Mr. Langille said that it was both; they met the 20% requirement of the new policy.

Mr. Carrazana said that they had modified it at the AMI, but not all the way.

Mr. Murray said that one of the concerns they had previously was the connectivity on the opposite side of the project. He said that he had been made aware of the upcoming expiration of the Redfields proffer. He asked if staff could provide an update on this matter to ensure that they did not lose the connectivity.

Mr. Barnes said that they carefully examined that, and there were actually two proffers in this area. He said that one was for the potential to extend the road at some point in the future to connect to Route 29. He said that the second proffer was for a trail that aimed to utilize an existing culvert beneath the railroad, but it was not intended to connect directly to Redfield. He said that instead, the trail would follow the rail line and creek to reach I-64, then cross under the highway to reach the Granger property.

Mr. Barnes said that this greenway trail easement was established in 2001, following the rezoning of the area. He said that staff had assessed the feasibility of creating a connection on that side of the bridge, beneath the portion of the bridge. He said that however, the presence of extensive riprap to stabilize the slope made it a challenging task to place a trail. He said that further investigation revealed that there were four spans under the bridge, with the westernmost one being empty. He said that the first three spans were either the slope, creek, or railroad, while the fourth span was simply dirt, making it the most accessible.

Mr. Barnes said that therefore, staff believed the best connections could be made along the western side of the rail line, connecting to the back of the Forestry Department, rather than attempting to cross the riprap slope adjacent to Redfields. He said that they had consulted with VDOT, and they concurred that attempting to cross the riprap slope was not feasible.

Mr. Murray said that he appreciated that update. He said that his second question pertained to parking access. He said that as part of this proposal, an entrance to Hedgerow Park was being proffered. He said that however, they had experienced issues in the past, particularly with Preddy Creek and Biscuit Run, where the moment access was provided, people immediately began

building their own trails and accessing the area without proper planning. He said that in this case, there were G1 habitats, which were critically imperiled sites, that could be destroyed quickly if unregulated access was allowed.

Mr. Murray said that he was concerned that without a plan in place to protect these sites, they could be irreparably harmed. He said that he would like to know what the County's plan was if this proposal moved forward, and how access would be limited to ensure the protection of these critical habitats.

Mr. Langille said that he believed there were specifications in the Code of Development regarding the timing requirements for when a trailhead with up to five parking spaces was developed, which would presumably serve as an entrance to Hedgerow Park in the future. He said that to ensure compliance, they would work with Parks and Recreation at the site plan or subdivision plat stage to implement measures to restrict access, such as physical gates, fencing, signage, and other controls.

Mr. Langille that he had spoken with their Parks and Recreation staff, who were aware of the proposed trailhead and the distance to Hedgerow Park. He said that as a result, this was a consideration that everyone was keeping in mind as the process moved forward.

Mr. Murray said that he wanted to raise the issue, as it was a concern that warranted attention. He said that there had been a poor history in the past with several other parks, where people had accessed them in advance and caused damage.

Mr. Bivins said that he believed there was a group of owners who had talked about this previously, but he would like to know what was going on with the property to the south of this development.

Mr. Barnes said that he believed Mr. Bivins was referring to the Sweet Spot LLC property.

Ms. Firehock asked if Mr. Bivins was inquiring about the outcome of the request to amend the Comprehensive Plan.

Mr. Bivins said that yes, he was wondering what the outcome of that request had been.

Mr. Barnes said that when they were considering adoption of the Comprehensive Plan, that parcel had been zoned as industrial. He said that during the Board's meeting, they approved a change that designated it as a mixed-use parcel.

Mr. Bivins said that he appreciated the clarification. He said that his other questions were for the applicant.

Mr. Moore said that he had a question regarding affordable housing and the policy that this application fell under. He said that specifically, he was wondering about the old policy, which was for 15% of units to be affordable at 80% AMI. He asked what the term of affordability was under the old policy.

Mr. Langille said that he believed it was 10 years.

Mr. Moore said that he was also wondering if there was a requirement that for-sale units to remain affordable, or if there was a mechanism in place, such as a cost-of-living adjustment (COLA) rate, that would ensure the units remained affordable if they were resold after the initial affordable sale.

Mr. Langille said that he would need to verify the details of the old policy, but he believed there was a component that addressed that.

Mr. Moore said that he asked this because this proposal indicated that only providing the first for-sale unit was considered fulfilling the affordable requirement. He said that it appeared that the property then transitioned to market rate after that. He said that he was not certain if this was the current policy.

Mr. Missel asked for confirmation that August 18, 2022, was the only community meeting held for this proposal.

Mr. Langille said that that was correct.

Mr. Barnes said that staff had made a determination that the application was not significantly different. He said that in fact, it was slightly smaller, but the entrances and other features were largely in line with the original design, so they decided a second community meeting was not necessary.

Ms. Firehock asked if the addition of the hospital use was meant to encompass traditional hospital buildings or if they were referring to smaller outpatient clinics.

Mr. Langille said that he believed the reason it was added was that the office space could be used for a medical purpose, which was consistent with this land use designation.

Ms. Firehock said that it would be extreme for a hospital to be located within the development.

Mr. Missel asked if that use did not fit under the general commercial category and required special consideration for hospital use.

Mr. Langille said that hospital use was specifically listed as a designated use type in the Ordinance, so yes.

Mr. Murray said that a pharmacy or laboratory would be an appropriate use.

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

Ashley Davies, Riverbend Development, said that she was joined tonight by Alan Taylor, Scott Collins, and Carl Hultgren, who worked on their traffic impact analysis and updated counts. She said that she was glad to be back. She said that she first would like to discuss the unique aspects of this site and its great location. She said that a few months ago, they had spent a significant amount of time discussing the site and learning from the Commission's thoughts and concerns.

Ms. Davies said that she hoped that tonight's presentation accurately reflected the updates they had made. She said that what she found particularly interesting about this site was that, despite its challenges, it also presented a tremendous opportunity. She said that with its 62 acres, proximity to the City, and location on busy roadways, it was an ideal spot for a mixed-use development. She said that this parcel was in the Samuel Miller District, which was the largest district in the County, yet had the fewest housing units, the most expensive housing units, and the least dense development, and therefore presented a unique opportunity for the County.

Ms. Davies said that this site was a great chance for the County to provide desperately needed housing at various price points and some commercial opportunities. She said that as they had discussed previously, the proposed self-storage use was not the best fit for this property. She said that they agreed that it was meant for a true mixed-use opportunity, and by removing that use, she believed the remaining options in the Code of Development were more viable and could create a more vibrant commercial space.

Ms. Davies said that they also took another look at the residential density. She said that Ms. Firehock had pointed out that the previous application had a wide range for the potential total

number of units, so they had cut the residential density in half. She said that they wanted to ensure that this site could be a truly mixed-use development, so they had left ample room for commercial opportunity. She said that they had increased the minimum commercial amount from 50,000 square feet to 100,000 square feet to ensure a good commercial base. She said that they had also increased the affordable housing to 20% and allocated half of those units at 60% AMI and half at 80% AMI. She said that this project was submitted under the old housing policy, but they had updated it to move towards the 60% area median income range, which tended to have a greater impact.

Ms. Davies said that Mr. Hultgren then updated their traffic counts on the site, as they had realized that the traffic impact analysis (TIA), although fully approved by VDOT, was a few years old. She said that they wanted to ensure that everything was tracking, even though they did not update the full TIA. She said that the traffic counts confirmed the 1% growth rate, which they had accommodated for in the old TIA, and the old document accounted for 1,200 units, so as a result, they had reduced that number in half. She said that they had all of that covered in this update.

Ms. Davies said that they also paid particular attention to the preserved slopes, which showed a 30% reduction in those impacts, a significant improvement. She said that in addition, they were incorporating a series of biofilters along the entrance road, closest to Moores Creek, which they believed would be helpful. She said that they also had a slide available for discussion in the Q&A regarding how they were bringing various utilities to the site. She said that if there were questions about that for Mr. Collins, he could review it.

Ms. Davies said that their updated illustrative plan was provided, which gave a sense of the areas where the residential build-out would go. She said that they could see that there were still large commercial blocks available. She said that this should look familiar from their last conversation, but it shows a bit more detail on how the residential might look. She said that it still included the proposed transit stop, multi-use path, and block formations. She said that a new addition to the submittal illustrated how undisturbed slopes could be combined with the grading next to the roadway, along the entrance road, where they were installing biofilters.

Ms. Davies said that these were their primary changes. She said that she thought their conversation last time was great, and they had spent a lot of time going through it. She said that these changes brought the site to where it needed to be in terms of being a true mixed-use opportunity for the County and also in terms of access to the Hedgerow Park ~~component~~. She said that this was a bigger issue in some of their previous submittals, particularly with the Sweet Spot property, which brought them up to the edge of the park. She said that they would do whatever was necessary to keep that properly blocked off until the trails were ready for use, but there was indeed a large private property in between the County's property and this one.

Mr. Moore said that he appreciated the summary of changes from the previous hearing, as well as their efforts to address questions about VDOT, traffic, pedestrian crossings, and the potential connections under the interstate. He said that he appreciated the information about the reduction of impact on preserved slopes and the voluntary increase of affordable housing units. He said that he would like to ask about the housing component. He said that Ms. Davies had mentioned the prior broad range of 100 to 1,200 homes, but the revised range was now 275 to 600. He asked why they had decreased the maximum number by such a large amount.

Ms. Davies said that upon reviewing the site and considering the feedback from their last meeting, she believed that building up to 1,200 units would significantly impact their commercial opportunities, unless it was very high-density housing. She said that combining this with the traffic concerns in the area, they thought that reducing the residential units would allow for more commercial opportunities, which in turn would create different traffic patterns during the day.

Ms. Davies said that the commercial areas often experienced traffic at different peak hours than the residential areas, even though they still generated traffic. She said that this was beneficial in

itself. She said that realistically, if they wanted to pursue these commercial opportunities, they should consider a lower residential number.

Mr. Moore said that he assumed that they would push for commercial development in Blocks 2, 3, and 4. He asked what their criteria was or the timeline for when they would convert those blocks as residential if they did not find commercial tenants.

Ms. Davies said that with the rezoning as it was currently written, it did not provide the same insurance policy that they had before with conversion to residential.

Mr. Moore asked if residential would only be in Blocks 5 and 6 in that case.

Ms. Davies said that yes, with the proposed build-out it was essentially the residential area they had available with the rezoning. She said that they were dedicating those specific areas to commercial opportunities on the site.

Mr. Moore said that in terms of the housing, he would like to inquire about the mix of for-sale and rental units. He asked if the developer would continue to own any of the properties.

Ms. Davies said that she did not think they had a complete plan for that. She said that the diagram they had provided had a healthy mix of apartment buildings and attached units, and she believed the attached sections offered opportunities for sale. She said that their collaboration with the Victorian Heights project this year had been successful, as they had been able to place eight families into the for-sale units with the Land Trust. She said that this partnership had been beneficial, and they hoped to continue it. She said that this experience spoke to their desire to work with the Land Trust to ensure that the for-sale units remained in a more permanently affordable situation.

Mr. Bivins said that on page 14 of the Code of Development, it said that there may be attached single-family and multi-family dwellings in Blocks 2, 3, and 4. He asked for more clarity on that point.

Ms. Davies said that yes, both unit types were provided in the illustrative diagram.

Mr. Bivins said that he believed his colleague was asking about the conversion of the commercial blocks into residential blocks in the event of a slowing economy.

Ms. Davies said that if they could not find any commercial opportunity, then they would be back in front of the Commission at some point in the future. She said that they were confident that they would find a tenant.

Mr. Bivins said that page 14 listed the allowed uses. He asked why they would need to return to the Commission.

Ms. Davies said that she was not saying that it was not an allowed use. She said that she was saying that the density would be built out in the other side, but they were not ruling it out as a possible use.

Mr. Moore said that to add to that, in Blocks 5 and 6, it was illustrative that there was housing in those areas now, but the housing could be viewed as blocks with the total number they had now.

Mr. Bivins said that he was trying to get a sense of what had changed~~changes~~ or not changed with the traffic update.

Ms. Davies said that the traffic impact analysis remained unchanged. She said that it had been approved by VDOT several years ago and was considered very conservative. She said that in

essence, it was a low estimate. She said that with this new submission, they had revised the residential by half. She said that the only change was conducting new traffic counts to ensure they had an accurate understanding of the area's traffic patterns and growth over the years. She said that they wanted to verify their assumptions, and the TIA indicated that traffic was growing at approximately a 1% rate annually.

Mr. Murray said that he would like to express his gratitude for the efforts on the part of the applicant, as they had taken the Commission's input into consideration and made the necessary adjustments. He said that he appreciated this attention to detail. He said that the Ragged Mountains had been the subject of extensive documentation, highlighting the rich history of the region's inhabitants and the exceptional habitats and biodiversity. He asked how they planned to incorporate these unique qualities of the area into their development.

Ms. Davies asked Mr. Murray to repeat the question.

Mr. Murray said that there had been a significant amount of work done regarding the Ragged Mountains, including the well-known association with Edgar Allan Poe. He said that it was also essential to acknowledge the history of the people who lived in that area and the numerous occurrences of rare plants and animals in the region. He said that he would like to know if the applicant had given any consideration to symbolically or otherwise representing this in his development. He said that he thought that their County had a problem with creating "Anywhere America Spaces," and he was not implying that his vote would be influenced by Ms. Davies' response; he was simply curious if they had given this any thought.

Ms. Davies said that she had reviewed the report on the Hedgerow property, and she found it exciting when considering its history and the diverse plant species present. She said that although she had not previously thought of it in relation to their property, she now saw it as a potential future gateway to this unique resource available to the County. She said that she was open to ideas, but she must admit she had not given it much thought before, aside from the fact that they would be featuring a plaque for Bren-wana (a previous African-American social club) there.~~there.~~ She said that she was eager to hear ideas and appreciated the Commission's willingness to share them.

Mr. Clayborne said that he believed this proposal was a significant improvement from September and appreciated the effort. He said that one of the key concerns their constituents had expressed was regarding pedestrians crossing Route 29. He said that the applicant had addressed this in their summary of changes, specifically in bullet point seven. He said that he would like to request more detail on how this would be implemented in real-life scenarios. He said that he was thinking about the potential impact on schools, considering approximately 50 students would be generated from this development

Mr. Clayborne said that this may mean that children would be crossing the street, so he would like to know more about the specific measures that would be taken to ensure pedestrian safety. He said that this could include the use of rumble strips, yellow warning signs for drivers, and other features such as extended red lights or flashing lights at a certain distance from the intersection. He said that by providing more granular information, they could move from aspirations to concrete actions and guarantee that pedestrians could safely cross the street without being left in a vulnerable position.

Ms. Davies said that they were also building a 10-foot multi-use path within the site and across the street, which was intended to connect to Redfields and the City. She said that this path would run through their entire site, including the entrance roadway, and also up through the site. She said that at the light itself, it seemed a bit confusing during their last meeting, as some people may have thought they were just installing a pedestrian crossing in the middle of the street independently. She said that in reality, the idea was that it would be fully integrated into the stoplight.

Ms. Davies said that when approaching the neighborhood on the 10-foot mixed-use pathway, they would press a pedestrian button on the signal, which would activate a different signal cycle. She said that this longer light cycle would allow pedestrians to cross Route 29 North during a red light, fully stopped, without being stuck in the middle of the street during another traffic cycle. It was designed specifically for pedestrians, and when not in use, it followed the typical quicker cycle for vehicle traffic.

Mr. Clayborne said that that was helpful. He said that he was wondering if they also envisioned any safety mechanisms, such as slower speed limits or other measures, to give people advance notice of an upcoming pedestrian crossing on the highway. He said that the approach of installing a crossing on a highway was a bit unconventional. He said that he was curious to know if there were other safety precautions that they thought would be designed into this system as well.

Ms. Davies said that she believed VDOT would be examining the entire area once the new signal was installed, considering its proximity to the other signal and the pedestrian component. She said that as a result, she expected that many of those features would be added.

Mr. Barnes said that there were several factors that needed to be worked out as details became clearer. He said that at this time, they were aware of certain conditions that VDOT had placed on this item. He said that VDOT would like to see this path connect all the way into the Development Area at some point in the future, but staff did not push the applicant on that during the rezoning before they would provide the pedestrian crossing at this location. He said that staff wanted to work with VDOT to make it a reality, especially with the proposed number of residences and the access to Hedgerow Park. He said that the Rivanna Trails Foundation (RTF) had been trying to make a connection along the western side of the railroad underneath the VDOT bridge down to this area, and that would help. He said that there were a lot of details to be worked out, and he wanted to make sure it was clear that there were challenges, but they were committed to making this the best and safest connection possible.

Mr. Carrazana said that he was not at the last meeting where this item was presented, but he could see the good faith effort to address the comments made during that meeting. He said that to clarify, according to the Code of Development, it did in fact allow for residential development on these parcels, so they would not need to return to the Commission for approval.

Ms. Davies said that yes, it was possible to build on those parcels. She said that she believed that what this was conveying was that the residential density could be accommodated in the other blocks, but they did not want to remove the possibility of it being there. She said that they did not feel that was necessary.

Mr. Carrazana said that they would need to return if they were not meeting their minimum requirements for commercial use.

Ms. Davies said absolutely.

Mr. Missel said that he had a question regarding the slope steepness reduction, specifically the 60,000 square foot reduction on critical slopes. He asked what the rationale was behind this reduction. He asked if it was a refinement in the reengineering process.

Ms. Davies said yes.

Mr. Missel said that he had a question about the phasing of the project. He said that they may lead with residential. He said that they may build all of the residential and leave it there, and while at some point they had to build a minimum, it was not tied to any sort of clock. He said that they may never build the minimum. He said that he was trying to understand the phasing and overall plan and how each of the interconnecting blocks worked together as a cohesive development.

Ms. Davies said that hypothetically, they could lead with the multifamily development or a large commercial development in Block 4. She said that the reality was that to get either of those projects off the ground, they would need to invest in almost all the site's infrastructure. She said that at that point, it became unrealistic to leave large portions of the site undeveloped due to the significant upfront costs. She said that as a result, she believed that Block 4 and Block 5 would come online in close concert with one another, as the infrastructure built at the top of the hill would provide the best sites for future development.

Mr. Missel said that he would clarify his question. He said that Ms. Davies had mentioned that the ones closest required~~and had~~ less infrastructure, so they would build the furthest one last. He said that there was some residential development planned in Block 6, which was closer to Route 29, and potentially some in Block 3, as well as other non-residential uses in Block 2. He asked if it was their intent to build the residential and commercial together. He said that he was specifically trying to understand not only the timeline for residential development, but also when affordable housing would be incorporated into the overall plan. He asked what that calculation looked like within the overall plan.

Ms. Davies said that the affordable housing would be coming online proportionally with each site plan, so it would not be held off until the very end. She said that they had not established specific timelines for how and when each block would develop, primarily due to the nature of the site and the current commercial landscape. She said that attempting to set such timelines would be overly restrictive for the project. She said that she was trying to convey that bringing the site online was a significant investment, amounting to millions of dollars. She said that as a result, there was no reason to leave it undeveloped or leave anything off the table.

Mr. Missel asked if they could potentially push the affordable housing until the very end.

Ms. Davies said that if they did not do any residential development until the very end, that was possible.

Mr. Missel said that otherwise, they would integrate it in as a percentage. He said that in the same conversation, they had discussed multi-use path connections and signalization on Route 29 and traffic improvements. He asked if the signalization was triggered by a specific daily vehicle trip count, if it would be addressed later in the development process, or if it would be handled upfront.

Ms. Davies said that the signal would be installed during phase one of the development. She said that the nuance lay in the fact that if VDOT indicated that they did not want the pedestrian crossing until a certain time, they would have to incorporate those features later or when they gave approval. She said that they could not have the pedestrian crossing installed and non-functional at the same time, as that would be a liability. She said that they were committed to providing the pedestrian crossing at the point when VDOT deemed it acceptable to do so.

Mr. Missel asked if the new traffic counts, they had received had taken into account the I-64 interchange improvements.

Ms. Davies said yes.

Mr. Missel asked if they had engaged in any public community meetings at all since the 2022 meeting.

Ms. Davies said that no, there had been no meetings. She said that she had forwarded this information to the neighborhood contact.

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

Michael Monaco, White Hall District, said that he was the Chair of the Crozet Community Advisory Committee (CAC). He said that he was here tonight on behalf of the Albemarle contingent of Livable Cville, and they were requesting that the Planning Commission recommend approval for this rezoning. He said that the County needed housing, and they needed dense, rental housing built alongside commercial development. He said that they needed mixed-use development that benefited both the community and the economy.

Mr. Monaco said that he believed the plan presented tonight, an improved version from September, was a good attempt at achieving this mixed-use development. He said that he understood the Commission, the Board, and the County Comprehensive Plan had prioritized this type of development, so he thought this met that criteria. He said that while the application was stronger than the initial proposal, he also thought it was a missed opportunity for a more ambitious development. He said that their current housing crisis and affordability issues could be addressed with housing solutions, while transportation problems required transportation solutions.

Mr. Monaco said that the original 1,200 homes proposed in the land use build-out analysis appended to the Comp Plan and comprised about 9% of the development pipeline. He said that cutting that in half would impact the eventual land use build-out analysis. He said that while this was just one project, he worried that if they were whittling away the total number of homes in every development during discretionary review, they would be slow rolling their addressing of the housing crisis and end up generating sprawl rather than solutions.

Mr. Monaco said that the Development Areas represented a promise to develop densely and well-mixed-use development. He said that if they could not achieve this here, he did not know where else they could do it. He said that he believed this was a good use for these parcels of land, and he hoped the Planning Commission would keep these factors in mind as they deliberated tonight.

Lily Zhou Tredway said that she had lived on Sherwood Farm for about 12 years. She said that it was a really good neighborhood and she welcomed development. She said that she was not opposed to it, but she did have a concern she would like to discuss. She said that their neighborhood had Airbnb's and was a popular destination for tourists, particularly those visiting Charlottesville. She said that she believed tourism was essential to their County's economy.

Ms. Tredway said that to be blunt, the general thoughts on the development on Route 29 North was that it was ugly. She said that now that they were developing the south, she hoped that they would consider a different approach to make this area more attractive to tourists. She said that she understood the importance of housing and was not against development, and she thought it was a good move on the part of the developer to reduce the number of houses in the development.

Ms. Tredway said that however, she also heard that this developer, and maybe not just this one but developers in general, had a history of reducing the units and then coming back to ask for more. She said that they needed to prevent that from happening, because if that was the case, then reducing density today may not mean anything. She said that she wanted to request that the Commission prioritize making their area beautiful when they planned for future development.

Norma Deal said that she was a resident of Sherwood Farms, where she had lived for a number of years. She said that those who lived and moved about daily in the area were well aware of the current state of the traffic intersection. She said that she was deeply concerned about the potential for increased traffic in that area. She said that she realized that it was not the responsibility of the developer, but she believed the Virginia Department of Highways should take action to address this issue.

Ms. Deal said that however, she was also concerned about the proposed crossover that would cross Route 29 at approximately the same location. She said that she thought that this could lead to fatalities or injuries, and it should be approached with great caution before implementation. She said that finally, she had a question regarding the park-and-ride area adjacent to Teel Lane. She

said that she was unsure who was responsible for maintaining this area, and it had not been mentioned.

Irfan Bhimji said that he lived in Sherwood Farms across the road. He said that he would like to echo the comments of his neighbors. He said that, too, had operated an Airbnb and believed that they wanted to make this County beautiful. He said that adding residential housing made sense because of the known problem they had with housing stock. He said that he thought a lot of that had been addressed with affordable housing and other initiatives. He said that he thought that was great. The reduction in units for this development could help alleviate some of the traffic concerns. He said that a previous resident had mentioned that this crossover was still problematic.

Mr. Bhimji said that it sounded great in theory due to the proximity to town, but it was effectively isolated. He said that it was in an area where people were not going to cross that road safely. He said that people needed to be very conscientious when making decisions like this, as lives were at stake. He said that he had mentioned this in the previous hearing, and he would reiterate it. He said that this was not something that should be taken lightly. He said that the developer had mentioned the timing of traffic being different with commercial development compared to residential development, but that ultimately would depend on the type of commercial uses that would be here.

Mr. Bhimji said that however, they did not know what those proposals were. He said that he thought that was a concern, as adding one type of development in an already congested area could lead to one-in, one-out. He said that on the way to this location, there was a major accident on Route 250 further north, but still in a congested corridor. He said that he had to stop and put a gentleman's car in park because his wheels were spinning. He said that this was a constant occurrence on this road. And he thought they needed to be aware of that.

Mr. Bhimji said that he understood that the hospital addition was a broad term, but he believed it was related to the traffic concerns. He said that with more people needing a place to go, it was a real concern. He said that he was not being facetious; this was a genuine issue. He said that the traffic situation had not been adequately addressed. He said that a recent VDOT survey had been sent out, and he did not think this proposal incorporated those findings about the proposed changes to this intersection. He said that development aside, the traffic situation had not been adequately addressed.

Bob Horoski said that he would like to make a quick comment. He said that this proposal had been ongoing for some time, and he believed it was moving in the right direction. He said that they would develop, and that was that. He said that he was not strongly opposed to having a crossing, but he thought it was a crossing to nowhere until they could actually get to the City. He said that he believed it would be advantageous to have a trail that allowed access to the University area and downtown, making it a wonderful thing and potentially improving tourism in the distant future, particularly when a park was available.

Mr. Horoski said that in previous discussions, they had considered the amount of green space and trees to preserve the rural character. He said that initially, in 2022, this was a significant concern in earlier discussions about developing this area. He said that he would appreciate the Commission keeping in mind what this would look like coming up and down Route 29. He asked if it would look like Route 29 North, as Ms. Tredway had pointed out, or if it would preserve the rural feeling. He said that he would like to reiterate the importance of addressing the issue of lighting, as previously discussed. He said that downlighting, not spotlights, was essential to avoid a Harris Teeter parking lot appearance. He said that preserving the rural character was crucial, and he hoped the Commission would keep these considerations in mind.

Suzanne Fox, Samuel Miller District, said that as a lifelong resident of the Samuel Miller District, she was very familiar with the area. She said that she would like to address a comment Mr. Bivins had made during the September 9 meeting while discussing the lower-income Rio District. She

said that he had stated that the Samuel Miller District was the richest in terms of land in Albemarle County, and she concurred. She said that they were land-rich due to the majority of their landowners having owned their land for generations and understanding the value of the land.

Ms. Fox said that they had learned to use their land for its intended purpose - growing livestock, vegetables, and fruit - rather than concrete and asphalt. She said that Mr. Missel was the Chair of the Commission and was newly elected to represent the Samuel Miller District. She said that she read many of the comments he had made that if elected, he would lower taxes, keep the rural part of the County rural, and be a voice for agriculture. She said that she believed his first mission was ahead of him. She asked if he would preserve the southern end of the County and prevent City sprawl from taking hold, if he would be a good steward of their Rural Areas and ensure that agriculture remains strong here.

Ms. Fox said that she prayed that he would demonstrate to those who elected him that he could walk the talk. She said that she would like to highlight a few points from the Collins Engineering document, which proposed changes from the September meeting. She said that firstly, the addition of a hospital facility seemed unnecessary, given that there were already emergency care facilities within a 10-mile radius, including both UVA and Martha Jefferson. She said that to her, this appeared to be a box to check for approval purposes.

Ms. Fox said that it was stated that residential housing would be constructed first to attract commercial buyers, but within a 10-mile radius of this parcel, there was a proliferation of apartment buildings in the Ivy Road Corridor and the Rio Road corridor, where complexes were being built at an alarming rate. She said that the Rio Point complex on Rio Road was currently struggling to lease its newly built apartments. She asked why they continued to approve housing when it remained unrented. She said that affordable housing did not justify the means.

Ms. Fox said that the highway safety concerns at the intersection of Interstate 64 and Route 29 and the Crossroads Store at Plank Road both included signage to reduce speed, yet accidents continued to occur. She said that the intersection of Red Hill Elementary School had become a traffic hazard, with two fatal accidents occurring within the last six months. She said that multitudes of accidents continued to occur at Route 29 and Plank Road. She said that her point was that traffic would increase regardless of whether this parcel was developed or not.

Ms. Fox said that until they had adequate infrastructure in place to control traffic flow and speed, it made no sense to add to it unnecessarily. She said that finally, she would like to address the pedestrian crossing, which was proposed to be used for the existing Hedgerow Park access. She said that the property for Hedgerow Park would be adjacent, making it unnecessary to cross both lanes of Route 29. She said that for individuals from 5th Street and Redfields area who wished to access the park, a substantial amount of green space would be required before they could hike or ride bikes to this location.

Ms. Fox said that it was essential to prepare the necessary infrastructure before proceeding with development. She said that she would like to conclude by addressing the developer and client. She said that she understood that they had a parcel that they saw as fit to develop, and she urged the client to consider the current state of the community and how it operated. She said that she appreciated Mr. Missel asking whether they had engaged with the community about this development. She asked if there was something they could do with this parcel to make it useful. She said that Madison County had some beautiful parks that were open year-round, as well as soccer fields, and baseball fields. She said that she just wanted to ask that they use the land in good faith as God was not making any more of it.

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

Ms. Davies said that that was exciting to hear that there was a Livable Cville chapter in the County. She said that they had made significant progress in their efforts to provide more housing, and it

was clear that times had changed since they first started this. She said that looking at the development area of Albemarle County and the available parcels for development, she believed it was worth noting that finding a site like this, with nearly 63 acres available, was truly unique. She said that she was not aware of any other parcel in the development area of County that came close to this in terms of size.

Ms. Davies said that their proposed development was fully aligned with the Comprehensive Plan and vision for this location, and she thought it was even more harmonious now that they had made the adjustments since the Commission's September meeting. She said that she wanted to express her gratitude to the staff for their time and attention to this project over the years. She said that it had been a long journey, but she believed the project had greatly improved along the way. She said that she appreciated all the time and attention to this and believed it would be a great addition to Albemarle County.

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

Ms. Firehock said that she had not yet made her decision on this item. She said that she would like to push back on the idea that this site was connected solely by virtue of the proposed crossing. She said that she used to drive that intersection daily, and she now only passed through it once a week. She said that she was very familiar with it, and Samuel Miller was her district. She said that she had played a role in some of the pushback in the amount of the Development Area that was going to go south, and ~~it~~ ultimately the expanded development area was not as large as initially proposed.

Ms. Firehock said that she believed there was a huge difference between adding a pedestrian crossing across Route 29, like the one they had created in Rio, and the proposed crossing here. She said that even though Rio had a pedestrian underpass and crossings, it was still a challenging and scary crossing because of how people drove down Route 29. She said that although it was intense, it still felt like an urban area and people were more aware of their surroundings and the likelihood of pedestrian use.

Ms. Firehock said that in contrast, this intersection was on a highway, and drivers were traveling at high speeds. She said that she did not think that they could modify driver behavior sufficiently to make that crossing safe. She said that even if she supported the project, she would be against a pedestrian crossing. She said that this was a car-centric development and they should accept that. She said that perhaps one day, people would be able to walk to Hedgerow Park without needing a car or into the City through the trail, but they would not be able to cross Route 29 there.

Ms. Firehock said that to clarify, she was not recommending they make this area urban like Rio. She said that she did not think the crossing makes~~make~~ sense and she wanted to state that. She said that she was all about connectivity, having spent her career creating trails, but this just did not make sense. She said that she agreed with the public that someone could lose their life if they put a pedestrian crossing here, given the high speeds of drivers and the fact that people often ran the lights at the existing intersection. She said that if they were to put in a pedestrian overpass, which she understood was extremely expensive, she could support that.

Mr. Missel said that even if it was installed as an overpass, it would lead nowhere.

Mr. Murray said that one of the things he was struggling with here was that when the Development Area boundaries were established, it appeared that this area was arbitrarily circumscribed, excluding some of these regions and, in his opinion, it was a mistake to include the Ragged Mountains in the first place. He said that the topography of this area was quite challenging, and as Ms. Firehock had mentioned, it was very disconnected. He said that he generally opposed the idea of Development Area swaps, but he thought this might be an exception.

Mr. Murray said that this area could benefit from a Development Area swap to some flatter location. He said that he appreciated that the applicant had made significant adjustments to the plan, and it was now more mixed-use. He said that he believed it would be helpful before presenting this proposal to the Board of Supervisors to have illustrative examples of what it might look like from Route 29, as this was a concern for many people.

Mr. Murray said that seeing visual representations would be beneficial. He also said that he still had concerns about the crossing, and he would state the obvious: design speed, not speed limits, determined what could be accommodated on that road. He said that the design speed of that road was quite fast, and if VDOT were to attempt to make it safer for pedestrians, they would need to reduce the design speed in that area.

Mr. Clayborne asked if Mr. Murray could provide some clarity on what that meant.

Mr. Murray said that there were a lot of ways they could reduce the design speed in the area. He said that others were more knowledgeable about traffic expertise than he was. He said that he did see Mr. McDermott in the audience, and perhaps he could explain it better. He said that one potential solution was to install rumble strips or other visual cues to indicate to drivers that they needed to slow down.

Mr. Murray said that the flashing lights at the crosswalk would be helpful, and temporarily narrowing the road width could also be an effective measure. He said that while there were other possible solutions, he believed the primary issue lay in the design of the road itself. He said that if a road was designed to accommodate high speeds, drivers would inevitably exceed those speeds, regardless of the posted limit.

Mr. Clayborne said that overall, he was satisfied with the proposal's strength and intended to support it. He said that in comparison to the September proposal, he believed this one was significantly better. He said that it effectively addressed many of the key concerns. He said that it seemed like they all had the same concern about the crossing on Route 29, and that was the main concern he was grappling with. He said that it was not enough for him to recommend denial of the application, and that was why he had asked his questions earlier.

Mr. Clayborne said that the part he was really struggling with was that people who would not be comfortable crossing the street would just get into their cars and go to the park-and-ride. He said that they would just hop off there and walk or ride their bike. He said that the question was whether they discouraged crossing by providing no infrastructure, leaving it up to individuals to decide whether to cross or not, or encourage the crossing by installing the infrastructure and accepting there was still some risk with that.

Mr. Clayborne said that his main question was whether they should provide the infrastructure knowing that people would cross regardless, or if they should leave it alone and encourage people to drive across the street to the park-and-ride in order to walk. He said that overall, he thought the proposal was strong, but he agreed with his colleagues that there was a major concern with how people would safely get across Route 29. He said that it was not a reason to say no to the proposal but really must be thought through by some experts in order to fully understand the risk and exposure.

Mr. Moore said that as he mentioned in his questions to the applicant, he appreciated some of the updates provided. He said that it appeared that since earlier this year, there had been several adjustments and changes that he found beneficial. He said that the inclusion of more affordable housing, the reduction of preserved steep slopes disturbance, and the addressing of questions around VDOT were all positive developments.

Mr. Moore said that he believed that many of the concerns raised by the public, such as lights and trees, would be addressed in the site plan, which was part of the process. He said that they

had standards in the County that would prevent the site from resembling a Harris-Teeter parking lot. He said that he also thought it was important to note that this had always been part of the Development Area. He said that it may look more rural now, but it had been there for 45 years, so it seemed like changing it to a Rural Area was a bit retroactive and revisionist.

Mr. Moore said that regarding the traffic, he used to live on Overlook Drive and became familiar with the neighborhood. He said that turning left across Route 29 was a challenge, but this proposal could actually improve the situation by allowing drivers to turn left at a signalized intersection and safely access Overlook and Teel. He said that he also appreciated the removal of storage units and the addition of an urgent care facility. He said that he had no problem with those changes.

Mr. Moore said that to Mr. Murray's point, they needed to create some visual cues on Route 29 that signaled to people they were approaching the City and should be aware of more development and different traffic patterns. He said that they should certainly communicate this to their VDOT representatives. He said that while he supported the proposal overall, he wanted to bring up that at the last meeting for this item, they had discussed the residential build-out analysis. He said that they had these parcels and how they related to the need to build out densely in the Development Area to accommodate projected growth.

Mr. Moore said that if they accepted a maximum of 600 homes in this development, he wondered where else they would put people who were moving here. He said that they were essentially saying they should live in Fluvanna, Greene, or Waynesboro. He said that they must start looking at additional places that had good transportation networks like Route 29 and access to water and sewer services, and those that did not have steep slopes. He said that if they did not start planning how they would develop their available land, they would only ever address it in a reactionary way when they had public hearings for rezonings.

Mr. Moore said that they should start thinking ahead, whether it was 10, 20, or 25 years from now, to consider the possibility of establishing another Crozet type of town along Route 29, or another type of more urban development. He said that this was something they should start considering, as it aligned with their stated goal of planning for the future.

Mr. Bivins said that he wanted to state his support for the project. He said that however, he also struggled with the issue that wishing did not make something so. He said that if people were concerned about how a certain parcel would be developed, the only effective way to control that would be to purchase the property and have power to decide what the parcel should be.

Mr. Bivins said that the neighboring developments of this parcel had about 60 or so homes in each, undoubtedly with decent incomes. He said that if this proposal was something the neighbors did not want in their area, they should join together and collectively purchase the portion of the property they wished to preserve, and that way they could hold it in perpetuity. He said that he did not want the Planning Commission to become the arbiter of things that were wished for; they should be the Commission of things that justly considered possibilities.

Mr. Bivins said that everything that came before the Planning Commission was an exception, and otherwise it would be by right or completed through an administrative process. He said that he advised everyone to look at pages 15 and 16 of the Code of Development because most of the activities were 9-to-5 activities, not 24/7 activities. He said that regarding the crossing across Route 29, he knew from the Rio Road crossing that attempting to cross the highway at any juncture was immensely dangerous, but the crosswalk had helped.

Mr. Bivins said that the community would need to figure out how to mitigate the major traffic issues on Route 29, but he did not think that it was appropriate to prevent people from living in an area that was designated as part of the Development Area because of the traffic situation. He said that he would be supporting the proposal. He said that he would also like to ask staff to consider the fact that the students they estimated would be generated from this residential development would

not be attending schools until 10 years from now when the development was completed, so the current capacity of those schools was irrelevant.

Mr. Bivins said that furthermore, he did not think the school impact estimates were accurate due to the high number of private schools and home-schooled children in their area. He said that he would like to request that staff not use the impact to schools as a red herring when discussing the impacts of developments. He said that these were future impacts and they had a long time to consider what the outcome would be. He said that they needed to be more neutral in the way they described that and not let it become a reason to deny or approve a project.

Mr. Carrazana said that he greatly appreciated Mr. Bivins' comments. He said that he would like to discuss the possibilities of this proposal, as he had mentioned. He said that the terrain and topography presented some challenges, but there were also buildable areas. He said that in fact, this was one of the few areas where a multi-use development was feasible, and he believed it had been mentioned that this was a rare opportunity. He said that they had not seen many multi-use proposals lately, and many had been met with resistance.

Mr. Carrazana said that he thought this was a timely development, especially with the biotech industry coming to central Virginia. He said that the presence of UVA's biotech initiatives up the road made this site an attractive location for a multi-use development with commercial and industrial components. He said that the site's access to major highways, including Route 29, which needed improvement, could provide the necessary impetus for development along Route 29.

Mr. Carrazana said that while the proposal was not perfect, he believed it had potential. He said that he encouraged the applicants to continue exploring diversity in housing types. He said that he was glad to see a mix of housing types proposed, and he thought it was worth considering other options, such as residential above commercial. He said that he would encourage the applicant to think creatively about the possibilities this site could offer if developed correctly. He said that he appreciated the changes made to the proposal, and he was glad to see such clear improvement.

Ms. Firehock said that she had a comment to share, and she did not expect a response, but she wanted to bring it up. She said that Virginia's transportation planning process was quite unusual, where VDOT was aware of poorly performing intersections and had spent years studying solutions, yet they seemed to be unable to fix the problem. She said that what was even more puzzling was that when they applied for Smart Scale funding, they were told that their problem needed to worsen in order to justify the assistance.

Ms. Firehock said that it appeared that they wanted them to add density to exacerbate the issue, so the state could then provide help. She said that she did not think this was rocket science; she believed these traffic issues~~it~~ could be fixed. She said that; however, by adding traffic to an already congested area, they were making the situation worse. She said that on the other hand, this development proposal did make ~~sense due to the site's steepness and the~~ efforts ~~made~~ to minimize its impact on the site's steep slopes.~~slope.~~ She said that she would prefer not to develop this site, but its location meant it would help preserve the rural character of Route 29 South.

Ms. Firehock said that if they wanted to protect the Rural Area and to reduce congestion on the roads, they had to put people closer together. She said that the mixed-use nature of this project had come a long way, and she was willing to support it. She said that if they returned with a request to double the housing, she would say no. She said that what she was truly frustrated with, after eight years on this dais, was that people kept saying they could not find suitable commercial space, so they wanted to just do only residential or reduce the commercial component to 10%. She said that she had heard this request to reduce commercial uses repeatedly.

Ms. Firehock said that to the developers, she urged them not to come back with a request to reduce the commercial space. She said that she wanted to publicly acknowledge the intersection's

problems and express her opposition to a pedestrian crossing. She said that she would not suggest denying this project solely because of that, but she would recommend adding a comment to the Commission's recommendation that they not include a pedestrian crossing. She asked her colleagues to consider that, as she would certainly make that recommendation to her future Supervisor.

Mr. Murray said that he believed that the issue with transportation improvements was more severe than Ms. Firehock had stated. He said that at the Metropolitan Planning Organization (MPO) Tech Committee, they had discussions about multiple intersections and reviewed proposals that had been presented in the past regarding necessary improvements. He said that when considering the cost they would be submitting for Smart Scale, it became clear that it would be uncompetitive and the state would not fund the necessary improvements.

Mr. Murray said that as a result, proposals had been downgraded over time until they could find a solution that was within the state's budget. He said that this was an area where this had happened. He said that the proposals had been reduced, leaving them with what was left. He said that he was unsure how they could address this issue, but it was a significant problem.

Mr. Moore said that the transportation issue was at the state level, so they could ask their state delegates and senator to advocate for those changes. He said that this was the fundamental problem. He said that the pot of money available was going more towards maintenance of existing roads, rather than new projects that would fix larger transportation issues.

Ms. Firehock said that they needed a good regional bus system that would allow people to actually get on the bus and into town. She said that she understood the idea of biking to town, but it did not work here. She said that she used to work at the Department of Forestry property in this area, and it was very steep. She said that biking up from there was not a nice cruise into town.

Mr. Bivins said that he believed the response from VDOT and the state was that their locality could make the transportation improvements, but they needed to put more local money towards the projects.

Ms. Firehock said that their own County could put the money in.

Mr. Bivins said that it was a hard thing to do. He said that there were options, but as a cost-sharing model, it had become a heavier burden on the localities.

Mr. Missel said that he wanted to make it clear that he was fully supportive of maximizing density in the Development Area. He said that by doing so, they were preserving rural areas, as Ms. Firehock had pointed out. He said that this parcel was indeed located within the Development Area, although it was on the outskirts. He said that when he considered the challenges of maximizing density in the Development Area, he also acknowledged that not all of the Development Area was created equal.

Mr. Missel said that when considering a mixed-use project like this, which was good on its own, it would be well-suited for an area with greater density, interconnected streets, and the ability to connect to the surrounding area. He said that this subject parcel did not seem like the right place for it. He said that it certainly was within the Development Area and should be maximized, but it was isolated and felt like the interconnections would never happen, or if they did, it would be a long time from now.

Mr. Missel said that this road was part of his everyday commute, and he would acknowledge that it was mind-numbingly terrible and seemed to bring out the worst in people. He said that he started thinking about the threshold with I-64, and then with 5th Street there were all these connections and development accessible through the overpass. He said that the same could be said for Avon Street. He said that there were ways to cross that threshold, and this area was unique in that it

was cut off from town. He said that someone had commented that it was integrated, but in his opinion, it was isolated.

Mr. Missel said that when looking at the build-out analysis, which showed that there were over 11,000 residential units in the pipeline, with around 3,000 applications moving forward. He said that there were a lot of residential units that would be brought forward soon but had not yet been built. He said that this had led him to feel that they should prioritize affordable housing more intensely, rather than as something that would be integrated in future years. He said that he believed that as a County, they had the opportunity to leverage this issue and push for more affordable housing options in the development community.

Mr. Missel said that he often felt that they found themselves in a reactive position, rather than being proactive. He said that this proposal seemed like they were pushing it forward with the hope that everything else would fall into place afterwards. He said that there seemed to be a presumption that they would get the schools, the transportation system would be developed, and the transportation would get fixed because there would be this increased pressure from this development's impact.

Mr. Missel said that it was essential that they think ahead and create spaces for people to live safely, and that they have the necessary infrastructure in place to support that. He said that this was a responsibility shared by the VDOT, the County, and not solely the developers, in many cases. He said that this was merely a general observation. He said that the realities of Smart Scale funding must be acknowledged. He said that he believed that only one project for Albemarle was going to be funded in the upcoming Smart Scale round. He said that the funding was just not there to solve these issues.

Mr. Missel said that he would reiterate that not all areas of the Development Area were created equal. He said that they needed to think about appropriate land uses, not just about maximizing density. He said that in his opinion, they should be proactive, rather than reactive, in their approach to development. He said that he believed that this proposal was not a harmonious use of the Development Area.

Mr. Missel said that he was not suggesting that they should not develop here, but rather that it was not the right or harmonious use. He said that finally, he had concerns about the uncertainties surrounding this project, including traffic, impacts, phasing, affordability, and the pedestrian crosswalk. He said that these concerns had led him to conclude that this was not the appropriate development for this space. He said that he would continue to support development in the Development Area, but this specific proposal was a bit of a stretch.

Ms. Firehock said that after hearing Mr. Murray's comment about Smart Scale and reviewing these types of projects, she had even less faith, which was difficult to imagine, in VDOT's ability to solve this issue in the~~their~~ County. She said that the project, although close in, was also quite problematic. She said that the developer had reduced the units by half, but it still contributed to an already severe traffic problem.

Mr. Bivins said that he believed Mr. Missel's comments supported the idea of softer edges around the Development Area. He said that this piece of property had the same value for development as a piece in Fashion Square. He said that perhaps there would be a future opportunity for there to be a transitional area between the Development Area and Rural Area, but currently it was hard edges. He said that with their approach of using gross density within the Development Area, the zoning allowed each parcel the same ability as a function of the land.

Mr. Bivins said that the argument he was hearing from most of his colleagues was that there needed to be a transitional area between the land uses, which would acknowledge that there were some areas that would not have the same amenities or development expectations as those in the center of the Development Area. He said that however, the variations in parcel features

were not acknowledged in their development footprint. He said that they treated each parcel the same even though that was not what happened.

Mr. Missel said that the Comprehensive Plan also helped to guide that and put some structure to it. He said that as the Planning Commission was tasked with evaluating the appropriateness of land uses and recommending approval or denial to the Board of Supervisors, they had to consider all factors, not just the location within the boundary of the Development Area. He said that they had to actually think about what was appropriate.

Mr. Missel said that this acted as a filter, evaluating developments before they were approved. What they had seen most often they was~~had seen~~ residential development in areas where there was already a significant amount of residential development, often with interconnections and other supporting factors.

Mr. Carrazana said that he would suggest that the location was appropriate due to its proximity to key resources like the University, Fontaine Avenue, and those nearby developments. He said that considering the context of what was coming to the County, he believed that this location was positioned quite well for development. He said that however, they all recognized the challenge of being car-centric, and even getting cars to this location was challenging due to the poor condition of Route 29. He said that this was a common challenge in many developments where they lacked the infrastructure to support the development.

Mr. Carrazana said that in this case, he believed that the location was actually appropriate. He said that it was nearby the highway and the developers had done a good job addressing topography issues. He said that the main issue here was the road, and that was where they needed to develop partnerships. He said that if they were only relying on Smart Scale, they would never get there.

Mr. Carrazana said that currently, the County was at a crossroads, with a potential $10-12 billion investment in the area, and this was just the beginning. He said that if they had anchor companies like AstraZeneca, Eli Lilly, and Merck, which were already investing in the region, they would need housing. He said that this proposal presented an opportunity in relation to that, and they did not have many opportunities like this in the County. He said that it was a question of how they could leverage partnerships to provide the necessary infrastructure, which in this case was safer roads.

Mr. Moore said that he agreed that it was appropriate. He said that when considering the location of this facility, one only needed to travel one highway exit to the east and there was a similar development pattern. He said that going down Fifth Street and Old Lynchburg Road, there was a commercial plot that still needed some commercial clients to build there, as well as a mix of commercial and residential developments, including the Fifth Street Place and the Five Row Apartments. He said that these areas were fairly densely residential all on the same side of the road.

Mr. Moore said that those homes were not well-connected with bike and pedestrian paths, making it difficult for residents to access the rest of the City. He said that there was the bridge crossing I-64, and it was difficult and was a known issue they were trying to resolve. He said that people used cars. He said that he understood they wanted better connections, but he wanted to build for their aspirations and then adjust and improve them over time, using their tax investments to make it a great place, rather than not developing space right by the highway that people could use. He said that he thought the parallel of development along Fifth Street right next door was important to consider.

Mr. Murray said that one positive aspect of this was that having more commercial space could generate extra tax revenue, which could be used to improve their roads. He said that he was glad that the applicant had given a commitment to commercial space and hoped that they would stick to it.

Mr. Carrazana motioned that the Planning Commission recommend approval of ZMA202200002 Sieg Property Rezoning. Mr. Clayborne seconded the motion.

Ms. Firehock said that she was still concerned about the pedestrian crossing along Route 29. She said that she understood they could not modify the application, but she would like to know if there was a way they could signal that it was not a good idea or if it would just be included in the minutes.

Mr. Bivins said that he believed it would likely just be reflected in the minutes. He said that he understood Ms. Firehock's concerns but did not have those same reservations and would not support that. He said that he thought they needed to put in that infrastructure and people would figure out how to use it if it was there.

Mr. Carrazana said that he hoped that they could utilize the minutes to inform the future discussions and a more detailed traffic evaluation and recommendation as to what to do.

Ms. Firehock said that she did not believe that VDOT would allow that pedestrian crossing to be constructed there so she acknowledged~~at~~ that the crossing ~~point. She said that it~~ was a moot point because it would never be built.

Mr. Missel called the vote on the motion to recommend approval of ZMA202200002 Sieg Property Rezoning.

The motion carried (5-2). (Moore, Bivins, Murray, Clayborne, and Carrazana voted aye; Firehock, and Missel voted nay)

Recess

The Commission took a five-minute recess and reconvened at 8:05 p.m.

Public Hearing

SP-2025-00006 Woolen Mills Industrial Fill in the Floodplain

Rebecca Ragsdale, Planning Manager, said that she was joined by Tony Edwards, Deputy County Engineer. She said that requests to fill in the floodplain were heavily reviewed by Engineering staff and their County Engineer was primarily responsible for administering the County's Flood Hazard Overlay District. She said that staff would review the specifics of this request, specifically the regulatory framework, as it was a special use permit (SUP) request. She said that they also wanted to cover some background information relevant to filling in the floodplain.

Ms. Ragsdale said that the request was for a special use permit specific to the Flood Hazard Overlay District, and she would go into more specifics about the zoning. She said that the property in question was currently zoned Light Industrial (LI), and the request for an SUP was specific to the Flood Hazard Overlay District. She said that the requested fill area was approximately 1 .346 acres, which was a portion of a larger seven-acre site.

Ms. Ragsdale said that for background, she would like to touch on a few highlights that were specific to this fill-in-the-floodplain request. She said that it did have some relationship to surrounding properties, but what she would like to note is that this property had a prior special use permit request that was acted on and reviewed by the Commission in April, and a public hearing was held by the Board in June. She said that the applicant submitted a new application under the Ordinance, which they had accepted for review. She said that the Zoning Administrator determined that the new application was not substantially the same, so that determination had been made, and as a result, the special use permit was before the Commission this evening.

Ms. Ragsdale said that there had been some adjustments to the fill area and other changes made. She said that specific to the floodplain and activities within the floodplain, there was an adjacent site that had a special use permit previously approved, and there was a relationship between this property and the industrial park that was under development to the north of it, which led to some by-right activity and stormwater facilities on the subject property being considered this evening.

Ms. Ragsdale said that the site was located along Franklin Street and was situated at the edge of the City-County line. She said that the site was located in the floodplain, and Moores Creek runs along the boundary of the property and over to the Rivanna River. She said that provided was an aerial view of the neighborhood, which also provided some context in terms of the neighborhood, including residential areas across Franklin Street and some industrial development along Broadway and Woolen Mills.

Ms. Ragsdale said that this property was bounded by Moores Creek Lane, which served the Ravana Water and Sewer Authority (RWSA) treatment facility. She said that the treatment facility was located on both sides of the creek, adjacent to this site, as well as the wetlands mitigation property. She said that she had previously discussed the residential area with the City. She said that she had also provided a closer look at the property, starting with general information and then zooming into specifics.

Ms. Ragsdale said that the applicant had identified the source of fill, which they intended to transport from the Woolen Mills Light Industrial site to this property. She said that she had also highlighted the fact that stormwater management facilities had been approved on the subject parcel. She said that as previously noted, this location was adjacent to Moores Creek Lane, where the facility was ultimately situated. She said that in contrast, previous site plans showed the facility located deeper into the property with ~~a~~ more disturbed area.

Ms. Ragsdale said that she would next discuss the zoning of the property. She said that they had previously discussed the underlying zoning, which was light industrial. She said that there were some other nearby industrial uses and the boundary with the City. She said that this request was specific to the Flood Hazard Overlay District, and the entirety of the property was located within this district. She said that if approved, it would allow for potentially by-right industrial uses.

Ms. Ragsdale said that they were currently at the special use permit stage of the process. She said that she would like to note the next steps that would be applicable if this were approved, including the requirements for the floodplain development permit, the letter of map revision, and additional review with the Water Protection Ordinance (WPO) to establish any by-right uses in the light industrial district. She said that some industrial districts had additional regulations before any use was established on the property. She said that it would also need to be reviewed for the specifics of the use to ensure compliance with performance standards and supplemental regulations.

Ms. Ragsdale said that in this case, they did not know the specific industrial uses, but they had steps in place in their Ordinance to address more specific uses. She said that provided was a map from the Comprehensive Plan, specifically showing the green space designations. She said that the property was designated as Parks and Green Systems, rather than being used for development. She said that the Comprehensive Plan recommended preservation as the primary use, preserving the existing environmental features on that site or in that use category.

Ms. Ragsdale said that she had also provided the concept plan for the proposed use. She said that the fill area was outlined in yellow and was similar in size to the existing bread facility. She said that this concept plan also highlighted the location of the existing stormwater facility on the property and noted the location of the floodplain fringe and floodway. She said that Mr. Edwards would provide a more detailed explanation of this request. She said that the general criteria for analyzing special use permits included considering the potential detriment to adjacent parcels,

the character of the area, and whether the special use permit aligned with the purpose and intent of the applicable chapters of the Ordinance and the Comprehensive Plan.

Ms. Ragsdale said that they had already noted the existing LI zoning, as well as the large area of green systems designation in the land use plan. She said that Mr. Edwards would explain more, but she would note that they had made a finding that there would not be substantial detriment or impacts to neighbors from the fill in the floodplain request, which was the basis for their analysis. She said that this was not a consideration of potential rezoning changes within the underlying industrial district. She said that staff recognized that the area had a mix of residential and industrial uses in the area. She said that therefore, staff had recommended approval of the application.

Tony Edwards, Deputy County Engineer, said that he would like to clarify some terms commonly used in the Flood Hazard Overlay District. He said that they may hear the term "backwater conditions" used in this stretch of the stream. He said that this site was an ineffective flow area of the floodway fringe. He said that the floodway fringe was the portion of the floodway subject to a 1% or greater chance of flooding, lying between the regulatory floodway and the outer limits of the floodplain. He said that conveyance areas referred to the portions in this cross-sectional area where floodwaters flowed, typically adjacent to the floodplain where floodwater collects and forms a pond or standing water.

Mr. Edwards said that these were two key distinctions: the floodway itself, which carried the main flow, and the outer edges or fringe areas, which could become a ponded water situation. He said that these areas were inundated adjacent to the flowing floodplain, but the floodwaters were not conveyed. He said that these were referred to as ineffective flow areas or non-conveyance areas. He said that the regulatory floodway would not be impacted. He said that the main takeaway was that the channel of the river, other watercourses, and adjacent land areas must be reserved to discharge base flow without cumulative increases in the base flow elevation.

Mr. Edwards said that next, he would like to review a few terms that reflect the backwater condition. He said that one term was "hydraulic isolation," which referred to areas such as oxbows or wetlands that were disconnected from the main river, often with limited interaction. He said that these areas did not significantly alter the main channel capacity, and floodplain water elevations remained relatively unaffected. He said that the parcel location was provided on the map, as well as the location of the floodplain with backwater. He said that the cross-sectional elevation was 324 feet, while the same area in the floodplain without backwater has an elevation of 322.39 feet.

Mr. Edwards said that the natural restriction of the backwater condition pushed it into a higher elevation. He said that to summarize, encroachment standards stated that the fill shall minimize obstructions to water flow, ensuring that fills did not increase base flow elevation above authorized levels. He said that secondly, no fill shall be placed in the regulatory floodway, which was the case here. He said that furthermore, there must be measures taken to protect against erosion, which would come later in their plan reviews, and the fill must prevent pollution that could harm surface water or groundwater.

Mr. Edwards said that additional information had been provided up to this point and must be provided by the applicant in order to get the Federal Emergency Management Agency (FEMA) Conditional Letter of Map Revision (CLOMR) approval, and certification for the no-fill activity must be provided by the floodplain administrator with site plan approval.

Ms. Ragsdale said that she hoped Mr. Edwards had provided some analysis and context for the staff's conclusion. She said that they had made the same findings as they had in the prior special use permit. She said that their recommendation for approval remained unchanged. She said that the staff report included draft conditions, which she would review and note the changes between the prior application's recommended conditions and these. She said that they had discussed these conditions with the applicant and reviewed them again.

Ms. Ragsdale said that their goal was to make the conditions more specific in terms of timelines, consolidate them, and ensure they were easier to administer. She said that they wanted to provide certainty for staff and the applicant if this were to be approved, particularly in terms of site development, floodplain development permits, and Water Protection Ordinance plans. She said that they had also removed any repetitive ordinance~~Ordinance~~ requirements and special use permit conditions. She said that the typical condition was that a site plan would be developed in general accord with the application plan.

Ms. Ragsdale said that the second condition addressed timelines for submitting and completing fill activities, ensuring that they met the FEMA requirement. She said that the fourth condition related to mitigation plans and required replanting areas. She said that they had identified areas of the site that would be expected to have~~add~~ replantings, including those disturbed for the prior stormwater facility location. She said that they had also ensured that the planting standards and mitigation species were appropriate for the riparian condition, working with their Engineering staff and Conservation Program Manager to follow Department of Conservation and Recreation (DCR) guidelines.

Ms. Ragsdale said that staff believed enhanced stormwater treatment was necessary if the special use permit was approved. She said that staff had initially recommended that the user provide twice the required total nutrient load reduction, and the applicant may share information about an alternative condition they would like to propose. She said that the condition was in line with the impacts expected from the fill, which would comprise~~compose~~ about 20% of the site. She said that the final condition required a phase one archaeological survey due to potential historical Monacan Nation sites. She said that she had provided the staff-presented and amended recommended conditions of approval.

Mr. Bivins asked to see the map showing the Flood Hazard Overlay. He asked if staff could elaborate on the different lines on the map.

Mr. Edwards said that the large, dotted line was the effective FEMA floodway, which designated that portion of the floodplain channel that had to carry water from a storm event. He said that there was no activity proposed within that area. He said that the teal-colored line was the proposed floodplain revision from FEMA. He said that it was labeled as a County map but had not yet been adopted by the county.~~.~~ He said that the solid blue line was the 500-year floodplain and the smaller, dashed line was the outer limit of the 100-year floodplain.

Mr. Bivins asked if the teal line would be considered for adoption at a future date.

Mr. Edwards said that yes, but the map revision had been delayed for some time so he was unsure of when the County would be asked to consider adopting it.

Frank Pohl, County Engineer, said that the teal line referenced~~referred~~ what FEMA called an available map. He said that they had done some modeling throughout the County, and it was not considered preliminary. He said that it was based on Light Detection And Ranging (LIDAR) and modeling done at the Woolen Mills site and the Rivanna River. He said that this was what staff believed would be a more accurate representation of the future map, but they could not regulate it yet, as it had not been declared as a preliminary map.

Mr. Pohl said that once it was declared preliminary, it opened up the public phase, where FEMA advertised and gathered public input. He said that as Ms. Ragsdale stated, the dark solid line represented the 500-year floodplain, and the next line in was the dashed dark blue, which was the current 100-year adopted floodplain limits. He said that what the Engineer had performed for this analysis was reflective of the new limits.

Mr. Murray asked if staff recalled the time when Cosner was underwater. He said that there had been some pretty big floods in their area, so he was wondering how far their experienced flooding

had reached beyond the theoretical limits of the FEMA flood maps. He asked if the flooding had reached Franklin Street.

Mr. Edwards said that the mapping reflected that the flooding did reach Franklin Street, so yes. He said that he remembered the flooding at Cosner as well.

Mr. Murray said that considering this use was light industrial, he was concerned about their regulations surrounding chemical storage. He said that he was aware that they had had industrial uses placed along the floodplain in the past, which posed significant risks during flood events because toxins could enter the waterway, such as the junkyard in this area. He asked if they had specific regulations in place that would protect them from chemicals entering the waterway if this facility were to flood.

Mr. Edwards said that yes, they had included conditions about non-pollutant categories, and that certainly included those things.

Mr. Murray asked if the list of conditions would include provisions that prevented the use of nutrient credit trading to satisfy the erosion sediment control regulations.

Ms. Firehock said that she believed that was one of the substantial changes to this application.

MS. Ragsdale said that yes, the stormwater treatment must be provided on-site.

Mr. Murray said that he noticed the plan targeted phosphorus, rather than phosphorus, nitrogen, and sediment. He asked why they specified phosphorous.

Mr. Edwards was the governing standard, as set by both the state and the County.

Mr. Clayborne asked how long a special use permit remained valid once it was approved.

Ms. Ragsdale said that it was valid and ran with the land and did not expire unless a condition was added that would cause it to expire. She said that there was nothing in the Ordinance that was self-executing.

Mr. Clayborne said that he had one more question to clarify his understanding. He said that according to number six, a phase one archaeological survey must be conducted prior to the approval of the Virginia Erosion and Stormwater Management Program (VESMP) application for the fill area. He said that in comparison, number two stated that fill activities, including retaining walls and mitigation plans, must be completed within two years of the application's approval. He asked if this meant that the survey must be completed before submitting the VESMP application.

Ms. Ragsdale said that it was a condition of approval for the VESMP plan; it must be conducted.

Mr. Carrazana said that he had another question regarding archaeology. He said that to clarify, as far as the County was aware, no archaeological work had been conducted today.

Ms. Ragsdale said that it had not been conducted by the owner. She said that the staff report included information from Historic Resources staff, but beyond that they were not aware of any additional work to that end.

Mr. Moore said that this site already had a big pile of dirt where the proposed fill area was, although it was a temporary permit for the moment. He said that he had personally participated in phase one archaeology digs before, and he would like to note that the area was already disturbed so it was unlikely that they would find anything in that fill area. He said that it was more likely they would find artifacts nearby at the creek's ~~creek~~ banks. He said that he would like to learn more about the Parks and Green Systems overlay on this property. He said that he recalled the

Planning Commission's recent discussions about the Future Land Use Map (FLUM) and how accurate the description was. He asked what criteria were used to define these green systems.

Ms. Ragsdale said that the land use plan designation was not an overlay in the same sense as a zoning district, which came with regulations. She said that the Flood Hazard Overlay District, however, carried the weight of an Ordinance and was based on the 100-year floodplain. She said that this map had been discussed before in terms of how the green space designations were drawn. She said that this was based on the 2015 Comprehensive Plan and included some of those fragments. She said that typically, these designations were consistent with floodplain stream buffers and their slope mapping within the county's~~and~~ Geographic Information System (GIS). She said that however, it did include some already-developed areas.

Mr. Murray said that this issue aligned with one of the points he had previously made, which was that the public may view this map as indicating a future park or green space, but in reality, the practical outcome was that as each of these parcels was developed, only a portion of each would remain green. He said that to designate the entire area as a contiguous green space was misleading with regards to the future of that area

Ms. Ragsdale said that they had made efforts to distinguish between the public and private components within their AC44 FLUM. She said that the green systems designation may include properties that were intended to be public parks, although they did not anticipate that in this case. She said that the applicant had offered that they could provide land along the river for trails, but that was not considered as part of staff's analysis and had not made that a condition.

Mr. Murray said that this was an example of why he had advocated for an urban transfer of development rights (TDR) program, which would allow the entire property to be designated as green space.

Mr. Moore said that was an interesting concept to discuss. He said that he would like to ask about what the Economic Development team knew from their current research about the current demand for light industrial businesses and pad-ready sites.

Ms. Ragsdale said that Economic Development staff did not comment on this specific request.

Mr. Moore said that he was speaking in general.

Ms. Ragsdale said that she would not speculate as to what they would say, but Mr. Barnes may have something more to add.

Mr. Barnes said that generally speaking, the County appeared to be consistently striving to maintain a sufficient supply of light industrial land.

Mr. Bivins said that he would like to know how Section 30.3.14 was monitored. He said that he wanted to know how the County ensured that the conditions outlined in that section were being met and not violated. He asked if it was a proactive process, or if it was primarily based on reports from individuals who may notice issues.

Ms. Ragsdale said that their conditions in this case were tied to specific application processes, which included steps to enforce them. She said that these conditions were checked frequently, not only for future owners but also at each step of their application process. She said that they reviewed the special use permit, assessed its applicability to site plans, and evaluated its relevance to building permits, if applicable. She said that the final step was the zoning clearance, where they verified that the conditions had been met again. She said that to ensure compliance, they obtained documentation confirming that the conditions had been satisfied throughout the process, from the special use permit to the final building permit and issuance.

Mr. Bivins said that moving forward, the responsibility fell on someone to report any violations. He said that once they reached the point where the property received its building permit, if issues arose, they then had to report them to the Zoning Administrator.

Ms. Ragsdale said that yes, that was the case for some conditions, and it was only after the fact.

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

Kelsey Schlein, Tatalein Planning and Development Services, said that she was here tonight representing Chris Donaldson, the property owner, and accompanied by Brian Cichoki, Timmons Group, Tim Miller, Meridian Planning Group, and Matt Denard with the Timmons Group. She said that she would provide a high-level overview of this application, and then Mr. Cichoki would discuss the unique characteristics of the floodplain on this property, as well as the floodplain development process and his work on this project.

Ms. Schlein said that while it was helpful to understand the broader context and the big picture with this site, which included the development across the street, she wanted to emphasize that this special use permit was specifically for filling in the floodplain. She said that this request had been evaluated by FEMA and the County Engineering Department, and multiple checks were in place to ensure that there would be no impact to the regulatory floodway. She said that the special use permit process for filling in the floodplain fringe was unique to Albemarle County and provided an additional layer of protection for quality development. She said that they believed that this proposal met the high standards of development in Albemarle, especially with the proposed conditions.

Ms. Schlein said that to provide context, the site subject to the fill request was nearby Moores Creek Lane and the Woolen Mills Industrial subdivision site, which was an active development site. She said that the building under construction on the property was part of this development. She said that provided was a conceptual plan submitted with the special use permit request to demonstrate a potential development and work through the accurate amount of fill and conditions with the County. She said that the special use permit request was specifically for 1.3 acres of fill.

Ms. Schlein said that the development of the Woolen Mills Industrial site was closely tied to this request, and that parcel would not be able to continue construction without moving the fill to the subject site. She said that the ideal location of this site, 500 feet away from the property, limited the number of trips taken by dump trucks and reduced travel miles. She said that this property was very close to the other site, and one of its unique benefits was that it had no impact on the floodway. She said that she would briefly outline the truck route that would be used to transport the dirt required for this project.

Ms. Schlein said that she would quickly review the site context and then hand it over to Mr. Cichoki. She said that across the street, there were residential uses, but this property was characteristically and historically an industrial area. She said that they had notable industrial businesses along Broadway Street, including a brewery, HVAC contractors, and roofing contractors. She said that there was also a coffee shop at the Wool Factory and tech office users.

Ms. Schlein said that historically, this site had been an industrial area, and they felt that their proposal was consistent with the late industrial zoning designation. She said that she would also note that 80% of the site would be dedicated to a forest open space easement or a stormwater management facility. She said that although the comprehensive plan designated the entire site for green systems, the underlying zoning for light industrial still had rights associated with it. She said that however, a majority of the site would remain dedicated to open space and stormwater easements. She said that finally, they were located within the Broadway Blueprint area, an economic development study aimed at revitalizing this area.

Brian Cichoki, Timmons Group, said that he had 14 years of experience, 10 years of which had been dedicated to floodplain modeling. He said that there was a careful and technical process to follow when work was proposed in the floodplain. He said that this process was lengthy, taking an average of 6 to 12 months, with multiple review cycles throughout. He said that each application was unique and could not be reused elsewhere. He said that to provide context, they had obtained the best available data from FEMA and used it to perform their study, develop a technical report, and create a digital model.

Mr. Cichoki said that in this case, they had obtained a no-rise certification, which was based on facts and data, not opinion. He said that this certification had been submitted to Albemarle County for review, and they had agreed and concur with their findings before they submitted it to FEMA. He said that FEMA then reviewed it and approved it, finding no impact to the floodplain. He said that this had been determined by multiple technical subject matter experts. He said that he would try to be brief and avoid technical jargon.

Mr. Cichoki said that he would briefly review the floodplain as it currently existed. He said that he would highlight the lower area, which was part of Moores Creek watershed. He said that due to its smaller size, the water from Moores Creek traveled faster than the water from the Rivanna River, with a much larger drainage area. He said that this resulted in a significant difference in time between the two events, which was crucial because it equated to the peak flow and peak water surface of the floodplain and ultimately created the backflow. He said that the map of the project site and floodplain showed the floodway, floodway fringe, and proposed fill limits.

Mr. Cichoki said that the red line indicated the extent of the backwater influence from the Rivanna River. He said that notably, the 324-foot elevation remained static throughout this entire stretch, which was crucial. He said that there was a natural flow constriction present where Moores Creek did not utilize this area, where they intended to place the fill. He said that it was worth reiterating that this had been thoroughly reviewed by subject matter experts, the County, FEMA, and had been ~~approved and~~ recommended for approval tonight.

Mr. Murray said that he had a question regarding one of the proposed conditions. He said that as one of the conditions was that there would be no increase in phosphorus levels, he was wondering if the applicant had given any thought to how they intended to achieve that.

Ms. Schlein said that there was a conceptual stormwater management plan, which consisted of a series of interconnected jellyfish stormwater filtration units designed to increase stormwater treatment as it flowed through. She said that if they would like more detailed information, she would suggest asking Mr. Miller to elaborate. She said that at this high level, the conceptual plan that had been developed was the jellyfish system, which was a type of capture and treatment facility.

Mr. Murray said that the other point he would like to bring up was the 500-year floodplain marked on the map. He asked if they had experienced flooding in the 500-year area, and if that location was prone to flooding, particularly within the past 20 years.

Mr. Cichoki said that he could not speak to that.

Ms. Firehock said that there was significant flooding in the mid-1980s, specifically affecting one of the spans of the Rivanna Bridge that crossed the river.

Mr. Murray asked if the flooding in the 1980s got into that area.

Mr. Edwards said that there were points where it exceeded it, but he was unsure if it got to that orange area.

Mr. Murray said that he wanted to raise a point regarding areas labeled as 100-year floodplains or 500-year floodplains. He said that they were seeing significant flooding in these areas, which contradicted the expected frequency of such events.

Ms. Firehock said that floodplain number of 100 or 500 ~~it~~ was not the number of years between events, but rather the percentage probability of such an event occurring in any given year. A 100 year floodplain is a 1% chance for that flood level to occur.

Mr. Murray said that his point was that these areas were flooding much more frequently than what they were statistically expected to.

Ms. Firehock said that yes, they could have three 500-year floods in a single year, or even in a single month.

Mr. Bivins said that considering this was in an area that may be subject to FEMA map changes in the future, he was wondering if a business would be impacted in terms of their ability to get insurance. He said that he was trying to understand the viability of the space if it did become part of the 100-year floodplain rather than the fringe.

Mr. Edwards said that by raising the elevation of this site, they were effectively removing it from the floodplain, so the insurance would take that into account.

Mr. Bivins said that there was already a significant pile of dirt there. He asked if they would have to move that pile of dirt to perform the archeological survey.

Ms. Schlein said that the details of how that would happen would be worked out with the County to ensure they were complying with the condition. She said that since they had to submit that to them prior to the submittal of the SMP plan, there was a trigger check in place to coordinate their efforts and ensure the study looked like it should.

Mr. Moore said that from a business perspective, he was wondering about the current status of the Woolen Mills Industrial Park, which the applicant also owned to the north. He said that he was inquiring about the current demand for that development and how much space it was currently being utilized.

Ms. Schlein said that it was challenging to sell pads in the current condition. She said that as a result, the one building currently under construction had been sold. She said that the remaining property, however, required significant development, particularly the road that needed to be completed to depict the project's vision. She said that much of the property was suitable for condominium development, and some buildings had already been sold off, including the one under construction.

Ms. Schlein said that it was difficult to sell potential clients on a significant investment when the project was in its current state. She said that one thing that came to mind was the story of a local coffee roaster who was moving into the building currently under construction. She said that it had been difficult for them to find any suitable space, and they had been told to go to Zion Crossroads where there was available space. She said that they wanted to stay in the area, so this property was helping meet that need. She said that she believed this subject property would add to that.

Mr. Moore asked what Ms. Schlein meant by the current state of the site and why that was impacting buyers' willingness to purchase. He asked if she was referring to the large pile of dirt at the north of the site.

Ms. Schlein said that they could not cut a road all the way through, as this was a critical factor for access. She said that it was particularly important for light industrial users on the subdivision site, such as box trucks, to have a way to loop through the site. She said that a road would provide a

convenient and safe route for truck drivers, eliminating the need for point turns in their vehicles. She said that having a continuous connection throughout the site was ideal.

Mr. Missel said that they had received a lot of feedback from the public on this item. He said that a prominent concern he had heard was the idea of filling in the floodplain in general. He said that conceptually, it did not sound right, in large part because cumulatively filling in the floodplain on individual sites would eventually mean there was no floodplain left. He asked how they would address the concern of the cumulative impacts to filling the floodplain as a general concept.

Ms. Schlein said that this site was particularly unique because the flooding condition was controlled by the Rivanna River, and the water backed up onto the site. She said that Mr. Cichoki had explained this to her many times, on the outside of the culvert, the flow was ineffective in this section of the channel. She said that adding fill or other measures may not change the surface elevation, as the water would simply find equilibrium and continue to exist in that state.

Mr. Missel asked if the fill's displacement of the water would push water into the channel.

Mr. Cichoki said that the water would never exist if it were filled. He said that it was an equilibrium based on the flow that passed by, which was defined by a certain amount of area through which the flow passed, and it reached the water's surface.

Mr. Missel said that it would increase the amount of water that had to flow through the channel.

Mr. Cichoki said that the same amount of water flowed through the channel.

Mr. Missel said that it would take longer for the water to go through.

Mr. Cichoki said that this was why they wanted to also recognize the process that this had undergone, involving subject matter experts from the County, Timmons Group, and FEMA, who had all studied this and come to the same agreement that this had no impact, no rise. He said that to put that into perspective, this was a unique situation. He said that it was not a simple situation where they intentionally set out to fail; it was a rare alignment of circumstances.

Mr. Cichoki said that the space was not being utilized by Moores Creek, nor was it being used by the backwater condition of the Rivanna River. He said that it was essentially a dead zone, where the flow of water was not available to the stream. He said that this was not a universal phenomenon that could occur everywhere. He said that he would not say that there was a cumulative effect to this, where it could keep occurring prolifically throughout Moores Creek, the Rivanna River, or the County. He said that it was a specific set of conditions that must align for this no-rise situation to occur.

Mr. Cichoki said that if those conditions were not met, then they would hear about a rise, and that was a different topic. He said this was why they had floodways, which served as a safeguard to preserve the minimum area of flow for the water to get through. He said that floodways were there to prevent overdevelopment and provide an additional check beyond this specific technical evaluation, which had been performed, reviewed, and approved by the counties, Timmons Group, and FEMA for this specific location with these specific characteristics.

Mr. Moore said that he was recalling an episode of MythBusters in which they performed an experiment to see if it was more fuel-efficient to drive a truck with its tailgate down. He said that they actually found out that it was more efficient with the tailgate up because it created an eddy of air that allowed other air to flow over it as the truck moved forward. He said that he thought this situation was similar, where this portion of fringe floodway in Moores Creek had water that just flowed around it.

Ms. Schlein said that she would like to discuss the concerns about the potential cumulative effect of this type of fill. She said that the process itself, particularly the special use permit process, could be a significant deterrent to applicants from requesting this type of fill. She said that the proposed conditions for this development made it significantly more expensive than comparable projects in other areas of the County. She said that for instance, most developers would not go through the hassle of obtaining a special use permit if they were not 500 feet away from the other property nor deal with a regulatory floodway issued by FEMA. She said that she thought this process served as a huge safeguard.

Mr. Missel asked if any members of the public wished to address the item.

Eli Connell said that he was a physical scientist with the Virginia Department of Environmental Quality. He said that he would like to offer his perspective on this matter, as he was also a scientist. He said that he had three points he would like to make, which are all related. He said that his first point was regulatory harm.

Mr. Connell said that when the DEQ evaluated violations, they considered two types of harm: environmental harm, which was straightforward, and regulatory harm, which referred to actions that undermined an agency's ability to regulate and carry out its duties. He said that in his opinion, filling in the floodplain occurred prior to obtaining approval. He said that leaving the fill in place constituted regulatory harm.

Mr. Connell said that the procedures existed to hear opposing opinions and weigh trade-offs before taking actions. He said that filling first shifted the decision-making balance, making it easier to approve and harder to deny. He said that it effectively removed the authority of the County to meaningfully decide whether the floodplain should be filled.

Mr. Connell said that his second point was the reduction of floodplain storage. He said that when he asked about the floodwater displaced by this fill, the response was that it would go nowhere, which was not physically accurate. He said that the volume of rainfall was not decreasing, but the volume of storage available at a given elevation was. He said that this meant that the net effect of that floodwater was displaced somewhere else.

Mr. Connell said that while this particular fill may not increase the base flood elevation, the assumption that the water goes nowhere leads to the false conclusion that additional floodplain fills have no cumulative effect.

Mr. Connell said that his third point was the increased flood risk. He said that there appeared to be a local consensus that storm events were becoming more frequent and more intense. He said that the engineers had acknowledged this, and they stated that they were bound by federal standards on the 100-year floodplain.

Mr. Connell said that the federal regulations lagged behind observed conditions, and they were unlikely to receive protections from their federal government at this point. He said that this responsibility ultimately fell to them. He said that he believed it was essential that they consider not just compliance with the minimum federal standards, but also the broader regulatory precedent, cumulative floodplain impacts, and long-term community risk.

[SPEAKER_10: ???

[02:58:05.618] said that he had brought up several points during the community meeting, but there was no indication he made his comments in the synopsis that the Commission was provided of the meeting. He said that Supervisor Pruitt had asked in June who was notified of and able to attend community meetings, and the answer was not clear to him. He said that they should slow the process down to allow the Commission to discuss actual planning. He said that the engineering was dominated by waterflow. He said that floodplains were more than just a ditch

where water flowed. He said that he would like to know what steps the applicant had taken to get into compliance with the County. He said that he wanted to know what percentage of the soil was needed to fill the acreage to fit above base flood elevations.

Katie Chester said that one thing that struck her during their discussion was Mr. Bivins' suggestion of having transitional development zones instead of a hard edge. She said that it was challenging when one encountered the hard edge of development and rural areas. She said that the floodplain fringe was the transition zone between the floodplain and non-floodplain areas.

Ms. Chester said that the applicant was asking them to remove this transition zone and treat it as a hard edge. She said that the fringe designation was in place to facilitate transitions, which were useful. She said that the fact that the applicant had already dumped fill in the area was the problem. She said that the owner had created their own issue by poor planning for their current development. She said that the lack of consideration for where to place the dirt from the other building was puzzling.

Ms. Chester said that instead of coming into compliance with the County, the applicant was applying for a variance. She said that the applicant had a history of creating problems, asking others to fix them, and disregarding rules.

~~He said that thank you, Jenny Mikulski.~~

Jenny McClusky said that she would like to discuss the archaeology of the site. She said that in 2020, when Elemental Ecotech first cleared the trees from the lot in question, she became intrigued and investigated the property deeds out of curiosity. She said that it was then that she first saw the Virginia Department of Historic Resources' archaeological recommendation.

Ms. McClusky said that she reached out to Jeff Hartman, Professor Emeritus of Anthropology at UVA, who shared that the site was recorded in 1978 after a farmer plowing the field discovered artifacts. She said that he stated that the site was potentially significant and warranted preservation efforts, as the artifacts suggested it predated colonization and may have contained human burials. She said that while he did not suggest that every archaeological site in Albemarle County was important or unique, he believed this site warranted attention due to the artifacts found and the likely date of occupation.

Ms. McClusky said that she did not spread this information because she was worried people might raid the site, looking for artifacts. She said that she was also suspicious that the developer would proceed more rapidly with the project without conducting due diligence. She said that in July 2022, when the rubble crushing began, she contacted the property owner and offered to pay for an archaeological survey if he would allow them on the property. She said that the property owner declined the request.

Ms. McClusky said that the property owner had planned to use the site as a soccer field for the community, but that her efforts on the slope project had made it difficult for him to secure funding. She said that the property owner had been using heavy machinery to deposit, crush, and grind concrete for three years. She said that the equipment was still on the site, and he did this with full knowledge of the potential presence of artifacts.

Mr. Missel asked if the applicant had a response to public comment.

Ms. Schlein said that she believed they needed to address the timeline and the existing fill on the property. She said that the fill in the floodplain largely resulted from a miscommunication at the time from an inspector. She said that it appeared that her client had called to inquire about moving some dirt or crushing concrete basin rubble~~basins~~ from the nearby RWSA facility on the property, and it was not realized that these items were in the floodplain. She said that as a result, they ended up on the site.

Ms. Schlein said that since the applicant became aware of the violation, he had made every effort to comply with the County's requests. She said that in her opinion, if he had done so three years ago, instead of relying on a phone call, he could have gone through the formal process of revising the plan and having a meeting. She said that was the history of how things came to be. She said that the owner had responded to every concern raised by the County and had worked diligently to come into compliance.

Mr. Missel asked for clarification about whether the inspector Ms. Schlein referred to was a County inspector.

Ms. Schlein said the inspector was with the County.

Mr. Missel asked if there was any written correspondence.

Ms. Schlein said that there was not. She said that for those who had been on active construction sites, they may have experienced changes that arose unexpectedly, whether in a building or on the site itself. She said that typically, the contractor would contact the parties they were working with to explore possible resolutions. She said that in this instance, it was business as usual, and no one really acknowledged the regulations that surrounded that action.

Mr. Missel asked what was the volume of fill currently on the site.

Ms. Schlein said that she was unsure. She said that the dirt was essentially the remains of the stormwater facility currently on the property.

Mr. Bivins clarified that the fill currently on the site was from the same property.

Ms. Firehock said that previously, they had been informed the applicant had received concrete material from the wastewater treatment plant site.

Ms. Schlein said that the concrete material was from a stormwater basin from RWSA. She said that there was fill on the site, which was from the stormwater facility, and separately, there was a concrete rubble pile from RWSA.

Mr. Moore asked if there was a temporary special use permit for the fill.

Ms. Schlein said that she was not aware of a temporary special use permit.

Mr. Pohl said that the fill was added to the site because a County inspector allowed it. He said they had been working with the applicant to get the matter into compliance. He said that not requiring the fill to be removed immediately was due to the fact that it was in a backwater condition. He said that they had conducted a study showing no rise, and they were preparing to submit their findings.

Mr. Pohl said that there was a violation, as they had extended the permit to include this site as an offsite area, subjecting it to erosion and sediment control measures. He said that he did not have firsthand knowledge of the current site condition, but he could confirm that it was under the permit of the main site, which had been extended to this particular part of the property, including the concrete basin.

Mr. Moore asked if there was a history of violations in regard to the site.

Mr. Pohl said he was not aware of other zoning violations.

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

Ms. Firehock said that she wanted to introduce a different perspective to their discussion. She said that they had been focusing on stormwater volume and flows, base flood elevations, and floodway fringes, among other topics. She said that as someone who had spent over 30 years managing a national stream and wetland habitat restoration programs across the United States, she was well-versed in these concepts.

Ms. Firehock said that additionally, her experience surveying the biological integrity of Moores Creek and serving as vice president of the Belmont Neighborhood Association had given her a deep understanding of this area. She said that while they had discussed the technical aspects of the project, she wanted to highlight the other purposes that a floodplain served.

Ms. Firehock said that it was not just a storage zone for water during high events; it also played a crucial role in dissipating the energy of floodwaters. She said that by allowing water to spread out and slow down, they could reduce erosion. She said that filling in the floodplain, however, could have the opposite effect by restricting the flow and making the flow faster.

Ms. Firehock said that she understood the engineer's analysis, which suggested that, since this was a backwater situation, this small area of fill would not raise the base flood elevation. She said that she did not dispute this, but there were other aspects to consider for the floodplain.

Ms. Firehock said that the floodplain was habitat for many species that depended on the riverine environment, and it was not just an exercise in water flow. She said that as the Department of Wildlife Resources noted, Moores Creek, which flowed into Charlottesville, was a tributary to the Rivanna River. She said that for decades, urbanization and manipulation had degraded the habitat and water quality of Moores Creek.

Ms. Firehock added that DWR statedsaid that the potential for restoration was still present, and multiple species listed as those of greatest conservation need in Virginia's Wildlife Action Plan could potentially thrive in Moores Creek or the Rivanna River. She said that just because they had urbanized the watershed did not mean they should continue to degrade it.

Ms. Firehock said that the underlying zoning, which had been established decades ago, was no longer suitable. She said that they were not deciding on the merits of industrial uses along a river; they were simply considering whether to fill in the floodplain. She said that the comprehensive plan had listed this as parks and green systems because it was a floodplain.

Ms. Firehock said that she wanted to bring to their attention some of the other stakeholders who were not present tonight to testify: the great blue heron, the little green heron, the salamander, the kingfisher, and the red-bellied woodpecker among others.. She said that these were just a few of the aquatic and riparian species that depended on that habitat. She said that when they filled it and destroyed it, they diminished that.

Ms. Firehock said that they might say, "this is just a small area," but the reality was that filling it and putting industrial uses on top would destroy the habitat. She said that her mother used to say, "death by a thousand paper cuts," and this was precisely what was happening with Moores Creek and the Rivanna River.

Ms. Firehock said that she did not want to continue down this path simply because FEMA suggested that by piling dirt high enough, they could avoid the floodplain. She said that they could engineer just about anything, and she wanted to provide an example to highlight the fallacy of this thinking. She said that, according to regulations, they could get permission from the Army Corps of Engineers to pipe the entire creek, cover it in dirt, remove the floodplain, and develop on top of the now-piped creeks withfor industrial usesuse.

Ms. Firehock said that rivers and riparian systems provided several benefits, including areas of respite, quiet, solitude, and habitat for species that thrive in these environments. She said that

these benefits were not just about meeting federal regulations, but about protecting the aquatic resources of their state. She said that she was opposed to this application and all filling of floodplains for that reason. She said that she was also sticking with the Comprehensive Plan's recommendation to use the land for parks and green systems.

Mr. Clayborne asked if the agencies reviewing the permits were not considering habitat impacts.

Ms. Firehock said that was not the charge of FEMA. She said that FEMA was only examining flood elevations and flooding. She said that this was an important role for the agency, as it protected public property and people's lives. She said that FEMA was not the DWR, but the DWR had no authority or input in this matter and had not been consulted for this matter.

Mr. Murray said that what was happening here was that the floodplain was becoming increasingly impervious surface, which was leading to increased volumes of pollutants and stormwater that flowed downstream. He said that this was not just a matter of the amount of phosphorus or stormwater volume, but ultimately, it was increasing. He said that as they had seen in Moores Creek, the conditions were already impaired. He said that this was not improving the water quality.

Mr. Murray said that it was worth noting that their attitude towards the Rivanna River and floodplains had changed dramatically since the past. He said that they used to view these areas as waste spaces, as evidenced by the presence of junkyards, auto body shops, and other industrial uses. He said that now they were trying to shift their perspective and see the river as a public asset, rather than a dumping ground. He said that this change in perspective should lead them to reevaluate some of their past decisions.

Mr. Murray said that, in his opinion, it was not a good idea to continue down the path they had been on, particularly in terms of their environmental advantage. He said that it was essential to consider the opinions of Charlottesville residents and be a good neighbor to the City, taking their concerns into account.

Mr. Missel said that he was struggling with the objective support based on the science, as well as the conceptual and emotional aspects. He said that he was struggling with other concerns, such as the County inspectors' relationship and responsibilities, the fact that the fill already existed on the site, and the archaeological resources. He said that he appreciated the other purposes a floodplain provided, and that provided him the rationalization to support his objection to the application.

Mr. Moore said that he had some questions that may not be suitable for this room, such as why this project was chosen over alternative options, like shipping the fill material elsewhere. He said that he was still unsure about the reasoning behind this decision. He said that he also appreciated the acknowledgement of the potential slippery slope, although he believed it had been adequately addressed. He said that the process was complex, with numerous checks in place, and he was not concerned about the slippery slope aspect.

Mr. Moore said that there were existing facilities nearby, and there was demand for light industrial sites, as well. He said that they had limited parcels of land in the County, and when businesses were priced out, there were few alternative locations available. He said that he believed this was a concern that was often raised by economic development officials.

Mr. Moore said that he understood the concerns about rivers, streams, and watersheds, as they played a crucial role in more than just carrying water. He said that when making decisions about these matters, they should consider the long-term impact. He said that at the same time, Albemarle County had 2,400 miles of streams and rivers, and a small section like this was hardly a significant impact. He said that he was not enthusiastic about the proposal, but he was not inclined to oppose the request.

Mr. Missel said that he would like to add another metric to this discussion. He said that based on the build out analysis data, they had approximately 4.8 million square feet of industrial space available. He said that the 20-year demand forecast indicated a need for 1.1 million square feet. He questioned the need to push into floodplains when the County already had the industrial use capacity.

Ms. Firehock said that it was not that this was a landowner who had this one property and had no other means of supporting themself. She said that the applicant was doing industrial development on other parcels nearby.

Mr. Murray said that he would like to add one more comment. He said that one of the points mentioned in the slide was that certain areas could be filled without causing negative consequences, such as oxbow lakes. He said that he was particularly horrified by this. He said that he hoped that if staff were to use this as an example of areas that could be filled without consequence, they would reconsider that approach. He said that oxbow lake areas were particularly sensitive wetlands that could not be restored if they were damaged.

Mr. Bivins said that he was attempting to strike a balance between proportionality. He said that if he understood correctly, a portion of this land would be designated for a park or conservation area. He said that when he moved further up the creek, he noticed that there were several locations where runoff could occur. He said that there was an apartment complex, which appeared to be condos, a U-Haul storage facility, and other structures that were currently closer to the stream than this site.

Mr. Bivins said he was wondering whether this was any worse, or would it significantly worsen the existing conditions. He said that he was also seeking clarification on how this particular project came to be, as he was not entirely sure how the narratives aligned. He said that he was trying to consider the proportionality of this project and its impact on the land. He said that other sites along Moores Creek were right against the bank. He said that given everything happening upstream, he was having trouble seeing how not putting this project in place would significantly improve the creek.

Ms. Firehock said that they could keep filling in the floodplain piece by piece, making little harms along the stream, until it accumulated into a worse harm. She said that she used to be part of the Coalition to Restore Urban Waters, and they successfully restored urban creeks across the country. She said that was the goal with Moores Creek.

Ms. Firehock said that the City was working hard on its stormwater management plan to add infiltration and reduce impervious surfaces. She said that they had implemented dozens of best management practices to retrofit the City. She said that she had co-authored the Water Protection Ordinance in Charlottesville, which was based on the County's Water Protection Ordinance.

Ms. Firehock said that the City was working diligently to undo all the previous harm, and it seemed counterproductive for the County to add more development along the creek. She said that allowing the development because it was not a significant harm was the rationale for environmental degradation. She said that there was a reason that the County designated the area as parks and green systems.

Ms. Firehock said that it was essential to acknowledge that they all had, at some point, voted for environmental degradation. She said that there was a project in the County that they had approved, which had impacted a critical forest habitat core. She said that by allowing that development, they had protected the environment further out, and it was a trade-off. She said that she did not believe the County had such a need for industrial sites that they needed to fill in the floodplain.

Mr. Moore said he shared the environmental concerns, but they were lower on his set of priorities. He said he focused on what the material needs were, such as jobs with dignity, quality and affordable homes, good healthcare and schools, and great environments to play and live in. He said that the case that he continued to grapple with was the parcel just north, which remained underdeveloped. He said that he was still unclear as to why it had not been built out and what was missing.

Mr. Moore said that what he found compelling was the economic need for people to have jobs that they could walk to from their homes. He said that he had not yet heard the demand.

Mr. Murray said that when they discussed harm, he believed it was worth understanding what DCR meant by classifying a stream as impaired. He said that according to DCR, impaired streams were those that did not meet the recreational standards, which included factors such as whether a person would not fish in the stream or whether children could safely play in it.

Mr. Murray said that the presence of a bacterial TMDL for the stream indicated a real health risk if a child were to play in the water. He said that they had seen cases at public parks where public waters had become impaired, resulting in the death of a pet due to exposure to contaminated water. He said that considering the needs of the public and the concept of harm, he believed it was crucial that they take this into account.

Mr. Clayborne said that he would like staff to elaborate on their evaluation process when considering a holistic approach. He said that he would like to know how they determined the quality of a recommendation and what harms would be caused.

Ms. Ragsdale said that she believed they had clarified the holistic approach for this type of request. She said that they had deliberately chosen not to discuss the economic benefits, market analysis, or demand for industrial uses in their staff report. She said that the focus was on the impacts. She said that they had also discussed the science behind the engineering modeling.

Ms. Firehock said that staff presented on the hydrology and a bit on the archaeology, but they did not discuss the other impacts.

Mr. Svoboda said that they did not evaluate it based on ranking it as good, better, or best. He said that instead, they assessed whether it met the requirements and complied with the standards.

Ms. Ragsdale said that as they had discussed, they had recognized the benefits of the floodplain, including its other advantages. She said that they also reviewed the available information, including the biodiversity report and habitat data. She said that when considering conditions of approval, such as recommending approval or special use permits, their goal was to ensure that they were not making anything worse. She said that their intention was to confirm that the proposed conditions would not have a negative impact. She said that typically, they looked for conditions to be better than the existing state.

Ms. Ragsdale said that this was a fundamental principle when evaluating special use permits, as they considered the potential detriment and strived to minimize any negative effects. She said that in this case, they had thoroughly reviewed the information, and their intention was to address the special use permit condition. She said that she had intentionally refrained from discussing certain economic aspects, as the properties were already zoned industrial and were part of an overlay district.

Ms. Firehock motioned that the Planning Commission recommend denial of SP-2025-00006 because the request did not conform with the Comprehensive Plan designation as parks and green systems, and the other values of protecting natural resources. Mr. Murray seconded the motion.

Mr. Moore said that for him, his reasons for not being overly enthusiastic about this proposal were not those, although he did appreciate them more. He said that if the property to the north became a hub for job opportunities in the future, he was open to that. He said that however, it had been challenging for him to see the need for this development.

The motion carried (5-2). (Firehock, Carrazana, Missel, Murray, and Moore voted aye; Clayborne and Bivins voted nay)

Committee Reports

There were none.

Review of Board of Supervisors Meeting

Mr. Barnes said that the Board received a report on the zoning modernization. He said that they also had two items on the consent agenda regarding changes to the zoning ordinance. He said that the first change was related to no longer requiring ARB review for outdoor storage displays in the entrance corridor. He said that these were typically approved, so they wanted to develop a set of standard conditions that staff could use to approve requests.

Mr. Barnes said that the second item was to add a countywide certificate of appropriateness for solar panels in the entrance corridor. He said that they thought they could develop design criteria in collaboration with the ARB and then have those criteria be staff-reviewed factors for applicants seeking approval for solar panels. He said that the standards remained to be determined.

New Business

There was none.

Old Business

Ms. Firehock noted that Mr. Bivins was retiring from the Commission. She said that it had been a pleasure serving with him, and she thought they should give him a standing ovation. All commissioners then stood and clapped in appreciation for Mr. Biven's service to the county.

Mr. Missel said that he was now submitting~~submitted~~ his resignation from the Planning Commission. He said that he wanted to take this opportunity to express his gratitude to the public for their openness and honesty. He said that he also wanted to thank the staff for their continued expertise and the Clerk for her exceptional service. He said that it had been truly amazing to work with such a dedicated team. He said that he was grateful for the opportunity to have served on the Commission, and he was excited to continue collaborating with them in his new role as Supervisor.

Adjournment

At 9:55 p.m., the Commission adjourned to January 13, 2026, Albemarle County Planning Commission meeting, 6:00 p.m.

_____

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: