Albemarle County Planning Commission
Draft Minutes Work Session and Regular Meeting
February 10, 2026

The Albemarle County Planning Commission held a public meeting on Tuesday, February 10, 2026, at 4:00 p.m.

Members attending were Luis Carrazana, Chair; Karen Firehock, Vice-Chair (arrived late); Corey Clayborne; Nathan Moore; Lonnie Murray; Mary Katherine King.

Members absent:

Other officials present were Michael Barnes, Director of Planning; Jenny Tevendale, Deputy County Attorney; Mariah Gleason, Syd Shoaf, Scott Clark, Ann Wall, Bart Svodoba, and Carolyn Shaffer, Clerk to the Planning Commissions.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Carrazana established a quorum.

Work Session

ZTA202400001 Rio29 Form-Based Code

Mariah Gleason, Senior Planner, said that this was the second of two work sessions with the Planning Commission regarding proposed changes to the Rio29 form-based code. She said that the presentation would focus on the questions in the staff report, grouped into three topics.

Ms. Gleason said that she was joined today by their consultant team, Todd Gordon with EPR and Joe Cole from Dover Kohl and Partners, who were participating remotely for this meeting. She said that the consultant team consisted of form-based code experts who had worked on award-winning projects throughout the U.S., including the Columbia Pike in Arlington, Virginia. She said that staff have been grateful for their help and contributions to this project.

Joseph Kohl, Dover Kohl and Partners said that he grew up in Charlottesville, although he had spent most of his life in Florida. He said that he attended elementary school at Woodbrook and high school at Albemarle High School. He said that his family also attended church at the former Branchlands Farm.

Mr. Kohl said that he had a fond memory of the Rio 29 intersection, which dated back to when he was around six years old. He said that, at that time, the only features were Sam Joseph's Gulf gas station and a small superette that sold candy. He said Rio was one lane in each direction, and Route 29 was only recently made into a divided highway. He said that the western side was higher than the eastern side, so they had not done any grading. He said he remembered having to look over the hill when his parents were turning left on Route 29 because the visibility was so bad.

Mr. Kohl said that having grown up in the Berkeley neighborhood and in Carsbrook, this area was his downtown. He said that the site of the mall was a vacant, cleared site of trees during his grade school days. He said that he had witnessed significant transformation in this neighborhood over

the years, which was why he was excited to help transform it into something better than what he saw during his childhood. He said that he had extensive experience with form-based codes, and he was one of the founders of the Form-Based Code Institute. He said that he had the opportunity to travel across the United States and work on form-based codes.

Todd Gordon, principal planner at EPR, said that he had the opportunity to work with Albemarle County on various projects, including the comprehensive plan, zoning, trail building, broadband strategy, and more. He said that as a result, he had been pleased to partner with Mr. Kohl, as well as with staff, as a local partner and a firm familiar with development and zoning in the Commonwealth. He said that he was also a resident of the County, and his home was located in Crozet.

Ms. Gleason said that Leah Brumfield and Jamie Powers were also in attendance and available to answer any questions. She said that she would provide a brief overview and background of the project, followed by an overview of the first work session and the key topics discussed. She said that they would then delve into the questions posed to the Commission in the staff report, which included eight questions for their consideration.

Ms. Gleason said that as a bit of background, she would like to explain the Rio 29 form-based code. She said that in September 2021, the County adopted its first form-based code, which was an implementation tool of the Rio 29 small area plan. She said that to provide context, a form-based code differed from traditional zoning districts in that it focused on buildings, sidewalks, and streets, and how they worked together to create a place that encouraged activity.

Ms. Gleason said that, unlike traditional zoning, form-based codes focused on the outside of the building, rather than the inside, and allowed for dense urban development by right, but it was also an optional zoning district. She said that this meant that landowners could choose between by-right development under the form-based code or the underlying zoning district assigned to the property. She said that given the County was new to form-based codes, they anticipated that the first projects highlighted in teal on the map would reveal problems with the code, and that had proven to be the case.

Ms. Gleason said that in April 2024, the Board of Supervisors adopted a resolution to amend the Rio29 form-based code. She said that based on their discussions with the design and development community, they had proposed changes that addressed the problematic aspects of the form-based code while still achieving the goals of the Rio29 Small Area Plan.

Ms. Gleason said that in the first work session, they discussed six fundamental changes to the form-based code. She said that the two changes that were relevant to their discussion tonight were the proposed changes to the character area boundaries and the streets. She said that, starting with the character area boundaries, the form-based code was organized into three character areas, which identified the intensity of development and the level of activity. She said that the Core areas, shown in red, had the densest development and highest levels of activity, acting as focal points.

Ms. Gleason said that the white areas were Flex areas, which allowed greater variation in building form while focusing on safe and comfortable bike and pedestrian connections to and within the overlay district. She said that Edge areas, shown in blue, had a lower development intensity, providing an intentional transition between dense urban development and existing single-family neighborhoods located along the boundaries of the district.

Ms. Gleason said that there were two issues with the current map. She said that the Core area was centered on the intersection of Rio Road and Route 29, which positioned dense urban developments up against two high-speed, high-volume roads, creating concerns about pedestrian safety and the ability to create a successful pedestrian-oriented environment. She said that this created a natural tension between the design intent of the Core and the character of the adjacent arterial roadways.

Ms. Gleason said that the form-based code also required commercial or retail uses on the ground floors of every development within the Core. She said that with the Core area being 109 acres in size, they found that the Core was too expansive for this requirement, diluting instead of concentrating commercial activity.

She said that to address these issues, staff proposed two changes to the map. She said that the first change involved shifting the Core areas to align with existing shopping centers - Rio Hill Shopping Center, Albemarle Square, and Fashion Square Mall - where there was already a density of commercial activity and ownership was not fragmented. Ms. Gleason said that this change essentially separated high-speed vehicular corridors from areas prioritizing pedestrians and the pedestrian experience. She said that the proposed organization of character areas was similar to the squares design that was offered in the Small Area Plan at the time. She said that in the proposed map, parcels that were no longer Core would be redesignated as Flex, shown in white, and there were no changes to the locations or extents of the Edge areas, shown in blue.

Ms. Gleason said that the second change involved the addition of a new Destination Street type, exemplified by Bond Street at The Shops at Stonefield. She said that these street types were envisioned to be at least 1,200 feet in length, which was approximately a quarter mile. She said that the requirements for ground floor commercial uses would be tailored to this street type instead of every street type within the Core. Ms. Gleason said that these streets served as a mechanism for creating commercial focal points within core areas, supporting mixed-use development.

She said that she had summarized the key takeaways from the first work session. She said that in their first work session, they had discussed clarifying the proposed street types and functions, the desire to see the Rio29 form-based code encourage stormwater management, housing, and parking garages, and the need for more incentives to develop under the form-based code. She said that they had heard consistently that the ability to do high-density residential development without a rezoning was attractive to the development community.

Ms. Gleason said that there were other opportunities for incentives, but their goal was to avoid creating a sentiment that development under the form-based code was more burdensome than other zoning districts. She said that in other words, development under the form-based code should be no more difficult than development under other zoning districts if they wanted to encourage development like this.

Ms. Gleason said that, as she had mentioned earlier, they had organized the questions from the staff report into three groups. She said that each individual question had a slide with the question from the staff report, a reminder of the problem, and possible solutions. She said that where it was appropriate, she had mapped possible solutions on a sliding scale of least flexible to the left to most flexible on the right and identified where the current form-based code and the recommended change landed on that scale. Ms. Gleason said that they could revisit these individual slides whenever they liked, and their purpose was to support discussion.

She said that for the first question, the problem was a hesitance within the development community to be an early adopter of the Rio29 form-based code and limit future development

opportunities. She said that currently, the current form-based code did not permit opting out once a property had opted in. She said that the proposed changes recommended allowing properties the option to opt out if the site plan was not built and it expired, which was approximately five years in addition to extensions allowed by state code.

Ms. Gleason said that the second question revolved around large mall properties in the Core area must undergo a special exception process to phase development and retain existing buildings. She said that currently, there was a Board-approved special exception available for applicants who wished to phase development and retain those buildings. She said that the proposed changes would allow the agent to approve phase development of existing buildings on properties of 15 acres or more.

Ms. Gleason said that the third question concerned the building form and architecture requirements in the form-based code, which made it challenging to incorporate existing buildings within developments. She said that the current form-based code required Board approval to exempt existing buildings from both building form and architectural standards. She said that the proposed code recommended retaining Board approval for architectural standards, while narrowing the number of building form requirements to focus on ensuring that primary entrances faced streets or civic spaces and that future additions make existing buildings more, rather than less, consistent with other code requirements.

Mr. Murray said that he believed five years was too short, but opting out was reasonable. He said that 10 years would be better.

Mr. Carrazana asked when the five-year timeframe started.

Ms. Gleason said that the five years started when the site plan was approved.

Mr. Moore asked if that was part of the existing code.

Ms. Gleason said that it was part of the County's zoning ordinance, and the five-year expiration was true across all zoning districts.

Michael Barnes, Director of Planning, said that to clarify, the concept was that this was a pull-down district, where one had to work with that district while the site plan was valid. He said that this was different from a different district, where one had a base zoning and could come back with another or a revised site plan. The purpose of the requirement is to create a form of tenure in the form-based code.

Mr. Moore said that if someone had a site plan and had not taken any action on it for five years, they could withdraw from the zoning if they chose to. He said that they had about five or six years of the form-based code, but they had only a small number of projects. He said that given this, he believed that more flexibility would be necessary to achieve the original intent of the plan.

Mr. Moore said that he did not think that they needed to go as far as allowing complete withdrawal at any time. He said that instead, the middle zone recommendation was a good compromise, as it struck a reasonable balance and allowed for a reset if someone had a site plan but had not taken any action for five years.

Mr. Clayborne said that he felt okay with what was highlighted here, but he was wondering if it would be possible to provide some context around the concept of opting in versus opting out. He said that conceptually, he would like to understand where this approach had been successfully

implemented around the country. He said that it seemed that when given the choice, the outcome may not always be ideal.

Ms. Gleason said that she was unsure who had successfully implemented this code, but she believed one of its unique aspects was that it was an optional zoning district and a new one. She said that she wondered if their consultant might be able to provide more context on this matter.

Ms. Gleason said that the idea of tackling this issue originated from the development community. She said that when they had asked them what would encourage them to participate in this district, one of the comments they provided was that there was hesitancy due to the newness of the code and the complexity of the process. She said that clients were having difficulty navigating the lack of flexibility to opt out of the district.

Mr. Kohl said that it was worth considering why someone would want to undo something they had started. He said that typically, it was because the property changed ownership. He said that they had seen numerous instances where developers came in with a plan, whether it was good or bad, and then the corporate structure or individual goals changed.

Mr. Kohl said that this could lead to a change in the original plan. He said that if, as a governing body, they wanted to make this place walkable, it seemed logical to try to get the developer to stick to their original plan. He said that another factor was that people often came in with the intention of flipping properties, buying commercial real estate as an investment, and then changing it over.

Mr. Kohl said that if someone purchased the property with the intention of keeping it walkable, they were more likely to want to maintain that aspect. He said that this made it even more important to try to keep some of the rules in place for as long as possible. He said that he thought it was unrealistic to expect a developer to adhere to the rules indefinitely. He said that it might be more practical to loosen those rules in the long term.

Mr. Moore said that he had a clarifying question regarding this matter, as it related to the opt-in aspect. He said that it seemed that they were presenting various incentives to encourage participation. He said that he was curious about the underlying reason for this opt-in approach. He said that he would like to know if there was a specific reason why this opt-in zoning district was necessary, rather than simply making it a standard zoning designation.

Mr. Barnes said that the decision was to establish this as an opt-in, rather than a comprehensive rezoning, which would preserve certain existing rights on commercial properties in the area.

Mr. Moore said that, in his view, this was the type of political question that was addressed at the time. He said that making it opt-in would be more beneficial than imposing barriers that might inadvertently hinder progress.

Ms. King said that her question was more about why they wanted the time frame to be long. She said that if a developer bought a property intending to pursue form-based code, but they ultimately had to sell it, they would be restricting them from selling it to someone who might want to utilize existing by-right zoning. She said she did not understand the reasoning, and she failed to see the point of having it at all. She said that she understood that they wanted to encourage people to redevelop property under the form-based code, but if they want the property to redevelop, make it easy to do so. Ms. King said that the owner should be able to have both options for redevelopment and questioned the five year period.

Ms. Gleason said that there were two questions, a timeframe for opting out, and the ability to opt out after developing under the form-based code and asked Ms. King to clarify.

Ms. King said she was talking about if a developer did not build at all, and the zoning expired. She said that if the developer already opted-in and started developing under form-based code, then it should stay as form-based code.

Mr. Barnes said that he could see an argument for allowing the zoning to return to the underlying zoning district. He said that they could even reconsider it based on the conversation, if others felt that way. He said that the point was to acknowledge that they needed to work together to make the project work in the new zoning.

Ms. King said that she would be in favor of no waiting period to amend a site plan, to allow more flexibility.

Mr. Murray said that he was thinking about the Stonefield development, which they had brought up. He said that the history of that site was actually quite interesting. He said that originally, it was known as Albemarle Place, and it had a different layout, with shops at the bottom and residences above. He said that the original developer sold the property, and the entire plan was changed.

Mr. Murray said that as a result, the residential component was no longer part of Stonefield. He said that he believed that the Stonefield they had today was not as ideal as the original proposal. He said that perhaps this was due to economic realities, and there was nothing that could have been done to change the outcome.

Ms. Gleason asked if there was consensus from the Commission as to a timeframe.

Mr. Carrazana said that he was not sure if there was a unanimous agreement here. He said that it appeared that there was some general agreement on having flexibility, but the question was how much flexibility there was. He said that no one was saying that they could not opt out, so it seemed that everyone was saying they should be able to opt out.

Mr. Carrazana said that five years seemed sufficient to him. He said in his opinion, there should be some commitment to the site plan. As they had seen in the past with rezoning and special exception applications that came in, there is a change in the site plan, and the resulting projects are different than how they were presented. He said that sometimes these changes occurred after the final approval, and it could be difficult to implement. He said that five years seemed like a reasonable amount of time.

Mr. Murray said that given the clarity provided about when the five-year period began, he was comfortable with the five-year timeline.

Mr. Murray said that in terms of question two, he proposed allowing phase development to retain existing buildings by right. He said that he believed that this approach aligned with their discussion on sustainability, as it made sense to encourage people to reuse existing structures whenever possible. He said that he did not see a compelling reason to deny individuals the ability to use buildings by right.

Ms. King said she agreed.

Mr. Moore said that for question two, he was in favor of phasing above 15 acres. He said that large projects often had complicated financing, and phasing could help alleviate some of those

issues. He said that for question three, he thought, in general, allowing for flexibility in this area could be beneficial.

Mr. Murray said that when looking at downtown Charlottesville, they saw a mix of older and new buildings, which he believed was a key factor in making livable cities interesting. He said that he did not have a problem with this blend of old and new. He said that moving on to question three, he would support the recommended option. He said there may need to be some adjustments around the building to make that building work.

Mr. Clayborne said that he wanted to ensure that they did not treat all existing buildings equally, as they were not all created equal. He said that some may not be worth preserving, while others were. He said that he appreciated the safety valve that was in place to address this, as it allowed for a more nuanced approach.

Mr. Clayborne said that for questions two and three, he thought it was a good idea to keep the requirement for agent approval to phase. He said that he supported this provision because it provided a checkpoint to evaluate the situation. He said that sometimes, they may overlook potential improvements. He said that by keeping this requirement, someone could potentially come back with a better, more efficient building. He said that this could be a newer, more sustainable option.

When asked if she had anything to add to the question, Ms. King responded she did not.

Mr. Carrazana said that he agreed with Mr. Clayborne. He said that having some flexibility was beneficial in this situation. He said that there were existing buildings where the adaptive reuse of these facilities should be encouraged. He said that however, often the land value exceeded the value of the building on it, commenting that developers are likely to tear down the building and build something bigger.

Mr. Barnes said that he appreciated the advice and validation they had provided. He said that they had spent a significant amount of time discussing the ordinance with the development community, the ordinance that was written and the ordinance we thought we might be able to create. He said that he wanted to reiterate the importance of flexibility in this situation. He said that by allowing them to work with some of these properties, they may not get the exact form they were advertising at least immediately, saying it may take time.

Ms. Gleason said that in their second set of questions, question four addressed changes made to propose street types and associated regulations. She said that in working with the code, staff found that the current standards were inconsistent with the Transportation Planning recommendations and the changes to the core area. She said that they were recommending reducing the number of street types, combining streets that were similar in nature, and introducing a special street type, Destination Streets.

Ms. Gleason said that the regulations had also been aligned with the Transportation Planning recommendations. She said that she had copies of each street type available for reference, if they would like to review them. She said that each street type table included an intent statement, an illustrative cross-section, a list of required street features, such as landscaping strips, sidewalks, or shared use paths, and their associated minimum design standards.

Ms. Gleason said that question five was related to the design of the Destination Street type specifically. She said that the problem they were having was finding a regulatory mechanism to facilitate the development of commercial centers while also being flexible to the market. She said

that in the solution area of the slide, she had provided the requirements associated with Destination Streets, as well as special exceptions to those standards.

Ms. Gleason said that question six addressed the current Rio29 form-based code is quiet on the maintenance responsibility of streetscape features. She said that in the table provided in the staff report, the revised recommendation was that Virginia Department of Transportation (VDOT) maintained the roadway and streetwalk area when possible. She said that where VDOT was unable to provide maintenance of the sidewalk area, maintenance would be assumed by the applicant.

Ms. Gleason said that option D allowed the applicant to assume maintenance of the road and sidewalk area, effectively creating a private street. She said that this option would be available at the request of the developer. She said that this option had pros and cons, including the ability to locate utilities within the right-of-way, which could be beneficial for developers.

Mr. Barnes said that some commissioners were not present at the previous meeting, where they spent a significant amount of time talking about Destination Streets. He said that if they needed to revisit the topic, they could.

Mr. Barnes said that if someone had a concern about a particular dimension in a street section, this was their opportunity to discuss it in detail. He said that for those who were not present, he would like to briefly recap. He said that one of the key points was the previous code put the focal point at the intersection of Rio and 29, but this location had issues from a market-acceptance standpoint.

Mr. Barnes said that another point was the large 109-acre site, which required commercial uses to support the first floor development. He said that they felt that this was overly ambitious for their market and would dilute the character of the area. He said that they had come up with the concept for "Destination Streets," which would be implemented in each of the cores.

Mr. Barnes said that essentially, they were allowing developers to create a commercial corridor, with the option to reduce the length through waivers to better meet market acceptance. He said that this plan may be able to create another shops in Stonefield, maybe two, but may not be able to do three. He said that this approach is a way of focusing commercial activity and create a sense of place along a single street and focal point within the Core area.

Mr. Murray said that Downtown Crozet had a green street, or rather a street that incorporated stormwater features. He said that it might be helpful to develop a design concept for a green street as a distinct street type, which could provide a basis for future incentives.

Mr. Carrazana asked if VDOT would maintain the roads under Option A.

Ms. Gleason said that Option A is the baseline option written into the code.

Mr. Barnes clarified that they had some work to do to make VDOT readily accept the proposal. He said that it was a question regarding the roadway area design. He said that they were working with VDOT, and they had access to the urban district standards in their manual for a more urban district. He said that as part of their multimodal plan, one of the goals was to incorporate more urban design elements.

Mr. Barnes said that for the sidewalk area and the area behind it VDOT would maintain parts of it. He said that so far, it had been an interesting process since it’s different on individual projects.

Sometimes VDOT had been willing to take the sidewalk, sometimes they'll take on the sidewalk and a few things, but not the street trees. He said that their hope was to continue working with VDOT to try to get them to take on as much as possible.

Mr. Carrazana said that this project was on a smaller scale, but it brought to mind the San Antonio Riverwalk. He said that when a developer built on the Riverwalk, they had a responsibility to add amenities to the area. He said that there was a share maintenance aspect to the Riverwalk. The owners of that parcel were responsible for maintaining it, to make sure the parcel is clean and clear but the City waters plants and does a lot of maintenance for them, because they receive significant revenue from the Riverwalk. Mr. Carrazana asked if there was an opportunity for cost sharing in the maintenance, particularly for green streets and stormwater that Ms. Firehock and Mr. Murray brought up in the last meeting.

Mr. Barnes said that they had discussed this at length, and that was why they thought it was important to present all these options, anticipating that a debate would arise. He said that the reason Option B was not included as one of the options being written into the ordinance was that it went back to the County's ability to provide that level of service. He said that, for this reason, it was not advanced as an option in the ordinance.

Mr. Clayborne said that he was curious about Stonefield. He said that specifically, he was wondering which option they had in mind if they were to place Stonefield there.

Mr. Barnes said that it would be in Option D because they had private streets. He said that they initially planned to have District Avenue as a public street, however, after the site plan process, they were all privately maintained, confirming that Bond Street is also a private street.

Ms. King said that she had been seeking her own education on this topic because she knew that the urban area of Albemarle was unique in that VDOT maintained it. She said that areas within the city limits were maintained by the City. She said that she was wondering what other major counties in Virginia had VDOT-maintained urban areas like this. She said that this raised concerns about who would be responsible for maintaining different aspects of these areas.

Ms. King said that if the applicant and owner were responsible, they would likely have a private road maintenance agreement with the parcels that fronted the street, and then a shared maintenance plan would be necessary. She said that as a County, they were considering whether they wanted to take on the responsibility of maintaining these areas, or whether they wanted to leave it to the private owners. She said that it was interesting to note that counties like Loudoun, Chesterfield, and Henrico already had areas that are urban and were maintained by VDOT.

Ms. Gleason said that when they explored various solutions to address this issue, they reached out to several local jurisdictions, including James City County, Chesterfield, Henrico, and a few others, focusing on those with urban street sections similar to their proposed design. She said that they discovered that all of them struggled with maintenance agreements. She said that they worked closely with VDOT to determine what VDOT would accept, and in the absence of that, they developed maintenance agreements with the owner and developer. She said that this had become a regular course of action when working with VDOT.

Mr. Moore said that questions four and five were fine, regarding the proposed street types and destination street concept. He said that although he was not present in early January, he had read the materials closely and both seemed fine. He said that the maintenance aspect was tricky for him, as he kept coming back to the idea that public goods should be publicly supported.

Mr. Moore said that if they were investing in lovely streetscape features, benches, and pocket green spaces, and then expecting the developer to maintain them forever, it felt like they were privatizing public goods. He said that he also did not like putting the onus on private owners. He said that he realized that they may not have the tax revenue without some increases at some point to support a public works department.

Mr. Moore said that if Option B became a viable option in the future, he thought it was essential to recognize that this part of the County was becoming increasingly urban and would continue to do so. He said that as an urbanizing place, they should act like a city in some ways. He said that cities maintained trees, flower beds, and other public spaces, especially in prime areas. He said that this kept bothering him, as they seemed to be privatizing what should be public goods. He said that he would like to pursue Option B if it ever became viable, otherwise, he supported some form of cost-sharing.

Mr. Kohl said that there may be reasons why an applicant wanted to cover some of the costs. He said that he did not think any of them wanted to cover a whole roadway unless they intended to close it for special events. He said that typically, this happened when a street is like a shopping center, similar to Stonefield.

Mr. Kohl said that what he had noticed in public spaces was that when an applicant was managing an entire street or public space as part of their development, they may want to allocate the extra funds towards aesthetic elements such as flowers, boxes, banners, and flags. He said that this was often an attempt to create an image of the spirit of the place. He said that in some cases, a regular state or county budget may not be sufficient to achieve this. He said that he would suggest that they ensure they were not disallowing such investment by local property owners after the fact.

Mr. Carrazana said that was the model on the Riverwalk, where the developer could bring unique characteristics to the area as one walked through it. He said that while there were some consistent elements, each location had its own distinct feel, which was ultimately up to the developer. He said that the developer did have a stake in maintaining the property, but the city provided certain services, such as watering, to support this effort. He said that the code shouldn't take all of the responsibilities off of the applicant because they may want to develop something unique for their environment.

Ms. King said that she appreciated the perspective that the private owner may want to provide enhancements that the County could not fund or maintain. She said that she was wondering about the options for allowing both public and private streets. She said that it was mentioned that the current Section 20C required all streets to be public. She asked if they were considering allowing a combination of public and private.

Ms. Gleason said that an agent-approved modification was allowed if the applicant wanted to privatize the entire street.

Mr. Barnes said that the default was to try to make it publicly maintained. He said that there may be certain circumstances where it was difficult to get VDOT to take over maintenance, or somebody wanted to maintain it themselves.

Ms. Gleason said that the qualifying criteria for a private street were that the roadway is not a high traffic road nor a necessary connection within the public street grid.

Ms. Gleason said that the issue identified in question seven was that the green infrastructure language and requirements in the code lacked a definition or design standards, making it difficult to enforce regulations around quality. She said that to address this, they proposed revising the code to focus on revisions that integrate recommendations that support the County's Climate Action Plan.

Ms. Gleason said that in question eight, the challenge was to provide more flexibility to accommodate site-specific designs and constraints, responding to requests from developers. She said that currently, the code allowed only a handful of Board-approved special exceptions. She said that proposed changes would introduce a combination of Board-approved special exceptions and agent-approved modifications, paired with the existing criteria.

Mr. Moore said that the current code required green infrastructure. He asked if the list on page 10 of the packet referred to targeted recommendations or requirements.

Ms. Gleason said that the list was a generalized summary of how the proposed revisions aimed to encourage development and regulate activities. She said that regulations could be either enabling or restricting. She said that for instance, one of the examples she recalled was related to single-family detached development, where the goal was to limit its presence due to a desire for greater density.

Mr. Moore said that he was referring to section 20C.7, which covered recreation spaces, 20C.9, which pertained to parking, and 20C.11, which dealt with landscaping and lighting. He said that there were several provisions in these sections, and he was not suggesting that they were inherently bad ideas. He said that having more green space and natural areas would be beneficial. He said that he was simply wondering if the purpose of this revision was to provide flexibility and encourage property owners to participate by offering incentives, rather than making these provisions mandatory requirements.

Mr. Barnes said that in some respects, these were requirements. He said that as a built form, their goal was to get developers to build to the design standards. He said that this resulted in a fair number of requirements, including guidelines for organizing recreation spaces. He said that he believed they were partially responding to a lot of discussion that arose during their last work session.

Mr. Barnes said that they had attempted to list factors that contributed to a more environmentally sustainable code. He said that some of these factors were inherent to density and walkability, which could be challenging to quantify their direct effect on climate change, but it does support Climate Action initiatives.

Mr. Murray said that he appreciated the effort to limit parking and reduce surface parking, which was a great approach to sustainability. He said that as a suggestion, he thought it would be even better to limit overall impervious surface area, rather than just parking. He said that for example, if a building wanted to add extra parking but also install a green roof, that could be acceptable. He said that the overall goal should be to limit impervious surface areas wherever they occurred.

Mr. Murray said that another point he would like to make was about curb cuts. He said that given the other requirements they had, he believed it was reasonable to require changes to curb cuts. He said that he had noticed that these small parking islands, often referred to as "hell strips," were notoriously difficult to maintain and could be detrimental to urban design. He said that if they were over a certain size, they should be designed to allow water to flow into those places. “Hell strips”

are essentially designed to keep water out of a space that would eventually be planted, only to have water return later.

He said that one potential solution could be to provide a menu of Low Impact Development (LID) options, allowing developers to choose one or more of these elements to incorporate into their projects. He said that this would encourage and incorporate more sustainable stormwater management practices.

Mr. Clayborne said that on question 10, he was looking for opportunities to strengthen sustainability. He said that he was interested in whether there was a chance to encourage solar orientation, shading, or material choices that promoted sustainability, as well as energy performance, in order to further support their Climate Action Plan.

Ms. Gleason said that it was an option, and she believed they had some discussions on it. She said that there were challenges in implementing it, primarily due to the need for extensive research. She said that they struggled with the time constraints, as they also had to consider the arrival of new developments. She said that she thought they needed to re-examine this option and explore targeted ways to address some issues they initially thought were more significant. She said that they all required design requirements and minimum standards. She said that the question was how they could establish these standards to regulate them effectively.

Mr. Clayborne said that he could connect them with his team at the American Institute of Architects, as Climate Action was part of their portfolio. He said that he would be happy to facilitate a conversation with them to explore potential solutions.

Ms. King said that in general, she did not have many comments about the list. She said that she thought it was suitable. She said that one of her thoughts was related to the types of recreation spaces and how they aligned with the 20-15-10 percent requirement, as outlined in the Edge, Flex, and other more dense areas. She said that she remained interested in that information because she was trying to visualize what the recreation space would look like on a parcel of less than an acre.

Ms. Gleason said that the smallest size was 20 feet by 20 feet. She said that this was easily achievable, even on some of the smaller sites.

Ms. Katherine asked what that space would entail, since recreation space was a vague term.

Ms. Gleason said that recreation space encompassed a wide range of possibilities, from public parks to quiet, contemplative spaces like a single tree and a seat. She said that this term also included indoor recreation spaces. She said that the goal was to find a term that could effectively capture the idea of a place for both active and passive recreation, whether indoors or outdoors. She said that ultimately, they settled on this term.

Mr. Barnes said that they had discussed this idea during their last work session, which was to structure the green space and open space areas into three tiers. He said that in these smaller parcels, a developer may have found it more beneficial to opt out of providing the green space and instead provide cash-in-lieu, which would then be allocated to a more regional parking serving a larger area. He said that this gave the developer options to pursue.

Ms. King said that helped answer her question. She said that what she was looking at was point 7, which discussed recreation spaces and allowed on-site stormwater treatment systems in those spaces.

Mr. Murray said that there was an example at Crozet Elementary School, where a small garden was used by the school, but it also served as a biofilter. He said that this illustrated the potential for both biofilters and recreation spaces to coexist in the community. He said that there were other examples around the community that demonstrated this compatibility.

Mr. Carrazana said that he wanted to highlight a couple of points he received regarding the environmental section. He said that specifically, he wanted to underscore Mr. Murray's previous comments about impervious surfaces. He said that what he found notable was that it was only mentioned under recreation.

Mr. Carrazana said that it would be beneficial to incorporate impervious surfaces into a holistic approach, as their goal was to minimize impervious surfaces. He said that this should be done in a way that provided flexibility. He said that if a project included a green roof, perhaps it could also include measures to increase parking in other areas. He said that they should also incorporate guiding principles from LEED standards or green building standards to support their sustainability goals.

Ms. Gleason asked if this information would be better suited for a user guide or as a minimum requirement in the code.

Mr. Carrazana said that there were certainly some standards that they should consider implementing as minimum requirements, such as energy efficiency standards.

Mr. Barnes said that the next question was whether this should be included in the zoning modernization and rewrite that would apply to all buildings or specifically to buildings in this district. He said that he was struggling with this aspect of the ordinance. He said that it was similar to their previous discussion regarding the green street ordinance. He said that he believed it would be more equitable to apply it to all buildings, rather than just those in this district. He said that by doing so, they would avoid incentivizing development in other districts because they are less difficult than development under the form-based code.

Mr. Carrazana said that they could all agree that it was better to approach this holistically. He said that they could also argue that this was a test case, and they should consider treating it differently if that was the case. He said that they could make a strong argument on both sides. He said that to move forward, perhaps they could introduce it through the form-based code and gauge the development community's reaction to it, as well as what was actually feasible. He said that these requirements were an integral part of their building ethos. He said that even though there were code requirements that must be met, they should also consider whether they could push for improvements, such as doing 10% better than the energy code.

Mr. Barnes said that they could consider incentives for going beyond the codified requirements. He said that he would consider this and discuss potential steps forward with Mr. Clayborne's team.

Mr. Clayborne said that he was curious to hear the consultants' opinions on this matter. He said that building to code was often viewed as the worst possible design.

Mr. Carrazana asked the consultants whether they were observing similar trends in other municipalities, where they were incorporating sustainability and innovative approaches in the form-based code.

Mr. Kohl said that more often, they observed the use of incentizes. He said that the development community viewed it as a marketing opportunity to attract tenants or residents. He said that he

was not sure how the development community in Charlottesville or Central Virginia reacted to this and whether it would be attractive to them. He said that he was also concerned about adding too much. He said that while he was concerned about adding too many requirements, he said that he was a strong supporter of making buildings more sustainable and LEED certified and creating a community that functioned in that way. He said that it was essential to consider the developer's perspective – whether the requirement seen as a win-win or onerous.

Mr. Gordon said that as they went through this process, they had a lot of discussions about the balance here. He said that they had tried to keep in mind that this was an optional district. He said that he believed that the more they loaded up on requirements, the more people may become frustrated and decide to build to the underlying zoning, which was often the minimum code. He said that he thought it would be great if they could find a way to incentivize green infrastructure without forcing it too much.

Ms. Gleason said that as their last question, she would like to discuss proposed changes in response to developer requests. She said that she believed they had all acknowledged the importance of flexibility in the code, as it could incentivize development. She said that currently, the code allowed for a limited number of Board-approved special exceptions, approximately six of them. She said that they were proposing to increase this number to 10. She said that they were also introducing agent-approved modifications, and they were proposing 25 modifications, each with criteria.

Ms. King said that in general, she did not have specific questions about the 25 different options at this time, but she was in favor of the recommended approach of allowing some special exceptions that could be approved by an agent.

Mr. Clayborne said that he supported the recommendations.

Mr. Moore said he supported the recommendations.

Mr. Murray said that he agreed.

Mr. Carrazana said that there was unanimous consent from the Commission on the recommendation.

Mr. Barnes thanked staff and the consultant team for their support in developing the ordinance. He said that he had heard some suggestions to push the envelope and achieve more, but he thought they were heading in the right direction. He said that the general consensus from the Planning Commission, these work sessions, and their efforts to thoroughly examine these issues, was that they were on the right track. He said that they would refine the ordinance further and bring it back as a public hearing item.

Mr. Carrazana said that this had been a project years in the making, and he thanked staff and the consultant team. He said that they had added flexibility to the process, which was needed. He said that it was essential to explore these ideas through incentives. He said that this was where the County needed to have an internal conversation. He said that if they truly wanted to partner with the development community, they needed to find ways to incentivize them.

Mr. Barnes said that hopefully, they may be able to apply this approach to other activity centers.

Recess/Reconvene at 6:00 p.m.

The Commission recessed and reconvened at 6 p.m.

Ms. Firehock joined the meeting.

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

There were none.

Consent Agenda

Mr. Moore motioned that the Planning Commission adopt the Consent Agenda. Ms. Firehock seconded the motion, which carried unanimously (6-0).

Public Hearing

ZMA-2025-00007 Windy Knoll; SUB-2025-239

Syd Shoaf, Senior Planner II, said that before the Commission this evening, they had two applications: ZMA 2025-7 and SUB-2025-239, Windy Knoll. He said that ZMA 2025-7 was a rezoning application to rezone three parcels from R1 residential to R6 residential. He said that SUB-2025-239 was a request to waive the sidewalk and planting strip requirements for a private street under Section 14-422E. He said that the subject properties were located within Crozet's development area, north of Route 250, west of the Liberty Hall subdivision, and east of Cory Farm Road.

Mr. Shoaf said that the properties consisted of three parcels, totaling 3.15 acres, with varying levels of development. He said that one parcel had an existing single-family residence, while another had its residence removed, and the third was undeveloped. He said that access to the parcels was provided through private easements, including a 20-foot easement on Windy Knoll Lane, which also served a single-family residence at 330 Windy Knoll Lane. He said that another parcel had a driveway from Colony Drive which was not in use. He said that the northern parcel did not have a driveway, but it did have frontage on Cory Farm Road.

Mr. Shoaf said that the parcels were zoned R1 residential, with one parcel within the entrance corridor and impacted by a small portion of the steep slopes managed overlay district. He said the parcel to the east was zoned R1. He said that the parcels to the north, south, and west were zoned R4 residential, containing one single-family dwelling unit. He said that the parcels to the east were zoned Neighborhood Model Development (NMD), within the Liberty Hall subdivision. He said that the subject property was also approximately 550 feet from the Blue Ridge Shopping Center, which was zoned highway commercial, and approximately 600 feet from Clover Lawn Shopping Center, a planned development mixed commercial.

Mr. Shoaf said that the proposal was reviewed under the 2015 comprehensive plan, which was in effect at the time the application was submitted. He said that the primary designation was neighborhood density residential, which allowed for a density between three to six dwelling units per acre. He said that the secondary designation was for Green Systems. He said that AC44 recommended neighborhood density for this site.

Mr. Shoaf said that there were two applications related to this development that the Planning Commission was required to take action on. He said that the first was the main rezoning application, which would rezone the three parcels from R1 residential to R6 residential to construct a maximum of 18 residential units. He said that the second application was a request to waive the sidewalk and planting strip requirements for a private street under Section 14-422E, which only required Planning Commission action and would not be acted upon by the Board if this application moved forward.

Mr. Shoaf said that the main application for ZMA 2025-7 proposed to rezone the parcel from R1 to R6 to construct up to 18 dwelling units, with six units per acre. He said that the applicant would provide further details during their presentation. He said that at a high level, the application proposed two building envelopes: the southern envelope, featuring four single-family residences, and the northern envelope, comprising 14 multifamily or townhouse units.

Mr. Shoaf said that there were three vehicular access points for the site: one utilizing the existing Windy Knoll Lane to serve two properties and a single-family residence at 330 Windy Knoll Lane; a new 10-foot private driveway from Colony Drive to serve two single-family dwelling units; and a new 20-foot private street from Cory Farm Road to serve the northern building envelope. He said that this private street did not require Planning Commission authorization since it was for attached units. He said that this private street was also associated with the sidewalk and planting strip waiver, which would be discussed in a later slide.

Mr. Shoaf said that there was a reservation for a permanent slope and drainage easement along Corrie Farm Road, which was part of a County project to improve Corrie Farm Road on Eastern Avenue. He said that the site also featured open space areas, a stormwater management pond, and access. He said that since the staff report had been posted last week, the applicants had provided two updates to the proposal.

Mr. Shoaf said that the first update was that the applicant had revised their proffer related to affordable housing, which was now consistent with the recommendations under Housing Albemarle. He said that a later proffer summary slide reflected these revisions, which included updates to the language related to area median income, rent units, and minimum affordability periods. He said that the second update was the concept plan shown on the screen, which proposed a mowed/mulch path and connected the northern and southern building envelopes to the existing pedestrian facilities within Liberty Hall.

Mr. Shoaf said that the site was located within the development area, approximately 550 feet from both Clover Lawn and the Blue Ridge Shopping Centers. He said that existing pedestrian facilities included those in Liberty Hall to the east and along Route 250 to the south. He said that there was also an existing sidewalk on a small portion of Cory Farm Road, which concluded at the intersection with Little Fox Lane. He said that a future County project for Eastern Avenue would provide sidewalks on both sides of Cory Farm Road, although no timeline for construction had been established.

Mr. Shoaf said that the applicants had also provided a draft proffer statement with three proffers, which were outlined in the packet. He said that the first proffer was to develop in general accord with the concept plan provided. He said that the major elements identified were the location of building envelopes, internal roads, and the location of a permanent slope and drainage easement for the construction of Eastern Avenue. He said that the second proffer was a 4,570 square foot reservation for the slope and drainage easement.

Mr. Shoaf said that the third proffer was related to affordable housing, with the applicant offering 20% of the units to be affordable. He said that if the 18 units were developed, this would include four affordable units. He said that the applicant had revised their proffer to align with the Housing Albemarle guidelines, including language for rental and sale AMI.

Mr. Shoaf said that since the staff report had been completed, staff's positive and negative aspects had changed due to the revised materials provided by the applicant. He said that staff still believed the request was consistent with the Crozet Master Plan's land use recommendations and the growth management policy's strategies for density and infill. He said that staff also agreed that the request met Housing Albemarle's recommendations for providing 20% affordable units, AMI for rent units, and minimum affordability periods.

Mr. Shoaf said that staff had two concerns: existing overcapacity issues at Western Albemarle High School and inadequate interconnected streets or bicycle and pedestrian connections. He said that the proposed mowed/mulch path provided a connection to existing and proposed sidewalks, but staff were concerned about its durability. He said that despite these concerns, staff recommended approval of the zoning map amendment request ZMA 2025-7, pending revisions to provide necessary interconnections throughout the development.

Mr. Shoaf said that regarding SUB-2025-239, the applicant requested to waive sidewalk and planting strip requirements for a private street under 14-422E. He said that this required action from the Commission. He said that staff were concerned that the request did not provide adequate connection to an existing or future pedestrian system. He said that staff recommended denial of both the sidewalk and planting strip requests due to the lack of detail.

Mr. Moore asked how many students were expected to enroll in Western Albemarle from this development.

Mr. Shoaf said that the information was located on page nine of the packet. He said that according to the Albemarle County Public Schools Long Range Planning Advisory Committee report, it estimated approximately two and a half students would be generated by the development.

Mr. Moore said that he did not find the addition of three students to be concerning.

Mr. Clayborne asked what would happen if staff could not reach an agreement with the developer regarding interconnections.

Mr. Barnes said that they would present a stronger rationale for denial to the Board.

Mr. Murray asked what the nature of the objection was to providing interconnectivity.

Mr. Shoaf said that the applicant could provide more information. He said that based on his observations of the site, he suspected that the steep grades may be a factor.

Mr. Moore said that he was also curious about private road A, where they were seeking a waiver. He said that this area was outside the parcel. He asked if that portion would be within an easement or if it would be owned by someone else.

He said that if construction were to take place, he was curious about how that process would work.

Mr. Shoaf said that there was an existing access easement, so they would need to obtain approval from the easement holder to make the road improvements.

Mr. Barnes said that the remaining portion of the private road connection was currently on public right-of-way.

Ms. King said that she agreed with Mr. Moore. She said that she did not consider the addition of two and a half students to the high school to be a major concern in this particular application. She said that feedback from the community had expressed uncertainty with accuracy of the enrollment calculations. She said she agreed with the sentiment. She said that Crozet was one of the development areas, so they needed to continue developing it. She said that student enrollment was not a reason to deny the application.

Mr. Carrazana asked if the intention for the private road was to extend it all the way to Cory Farms.

Mr. Shoaf said that the County's goal was to have Colony Drive as a public right-of-way. He said that their comprehensive plan aimed for public, interconnected streets. He said that when they first reviewed this application, one of their comments was to extend Colony Drive to connect to Cory Farm Road.

Mr. Barnes said that they acknowledged through the review that the drop in grade was a significant amount. He said that as they worked through the review of the applicant, he believed that they came to agree that extending Colony Drive in that area would be a challenging task due to the topography. He said that the easement for parcel 330 added another layer of complexity to the situation.

Mr. Shoaf said that there was an existing easement, located at the bottom of the screen. He said that the easement holders would need to sign off on it. He said that there was a small triangle to the left of the screen, which was owned by the Cory Farm HOA, representing another property in between.

Ms. King asked if there would be an opportunity to discuss the path in the updated application. She said that the current design appeared to be a grassy path. She said that one potential option could be to increase the design to create a shared-use path that could accommodate bicycles.

Mr. Barnes said that he wanted to clarify that, during the process, they had worked closely with the applicant. He said that there were several issues that needed to be addressed. He said that this particular issue was not responded to by the applicant. He said that as a result, they had initially recommended denial. He said that the fact that the applicant was willing to work in this direction made staff willing to work with the applicant.

Mr. Carrazana opened the public hearing for presentations from the applicant.

Justin Shimp, Shimp Engineering, said that he was joined by Polina Andreeva from his office and Mr. Carrington, the property owner. He said that as a company that specialized in infill development, they often found themselves working in Charlottesville City, but they were increasingly being called upon to develop projects in this area. He said that without expanding the development areas, the remaining land was likely to be infill projects like this one. He said that this location was particularly well suited due to its proximity to the existing center and accessibility on foot or by bicycle to commercial uses.

Mr. Shimp said that their approach to this project was to zone the property as R6, which was just under six units per acre. He said that 20% of the units would meet the affordable housing policy. He said that he would like to address a point of confusion regarding the relationship between the affordable housing policy and the developer incentive package that the Board passed. He said that they had worked with the staff to ensure compliance and were confident that they met the requirements.

Mr. Shimp said that the in-fill development offered excellent opportunities for residents to access local amenities without relying on cars. He said that the proposed project added a diverse product mix to an area that was predominantly single-family homes. He said that the property was currently zoned R1. He said that the diagram showed adjacent neighborhoods that had developed in the three to six dwelling units per acre range.

Mr. Shimp said that the current development in this area was approximately 119 units on 52.6 acres, resulting in a net density of 2.26 units per acre. He said that this was below the minimum recommended density in the comprehensive plan for this area. He said that the proposal would still be below the minimum recommended net density.

Mr. Shimp said that they proposed the mulch and grass path after considering what would happen if the Eastern Connector did not come through. He said that he disagreed with staff on the materials choice, because he preferred a grass and mulch path over asphalt, if the slopes allowed. He said that maintenance and usability were to be considered. He said that the path would connect the townhome section and the existing single families to the public road, Colony Drive, which had sidewalks. He said that this would allow pedestrians to safely access the restaurants and other attractions in the area.

Mr. Shimp said that one aspect of the interconnectivity that they did not address was the grading required for Colony Drive, which would be significant. He said that there was a wedge of land where they did not have enough property to dedicate a right-of-way, and they did not own the land in that area. He said that these complexities made it impossible to proceed without the adjoining property owners' approval.

Mr. Shimp said that he believed a mulch path connecting the two sides was a suitable solution for this type of development. He said that the staff report also raised concerns about schools and affordable housing, which they would not address further. He said that he would like to highlight the potential benefits of a path like the one at Nelson, which was part of the Rockfish Trail system.

Mr. Shimp said that the 10-minute walking shed map clearly illustrated that everything within this area was within walking distance. He said that there were also existing grass trails in Crozet maintained by HOAs.

Mr. Moore said that he had a question regarding the private road A that would serve the townhouses. He was curious as to why that road was being approached as a private road rather than being turned over to a VDOT road.

Mr. Shimp said that for townhomes, it was challenging to meet VDOT standards. He said that as a result, the County allowed private roads for townhomes by-right, due to the difficulties in meeting these standards. He said that this made it highly prohibitive for dense development or townhome-type developments to meet the public road criteria.

Mr. Moore said that one of the reasons he brought this up was the recent news about the HOA where the bridge collapsed, and now the residents were being held responsible for the bridge. He said that he did not see a bridge in this development.

Mr. Shimp said it was basically a parking lot. He said that it was a common scenario.

Mr. Murray said that one of the concerns that had been heard was regarding the part of the property behind the townhomes, specifically the northeast area. He said that there was a steep ravine in that area. He said that currently, there were significant issues with stormwater management. He said that the adjoining neighborhood had also experienced problems with stormwater, including costly issues. He said that he was wondering how they planned to address this particular issue. He said that he was curious about any discussions with the adjoining neighborhood about potentially working together to find a solution to mitigate the stormwater problems.

Mr. Shimp said that from a stormwater management perspective, they would need to significantly reduce any runoff that flowed in that direction. He said that as their site's runoff must be directed away to the pond, they would need to engineer the drainage system to achieve this during the construction phase or establish a stormwater facility in that direction. He said that they had always intended to direct the water in the opposite direction.

Mr. Shimp said that this was not a previously discussed issue, but it would likely be addressed during the submission of a stormwater management plan. He said that if there was a known issue downstream, such as an outfall, the County would typically notify them and inform them that they could not proceed with this plan due to the condition.

Mr. Murray said that he was only asking because he wanted to know if they had heard any concerns from the adjoining neighbors. He asked if they had considered a crushed gravel path instead of mulch.

Mr. Shimp said that crushed gravel would be fine. He said that he would prefer anything over asphalt.

Mr. Murray said that regarding the wildflower meadow, he would like to mention that they did have local standards for wildflower meadows. He said that many of these meadows had been installed through the Soil and Water Conservation District, and there were contractors who specialized in those projects. He said that he would hope that they would prioritize using mostly native plants in these installations.

Mr. Murray asked how they would characterize the units behind the townhomes.

Mr. Shoaf said that they were single-family detached units.

Mr. Murray asked if they had considered a building type closer to that form that served the same purpose.

Mr. Shimp said that they had always envisioned this development as a mix of townhomes and single-family homes. He said that due to certain constraints, particularly with access in this area, it made sense to include these types of homes. He said that in this neighborhood, there were already townhomes located across the street and behind another residence. He said that they did not consider an alternative structure.

Ms. Firehock said that the natural land cover in the Piedmont was trees, so meadows required artificial maintenance and tree removal. She said that meadows also required periodic burnings to regenerate. She asked if the HOA would be required to maintain the meadow.

Mr. Shimp said that he believed so. He said that there should be some specifications or details regarding what the meadow would look like in the final plan. He said that typically, the meadow needed to be cut generally once or twice a year, depending on the season. He said that maintaining the grass was also a consideration.

Ms. Firehock said that she wanted to ensure they had considered the maintenance costs. She asked if they intended to include select tree plantings along the meadow.

Mr. Shimp said that was correct. He said that there were existing trees along the property line that they did not need to disturb, but they could plant additional trees to create a separation. He said that this area would then become a distinct, open space that was separate from the yard. He said that the trees would provide shade and help define the boundary of the open space path as one approached the single-family houses.

Ms. Firehock said that she would like to ask one final question regarding the top section of the property, where the townhomes were located and the parking lot was situated. She said that the buffer between the property and unit 330 was narrow. She asked if they had considered plantings within the buffer.

Mr. Shimp said that they were not opposed to any kind of added landscaping that could fit within the existing space. He said that it was indeed a tight fit, particularly on the residential side, which had a side lot setback consistent with the surrounding neighborhoods. He said that what was unusual was the juxtaposition of this development next to an existing single-family house.

Mr. Shimp said that there was already a significant setback on this side. He said that the question was whether to separate a townhome from a single-family house with more buffer, a decision that could be argued both ways. He said that personally, he believed it was a matter of residential use versus residential use. He said that the use of a townhome did not necessarily detract from the use of a single-family house next door. He said that from a zoning standpoint, they would not require a separation. He said that if that was a concern for the community, it could be addressed through additional screening or other measures.

Ms. Firehock said that she had one final question for him, which he had briefly mentioned in his comments. She said that he had mentioned that they had not given as much thought to the recreational aspect, but now that there was a trail, it was possible that kids could play there and enjoy the trail. She said that she was wondering if there were designated spaces for children to play or gather.

Mr. Shimp said that this fell under the County's requirement for amenity space, specifically for 30 units. He said that the units in this area already had their own yard space, and while they may be able to access this space, they may not necessarily need it. He said that this space could be repurposed as a gathering area. He said that they did not formally plan any structures in the space. He said that the HOA may want to consider picnic tables or benches. He said he believed it was a good idea; they just had not gone into that level of detail.

Ms. King said that she had a couple of questions regarding the path. She said that she would like to start with the material choice, as she believed it would make some people happier to have a way to walk or bike from the townhome community to the commercial space. She said that a

green and sustainable path material would be a welcome improvement. She said that she was not aware of the cost, but she thought a permeable paver might be too expensive for that length. She said that she thought that a permeable paver could be a visually appealing option that also allowed for biking or strolling. She said that she thought this was an area that could be improved.

Ms. King said that she thought it would be beneficial to have a more direct route between Colony Drive and the private road. She said that the Cory Farm residents likely did not walk to the commercial space because of a lack of access. She said that the shared use path could also be used by Cory Farm residents, providing access to the commercial space.

Mr. Clayborne asked if they had an understanding of the appetite for a wildflower meadow.

Mr. Shimp said that he personally did it as often as he could, but he understood that some people may be averse to the potential exposure to wildlife. He said that what he personally thought was that many people would find a meadow more attractive to walk through.

Mr. Clayborne said that he believed there may be another way to re-imagine that space, making it more functional and usable.

Ms. King said that she was thinking of something similar to the parkway path. She said that this would add to the whole community, and they should consider making a public dedication.

Mr. Shimp said that this was a discussion that they would need to have at some point. He said that there were issues with liability, among other things, but they could work through the details at another point.

Mr. Carrazana said that he had a question regarding the density on the northern leg of the property, as he was having difficulty understanding it. He said that he was wondering what limitations had been in place for putting that density on the southern section of the property.

Mr. Shimp said that there were two main considerations. He said that there was an existing private road with an easement that had historically served three homes. He said that maintaining this road was a straightforward process. He said that because this was an existing public road stub, they could connect the driveway to it. He said that however, they would need to install some form of extension or public turnaround to accommodate townhomes in this area.

Mr. Shimp said that extending a public road to accommodate four townhomes was a more complex issue from a zoning perspective than simply connecting a shared driveway, which was already present. He said that the service capacity of the roads led them to the four units.

Mr. Carrazana asked what the limiting factors were by creating a private road for the townhomes.

Mr. Shimp said that it was easier to develop the north side compared to the south side because they were placing a standard VDOT commercial entrance onto an existing road on the north side. He said that in contrast, on the south side, they were having discussions about extending a public road all the way through or to a point with a cul-de-sac, which required a significant amount of land and was a much more complicated process than a private road. He said that the way this road terminated was a cleaner process for accessing a townhome section compared to extending it with a cul-de-sac and then a private road.

Mr. Shimp said that they could not extend the right-of-way for a public road without acquiring a corner from the neighbor at 330. He said that when the road was built, there was a 10- to 12-foot

gap, which was insufficient to achieve a full right-of-way. He said that the Colony Drive right-of-way could not continue straight through without encroaching on the neighbor's property.

Ms. Firehock asked for clarification whether Colony Drive could become a private road.

Mr. Shimp said that it could, but normally speaking, VDOT did not allow them to essentially stop a public road and make it a private one. He said that, typically, if they were to stop a public road, they would need to continue it for a certain distance and then terminate it with a VDOT-approved endpoint and then bring in a private street. He said that this added complexity. He said that the nature of this land allowed for a more subtle approach, where houses could be built with minimal grading and disturbance, preserving the existing mature trees and lawn.

Mr. Carrazana opened the public hearing for comments from the public.

Leonard Ozar said that he lived at 5302 Little Fox Lane. He said that as a developer himself, he had had the opportunity to work on both sides of these discussions. He said that he had developed over 100 million square feet of space across the country. He said that he had made several comments to Mr. Shoaf, and he was surprised staff recommended approval.

Mr. Ozar said that this was not a suitable location for a development like this, especially next to single-family homes. He said that there were significant issues with storm drainage and infrastructure. He said that he was not aware if anyone had driven around the area between three and five; it was difficult to navigate. He said that the City and County had yet to address these issues, making it an unsuitable location.

Mr. Ozar said that he had spoken to three neighbors on his block who had already moved out, citing concerns about the project. He said that if this decision went forward, he would consider relocating to Miller School Road. He said that the developer had promised a resident that they would only do single-family homes, and now, here they were. He said that he was deeply concerned about the potential loss of value. He said that it was not just about the financial impact; it was about the community and the homes that people had built their lives around.

Julianne Price said that she lived with her family at 330 Windy Knoll Lane. She said that she would like to acknowledge the time and effort the County staff had put into reviewing this proposal. She said that they had submitted lengthy comments, which she said she would like to bring to their attention. She said that she understood that the Commission had multiple interests to consider, but she would like to highlight a frequently cited justification for this application that she believed was not accurate.

Ms. Price said that the proposal claimed to be consistent with the master plan, but she disagreed. She said that when viewed on a two-dimensional map, it may seem compatible, but when standing on the property itself, it was clear that the design and scale were not in line with the surrounding neighborhood. She said that the 2021 Crozet master plan land use guiding principles emphasized the importance of ensuring new and infill development was compatible in design and scale with existing neighborhood fabric. She said that in her opinion, 12 to 14 townhomes on less than an acre of buildable land could not be considered consistent with the surrounding neighborhood.

Ms. Price said that Liberty Hall homes, which abutted the property, were single-family homes, and the proposed units would be accessed through the surrounding Cory Farm neighborhood, which was actually built to a density of R1. She said that in her view, R6 was not compatible in design or scale with the existing neighborhood fabric, and the actual density of the northern section was significantly higher. She said that this was a unique parcel, and her lot was situated in the midst

of it, with many constraints related to topography, including steep slopes that made it difficult to build a sidewalk from one side to the other.

Ms. Price said that the proposal's justification relied on mathematical gymnastics, and she did not believe that you could in good faith claim that the 14 townhomes on this parcel constituted a density of six units per acre and created a cohesive neighborhood that would benefit the surrounding community. She said that the County needed more housing, but she did not think this was an appropriate location for it.

Ms. Price said that in a previous conversation with Mr. Carrington in June, and they had asked him not to develop townhouses in front of her house. She said that he had suggested that they discuss options to preserve what was important to them without compromising his profits. She said that she did not think this required creative thinking. She said that it was straightforward: they should build fewer units. She said that R3 was consistent with the Crozet Master Plan and consistent with the surrounding neighborhood.

Michael Crenshaw said that he lived near Claudius Crozet Park. He said that the County did need more housing, and they needed more affordable housing options. He said that this project would bring a type of housing that was inherently more affordable. He said that he and his wife could not have moved into Crozet if there were not new townhomes available to them. He said that this was a style of housing that they needed if they were not going to expand the development area. He said that if they were working within the existing development area, there was limited land available, so projects would be imperfect. He said that they needed to make the most of the proposals.

Mr. Crenshaw said that he had spoken to numerous workers in Crozet who commuted from Waynesboro and Staunton. He said that one person had said how lucky they were to live in Staunton, where it was walkable, because she was now able to afford gas to commute to Crozet. He said he would love for people to be able to live and work within Crozet. He said that one person who worked at a coffee shop in Crozet moved to Waynesboro and now spent about $17,000 more on commuting, not to mention the hours and hours of their life. He said that the units would make Crozet a better place.

Mr. Crenshaw said that the proposal was consistent with the area. He said that this was one of the few places where they could build density close to commercial. He said there were other townhomes within 300 feet of the parcel, and it fit into the general area. He said that as for the path, he would love to see a public connection from Colony Drive to Cory Drive. He said that this would benefit residents connected by Eastern Avenue.

Nadia Anderson said that she was the board president of the Liberty Hall HOA. She said that from the perspective of Liberty Hall, the proposed plan introduced significant stormwater risks, incompatible massing near existing homes, and a lack of connectivity, issues that were also identified in the staff report. She said that these concerns were fundamental rather than minor technicalities. She said that the biggest concern she had was with the proximity of a block of townhomes to existing homes.

Ms. Anderson said that the concept plan placed the northern townhouse block extremely close to the rear property lines of Liberty Hall, which was incompatible with the Crozet master plan's call for infill that was compatible in scale and design with the existing neighborhood fabric. She said that the layout compressed 14 attached units into a narrow band directly behind existing single-family homes with minimal buffering or transition, resulting in an abrupt density shift rather than a

gradual one. She said that the C-shaped configuration around 330 Windy Knoll Lane suggested that the design was being forced onto a site that could not comfortably accommodate it.

Ms. Anderson said that the proposal also failed to provide necessary connectivity, including a lack of interconnected streets and pedestrian bike connections. She said that for Liberty Hall, this resulted in more vehicle trips funneled onto Colony Drive without offsetting improvements. She said that new developments should not be designed to discourage walking.

Ms. Anderson said that although the proposal did not explicitly state that Windy Knoll would utilize Liberty Hall infrastructure, the current design grading and layout made it the practical outcome. She said that because the property sloped downhill towards Liberty Hill, the development effectively used their neighborhood as its stormwater outlet without providing a downstream analysis or demonstrating that peak flows would not increase.

Ms. Anderson said that by placing dense units behind their homes without meaningful buffering, their backyards became the de facto buffer zone for this project. She said that without clear plans for how runoff would be tamed or slowed, the project relied on their yards and existing drainage infrastructure. She asked the Commission to deny the rezoning as proposed and asked the applicant to return with a plan that truly served their community.

Amanda Young said that she had been a resident of Crozet for about seven years and lived in Cory Farm. She said that before she proceeded, she would like to note and ask that the Commission acknowledge that the signs advertising this meeting were specifically placed at the top of the Windy Knoll Lane driveway.

Ms. Young said that unfortunately, many residents of Cory Farm, including herself, were not aware that this meeting was taking place, as she only found out from neighbors who texted her personally. She said that one of the signs was not even located near the relevant property. She said that none of the signs were visible from the public roads in Liberty Hall or Cory Farm, which she believed was a requirement by County regulation.

Ms. Young said that she was worried that many neighbors may have missed this meeting altogether. She said that setting aside that issue, they had already discussed the concerns about inadequate infrastructure, particularly in relation to accommodating significant growth. She said that she was aware that this was a topic of discussion, and she believed that most people who moved to Crozet were aware of the area's growth potential, with the exception of those who had been there for many decades. She said that the master plan's goal for infill developments, as stated in section B, required that they be walkable to schools and appropriately scaled to the surrounding neighborhood. She said that this proposal did not meet those criteria.

Ms. Young said that she understood that the addition of three students to Western Albemarle may not seem like a significant concern, but it was about more than just that. She said that it was about the lack of infrastructure in place to support the level of development they were considering. She said that they did not have the necessary sidewalks, traffic lights, or roads to accommodate the additional families and individuals who wanted to walk.

Ms. Young said that finally, she would like to address the mowed path. She said that while the map may not show the grade of the slope, she could attest that it was quite steep. She said that she had spoken to her neighbors, and they had all agreed that it was not feasible to create a mowed path of that grade without it becoming a significant issue, particularly with stormwater drainage.

Steve Walsworth said that he was a resident of Crozet and Cory Farm for over 23 years. He said that he had witnessed many changes in the Crozet area. He said that as a native of Southern California, where he was born and raised, he had seen similar transformations in his hometown. He said that there had been a significant housing boom, and many orange groves had been converted into housing areas, complete with shopping centers and streets. He said that a notable example was the town of Irvine, which had once been Irvine Cattle Ranch with 100,000 acres of cattle and grasslands.

Mr. Walsworth said that within two decades, it had been transformed into an award-winning town, renowned for its excellent transportation systems, emergency response systems, and harmonious balance between residents and natural settings. He said that the key to their success had been a well-planned approach, with standards and a clear vision. He said that unfortunately, many other towns that had failed to follow a similar plan had struggled with the consequences.

Mr. Walsworth said that as someone with a background in real estate and land development, he had a deep understanding of how these types of projects worked. He said that he had seen firsthand how a lack of planning and adherence to standards could lead to problems. He said that the proposal did not match the surrounding development. He said that the 12 units at the northern portion had inadequate access and parking, and it lacked open space for children to play.

Bill O'Malley said that he was the board president for the West Lake Hills HOA. He said that he would like to highlight several planning concerns identified in the County staff report that raised questions about whether this proposal worked as responsible infill development. He said that to him, it appeared that the developer had done the bare minimum to assemble this development.

Mr. O'Malley said that he would like to focus on connectivity. He said that one of the County's core planning goals was to have interconnected streets and safe pedestrian and bike access. He said that staff had made it clear that the proposal did not provide these connections. He said that it relied on separate private access points that did not integrate well with the surrounding neighborhood.

Mr. O'Malley said that true infill development should be held to a higher standard. He said that even if street connections were not possible, the opportunity for better walkability existed on the site, particularly to nearby centers, but it was not being realized in this plan. He said that the developer had added a minimal mowed path at the last minute, which was not a solution.

Mr. O'Malley said that another concern was school capacity. He said that the Crozet school buses had three kids to a seat. He said that Henley Middle School was nearing capacity, while Western Albemarle High School was over capacity. He said that the proposal contributed to an already strained system. He said that this should be considered when evaluating growth decisions. He said that the proffer for future road improvements expired in 10 years, which created uncertainty as to whether meaningful connectivity would ever happen. He said there was currently no construction timeline for the connector.

Michael Monaco said that he resided in the White Hall District in a neighborhood that was built within the last seven years. He said that this neighborhood currently featured four single-family detached homes and 16 attached townhomes. He said that it spanned approximately three acres of land. He said that he lived alongside his neighbors, a diverse group of working families, retired locals, and active community members.

Mr. Monaco said that his neighborhood was home to about a half dozen elementary school-age children, half a dozen middle school-age children, and one high school student. He said that they

were connected to downtown Crozet by a patchwork of intermittent sidewalks, shared use paths, and a rough, muddy meadow trail through a neighboring property. He said that this allowed them to walk or bike to the grocery store, approximately half a mile away.

Mr. Monaco said that their infrastructure was not perfect, but he believed they were fortunate to live in Crozet. He said that Goal 3B of the Crozet Master Plan discussed infill development within downtown neighborhoods and other areas that were walkable to centers or schools. He said that the applicant should continue to improve the site plan to create more defined non-car infrastructure, enabling people to move around without relying on cars.

Mr. Monaco said that he acknowledged the challenges posed by slopes and other natural features. He said that he believed that formally and intentionally tying a bike and pedestrian network, at least to Colony Drive, from the northern townhomes, would greatly enhance connectivity to the village center. He said that he would like to conclude by stating that they were currently experiencing a crisis of housing affordability in Albemarle County. He said that more than half of households who rented in the County were currently cost burdened. He said that while various factors drove housing prices, he urged them to consider the impact of their decisions on the supply of housing.

Paul Sheeran said that he was a resident of Liberty Hall. He said that when he purchased his house, he did not anticipate that the wooded lot behind his property would remain a wooded lot forever. He said that it was generally understood that there would be development. He said that he must be candid and say that he did not expect to have the opportunity to explore four sets of bedrooms and living rooms in the future.

Mr. Sheeran said that he would like to echo what some of his neighbors had said. He said that as an engineer, he spent a lot of time thinking about requirements and how they could meet them and still fail. He said that he saw in this plan what he had seen in other projects - a lack of functional connectivity. He said that the townhomes were not connected to where people would travel. He said that high density development should be located with the other high density developed and connected to make it more functional.

Feng Kuo said that many people had already presented her questions, so she did not have any more comments to make.

Janie Holbrook said that she had one question: Where would people park when they were invited to social gatherings like the Super Bowl, Fourth of July, Mother's Day, or Thanksgiving? She said that the current density of those 12 units, with few buffers, no public streets, no on-street parking, and no spillover if Eastern Avenue was built. She said that otherwise, this would burden the neighbors until a solution was found.

Ms. Holbrook said that she believed it was essential to consider how people lived and wanted to live when building and infilling with townhomes, taking into account their desire for social connections and hosting guests. She said that, as someone who had lived in a similar townhome, she could attest to the limitations of not being able to host important events. She said that she would like to know if a lottery system had been implemented for the folks who would be buying the townhomes.

Mark Esplin, Little Fox Lane, said that given the area's topography, he was concerned about the potential impact on residents, especially children or elderly individuals who may be more vulnerable. He said that his in-laws lived with him, and they had a relatively flat topography. He said that the recent ice storm had highlighted the challenges of navigating these types of areas.

He said that in the event of an ice storm, residents in this area may be stuck for weeks or longer, and the inability to remove the ice could be a significant issue. He said that as a private road, it was not connected to VDOT, which raised concerns about who would provide services in the event of an emergency.

Mr. Esplin said that it was a relief to have VDOT to respond quickly to Cory Farm after the ice storm, allowing residents to access their homes and continue with their lives. He said that however, for private roads like this proposed one, it was unclear who would provide those services. He said that in terms of children, the steep grading required for the driveway from these homes may be a deterrent for some families.

Mr. Esplin said that concerns about runoff and infrastructure were valid, as he recalled experiencing flooding in Houston during a previous event. He said that if flooding were to occur in this area, it could have serious consequences for residents, particularly those with topography that was not conducive to drainage. He said that he would like to see safety concerns addressed in any future development plans.

Mr. Esplin said that finally, he was concerned about the connectivity between communities. He said that in Cory Farm, children were able to easily access various areas, and there were definitely more children than just three per 18 houses. He said that however, if there was inadequate space or grading to facilitate interconnectivity, it may be difficult for children to play and for the communities to interact with one another.

Kiersey Ide, Cory Farms, said that their neighborhood was truly incredible. She said that it was full of people who genuinely cared for one another and looked out for each other's well-being. She said that based on the design of this development; it was clear that the developers were waiting for the perfect moment to swoop in and buy the neighboring house so they could add more buildings. She said that this was unneighborly and they needed to respect people's property and the time and effort they had invested in their beautiful homes.

Ms. Ide said that they needed to respect that and ensure their property was not going to look trashy with inappropriate buildings surrounding it. She said that while it may be one house, it was also the home of a family that meant a lot to her. She said that they needed to care for their existing neighbors as well as provide homes for new ones. She said that this one family and their one house mattered.

Ms. Ide said that additionally, their neighborhood had a sidewalk now that allowed them to walk to Harris Teeter, and that allowed for a strong connection between Liberty Hall and Cory Farm because they all walked this sidewalk and met each other’s dogs. She said that it was a great walking community in that respect, and she did not feel this development was adding much to that with their proposal.

Ms. Ide said that furthermore, the runoff from this area was a major concern. She said that the area where it would collect was extremely close to homes and the street, and unfortunately, they must consider the potential that someone may drown. She said that in her own neighborhood, they had flooding issues around the stormwater grates. She said that she would prefer that the developer re-does this proposal, but ultimately, she thought they should only build three homes here like it should have been originally.

Lori Schweller, 5303 Little Fox Lane, said that her residence was directly south of the development. She said that she had not intended to speak, but she wanted to bring up a planning issue that she had been wanting to address for a long time, and this was the perfect opportunity

to do so. She said that when they discussed the buffers or lack thereof between townhomes and single-family homes, it was not the contiguity of townhomes and single-family homes that was the issue, but rather the parking lot.

Ms. Schweller said that some of the residents had lived on this street for 22, 23 years and had seen the development of Liberty Hall, with all its phases. She said that suddenly, she found a parking lot in her backyard. She said that a parking lot had a significant impact, with noise, light, and disruption to daily life. She said that the lights from the parking lot also shone directly into homes, with no buffering to speak of. She said that she wanted to raise the issue that significant buffers were essential to install between townhome parking lots and single-family homes.

Ms. Schweller said that there had been a few bushes planted along the Liberty Hall buffer, but pickup trucks backed into them and destroyed them, leaving them with nothing. She said that now they had single-family home yards and parking lots, with little to no separation. She said it was an important planning issue for the Commission to consider. She said that the townhomes in this proposal were wedged into that 1-acre lot, with very little setback. She said that she did not even know if there was room for buffering, and understanding the Zoning Ordinance was what it was, the Planning Commission should stay aware of this issue.

Taryn Price, said that she lived at 3330 Windy Knoll, the other adult in the middle of the C-shape. She said that she wanted to reiterate a couple of key points. She said that she hoped that they would not actually need to buffer from 14 units, which kept coming up as a concern. She said that the main issue was not the four units on the southern half, but rather the northern part, which was inconsistent with the surrounding area and located next to her house. She said that it appeared that her yard was being used as a playground for the new community, which was situated in the middle of the development.

Ms. Price said that she believed that it was possible to meet the master plan's goals by reducing that, and that was the main issue. She said that she was completely sympathetic to the need for more housing and understood the need to up-zone these areas, but she thought R6 zoning with 14 units on less than an acre was excessive. She said that this made no sense to her. She said that it sounded like the response to this developer providing buffering was that the neighbors should provide their own buffers, but that seemed like an unnecessary burden on neighbors. She said that her main concern was that 14 units on less than an acre did not seem reasonable at all.

She said that as a minority, she understood the importance of affordable housing. She said that however, she felt that this project fell short in providing a safe and suitable environment for the children who would be living there. She said that by clustering so many houses on a single acre, the project did not provide enough space for kids to run around and play. She said that the project did not offer a designated playground area for the children, which was essential for their physical and emotional well-being.

She said that furthermore, the area was also home to various wildlife, including bears, foxes, and owls, and while her cat enjoyed the snakes, she personally did not and thought it would become a safety risk if things were not kept extremely clean at all times. She said that she understood this was private property, but these would become her neighbors, and she wanted her neighbors' kids to have a green area and backyard to play in.

She said that the townhouses did not provide that. She said that she was concerned about the potential dangers of the pond, especially during heavy rainfall, which could flood and create a hazardous environment for children. She said that she believed that their community deserved a safe and green space for kids to play and explore, which was not provided by this project.

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

Mr. Shimp said that he would like to reiterate a couple of points he previously mentioned. He said that when there was a comment about the density being higher than in the Comprehensive Plan, but it was not. He said that the Plan did discuss going above a six-unit density, but they did not. He said that furthermore, integrating this project into the neighborhood, with a density of 2.6 units per acre, it was not significantly changing the overall neighborhood's density.

Mr. Shimp said that instead, it provided housing opportunities for those who wanted to live in Crozet. He said that he appreciated the comments about how townhomes could serve as an entry point into these neighborhoods, allowing residents to walk their dogs, play with their kids, and enjoy the community. He said that the intent of this project was to provide opportunities for a range of incomes to become part of that. He said that this aligned with the County's goal of targeting higher densities through infill projects.

Mr. Shimp said that Albemarle County had followed its Comprehensive Plan well, and he believed it was essential to establish opportunities for a variety of housing types to ensure that the community remained inclusive. He said that a project like this allowed people to live in Crozet, working in the community they served, rather than being priced out; this was the core of this endeavor. He said that he acknowledged that infill sites would be imperfect, but he believed they could work through the challenges. He said that they could explore screening the parking lots, as the County had an Ordinance in place for that.

Mr. Shimp said that the more technical details, such as runoff and private road maintenance, were site-specific and could be addressed through existing County ordinances during the site plan process. He said that the real challenge was navigating infill development, which would inevitably lead to conflicts between neighbors who had been there for 30 years and those who were new to the area. He said that he understood the concerns of those who had lived in the area for decades, but he also believed that their planning should evolve to accommodate these changes.

Mr. Shimp said that they needed to find a balance between preserving the character of the neighborhood and allowing for growth and development. He said that they needed to ensure that their projects included provisions such as trails that were meaningful for kids to run back and forth on, and screening features that could be implemented. He said that, however, at the end of the day, these projects must have sufficient density to be successful.

Mr. Shimp said that this was because there was always a counterargument that could be made, such as the example of a single house being built, which may not significantly advance the Comprehensive Plan's goal of enhancing housing opportunities in the County. That concluded the items he wanted to add. He said that he appreciated the time that had been taken tonight and was happy to answer any further questions.

Mr. Shimp said that his hope was that what they presented was reasonable and could move forward with some guidance on how to handle the trail system and connectivity. He said that there had been some valuable comments made about public connections, and he imagined that children would run from one place to another; that was a positive aspect, and they should be able to handle that in an appropriate manner. He said that he appreciated the Commission's time and looked forward to their deliberations.

Mr. Carrazana asked if the Commissioners had any other questions for the applicant.

Mr. Murray said that one of the concerns that was raised by several people was where families would park when there were events or parties. He said that he had experienced this firsthand, as he recalled his own daughter driving to a neighborhood in Charlottesville, where they would try to drop off kids at one house. He said that he was curious to know how the applicant envisioned this situation being addressed in this development, and how they could accommodate activities like these, given the available space.

Mr. Shimp said that they provided guest parking, which was a ratio of one per four units required by the County, and every unit must have two parking spaces. He said that for the interim, he imagined people would park along the Cory Farm as a public road, which may become a common practice. He said that if Eastern Avenue was built, this could potentially compromise the existing parking arrangement.

Mr. Shimp said that a connection to the public street network at Colony Drive would alleviate this issue. He said that when choosing to live in this neighborhood, residents may have to sacrifice some parking flexibility. He said that this was what some people had expressed: that they would love to have a townhome with four parking spaces, but if they had to choose between that and nothing, some compromises may be necessary.

Mr. Shimp said that they did not want to create more impervious areas just to have excess parking. He said that the balance was important, and the County aimed to achieve this with two parking spaces per unit and one per four for guests, which had been the standard for a long time. He said that he was not sure if this was enough for every circumstance, as there would be times when it was inconvenient.

Mr. Shimp said that on the other hand, having too much parking would be environmentally detrimental. He said that the answer was that it was not perfect, but they had been working in these neighborhoods for a long time, and residents had an expectation of how to deal with parking.

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

Mr. Murray said that he did not think that more single-family homes were what he wanted here, and some amount of density was appropriate. He said that however, it did seem inconsistent with the neighboring properties. He said that it was very abrupt, so if they had a bit less density, it could provide some room for buffering and accommodations for families. He said that at the scale proposed, it was too dense, particularly all of it crammed into that northern section.

Mr. Clayborne said that he fully supported infill development. He said that however, infill should not come at the price of quality of life. He said that he believed there were aspects of the proposal that were not immediately apparent in the application that became apparent when actually visiting the site. He said that on a positive note, he appreciated the emphasis on design and the multiple solutions that could be employed to address design challenges. He said that unfortunately, the plan presented tonight was not developed to its full potential.

Mr. Clayborne said that he felt they deserved to see a plan that was fully cooked. He said that they talked a lot about poor interconnectivity, and he felt that was addressed at the last minute. He said that he had not had the opportunity to review the new plan before this meeting. He said that the location of the density on the site seemed a bit inappropriate, so they either needed to consider less density in the northern end or more in the southern end, as Mr. Carrazana had mentioned earlier. He said that the green space seemed underutilized, especially for family recreation. He said that there was a whole laundry list of things, so he felt that was indicative that

the plan was not fully developed. He said that at this time he was not in a position to support this application.

Mr. Moore said that he had been jotting down some thoughts on this, and he wanted to clarify that this was not intended to be any kind of criticism. He said that as someone who also lived in the Development Area, he understood that things could change around him. He said that that was just the way it was in their growing County, where they had made a decision to concentrate growth in certain areas, and there was a strong need for more housing supply. He said that it was a complex ecosystem and when homes were built, even if they were high-priced, it meant that people moved in, and that opened up lower-priced options elsewhere.

Mr. Moore said that he appreciated that the applicant had met compliance Albemarle's affordable housing plan requirements, although the numbers were not huge since it was a 3-acre site, but it could still benefit three or four families who might not have otherwise had access to a home. He said that their Development Areas had good infrastructure, which was the point; however, this particular parcel was challenging. He said that it was C-shaped, with multiple entrances, and it was not a straightforward plat. He said that he kept asking himself why this parcel had been left in this state as a result of past development patterns and private ownership.

Mr. Moore said that he was having trouble understanding why this parcel could have been shaped in such a way. He said that while the units per acre may be acceptable, the layout and how people would live there, especially in the northern part, was difficult for him to grasp. He said that this was unusual for him, as he usually supported densely designed developments. He said that the trail interconnection was half-baked and seemed rushed, but it did not bother him greatly. He said that most people would still use their cars to go grocery shopping irregardless.

Mr. Moore said that in his mind, if they could have six or seven townhomes in the southern part and six or seven in the northern part, that would feel more balanced. He said that he was struggling to figure out how this development would thrive and feel comfortable for residents. He said that it was not all about inconsistency; there were other six, seven, eight-unit townhomes nearby, but what bothered him was the concentration of everything in this one zone, which was hard for him to support.

Ms. King said that she would like to express her appreciation for the community members who spoke tonight on behalf of affordable housing. She said that it was worth noting that one comment expressed concern about their property value. She said that as a reminder, since 2020, specifically 2023, property values in western Albemarle County had increased by 13.7%, followed by another 7.8% in 2025, and then 10% this year.

Ms. King said that this exponential value increase was a reality, and it would help address the issue of affordability for the community at large. She said that this would help with taxes if they did not move, but the value gained over the last five years due to the severe housing inventory crisis counteracted any decrease in property values. She said that the median home value in Albemarle County was currently $530,000, making it unaffordable for many. She said that one reason for this was the lack of available land for development. She said that to address this, they needed to potentially expand the Development Area, which most people did not want.

Ms. King said that the argument she heard constantly was that they must infill and do so at maximum capacity. She said that in general, she strongly supported the density of this proposal and believed it was consistent with the types of housing in the surrounding areas. She said that as pointed out by Mr. Moore, there were already four blocks of townhouses less than 500 feet away. She said that furthermore, the developer had made the four single-family units located

behind larger single-family lots in Corey Farm. She said that it may have been due to the road structure, but it was not fair to 3330. She said that it would be challenging to come up with a solution that made it feel fair to that person, regardless of the approach.

Ms. King said that she was in favor of the proposal and would like to see the path connect the communities. She said that she believed the sidewalk and planting strip on one side of the street were suitable for the size of development. She said that she was not concerned about the schools, as the situation in the greater Crozet Development Area made this a very minor consideration in this regard.

Mr. Moore said that he wanted to add that he did not have an issue with the waiver for the planting and sidewalk because it was relatively small, but it was secondary when so much was crammed into a small space up there. He said that he welcomed more density in this location, but this particular proposal was difficult to picture.

Ms. Firehock said that she did not want to repeat what her colleagues had already said. She said that she agreed with some of the points Ms. King had made about infill development, they needed to do infill to prevent expansion of the growth area. She said that however, she also believed it was their job as Planning Commissioners to ensure that infill was done thoughtfully. She said that they only had a lot of weirdly shaped lots left because the more accommodating parcels had already been developed, but they should still ensure the infill was done thoughtfully. She said that she was not opposed to townhomes or duplexes, but she did think the current proposal was overly dense, particularly in the back corner of the property.

Ms. Firehock said that she was concerned about the lack of community gathering spaces or playground, which would be essential for families with small children. She said that this proposal was not ripe for approval this evening, in her opinion, due to the layout of the northern lot. She said that notwithstanding that the current road easements allowed the developer to fit the three houses down on the south, she still thought they could find a way to get more houses in that area to balance the development out more. She also said that she had not heard any concerns from the neighbors about the development in general, but the layout was just not well-done in the northern part. She said that she did think they needed to prioritize community gathering spaces and make sure that development was done in a way that benefited the community as a whole. She said that she was not in favor of this development as currently laid out, but she was in favor of more density there.

Ms. King said that with respect to where the density of the neighborhood was located on the property, she believed it was important to note that townhouses were inherently dense. She said that considering the Avinity neighborhood, where she had friends and family who resided, she had observed that parking was limited but people loved living there. She said that currently, townhouses in the Avinity neighborhood were selling for $530,000, so they were not sitting vacant. She said that this suggested that removing units from this development would not only eliminate an affordable option but also diminish the overall development. She said that townhouses would be right next to each other regardless, so spreading them out would not solve any issue. She said that she was aware that the community faced stormwater management constraints, so that she thought it would be more effective to focus on stormwater management and keep the houses dense, which she believed they had the opportunity to do. She said that it appeared they might be able to address stormwater issues across the entire parcel during development.

Ms. Firehock said that they had not done any site engineering yet.

Ms. King said that they did not have to until they did the site plan.

Ms. Firehock said that the Commission had to make some judgement calls at their level.

Mr. Murray said that one of his major concerns was the connectivity. He said that if this was a dense property with lots of townhomes and a clear, walkable route to get somewhere, or easy access to mass transit or something else, he would feel differently about it. He said that the way it was contained in the block there made it different for him. He said that there was a big difference between something that was walkable and something that was somewhat isolated.

Mr. Carrazana said that he would try to summarize what he had heard so far and provide his own thoughts on this proposal. He said that the Commission had consistently advocated for increased density, and he believed they had asked for it in several previous proposals. He said that they recognized the need for affordable housing and increasing their housing stock in Albemarle. He said that they agreed with the public's comments on this matter; however, he thought it was a qualitative versus quantitative issue.

Mr. Carrazana said that quantitatively, this proposal offered six units per acre across the entire parcel, but qualitatively, it was more like 14 units in a very tight location, which had little consideration for the neighbors. He said that this was part of what they were struggling with. He said that he would encourage the applicant and staff to explore ways to free up the southern half of the parcel, as this would be more conducive to higher density. He said that it was adjacent to the townhomes along Colonial, and he thought it was a more palatable approach. He said that whether they divided the parcel or placed the density in single-family homes elsewhere, he did not think this one-acre parcel to the north was suitable for the proposed level of density.

Mr. Shimp said that he appreciated the thoughtful comments he had heard from the Commission. He said that he would like to request a deferral for this application in order to attempt to make some changes before the Commission voted on the proposal. He said that while he could not promise he would bring back something the Commission would unanimously support, he would be happy to take another stab at addressing the concerns raised at tonight's meeting. He said that he wanted to provide an infill project that addressed those concerns, so he would like to work with staff to find some mutually beneficial tweaks to the plan.

Ms. Tevendale asked if it would be a deferral to a date specific or a non-specific date.

Mr. Shimp said that he thought it would likely be an indefinite date. He said that there were a few questions he would need to have answered, including special approval from VDOT. He said that once staff and he reached a solution, they could come back.

Mr. Barnes said that that would be staff's preference, too.

Ms. Tevendale said that one final point of clarification for the record was whether the applicant also requested a deferral of the two waivers that were part of the rezoning proposal.

Mr. Shimp said yes.

Mr. Murray motioned that the Planning Commission defer the application ZMA2025-00007 and SUB2025-239 to an indefinite date. Mr. Clayborne seconded the motion, which carried unanimously (6-0).

Recess

The Commission took a five-minute recess.

Public Hearing

ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards

Scott Clark, Conservation Program Manager, said that he was joined by Frank Pohl, County Engineer, and other staff members present to answer questions as they proceeded with this public hearing. He said that this was a public hearing on an item that arose from the County's Stream Health Initiative, a Countywide project to develop strategies for improving local stream health.

Mr. Clark said that as a reminder, this initiative began with an extensive community outreach project that involved multiple stakeholder work groups, vision setting, and the development of 14 recommendations. He said that the project they were seeing tonight was recommendation number one, which focused on better protection of riparian buffers in the Zoning Ordinance. He said that riparian buffers were areas of vegetation adjacent to a stream, wetland reservoir, or pond, and the Board had adopted a Resolution of Intent to amend the Zoning Ordinance on this topic in 2022.

Mr. Clark said that the scope of this project was to move the current extent of regulations from the Water Protection Ordinance (WPO) to the Zoning Ordinance, with the aim of implementing standards that protected buffer vegetation Countywide, rather than just in certain land disturbance projects. He said that this would also require buffer retention, whether or not a site had regulated land disturbance. He said that exemptions for agriculture and forestry would remain, with best management practices required for forestry.

Mr. Clark said that the current WPO buffers and proposed Riparian Buffer Protection Standards (RBPS) locations were the same; they would move to the Zoning Ordinance without major changes made. He said that the provided table explained how the buffers applied in Development Areas, public water supply impoundments, and all other locations, which were generally in the remainder of the Rural Area. He said that of note was the distinction between the two kinds of Development Area buffers in this table, which was the same as listed in the WPO.

Mr. Clark said that the top line in the table referred to Development Areas not within a water supply watershed, which was nearly all of them, and those had a 100-foot buffer on perennial streams. He said that the second line referred to Development Areas within a water supply watershed, which at this time only referred to Crozet, and this had protection on both perennial and intermittent streams, as well as Flood Hazard Overlay Districts. He said that while structures could be permitted in the outer 50 feet along intermittent streams with a mitigation plan, there were still buffers in place.

Mr. Clark said that the current WPO regulations only applied to land disturbances of 10,000 square feet or more. He said that however, for disturbances of less than that, or for changes outside of a regulated project, there was no particular vegetation protection in the Ordinance. He said that it was true that new structures requiring building permits were not permitted in the buffers. He said that he had also provided the structure of the new proposed RBPS Ordinance and all of the sections within it. He said that he would like to draw attention to the three sections in green, which contained the bulk of the regulations; he would focus on these sections throughout this presentation.

Mr. Clark said that Section 4.23.10 was a new section that had been added after the Commission and Board work session. He said that this section addressed standards for special exceptions, which had not been included in the previous version. He said that the attachment the Commission

had received with the draft Ordinance included this new section, but it had not been there during the work session.

Mr. Clark said that regarding what vegetation changes were permitted in the buffers, under the current regulations, these changes only applied to projects with 10,000 square feet of disturbance. He said that under the proposed Ordinance, native vegetation in the buffers must be preserved and not disturbed or removed, regardless of the type of development project. He said that this meant that buffer areas must be maintained in as natural a condition as possible.

Mr. Clark said that there were two types of permitted uses in this Ordinance: some were by right, while others required administrator approval. He said that the buffer administrator would be the County Engineer and would require a mitigation plan. He said that one area of concern from the Board was the regulation of invasive vegetation removal as part of a landowner's land management. He said that currently, the draft required buffer administrator approval for removal, but not a formal plan review or approval of a plan.

Mr. Clark said that this was intended to strike a balance between permitting and oversight, while also allowing for accurate documentation of the removal process. He said that to address potential loopholes, the draft required landowners to submit photographs, sketches, and other documentation to support their removal process. He said that next, he would like to discuss Subsection 8, which related to permitted uses that could be approved with a mitigation plan. He said that these uses included temporary E&S facilities, structures necessary for reasonable use of a lot, and environmental restoration projects. He said that he would point out that stream crossings for roads, streets, and driveways were also included in this list.

Mr. Clark said that mitigation plans were required for these uses and were governed by standards and requirements outlined in 4.23.9. He said that currently, the draft stated that disturbances and violations must be restored at a 2:1 ratio, otherwise 1:1 for permitted uses. He said that plantings were also required to be native species. He said that buffer vegetation must be installed in accordance with the guidance outlined in the design standards manual, which also referenced the statewide Virginia buffer restoration manual. He said that bonds could be required until the plants were established to ensure the mitigation was successful.

Mr. Clark said that the new Section 4.23.10, regarding special exceptions, had been added to address this directly. He said that special exceptions were only possible for vegetation management standards and uses permitted by right or with a mitigation plan. He said that this section was written to be consistent with other recent sections addressing special exceptions for other uses. He said that abutting landowners must be notified, the administrator could require a water quality impact assessment when reviewing a special exception request, and when considering a special exception request, the Board must evaluate factors and could apply conditions and bonds.

Mr. Clark said that before he concluded, he would like to mention a few items they had ahead of them before this item went to the Board of Supervisors for the public hearing. He said that they had received feedback from other staff, particularly in Facilities and Environmental Services (FES), that they needed to be more specific about the content of site-specific surveys that determined where buffers were located on a development site. He said that to address this, they planned to update the design standards manual to cover the standards for determining water body types, including perennial versus intermittent, and the content required for a plan to be accepted.

Mr. Clark said that in addition to that, they needed to update some of their references to state guidance documents on defining perennial streams, as there were more recent sources available. He said that they realized that the planting ratio for mitigation plans should be 2:1 for both permitted uses and violation resolutions, as originally intended. He said that they intended to revert to this 2:1 ratio for both before this went to the Board. He said that staff recommended the Planning Commission support these text amendments and recommend approval to the Board of Supervisors.

Mr. Murray asked how staff would determine whether an agricultural exemption was legitimate for the use.

Frank Pohl, County Engineer, said that the exemption for the WPO was currently based on state law, specifically the Right to Farm Act. He said that the requirements for the agricultural exemption were relatively low, as one had to either create a pasture and fence it in or simply remove the debris. He said that this was defined in the state law. He said that they frequently faced challenges with this exemption. He said that if the Commission had any suggestions on how to make it easier, he would be open to hearing them. He said that however, they did receive complaints about agricultural activity, and they investigated these claims based on affidavits from the landowners, which they relied on to inform their decisions.

Mr. Murray asked if they were able to ask for a list of things to prove they were agriculture, like a Schedule F, or a farm income or loss statement, which were what they asked for with the Land Use validation program.

Ms. Tevendale said that she had limited legal authority to implement restrictive questions or requirements for someone to prove they were participating in the Right to Farm program. She said that staff worked to collaborate with landowners to ensure that the activities met the requirements, but they were limited in what they could request and require.

Ms. Firehock said that she recalled a specific case in the County where the landowner said that it was forestry and they were asking the Commission for a permit to develop the site. She said that then, they felled trees in the buffer and left them without harvesting the wood. She asked if, in a case like that, staff would rely on the landowner's affidavit that stated it was forestry, even if the use was clearly abusing that definition and it was apparent that an owner was trying to clear the land without a permit.

Mr. Pohl said that they would consult their attorneys on that. He said that each situation was different, and just because someone was requesting something did not mean they were not forestry. He said that they had seen cases where projects had been advertised for sale, claiming to have a drain field and cleared land, and the County had treated them as forestry.

Mr. Pohl said that there were programs available throughout the state that allowed for land use applications. He said that they had discussed this in the past, when a previous director was present, but it had not been revisited since. He said that to adopt these regulations, it would require legislative action on their part.

Mr. Pohl said that he believed it would be more in line with the Chesapeake Bay Act, which would require these plans. He said that this aligned with the discussions they had during the Stream Health Initiative, although it was a more significant step than what they were proposing at the time when they were moving this into the Zoning Ordinance.

Mr. Murray said that this was very helpful to know. He said that he was having trouble locating a specific section of code that was mentioned in their discussion about farm roads. He asked about the regulations regarding farm roads, specifically whether those roads were exempt from being in stream buffers, and if so, whether they were grandfathered in.

Mr. Pohl said that farm roads were considered an agricultural activity and were exempt. He said that there was a two-year limitation, which applied from the time the activity was completed until a development was brought in that included a road or access way in that location, which would not have been exempt to begin with.

Mr. Murray said that he wanted to state that he believed that two years was an extremely short timeframe for establishing roads. He said that, in his view, there should be a significantly longer period of time allowed before roads could be considered established. He said that, for instance, the cost of building and doing business was substantial, and it was almost as if someone came in, laid down the farm roads, and then claimed they were already there in the buffer. He said that he strongly encouraged them to consider expanding the length of time before roads could be considered established.

Mr. Pohl said that he believed the timeframe was based on language in State Code, but he would double check that.

Mr. Murray said that another topic that was discussed was regarding structures within the 50-foot buffer in a water supply area in a Development Area. He said that he was unclear whether this was an automatic process or if it would require special approval. He said that upon reviewing older versions of the Code, he found that it stated that this was only necessary for reasonable use of a lot.

Mr. Pohl said that he believed that was under Section 4.23.8 B2. He said that this section pertained to structures within the outer 50 feet and required necessary supportive infrastructure to enable reasonable use and was located along the intermittent stream within a water supply protection area in the Development Area. He said that this was currently their Ordinance, and he did not believe they had made any changes to it. He said that it was essentially a requirement for reasonable use.

Mr. Murray said that he was confused about the description, which included structures necessary for the reasonable use of the lot, or Development Area structures on intermittent streams or supply protection areas. He said that he did not see this in older versions of the Code. He said that he was looking at the current version, and he was wondering if this was a new policy.

Mr. Pohl said that he believed this provision was not new. He said that they had always allowed the outer 50 feet in Development Areas for intermittent streams. He said that this was a current allowance in the Ordinance, so the provision was repealed within the landward 50 horizontal feet. He said that this essentially had the same language as the original provision. He said that it would be necessary for infrastructure to allow for reasonable use of the lot, or it would be on a lot within a water supply protection area where the stream buffer protected an intermittent stream, and the lot was within a Development Area.

Mr. Pohl said that he was not present when this was written, but his understanding was that they had increased the requirements within the Water Protection Area, and there was a compromise to have a reduced buffer of at least 50 feet on intermittent streams for those areas, whereas in other areas, they did not have buffers on intermittent streams. He said that even with this reduced buffer, it still provided some level of protection.

Mr. Murray said that one thing he would say is that these intermittent streams were like the capillaries in their blood. He said that they provided essential function and removing them would have had a detrimental impact. He said the presence of buffers around many streams in Crozet had enabled the creation of a comprehensive greenway network. He said that compared to other Development Areas, Crozet's relative density was comparable, yet it boasted a well-developed greenway network.

Mr. Murray said that this was largely due to the buffers, which had allowed for the creation of a greenway network. He said that he firmly believed that protecting their intermittent streams was crucial, even if it required some engineering efforts. He said that another concern he had was the issue of tree tubes, which had become a problem in Crozet. He said that specifically, the plastic tree tubes used in mitigation efforts had become litter in their waterways, posing an environmental issue.

Mr. Murray said that near the Fifth Street Station in particular, he observed that tree tubes were still laying around the entrance of Fifth Street Station, seemingly left behind. He said that in Crozet, he saw areas where tree tubes were scattered throughout, and the removal process appeared to be a significant and unpleasant endeavor. He said that this situation contributed to pollution.

Ms. Firehock said that the intent of the tree tube was to prevent deer browsing from destroying saplings, but at some point, they needed to be consciously removed. She said that when they were forgotten, it was indicative of bad project management.

Mr. Murray said that there was mention of bonds for restoration and mitigation efforts, so he would propose a standard that the bond would not be released until the tree tubes were removed, or that they require biodegradable tree tubes. He said that otherwise, they would continue to pollute their waterways.

Ms. Firehock said that she was really glad they had a new buffer Ordinance, or rather had it back. She said that she had some concerns about the K-2 Ordinance regarding the removal of invasive species. She said that it sounded like the Board was concerned someone would mow an entire area and then claim they had removed invasive species after the fact. She said that she was just trying to think about the practicality of this.

Ms. Firehock said that she had already mentioned to Mr. Pohl earlier that in her creek, it was a weekly activity from spring to fall, where she removed multiflora rose, Japanese stiltgrass, Japanese honeysuckle, autumn olive, and privet. She said that she was trying to imagine the process where she went to the County and showed them a picture of her invasive species that she was going to pull by hand. She said that her creek used to be mowed completely on either bank; it was a lawn. She said that now, it was a forest and looked pretty good; however, because it was a creek and they got frequent floods, invasive plants kept coming back or the seed stock was still in the soil.

Ms. Firehock said that again, it was literally a weekly activity of removing these invasive plants. She said that she was trying to imagine the scenario where removal of invasive species had a set beginning, middle, and end time. She said that she would not spray herbicides along her creek, and therefore the only method of removal was doing it by hand. She asked how these permits could be practically implemented if the removal was a continuous process.

Mr. Pohl said that he had been thinking about Ms. Firehock's earlier comment to him on that issue, and he was wondering if this standard should be moved to the mitigation section. He said that they could eliminate the reporting, and if there was a complaint, they could still require mitigation.

Mr. Murray said that from his perspective, removing the invasive species was only half the job. He said that they also needed to plant something native in its place. He said that he would recommend to staff that if someone had been removing invasive species from a stream buffer, there needed to be an accompanying plan for planting native species back there.

Ms. Firehock said that she understood Mr. Murray's point, but she would like to provide another example using her own property's creek. She said that she had planted some native species in the buffer, but primarily she was selectively removing the invasive plants and allowing the existing native species to proliferate because the seed bank was already there. She said that in her case, she did not have to plant new things to get that to happen.

Ms. Firehock said that she had another question about some of the Ordinance language that mentioned not disturbing vegetation. She said that she was thinking about people mowing within the stream buffer, and how they could continue to do that if they were not changing the vegetation they currently had.

Mr. Pohl said that that was correct.

Mr. Clark said that the Ordinance did not require that everyone with a non-forested buffer area immediately plant trees. He said that it allowed them to maintain what they already had. He said that the Ordinance was not saying that if they had been mowing grass in the buffer, they had to stop. He said that that was part of the concern was that if they only made people stop management, they would just get more invasive species.

Ms. King said that she was glad that was brought up, because she was thinking about how planting and management were two things that were allowed. She said that she thought that meant Ms. Firehock's management of her own stream buffer was allowed.

Ms. Firehock said that removal of invasive species used to be allowed and did not require a permit.

Ms. King asked if that would be considered management.

Mr. Clark said that they were still trying to avoid referring to this as a permit in its current form. He said that he was unsure of the exact process, but it would essentially be an informal approval. He said that they would have documentation of what was present. He said that if documentation was not required from anyone, it could potentially be used by individuals who were intentionally violating regulations to claim that what was removed was invasive. He said that this was not the case for everyone.

Ms. Firehock said that she understood this Ordinance was not specific to her own stream, but she wanted to share her own experience as it was a relevant example. She said that if she provided a photo of her stream, a diagram, and a list of native trees and other features present and close-ups of the invasive species she was removing on a weekly basis. She said that the reality of managing and restoring streams in their environment, which was humid and subtropical, meant that weeds grew very quickly.

Mr. Murray said that he preferred the previous version of this proposal. He said that it was more in line with their original Ordinance, which stated that if a buffer did not exist, one must be allowed to establish itself. He said that therefore, this revised version was still a reduction from what they had in 2014, which effectively meant that if one was mowing the buffer, one would need to stop mowing it.

Mr. Murray said that he thought that what was proposed last time was that they could mow the buffer twice a year or during certain seasons. He said that he was open to that, but he believed it was essential to clarify that the buffer should not be kept as a mowed lawn, as it could contribute to pollution, according to the Chesapeake Bay model. He said that allowing mowed lawn next to streams was a significant source of impairment for the Bay.

Mr. Pohl said that there was a concern about grandfathering, and when adopting a Zoning Ordinance, everything that had been done beforehand was no longer under that new regulation, unless he was mistaken, but the grandfather clause was still in effect.

Ms. Tevendale said that that was correct; they had to account for the non-conformities that would be in existence when this moved to the Zoning Ordinance.

Ms. King said that she was glad that she had clarified that because that was her question and concern. She said that as a newcomer, she may not have fully understood the situation. She said that someone like Ms. Firehock was not who the Ordinance was primarily trying to address. She said that this was for people trying to use a work-around when developing a parcel, so she assumed that was the loophole they were trying to fill.

Ms. Firehock said that in her experience, near the Rockfish River, people would try to "neaten up" the stream by cutting down a lot of vegetation and only leave a few trees. She said that per this Ordinance, that would no longer be allowed, if it had been done before. She said that basically, people had been doing stuff recreationally in the buffer and they were not necessarily developers.

Mr. Pohl said that that was correct. He said that he believed it was more focused on smaller activities rather than large-scale development. He said that a common scenario was that after a homeowner moved into their house, the homeowner wanted a yard and insisted on extending their yard into the buffer zone. He said that under the current Ordinance, this type of situation would fall under the 10,000 square foot threshold. He said that this draft Ordinance would address those smaller parcels.

Ms. King asked what a water-dependent facility was.

Mr. Pohl said that like a stormwater pond or a bioswale. [Note: I believe Ms. Firehock replied at this point that a boat-rental facility or dock is an example of a “water-dependent facility.”]

Mr. Murray asked what triggers the County would use to enforce this regulation. He asked if they had considered whether a building permit, rezoning, or special use permit (SUP) issued on a property would trigger efforts to ensure compliance with this requirement.

Mr. Pohl said yes.

Mr. Murray asked, if someone was building a new structure or adding an addition, would the County have authority to require the planting of the buffer, or would they allow existing conditions to remain, such as grass?

Mr. Pohl said that he believed that if it was grass, it would fall under the non-conforming uses.

Mr. Murray asked what the protocol would be if there was new sediment disturbance on the site.

Mr. Murray said that yes, they would address the issue of sediment control through the regulations, specifically the Virginia Erosion and Stormwater Management Program (VESMP)

regulations. He said that they would also consider the buffer and the Ordinance related to the existing activity. He said that their Attorney could confirm this, but it appeared to be a non-conforming activity.

Mr. Murray said that one of his concerns was that they used to have buffers as part of their erosion and sediment control measures. He said that he thought there was merit in maintaining buffers in both situations, as they wanted to protect them during land disturbance and also on an ongoing basis. He said that however, by moving to Zoning, he worried that they may lose the importance of the process that occurred during development, which was crucial for protecting the buffers during the development process.

Mr. Pohl said that if there was a disturbance in that area, it would fall under the regulations. He said that if they remained outside of that area, it would not be included with that application, so to speal.

Ms. Firehock said that they were still required to show the buffers on the plan, regardless of where they were building on the site.

Mr. Pohl said that he would note there was an exclusion for Rural Area lots, where they would still show the buffer but did not necessarily have to serve it.

Ms. Firehock asked if agricultural activity also had exemptions, so the 100-foot buffer would not be required to be maintained.

Mr. Pohl said that that was correct. He said that for agricultural activity in Albemarle County, there were no required buffers along streams.

Mr. Murray asked what would serve as the basis for determining whether the land cover map would be used as the basis for determining that buffers were removed.

Mr. Pohl said that they would rely on complaints and aerial imagery. He said that that was the limit of their resources in terms of making that determination.

Mr. Clark said that they had aerial photos, which were typically taken every two years by the state and at other intervals by other providers. He said that this allowed them to document changes over time. He said that they often could not document changes that occurred within a shorter timeframe, such as the last month, but they could observe what was present a year ago or two years ago. He said that while they had some degree of information, documenting daily changes in vegetation within the buffers was not practical.

Ms. King said that she had a question regarding the actual boundary of the riparian buffer. She said that according to the text, which was stated a couple of times, she wanted to ensure she understood it correctly. She said that from the chart, which was a bit confusing, it seemed that the buffer overlapped with the 100-year floodplain, except in cases where it was 100 feet instead. She asked if it was correct that the buffer was 100 feet from either side of a perennial stream, intermittent stream, or any waterway, unless there was a floodplain, in which case it was the larger of the two distances.

Mr. Clark said that in a Development Area not within the water supply watershed, floodplains were not a consideration, and it was just referring to 100 feet. He said that the 100-foot distance was negligible in comparison to other areas of the county. He said that if there was a flood hazard

overlay, the 100-year floodplain served as the limit of the buffer. He said that if not, the buffer was calculated based on whether the area was adjacent to an intermittent or perennial stream.

Ms. King said that one of the reasons she was asking this question was that in a floodplain, if there was a deep ditch with a waterway, the floodplain would not be wide in that area but there would be more runoff. She said that a steep slope on a waterway with only a small buffer area would still be important in terms of the runoff.

Mr. Clark said that the floodplain boundaries in this case extended beyond the Federal Emergency Management Agency (FEMA)-mapped boundaries for 100-year floodplains. He said that even their deeply incised streams, which were prevalent in Albemarle, tended to have floodplain areas extending beyond the banks of the deeply incised stream. He said that oftentimes, the floodplain was a larger area than the 100 feet where there was a denoted FEMA floodplain.

Mr. Pohl said that if the floodplain was only 50 feet wide, the buffer area would still be 100 feet.

Ms. King said that she understood.

Mr. Carrazana opened the public hearing.

Joseph Raines, 2835 Penny Lane, said that he was present on behalf of the Natural Heritage Committee. He said that he would like to read a letter drafted by their Vice Chair, Christine Putnam, which had been amended, voted on, and approved by the entire Committee. He said that the letter stated that on behalf of the Natural Heritage Committee, Ms. Putnam would like to share the Committee's support for the Riparian Buffer Protection Standards before them on February 10. He said that the NHC would like to acknowledge and commend the substantial effort and dedication demonstrated by County staff in preparing the draft ordinance.

Mr. Raines said that the NHC applauded the County's commitment to advancing this Ordinance as an important step towards strengthening watershed protection and enhancing climate resiliency. He said that riparian buffers played a crucial role in bolstering flood resiliency, safeguarding water quality, and maintaining natural habitats and wildlife corridors throughout the County. He said that the NHC strongly supported the adoption of these standards.

Mr. Raines said that while the proposed measures may not address every possible impact or land use scenario, they represented significant and meaningful progress. He said that they appreciated the incremental improvements these standards would bring, contributing to the increased protection of the County's vital water resources. He said that the NHC encouraged the County to allocate sufficient staff resources to ensure effective enforcement of the riparian buffer protection standards.

Mr. Raines said that the effectiveness and impact of these regulations depended greatly on their enforceability, which required sustained and dedicated staffing, and in addition, education and outreach would be key in helping landowners understand and appreciate the standards. He said that the Committee also supported continued progress on other proposals within the Stream Health Initiative that had received Board endorsements. He said that specifically, proposal number six, land conservation for water quality, and proposal number seven, riparian conservation assistance program, would provide further and permanent protections for riparian buffers.

Lisa Wittenborn, Jack Jouett District, said that she had riparian buffers on her rural Albemarle County buffer and also served as the Executive Director of the Rivanna Conservation Alliance.

She said that she was also part of the Stream Health Initiative and was thrilled to see this finally taking place in the County. She said that through her organization's extensive water quality monitoring work, she has seen firsthand the incredible difference that riparian buffers make for the health of a stream.

Ms. Wittenborn said that she firmly believed that better protecting existing buffers and establishing new ones are two of the most effective and cost-effective ways to improve water quality throughout the County. She said that because of this, she urged the Commission to recommend these standards to the Board of Supervisors. She said that however, she did have a few requests. She said that she wanted to draw attention to the fact that there were streams that were missing buffers in the County's Geographic Information System (GIS) layer, which was presumably where property owners will look to see if they needed to follow these new standards.

Ms. Wittenborn said that as someone who spent a lot of time examining the County's GIS buffer layer and observing streams in real life, she had seen many instances where this was the case. She said that new performance standards would not make a difference if they are not applied where they were needed. She requested the Commission to encourage the Board of Supervisors to invest in efforts to update the County's stream data to ensure that all streams were protected by these buffers.

Ms. Wittenborn said that she was also concerned about the requirement for County residents to seek approval from the riparian buffer administrator before removing invasive plants from their buffers. She said that this seemed excessively onerous for the County and for residents, and it could be a significant deterrent to people doing this critical work, which was necessary to protect the integrity and function of their existing buffers, as well as prepare sites for new buffer plantings. She said that she did not want to create a loophole, but she asked that the process be made very simple for property owners.

Ms. Wittenborn said that additionally, she thought that no rule or regulation means much if it is not effectively implemented and enforced. She said that she understood that this new approach was meant to help reduce these burdens, but getting the word out about the new standards, providing guidance to property owners, and administering this new approach effectively would require a significant investment by the County. She requested the Commission to please urge the Board of Supervisors to allocate sufficient resources to ensure its success, as their streams and rivers depended on it.

Rob McGinnis, representing the Piedmont Environmental Council (PEC), said that he had prepared remarks, but it was getting late. He had also sent a letter to everyone, so the Commissioners had likely seen and read those comments. He said that the Piedmont Environmental Council strongly supported this Ordinance, although it was not perfect. He said that he believed that between now and the public hearing, they had already heard some changes that may need to be made, and there may be others as well. He said that he encouraged the Commission to continue this dialogue and recommend that the Board approve this Ordinance.

Mr. Carrazana closed the public hearing and the matter rested with the Commission. He asked staff if there was a planned GIS update to go along with this Ordinance. He said that there were a number of updates they had talked about, this being one of them.

Mr. Pohl said that he did not have an update on the specific request. He said that however, when they received applications, if they noticed streams on a property that were not being accurately represented, they would ask the applicants to provide evidence of these streams, even if they were not shown on their GIS map. He said that for example, Holly Hills, located north of Brookhill,

was initially shown as being in the Development Area without a buffer, assuming it was an intermittent stream.

Mr. Pohl said that, however, further review revealed that these streams actually had buffers and the plans showed they were perennial streams. He said that this highlighted the limitations of their maps, which were not perfect. He said that staff made a concerted effort to identify and correct these inaccuracies during the review process, and they worked closely with their GIS staff to ensure that their maps were updated accordingly.

Mr. Carrazana asked if the updates to the GIS maps were only happening as they received applications and reviewed the information.

Mr. Pohl said that that was correct.

Mr. Carrazana said that he knew there were resources out there that they could layer into their systems to update that information. He said that the University and the state likely had some beneficial data they could use.

Mr. Murray said that DCR had a stream map as well, which he said would not was imperfect, but may be useful.

Mr. Pohl said that they used both of those maps. He said that their GIS team had actually created a bar tool to compare them side-by-side in order to address inconsistencies or variances between them.

Ms. Firehock said that there was a project called the Virginia Forest Plan, authorized by the Virginia legislature. She said that new land cover data had been mapped for the entire state at high resolution through the Department of Forestry. She said that the Department was clearly interested in assessing the forestation of Virginia's streams.

Ms. Firehock said that the state was expected to release this data soon, providing valuable information on forests along streams. She said that they were trying to find out from the state if a County like Albemarle could utilize taxpayer-supported information to improve what they had here locally. She said that she was currently tracking this effort and hoped to be successful in securing the necessary access.

Mr. Murray said that he would love to see a GIS analysis of the buffer zones surrounding existing streams. He said that this was a feasible task.

Ms. King said that she would like to make a quick comment regarding the housing affordability piece. She said that she believed that there could be instances where a piece of property could not be developed unless there was significant disturbance of a buffer area. She said that this was mentioned as an exception in the document.

Ms. King said that her experience had been that there were instances where a property could not be developed without such disturbance. She said that for example, she recalled a larger property that was being developed for single-family residential use. She said that the builder installed a farm road before applying for the building permit. She said that this was done to avoid the mitigation costs, which would have made the project prohibitive.

Ms. King said that while they wanted developers to apply for mitigation, she thought they needed to be aware of the added cost to the project when it came to housing affordability. She said that

there was a balance to be struck. She said that the proposal stated there was no impact on housing affordability, but she could see cases where there would be. She said that this example was not one of them, but it highlighted instances where workarounds had been found, which was why they were changing this policy.

Ms. Firehock said that prior to each meeting, they had a pre-meeting with the Chair, Vice Chair, and staff to prepare for the meeting. She said that they had discussed the fact that they were fortunate to have organizations such as the James River Association in Virginia, which provided free buffer planting and maintenance services. She said that as their County implemented this initiative, they hoped to inform the public that there were also resources available to help with the process, including free assistance with planting and maintenance. She said that her neighbors had already taken advantage of this opportunity, and their buffers had been beautifully planted and maintained. She said that there were a lot of resources available for this initiative now, and there had never been a better time.

Mr. Murray said that he would like to add a personal anecdote to this discussion. He said that several years ago, he was speaking with a former City Councilor who was running for office. She said that she was walking through Charlottesville, asking residents what they would like to see improved. He said that during her visit, she came across children in a lower-income area near his workplace. He said that she asked them what they would like to see changed, and the kids said that they wished they had a stream to play in. He said that he found this statement particularly noteworthy, as he knew that there were indeed streams in that area, but they had been covered by concrete. He said that this experience highlighted the connection between stream protection and equity, and he believed it was an important consideration as they moved forward.

Mr. Carrazana said that as stated by the public, the draft Ordinance was not perfect, but he believed it was a good approach, and they were moving in the right direction. He said that they had also heard additional comments that could be incorporated before presenting it to the Board of Supervisors.

Mr. Murray motioned that the Planning Commission recommend approval of the Ordinance Text Amendments to the Riparian Buffer Protection Standards as presented by staff. Ms. King seconded the motion.

Ms. Firehock said that she was counting on Mr. Pohl and other staff that if they kept the process of requiring a permit for invasive species removal work, it should be done in a way that was straightforward and allowed for ongoing, continuous work. She said that she agreed with the public comments that there should be no barriers to doing the right thing that they wanted to see done.

The motion carried unanimously (6-0).

Committee Reports

Mr. Moore said that he would provide a quick report from the Citizen Transportation Advisory Committee (CTAC) of the Metropolitan Planning Organization (MPO). He said that the CTAC continued to discuss and explore its purpose, potential, and future direction. He said that they had considered several scenarios, noting there were only four active CTACs out of approximately 10-15 in the state, and they were the smallest. He said that many CTAC members had expressed concerns about the effectiveness of their meetings, often finding it challenging to fill agendas with meaningful discussions beyond presentations. He said that they also had the Tech Committee, which was its own separate thing.

Mr. Moore said that CTAC was considering whether to continue meeting monthly when they were working on a long-range plan and an annual check-in during off-years, if they should continue what they were currently doing and shift to a more public outreach and engagement type of operation, or conclude their work as a formal committee because there were many other local citizen advisory groups in their community. He said that the members' opinions differed on determining the best direction, but they were in agreement on shifting away from their current meeting for the sake of meeting.

Ms. Firehock asked if the Board would have to decide to create a CTAC for the County to participate in.

Mr. Moore said that he believed that since it was under the MPO, both the County and the City would have to decide. He said that however, he believed they were a committee underneath the Tech Committee.

Mr. Murray said that on Tuesday, February 3, the MPO Tech Committee held a virtual meeting, during which they discussed a Smart Scale round 7 project locations and submitted a letter of support. He said that they also had a presentation on travel demand, including demographics.

Mr. Carrazana asked if the Fifth Street improvement project across I-64 was planned to come back.

Mr. Murray said that he would need to pull up that specific information.

Mr. Barnes said that for that project, they were trying to use the existing structure and avoid widening it, which was the previous proposal. He said that they were looking for bike connections to that part of town across the interstate, which would go from 5th Street, along the northside of I-64, then go to Old Lynchburg Road and tie into that neighborhood.

Ms. Firehock said that the 5th and Avon Community Advisory Committee (CAC) met on January 15. She said that although there were no public hearings to discuss, they did express interest in hearing her perspective on why they had voted to fill the floodplain in the CAC's district. She said that as a result, she had the opportunity to explain the different arguments regarding that item. She said that she had the chance to observe Mr. Missel in his Supervisor role, which was fun.

Ms. Firehock said that the Historic Preservation Committee did not meet, and she believed it was due to inclement weather, although it had been a while since then so she could not recall the exact details.

Review of Board of Supervisors Meeting: January 14, 2026, and January 21, 2026, February 4, 2026

Michael Barnes said that there had been three Board meetings since the Commission's last meeting. He said that on January 14, two items that had been reviewed by the Planning Commission were considered by the Board. He said that the first was a request from Flow Honda on Route 29, where the request for an outdoor display was approved by the Board. He said that the Woolen Mills fill in the floodplain application was also considered, with a lengthy discussion, and there was a vote of 4-2 to recommend approval.

Mr. Barnes said that on January 21, there were three items of interest to the Commission. He said that the first was an update on the Build-out Analysis and the AC44 Analysis Tool, which had been reviewed by the Commission on December 9. He said that there was also a request by Mr.

Wood, known as the Holly Hills sewer line extension request. He said that it was actually located on Route 29, north of Forest Lake South and Hollymead. He said that the request aimed to extend the sewer line under Route 29 to serve properties on the west side of the road, south of Hollymead Town Center.

Mr. Barnes said that the other item was a special use permit for the Northridge Preschool, which had been reviewed by the Commission, and that had been approved as well. He said that on February 4, there were two items, the first was a rezoning request, known as Three Notch'd Trail. He said that the Commission may recall that it was a Habitat House on Route 240, just west of Three Notch'd Brewery. He said that Habitat had planned to tear down the existing house and build two units on the same site, and the rezoning had been approved. He said that the final item was a special permit for the Funk Brothers, an artisan use located across from Rivanna Village, which was approved by the Board as well.

New Business

There was none.

Old Business: PC Committee Assignments

Mr. Carrazana said that he hoped all the Commissioners had selected the committees they would like to attend this year. He said that since they did not have a Scottsville District representative at the moment, he would take that as the at-large member.

Ms. Firehock said that she was thinking that the CACs met jointly, so she would be glad to explain to the Scottsville District what was going on, since they were next door to her district.

Mr. Carrazana said that he believed that was true for Pantops as well. He said that he figured they could at least cover, so if one Commissioner could not attend, another could substitute. He asked if the Village of Rivanna was still meeting.

Ms. King said that she was not aware of any members who had applied for the CAC at this time. She said that they were still listed as a committee and there were vacancies, so if people applied, it could reform.

Mr. Barnes said that he was sure they would get a Commissioner soon, so they could appoint them and if they did have a meeting, their end of the business would be taken care of.

Mr. Carrazana said that similarly, the University of Virginia Master Planning Committee had not met in a while, and he was not sure if it was still active. He said that it seemed to be agenda-specific, with certain major master plans potentially going to that committee. He said that; however, it appeared that most of that current work was being handled by the Land Use and Environmental Planning Committee (LUPEC).

Mr. Barnes said that he would try to get some more information on that.

Mr. Moore said that considering the current state of the CTAC, he would like to serve on LUPEC this year.

Ms. King said that she would serve on CTAC, in that case.

Mr. Murray said that if he could offer a suggestion, he thought they should reestablish a Planning Commission representative to serve on the Natural Heritage Committee, particularly if they did begin developing a Rural Area Master Plan.

Ms. Firehock said that there used to be a Planning Commission representative on that Committee, but the Board decided they did not need it at some point. She said that she had gotten mixed messages from the Supervisors as to whether they wanted that or not.

Mr. Barnes said that he would like to also figure out what was going on with the University of Virginia (UVA) Master Planning Committee, so he would find out more about this one as well. He said that he would follow up with the Commission on those two committees.

Ms. Firehock said that while they were on the subject, the Acquisition of Conservation Easements (ACE) Committee had been dormant due to the program being dormant. She asked if there had been any movement on that program since they previously discussed it during the Comprehensive Plan update.

Mr. Barnes said that at this point, it was not a funded program, so they were not meeting.

Mr. Moore said that he just checked the website and the UVA Master Planning Committee's most recent meeting notes were from 2022.

Mr. Clayborne motioned that the Planning Commission approve the committee assignments as discussed by the Commission during the meeting. Ms. Firehock seconded the motion.

Ms. King said that she had a quick question for clarification. She asked if the Board would decide what committees were formed and needed members.

Ms. Firehock said that yes, the Commission was asking which ones were still existing.

Mr. Barnes said that he would figure it out and come back with clarifying information for the Commission.

The motion carried unanimously (6-0).

Adjournment

At 9:15 p.m., the Commission adjourned to February 24, 2026, Albemarle County Planning Commission meeting, 6:00 p.m.

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Michael Barnes, Planning Director

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

Approved by Planning Commission
Date:
Initials: