Albemarle County Planning Commission
FINAL Minutes August 20, 2019

The Albemarle County Planning Commission held a public hearing on Tuesday, August 20, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins Vice-Chair; Daphne Spain; Karen Firehock; Pam Riley; and Bruce Dotson.

Members absent: Jennie More; and Luis Carrazana, UVA representative.

Other officials present were David Benish, Interim Director of Planning; Carolyn Shaffer, Clerk to Planning Commission; Scott Clark; Mariah Gleason; Michaela Accardi; Rachel Falkenstein; Lea Brumfield; and Andy Herrick.

Call to Order and Establish Quorum

Mr. Keller called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda.

Mr. Keller noted that the commission would take a motion to defer the Regent School of Charlottesville, and if anyone was present to speak on that matter, that they should speak at this time.

Mr. Sean Tubbs of the Piedmont Environmental Council said he wished to speak about transit. He said he made a choice a few months prior to switch away from driving. Mr. Tubbs said that though he lives in the City of Charlottesville, he was experimenting with different routes in the county to test the system. He expressed that he wanted to speak about the regional transit system and how it is made up of three systems (which the Comp Plan acknowledges), each of which is independent of the other.

Mr. Tubbs said the Comp Plan does call for region transit authority, but instead, there is what he refers to as the "next best thing" which is the Regional Transit Partnership that would meet on Thursday at 4:00 pm. He explained it formed about two years prior and is providing a pathway towards a greater cooperation and coordination between the three systems. Mr. Tubbs said it is a great forum to discuss policy and planning involved with transit, with many details about funding, and that this has produced progress so far. He said he didn't believe that the county and city Planning Commissions had a liaison assigned to this and urged the commission to consider this.

Mr. Tubbs said that though he knows the commission has many assignments to handle, it would be a good idea to attend the partnership to gain an understanding of interesting things that are happening. He said, for example, that the University of Virginia is set to become a voting member of the Regional Transit Partnership that Thursday, which was a major point. Mr. Tubbs said this didn't necessarily mean that the Authority comes, but that they are likely to give up their budget information and data, because the data obtained from the University transit system, coupled with

CATS' data and JAUNT's systems, provides a look into what transit will look like in the third decade of the next century. He said with imagining situations where there is fixed route transit, and on-demand transit that feeds it, there are great innovators in the community to create this picture. Mr. Tubbs said this is happening currently, and the Regional Transit Partnership is a place to discuss this.

Mr. Tubbs noted that with fixed-route systems, there is now an agreement in place that better calculates the amount that Albemarle County pays for the fixed-route transit service that is offered by the city. He said what this means potentially is more service and, as the Planning Commission makes land use decisions, it's important to make sure there are alternate forms of transportation to provide people with other choices. Mr. Tubbs again stated that he has made the choice to step away from his vehicle as much as he can, and that his quality of life has improved. He said that it does take him longer to get places - even places in the county that he is experimenting getting to – but that not being in a car is something that is fantastic in many ways. Mr. Tubbs noted that while this isn't for everyone, the system can be made to happen, and that he hoped to see the Planning Commission attend the Regional Transit Partnership someday.

Consent Agenda

Mr. Keller asked if any of the commissioners cared to pull a consent agenda item. Hearing none, he asked if there was a motion for acceptance.

Ms. Riley moved to approve the consent agenda. Ms. Spain seconded the motion, which carried by a vote of 6:0 (with Ms. More absent).

Mr. Keller asked if anyone else cared to speak. Hearing none, he moved on to the first public hearing item.

Request for Deferral

SP201800011 – The Regents School of Charlottesville

Mr. Herrick clarified that the motion (if it were to be made) would be for a deferral to the September 3 meeting.

Mr. Bivins moved to defer SP201800011 – The Regents School of Charlottesville.

Ms. Firehock seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Public Hearing Items

SP201900004 – VA Institute for Autism Adult Service Center

Mr. Keller asked for the staff report.

Ms. Mariah Gleason said this is a request to use an existing building as a headquarters and also as a site for a new Adult Service Center program. She said the headquarters and office spaces are already consistent with the by-right uses of the property; however, the proposed program requires a Special Use Permit. Ms. Gleason said the Adult Service Center will serve a private school use and offer a year-round comprehensive program, serving approximately 52 adult

participants in the community with Autism Spectrum Disorder, and will be staffed by 69 employees. She said the proposal is not changing any part of the building, but there are some exterior changes being offered with the conceptual plan. Ms. Gleason said one thing to note is that it is expected to actually decrease in the vehicle trip generation offered by this change in use.

Ms. Gleason said the site is located at the current Center, which is formerly known as The Senior Center. She indicated on a map to the location, off of Seminole Trail, at the intersection of Greenbrier Drive and Hillsdale, around the U.S. Post Office. Ms. Gleason said The Center has been operating at this location since 1991, but they expect to be moving to a new location at Belvedere Boulevard. She said VIA's proposal is a new use for the site.

Ms. Gleason said the conceptual plan offered by the applicant is proposing the following on-site changes to the parking lot, curb adjustment and relocating to the parking islands: a proposed fence around the outdoor recreation areas; a new garden area, as well as a possible conversion of a portion of the parking lot into an outdoor recreation space (which is a potential future conversion and includes the removal of a shed and relocation of a dumpster and dumpster pad).

Ms. Gleason said in terms of the adjacent properties and characters, traveling along Greenbrier Drive away from Seminole Trail, the uses around the site transition from commercial service uses to residential uses. She said the businesses adjacent to the property include Rosewood Village assisted living to the north and The Laurels of Charlottesville (a skilled nursing and rehabilitation center) to the west, both of which are separated from the subject property by the traffic intersection. Ms. Gleason said to the south of the property are office buildings, and to the east of the property lie two planned unit developments (The Branchlands retirement village, and Brookmill), noting that these residential areas are buffered from the site by a heavily vegetated stream.

Ms. Gleason said this area is zoned for commercial uses and envisioned by the Comp Plan to offer institutional uses. She said the proposed utilization of the site is found to be consistent with both of these designations, and functionally very similar to the services currently offered at the site by The Center – those being education, training, social, cultural, and recreational opportunities to adult program participants.

Ms. Gleason said that after reviewing the application, staff recommended approval for the special permit, with the following changes and conditions. She said the change offered here addresses concerns from VDOT regarding the egressing buses from the site, and auto turn analysis (as seen in the staff report) notes that the buses making right turns out of the site would cross over into the designated left turn lane on Hillsdale Drive, which was opposing traffic and was not preferable by VDOT. Ms. Gleason said the conditions offered here were those typically used for Special Use Permits associated with private schools, and addressing changes to the site plan enrollment, hours and operation.

Ms. Gleason said the fourth condition offered addresses future conversion of the parking area. She explained that since the disturbance of the area is less than 10,000 square feet, it would not require an erosion and sediment control, and that this condition was offered in lieu of that to protect the adjacent stream.

Ms. Gleason said that since the staff report was written, the applicant has worked with VDOT to address the recommended changes and has submitted a revised conceptual plan. She said that based on a site visit with VDOT, the applicant and VDOT have agreed to a solution where VIA

would post a signage notifying buses that only a left turnout is permitted, which would avoid them crossing into the center line of traffic. Ms. Gleason said this would also remove the need to adjust the curb and relocate two of the parking islands and was found to be a better solution.

Ms. Gleason noted that the revised recommendations from what had been in the staff report were provided to the commission and offers the addition of a fourth condition that addresses the concerns of VDOT. She added that the first draft condition has been updated to reference the revised conceptual plan. Ms. Gleason said that VDOT has noted that should a safety concern develop due to non-compliance with the sign direction, VDOT may require further changes to the entrance in the future.

Ms. Gleason said that with these changes, staff recommended approval of the special use permit with five conditions.

Ms. Firehock noted that the presentation was going too fast.

Ms. Gleason apologized and asked if the commission wanted the red line version.

[Many people spoke off the microphone.]

Ms. Gleason concluded the staff presentation, and that she would be happy to answer questions.

Mr. Keller asked if Ms. Gleason could clean up the next slide she would be presenting. He asked the commissioners if there were any questions for staff before opening the public hearing. Hearing none, Mr. Keller opened the public hearing to hear from the applicant.

Ms. Lori Schweller, attorney with Williams Mullen representing VIA, introduced herself as well as Mr. Ethan Long (CEO of VIA) and Mr. Ed Gillespie (VIA Director of Operations). She said they would be able to answer any questions the commission has about the project. Ms. Schweller said she had a presentation and would attempt to go through the redundancies quickly while taking the opportunity to tell the commission about VIA and the proposed use of the property.

Ms. Schweller indicated on a slide to the proposed location, which is the current location of The Senior Center on Hillsdale Drive and located in Places 29 Hydraulic, noting that VIA did attend the CAC meeting for Places 29 Hydraulic, which was generally supportive of the proposal. She said there was an interested community member that had attended and asked questions about the proposal. Ms. Schweller said the proposal is for an Adult Services Center and offices for VIA. She said currently, these are located in three different locations in Charlottesville, and the goal is to consolidate and put the headquarters at the proposed location. She said there would be comprehensive, daily day programming for services for adults with Autism Spectrum Disorder that would include classes, activities, a mock one-bedroom apartment, and spaces for instruction in vocational and domestic skills, among others. Ms. Schweller said there would also be cultural and recreational activities at the service center, and visits out into the community to parks, shopping centers, concerts, and events.

Ms. Schweller said that VIA's headquarters would be located there and indicated on a slide to a building where the Senior Leadership Team would be located, which includes Human Resources, Finance Department, and Advancement Department. She said there would be no change to the building footprint, and some parking spaces would be removed that would not be needed. Ms. Schweller said there is a plan in the future to potentially repurpose that area for recreational space

for the students.

Ms. Schweller said regarding the traffic inspection issue that current expected enrollment is 52 participants and 69 staff members. She said the parcel has more parking than it needs and is not an issue. Ms. Schweller said the issue that VDOT had was with the circulation of the buses. She said that for the first 3-5 years, there will be students attending this location (18-22 years old) who will be coming on county and city buses from surrounding schools (about 60% of those being Albemarle County buses). Ms. Schweller said they expect about 4 buses in the morning and afternoon, and VDOT wanted to ensure that circulation was not an issue with those buses. She said after about 5 years, VIA plans to have those students in a different location, so it wouldn't be much of an issue.

Ms. Schweller indicated to the plan, which is to have the buses enter and circulate counter-clockwise to let the students out in the front. She noted there was room for stacking in front of the building. Ms. Schweller said the concern VDOT had was not with the entering of the parcel, but with the exiting of the parcel, because when a full-sized school bus (which is the only type the city uses, at about 35-40' long) exits the building, it crosses over the middle line on Hillsdale Drive. She said one way to avoid this that was considered was to reconfigure the parking lot, but upon visiting the site, they found that the simple solution was to require buses to exit out left only. Ms. Schweller said this is a better, simpler solution because the original plan (which she indicated to and explained on the slide), would create a new problem with leveling a new pedestrian crosswalk that includes electronics and signs. She said that exiting out left was the solution, and that Mr. Adam Moore from VDOT was happy with the solution and sent a letter to Ms. Gleason indicating so. Ms. Schweller added that VIA will be installing a sign on the existing stop sign and indicated on the slide to the movement that would no longer be permitted by full-sized buses.

Ms. Schweller said the property is currently zoned C1, and office uses are by-right, but the proposed educational use is subsumed within the definition of private schools, and thus they are requesting the commission's recommendation of a SUP for a private school. She said the conditions, as Ms. Gleason had explained, were acceptable to the applicant. Ms. Schweller said there would be a maximum of 65 participants, and the development would be in accord with the last conceptual plan the commission saw that was dated August 7. She said normal hours of operation would be 7:30 am to 6:00 pm Monday through Friday, but they would like to have occasional weekend and evening activities, noting that The Senior Center currently has more days of the week than not and they therefore do not anticipate this being any problem with the surrounding community.

Ms. Schweller concluded the presentation and offered to take any questions.

Mr. Keller suggested holding the questions until they have heard from the public.

Mr. Bivins asked if there was anyone from the public who wished to speak to the matter and heard none.

Mr. Keller invited the applicant to come forward again. He asked if the commissioners had any questions for the applicant.
Mr. Bivins noted that The Senior Center ran many bus trips out of the proposed location and for all those years, the buses didn't seem to have any problems making right turns onto Hillsdale Drive. He expressed confusion that VDOT suddenly had an issue with VIA (having fewer buses and fewer people) making right-hand turns.

Ms. Schweller said the applicant asked the same question. She said that this was because it was a by-right use with The Senior Center, and because VIA is requesting a SUP, analysis was in order.

Ms. Riley said she was happy to see the application and a great program proposed for the reuse of the building. She said that particularly for the older students, the intersection at Greenbrier is a dangerous one, because there are no signalized lights and is also a confusing intersection for drivers. Ms. Riley said VIA has obviously taken steps to fence the area, but she thought she would mention this as her mother lives in the area, and she drives through it regularly.

Ms. Schweller said that Mr. Moore had commented that people in the area have not gotten used to the new traffic configuration – not only the street configuration, but the entrances to the proposed parcel and the neighboring parcel. She said this is an area that VDOT is looking at, but there at least won't be any school buses going towards that intersection.

Mr. Keller closed the public hearing to bring the proposal back to discussion and action.

Ms. Spain echoed Ms. Riley's comments in that she was pleased to see that the building will be reused in this way, and it seems like an excellent match.

Ms. Firehock said it was always refreshing to get a clear-cut, well-presented application that she can understand thoroughly.

Mr. Dotson said he agreed with all the positive comments and was prepared to make a motion.

Mr. Dotson moved to recommend approval of SP201900004 VA Institute of Autism Adult Service Center with the revised recommendations as presented by staff.

Ms. Riley seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

AFD Reviews

Mr. Keller asked Mr. Clark and Mr. Herrick if he should read through all the districts. He asked if they would be taking the districts as a group and then voting on them individually.

Mr. Herrick said this was correct. He said he was unsure whether Mr. Clark wanted to do the four reviews and the two additions separately.

Mr. Clark said he wanted to go through all six.

Mr. Herrick said that to the extent the Commission wanted to do all six matters in a single public hearing, he asked if Mr. Keller could read all six AFD matters before the commission.

Mr. Keller read out the names of the six AFD matters: AFD201800001 - Carter's Bridge District Review; AFD201800002- Lanark District Review; AFD201800003 – Panorama District Review; AFD201900010 – Free Union Review; AFD201900001 – Jacobs Run Addition – Dickerson; and AFD201900002 – Moormans River Addition – Davis.

Mr. Keller said he had a statement to read from the State and Local Government Conflict of

Interest Act – Transactional Disclosure Statement: *"I'm a member, or have property, in Lanark Agricultural and Forestal District. The nature of the personal interest affected by the transaction, I own real property within the Lanark AFD, and I may realize a reasonably foreseeable direct or indirect benefit or detriment to the value of my real property in an amount that exceeds $5,000 as a result of the action of the Albemarle County Planning Commission reviewing the district. I declare that a) I'm a member of the following business, profession, occupation, or group, the members of which are affected by the transaction. A group consisting of three or more persons owning real property within Lanark AFD. B) I'm able to participate in this transaction fairly, objectively, and in the public interest. This August 20, 2019, Joseph Timothy Keller."*

Mr. Herrick said that, for the record, this statement would be filed with the clerk of the commission.

Mr. Keller asked for the staff report.

Mr. Scott Clark said there were four district reviews and two additions. He said he would present all six items and then go into the actions for them. Mr. Clark said that before starting the four reviews, he would quickly review what the review process is about in case it was unfamiliar for anyone, and then speak about the change to this process that has come up in the past year.

Mr. Clark said that every Agricultural and Forestal District (AFD) is reviewed by the county typically every 10 years. He said at the end of this process, the board can continue, modify, or terminate the district. Mr. Clark said that as part of the process of review, staff notifies the landowners in the district. He said there is a meeting of the AFD Committee to discuss the matter, there is a Planning Commission hearing held, and then a board hearing at which the board can take its actions.

Mr. Clark said that during the review process, this is the one time that the landowners in these districts can withdraw by-right, without having to pay a fee or meet any requirements. He said they can simply state they wish to withdraw, and then they are withdrawn. Mr. Clark said that during the 10-year period of the AFD, it is very difficult to withdraw, and the process to do this has very strict standards. He said it has happened perhaps once (that he was aware of) in the history of this program in the county.

Mr. Clark said that beginning in 2018, the board implemented two changes in policy for the districts. He said the first change was that they would no longer take parcels with small-lot development rights into the districts. Mr. Clark explained that the main effect of this was to limit subdivisions below 21 acres. He said if a parcel is added to the district, it has no small-lot development rights, and there is no real effect to being in the district. Mr. Clark said while it didn't hurt the district program itself, it also did not do any particular good. He said the problem was that joining the districts was a qualifying factor for the Open Space Use Value Taxation Program, and there was a fair number of people that would take parcels that have no development potential left, join the AFDs (which had no real effect other than paperwork), and then would qualify for a conservation-related tax benefit they were not necessarily earning.

Mr. Clark said that beyond closing the loophole and no longer accepting these kinds of parcels into the districts, as staff and the AFD Committee both recommended, the board also directed staff to find a way to remove the parcels that had, in the past, joined the districts (perhaps inappropriately) during the review processes. He said that as the commission would see (and in the next few rounds of reviews, as they would come through), each time there are districts found to have parcels in it that have no small-lot development rights, that district will be recommended for renewal for 5 years rather than 10 years, and those particular landowners will be given the

opportunity to either withdraw or find some other way to qualify for Use Value Taxation in those 5 years, after which the board will likely remove them from the district. Mr. Clark said the reason for this is that if the board were to remove them immediately, those people would be subject to 5 years in rollback taxes and fees with no warning, which would seem unfair. He said this is why the middle-ground solution was to push back their possible renewal for 5 years. Mr. Clark noted this was somewhat complicated, and that the commission would see two kinds of reviews, some of which have no such parcels that have this problem of having no development potential and being in the Open Space tax category and would go back to the usual 10-year schedule. He said the ones that do have parcels that are in the Open Space tax category and have no development potential for small lots would be recommended for a 5-year renewal. Mr. Clark said this is a change from what the Planning Commission has seen for the past 20-30 years the program has been in place. He said he would be glad to explain this is more detail, if needed.

Mr. Keller asked if there were any follow-up questions.

Mr. Dotson asked for clarification in that, if there is one problem property in a district of multiple properties, the entire district is only renewed for 5 years.

Mr. Clark replied yes, that this was the direction staff had from the board. He said the presentation would call out some lingering questions, because while already in the district, one can legally create a 21-acre parcel that is permitted with no small-lot development rights. Mr. Clark said the question for the board is if they really wish to remove those parcels, and if they are really the same as someone who started with a parcel with no development potential who then added it to the district. He said this is a decision the board still needs to make.

Mr. Bivins asked, regarding the possibility that the parcels may be removed, who is initiating the removal, or how does the removal get effectuated.

Mr. Clark replied that it is all done by the board and is their choice. He said the reason the parcels may be removed is that the board acting now cannot obligate the board 5 years from now. Mr. Clark said they cannot start the process now and state that the parcels will definitely be removed in 5 years. He said the best they can say is, following the board's recent policy, they likely will be removed in 5 years .

Mr. Bivins said he would push the point further. He said, theoretically, there is a district with a small plot in it without any development rights and gets voted into a 5-year renewal piece. Mr. Bivins said that at the end of that 5 years, the parcel is still there with no development rights. He asked what then happens – if it goes into another 5-year period or if there is an event that takes place that would then remove that piece of property from the district.

Mr. Clark replied that if the property is unchanged in its tax status and still is in the Open Space tax category, it will be removed. He said it was the landowner's choice over the 5-year period if they wanted to go back to paying full-rate taxes to avoid the rollback issue. Mr. Clark said if the property had been changed over into the Agricultural and Forestal re-tax category, and therefore was no longer using the AFD as its route into the tax benefit, the board may choose to leave the parcel in, as they are legitimately qualifying for the tax benefit in another way and doing an activity that earns the tax break. He said a "conservation" of the parcel that isn't actually conserving anything isn't really earning the tax break, but their active agriculture or forestry plan may be earning the tax break.

Mr. Bivins said it is then really a matter of the Open Space plan and asked if there is no development right for a small parcel and the Open Space plan was opted for, at the end of the 5 years if the landowner wanted to switch to the AF tax category, would they remain in the district for the next 5-year period or if they would go back to a 10-year review.

Mr. Clark replied if, at that point, there are no parcels in the district in the problem situation, it would go back to 10 years.

Mr. Bivins expressed he wanted to clarify that there would be options for people to make decisions, and if the landowners did not make a change, they would be out at the end of the 5 years.

Mr. Clark noted they were hoping the 5-year review process would only happen once in any given district.

Mr. Keller asked if there was an acreage size, and if a 1,000-acre parcel that has no development rights and is Open Space would face exclusion.

Mr. Clark said that theoretically it would, and that he hasn't found any instances of this yet. He said so far, the ones he has found in the four reviews (and in the next seven that the commission would see later in the year) have all been in the 20- to 30-acre range. Mr. Clark said the board could choose not to remove a large parcel for other reasons, that having it there is helpful. He said that up to a few years prior, there was an argument for keeping larger parcels in as they help to provide a bridge to more parcels beyond it. Mr. Clark said since the state changed the code, parcels can now be added that are more than a mile out, based on their cultural importance.

AFD201800001 - Carter's Bridge District Review

Mr. Clark said the Carter's Bridge District was created in 1988 at 8,036 acres. He said the acreage has varied over the years and is now at 8,910 acres.

Mr. Clark said they have received 18 requests for withdrawal, one of which is new since the last report. He said there are a variety of parcels, but only actually two major landowners in addition to some small holdings being withdrawn. Mr. Clark said that, unfortunately, this is 2,800 acres and about 31% of the district being removed in this review.

Mr. Clark said in terms of the review period, there are 6 parcels in the Open Space tax category that have no development rights, with 5 of the 6 being created legally as 21-acre parcels while they were in the district. He said one of them was added to the district with no development rights to begin with, so it will be the board's choice as to whether to apply this. Mr. Clark said that since there is one parcel that meets the criteria for the kind of parcel they want to remove, the 5-year review period was appropriate in this case. He said the AFD Committee voted unanimously to recommend the removal of the district for the 5-year period with the requested withdrawals.

AFD201800002- Lanark District Review

Mr. Clark said the Lanark District is located along the James Monroe Parkway and Carter's Mountain Road. He said it was created in 1988 at only 995 acres and has since grown to over 6,000 acres.

Mr. Clark indicated on a map to properties in the crosshatch which were requested to withdraw, including a highlighted property on the map that was new since the report. He said this is over 3,000 acres and nearly 49% of the acreage of the district being removed.

Mr. Clark noted that, especially with some of the representatives of the UVA Foundation being present, very recently since the review started, there have been some mapping changes to parcel numbers related to a parcel determination. He said the outline of the area owned by the UVA Foundation which is to be withdrawn (the crosshatched area at the northern end of the district) is not changing, but the parcel numbers within the outline no longer match what is seen on the map. Mr. Clark said the representative of the UVA Foundation wanted him to ensure that all of their land was being properly removed, and that they are now comparing the old parcel numbers to the new ones to make sure they have found everything. He said these numbers would be double-checked before the board meeting.

Mr. Clark said that at the board meeting, they will adopt a new version of the ordinance listing what parcels are in the district, and would be removing the old parcel numbers, which was confusing.

Ms. Firehock asked if the UVA Foundation is not withdrawing from the district.

Mr. Clark replied no, that the property will be withdrawn, but the new correct parcel numbers will never have been listed in the ordinance because it is old and out of date.

Ms. Riley asked if UVA Foundation is withdrawing all of their parcels.

Mr. Clark replied yes.

Mr. Keller asked Mr. Clark to look at the west side, where Bishop Hill Road is, as there is a portion of UVA Foundation land there. He indicated to the land on the map.

Mr. Clark said he would double-check this land, and there was some confusion with the parcel data changing in the middle of the process.

Ms. Spain asked if the landowners gave any reason for withdrawing.

Mr. Clark said that unlike many applications that staff sees, since there is no decision process, there is no justification required and the board doesn't have to decide whether or not to let people out. He said if people request to be withdrawn, they must be withdrawn. Mr. Clark said that generally speaking, landowners do not explain their reasons for withdrawal, and especially with larger landowners, he typically only receives a letter that states to remove a list of parcels.

Ms. Spain asks what typically happens after the land is withdrawn. She asked if UVA Foundation has ever withdrawn this amount of land from another district.

Mr. Clark replied that he didn't know if they owned this much land in any other district. He said this varies, and some people pull the land out of the district before putting in into conservation easement, as they feel it would be better for their appraisals because the value difference would be greater. Mr. Clark said some people do this before they develop it, and there is at least one case in one of the reviews where someone bought the land from someone else who had added it and didn't like the idea of being restricted by the program.

Mr. Bivins asked how close the properties lie to the Justice land, where Crestview is.

Mr. Clark indicated to a line on the map and said it was the boundary of the Justice land. He indicated to an area that is about 4,500 acres that was directly adjacent to it.

Mr. Bivins asked if this was about UVA selling their land to Justice.

Mr. Clark replied that he had not heard anything about this.

Ms. Firehock said this was now under a conservation easement.

AFD201800003 – Panorama District Review

Mr. Clark said the Panorama District is located around the Southfork Rivanna Reservoir. He said it is a much smaller district, at only 272 acres. Mr. Clark said that almost the entire district is under conservation easements, and there are no Open Space parcels. He said there is one withdrawal request and indicated on the map to an isolated parcel off to the north of the rest of the district, which consists of 2.6% of the area of the district.

Mr. Clark said there were no parcels in the district in the Open Space tax category, so there was no concern about removing any parcels, and therefore was recommended for a 10-year review period, which is what the AFD Committee recommended at their meeting.

Ms. Firehock asked how close the parcels have to be to each other to be eligible to be in a district.

Mr. Clark said that up until a few years prior, the rule was that the parcel had to be within a mile of the core of the district, with the core being defined as the original set of parcels that defined the district. He said this has become increasingly strange over the years because the core is still the core, even if the core isn't in the district anymore, or it has to be within a mile of a parcel touching the core. Mr. Clark said there was an addition where the state said that a county could add a parcel that was more than a mile away if they found that it was agriculturally significant (yet they did not define what this meant).

Ms. Firehock asked if there were more parcels in between the large parcels in the past, and now that those parcels are not there, it creates a strange remnant to the north.

Mr. Clark replied yes and added that it was not the only district where this has happened.

AFD201900010 – Free Union Review

Mr. Clark said the Free Union district has varied over the years, starting at 1,500 acres and is currently 1,500 acres. He said there is only one withdrawal, which came in after the staff report, which is 24 acres (or 1.6% of the area of the district).

Mr. Clark said there are 8 parcels in the district that are in the Open Space category and (as Mr. Dotson had asked about earlier) only one of the parcels in the Open Space category has zero development rights, meaning that this district would be up for a 5-year review period rather than a 10-year.

Ms. Firehock said she couldn't hear and asked if it was only one parcel.

Mr. Clark repeated that there are 8 parcels in the entire district in the Open Space tax category, with only one of the parcels having zero development rights.

Mr. Clark said the AFD Committee voted to recommend renewal of the district for a 5-year period.

Mr. Clark said there were two additions, and the additional criterion they would be going over with those additions, compared to in the past, is whether or not they have any development rights for small lots.

AFD201900001 – Jacobs Run Addition – Dickerson

Mr. Clark said this addition would add one 24-acre parcel to the district with one development right, plus room for another 21-acre lot. He said the AFD Committee unanimously recommended approval of the addition. Mr. Clark said the entire property has important agricultural soils.

AFD201900002 – Moormans River Addition – Davis

Mr. Clark indicated on the map to the Moormans River District, which is the largest district. He indicated to the addition, which is located along Garth Road, and consists of 154 acres, 128 acres of which contains important agricultural soils. Mr. Clark said the property has a total of 5 development rights and is qualified to join the district. He noted the property is interesting, as it backs onto Ivy Creek with some steep wooded slopes along the river. Mr. Clark said the AFD Committee voted to recommend approval of the proposed addition.

Mr. Clark said he had a separate motion recommended for each of the items and would answer any questions before opening the public hearing.

Mr. Keller asked if there were any questions. Hearing none, he opened the public hearing and asked if there were any members of the public who wished to speak on the matter. Hearing none, Mr. Keller closed the public hearing to have discussion and action. He asked Mr. Clark if they should break the reviews into two sets (deletions and additions).

Mr. Clark replied that an individual action should be done for each review, and that he had a motion to present on the screen for each one.

Mr. Keller asked if the commissioners had any questions about the reviews as a whole or about any of the individual reviews.

Mr. Bivins said the first review seemed to be about property owners expressing that they wanted to withdraw, particularly around the Secretary Road area, with another category where the commission is starting the removal process because there are no development rights.

Mr. Clark replied that people in that category are not being removed at the moment, and that they are simply being labeled as a district of concern and therefore renewed for 5 years or not. He said no one will be removed for that reason during the present year's review.

Mr. Bivins said there were a number of individuals in the last two reviews that wanted their properties added (?)into an existing district.

Mr. Clark said this was correct.

Mr. Bivins said that no one is creating a new district, and no districts are being dissolved r

Mr. Clark replied this was correct.

Mr. Keller said that from Mr. Clark's experience, most of the time when individuals elect to remove their properties from the districts, it's because they want the property to float to its real value, either because they are contemplating development or because they are contemplating putting the land under a conservation easement, and in either case there would be a benefit in seeing what the real value in that area is. He asked if his understanding was correct.

Mr. Clark replied that this is usually true for the larger properties, and that for the smaller properties it is either the case that someone has bought it from someone else and they don't want to be in the program (as no benefit is seen for being in as a small property), or they find the restrictions difficult to deal with and want out of the program.

Mr. Keller asked if there was a motion.

Ms. Riley moved to recommend renewal of the Carter's Bridge District for a 5-year period, minus the requested withdrawals.

Ms. Firehock seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Ms. Riley moved to recommend renewal of the Lanark District for a 10-year period, minus the requested withdrawals.

Ms. Spain seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Mr. Bivins moved to recommend renewal of the Panorama District for a 10-year period, minus the requested withdrawals.

Mr. Dotson seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Ms. Spain moved to recommend renewal of the Free Union District for a 5-year period, minus the requested withdrawal.

Mr. Dotson seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Mr. Bivins moved to recommend approval of AFD201900001 Jacobs Run Addition – Dickerson.

Ms. Firehock seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Ms. Firehock moved to recommend approval of AFD201900002 Moormans River Addition – Davis.

Ms. Spain seconded the motion, which was carried by a vote of 6:0 (with Ms. More absent).

Mr. Keller thanked Mr. Clark for walking the commission through the complicated process.

Work Session

ZTA201900006 Rio-29 Form Based Code

Ms. Michaela Accardi (Senior Planner with Community Development) and Rachel Falkenstein (Principal Planner) introduced themselves.

Ms. Accardi said this was a work session to receive feedback on the Rio-29 form-based code topics of use and building standards. She said there has been a series of four work sessions scheduled, with the present one being the first. Ms. Accardi said that in the future, they will be discussing streets, parking, public space, architecture, housing, and place making. She said the final work session would take place in November to discuss the topics comprehensively.

Ms. Accardi said she would provide a brief overview of the project's background, scope, and engagement to date; and then staff would provide an overview of the use topic, facilitate a discussion, and then move to the building standards overview and discussion.

Ms. Accardi said in March of 2019, staff was directed by the Board of Supervisors to begin work on drafting a form-based code consistent with the Rio-29 Small Area Plan. She said there were project goals that were discussed during the joint work session on July 9 that she would review to ensure they have a collective understanding of what is trying to be achieved with the project. Ms. Accardi said these goals have been developed through recommendations in the Rio-29 Small Area Plan, as well as through conversations with the Steering Committee, Planning Commission, Board of Supervisors, and other stakeholders.

Ms. Accardi said the first goal is to support and incentivize development that aligns with the vision described in the Rio-29 Small Area Plan. She said that currently a mixed-use, compact, walkable development would require a property owner in the area to go through a rezoning process, and a goal of this project is to allow this type of development to go through an administrative or by-right development process, as well as being mindful that the code works for the present day and allows the area to transition over time.

Ms. Accardi said the second goal is to establish clear expectations for residents, property owners, developers, and the county for new development proposals.

Ms. Accardi said the third goal is to find the appropriate balance between regulation and flexibility – regulation to achieve the desired form as recommended in the Rio-29 Small Area Plan, and flexibility to accommodate market changes and a mixture of uses.

Ms. Accardi said the final goal is to develop a draft ordinance through an inclusive and transparent community engagement process to foster an understanding of zoning and form-based code across diverse stakeholders through the process.

Ms. Accardi added that she included an updated project timeline that the commission had previously seen at the July 9 work session, and that it was a reminder that alongside engagement with the commission, staff is also working on staff research, broad community engagement, and drafting content.

Ms. Accardi said she also included a recap of what she heard from the Board of Supervisors and

Planning Commission on July 9. She said she and Ms. Falkenstein facilitated a prioritization activity to understand priorities for the form-based code in Rio-29, and consistent with the Steering Committee for the project, the top two priorities were use and area bulk regulations (or building standards). Ms. Accardi said the next set of priorities were streets and green (or public) space, which would be discussed in the next work session. She said the final set of priorities were split across a variety of topics.

Ms. Falkenstein said her plan for the meeting was to provide an overview of the topic of use, background information, summaries of what staff has heard in their engagement, and a presentation of two questions they have related to use to provide the commission an opportunity to discuss and provide feedback. She said they would do this before moving on to building standards.

Ms. Falkenstein recapped that at the last work session with the Board of Supervisors, staff had heard high-level feedback on the topic of use that they have tried to incorporate into their recommendations. She said they heard that the area is appropriate for a wide variety of uses, and they would like to see mixed-use, especially considering there are not many single-family residential neighborhoods in the area. Ms. Falkenstein said the most common comment they heard through their engagement (from the commission and from other stakeholders) is that flexibility and use is very important. She said that some people did not put "use" as a priority for this reason, and perhaps it would have ranked even higher.

Ms. Falkenstein said some feedback they've heard is that they should not require vertical mixed-use in every building, as it has been problematic in other areas, specifically in Crozet. She said the current zoning is based on separating uses, where form-based code should be based on mixing uses. Ms. Falkenstein said use is a driver for many other factors, such as building size and form, parking, etc. She said this is trying to be kept in mind, even though topics are being separated out, and they are trying to remember how things interact.

Ms. Falkenstein recalled that the Rio-29 Small Area Plan divides the area into different place types – Urban Core, Core, Flex, and Edge. She said all of these areas are recommended for a mixture of uses at different scales, and the plan does not recommend specific ratios for uses or densities but encourages flexibility to allow market-driven responses.

Ms. Falkenstein said form standards would be the appropriate way to ensure the character of the development is consistent with adjacent neighborhoods and an appropriate way to limit density and intensity of use.

Ms. Falkenstein presented a reminder that the plan has some broad recommendations for use, and many of staff's recommendations are based on this, so it can be referred back to as necessary. She said for the purposes of conversation, the Urban Core and Core Areas would be combined because the only difference called out in the plan is how the ground stories of the buildings are treated. Ms. Falkenstein explained that Urban Core calls for the ground story to be an active use, whereas Core requires more flexibility but wants to see the form to allow the use.

Ms. Falkenstein said a staff team has focused on researching use, and what they found was that most form-based codes do determine use and regulate use to some extent, with a wide variety of how this is done. She noted that some codes are flexible while others are very specific. Ms. Falkenstein said staff has discussed use in two different ways, with examples of codes that are more prescriptive in use and those that are more flexible in use. She said she would present two

examples of localities and how they described uses, and that these had also been provided in the commissioners' packets.

Ms. Falkenstein indicated to a case study on the screen that is from Virginia Beach, and what staff has deemed as falling into the "prescriptive use" category. She said they list very specific uses and is somewhat similar to how Albemarle addresses use in its current ordinance. Ms. Falkenstein said Virginia Beach lists every type of use and determines if it's appropriate for the area. She said this is a rigid, more time-intensive project up front to develop the ordinance, as possible uses have to be imagined for the future. Ms. Falkenstein said it is difficult to anticipate unknown, future uses with this type of code, which is one of the cons, and results in a longer, more confusing and difficult to read ordinance document.

Ms. Falkenstein indicated on the slide to the "flexible" case study, which was from Albuquerque, New Mexico. She said it relies more on descriptive text for use, identifies priorities and intent (rather than an exhaustive list). Ms. Falkenstein said the pro of this is that it's flexible in nature and doesn't hinder innovation and uses they cannot currently anticipate. She said on the other hand, it will be more staff-intensive as uses come in for staff to determine if the use is consistent with the intent of the zoning district.

Ms. Falkenstein noted that something that was not included in the commission's materials and something that staff recently came across was a case study on one way to incorporate Light Industrial artist-type uses. She said Nashville, Tennessee had a good example of this with a recent "Artists and Manufacturing Zoning Amendment," where they looked at their zoning districts and tried to determine how to incorporate uses for different artisans that have a manufacturing component such as potters, woodworkers, and jewelry makers. Ms. Falkenstein said this had previously been seen as an industrial use, but Nashville thought it would be more consistent with mixed-use zoning districts and wouldn't have the same level of impacts as most industrial uses. She said they did a zoning text amendment and changed some of their definitions. Ms. Falkenstein said staff thought they should keep this example in mind as they go through the exercise, and they would discuss Light Industrial as part of one of the discussion questions.

Ms. Falkenstein said that the scale, included in the packets, shows staff's recommendations for use, and that Core/Urban Core, Flex, and Edge are listed. She explained that the columns on top of the scale are permitted uses, either by Special Use Permit or by special exception, as well as "not permitted." Ms. Falkenstein said they are consistent with what was in the Small Area Plan for the broad use categories, as well as with what they have heard from stakeholders and the community. She said that through the community engagement process, the community affirmed that these were the proper ways to regulate and allow use, with two topics that staff felt warranted discussion with the commission (Light Industrial and ground story treatment).

Ms. Falkenstein said she would present the two questions, unless the commission had clarifying questions. Hearing none, she moved on to the discussion questions.

Ms. Falkenstein said the first question was, *"Is Light Industrial an appropriate use for the Rio-29 area, and if so, should there be supplemental regulations for Light Industrial to mitigate possible impacts?"* She said that staff's recommendation, based on the research done and what they heard from the stakeholders and community, was that the definition of Light Industrial should be refined and updated to allow uses that might have a small manufacturing component. Ms. Falkenstein explained this could be similar to the artisan-type uses mentioned or other similar, small, low-impact manufacturing uses, while ensuring that the impacts are limited to adjacent residential

office and commercial uses.

Mr. Keller asked Ms. Falkenstein if she would like each commissioner to respond to the question.

Ms. Falkenstein said that she would pause for feedback before moving on to the next question.

Mr. Dotson commented that perhaps two years prior, the county looked at Light Industrial and blurred the distinction between some of its commercial designations and Light Industrial, allowing them to coexist. He expressed that staff's recommendation is a reasonable continuation of this line of thinking.

Ms. Firehock concurred.

Mr. Bivins also concurred, and added that, considering the future, they might try to leave some space for emerging industries so that they do not use legacy industries to define the space, but that they would have some language that would allow for that might which be considered "Industry" that is not yet defined or known. He expressed hope that in considering those spaces, they would also consider the flexibility and structures to be able to create communities of influence and action, with complimenting offices that support emerging industries and that people may have the ability to live nearby. Mr. Bivins said it is almost as if they are going back to a "Main Street" model, where people used to live, work, and socialize in an area that has lots of flexibility. He said things have shifted to a suburban model, but there was a time when there were vibrant centers, and he hoped this space would allow them to create that.

Mr. Keller agreed, and said that it seemed as if when they think about the life and death of various areas in the strange Route 29 area, that with his knowledge of artists' manufacturing around the country and around the world, that may well be a first stage that occurs in some of the structures that ultimately are scrapped and a different kind of development occurs. He said he does have a sensitivity to what Mr. Bivins said regarding an opportunity to build something around it (which was at one point, for instance, a possibility in Scottsville as far as building a community around the tire plant). Mr. Keller suggested keeping in mind that there will be a transition and evolution of uses on some of the parcels to be able to afford to purchase and develop them, explaining that this could be a great interim and then, if someone can envision an idea (such as a Torpedo Works or McGuffey School) that is a new iteration as opposed to a transitional one, it would be fascinating. He said he was glad Mr. Bivins mentioned this as a starting point to make the commission think beyond the stereotype.

Ms. Riley said she also agreed with the staff recommendation. She asked staff if they could talk more about the supplemental regulations and particular performance measures, they would be looking at to mitigate any of the industrial uses and their impacts on neighbors.

Ms. Falkenstein said they could look at factors such as noise, smells, and traffic, and make sure that uses are contained indoors rather than outdoors (for instance, not allowing things such as stockpiling, outdoor storage, etc.).

Ms. Spain said there seems to be a shortage of Light Industrial space in the county as well as in the city and expressed that it should be included anywhere that there is redevelopment occurring. She said the definitions of Light Industrial should extend to the public as well, because when people at the CAC meetings hear "industrial," they think heavy industry, and that "Light Industrial" is the zoning term. Ms. Spain asked if it could be "Light Industrial (including something else in

parentheses or after a slash mark)" so that the range of uses would be apparent to a non-zoning expert.

Ms. Firehock said the comments had led her to think more about whether the county has any way to influence the co-location of like-type industries. She said that, for example, her office is next to an engineering firm, making it convenient for her to consult with civil engineers. She cited clusters of health providers and clusters of therapeutic massage businesses as other examples, noting this is helpful to patients and clients. Ms. Firehock said that there are not, however, clusters for engineering, graphic design, and architecture, acknowledging that many of these firms are located in Downtown Charlottesville, but engineering firms often have large trucks to park, muddy boots, and need a large elevator to carry their gear. She said there are factors so that, although they are not making heavy industry, they are in a "middle zone." Ms. Firehock said when people reference "tech" companies, they tend to be referring to computer-based businesses, but that she was referring more to building design, engineering, and mapping. She said it would be ideal if there was some way to foster clustering for this industry, as it might also provide the county with the ability to brand itself. Ms. Firehock said she often notes how the county lacks hip, modern office spaces – nothing like she sees in other cities she visits. She said that she didn't know what the way to do this is, but that there was indeed a market for fostering those types of clustered businesses.

Mr. Keller said that when they were looking at the still existing (?) zoning for commercial and rural areas, there was much discussion about factors that would create odor and smoke. He said the county attorneys, as well as Mr. Bill Fritz, talked about the constraints that places in the state of Virginia has on being able to control those things. Mr. Keller said that, building upon Ms. Spain's comments and others, there is a need to explore this, as they may not be able to do some of the things they hope to.

Mr. Keller recalled that staff had talked about the ground floor of buildings, and that there was a concern with this not being provided in all structures. He said that what they are discussing now, and in response to Ms. Firehock, necessitates perhaps revisiting the requirement and continuing it, as it is a way to force those spaces to happen everywhere. He said he understands that in the development community, there are many cities he's visited that are experimenting with new construction and first floors having paper over the windows, as residential is rented above, but not all the commercial is below. Mr. Keller said that while he doesn't have an answer for it, he did think that before they move away from that ideal requirement, they need to reconsider how it may begin to answer some other questions. He suggested beginning the space below market price for some of the manufacturing and other industries they are interested in.

Mr. Bivins said what was interesting about what Ms. Firehock and Mr. Keller had said, and given they are 50 years post-Woodstock, his mind was going back to places that he knew over that period. He recalled that one of the things happening in SoHo in the 1960s and early 1970s is that there were large spaces available at low prices, but it was a scary place to be. Mr. Bivins said SoHo has now gone to another, bizarre place, but there was a time in between where both creative people and engineering types co-existed in a place that then attracted other people. He said there is an idea of identifying places they want to attract certain types of people to that will enliven the area and have creativity happening there. Mr. Bivins said that going back to the Nashville example, there must be a way to think about what the elements are there, as Ms. Firehock would say, that would help the county brand and extend the idea of innovation and free thinking that Thomas Jefferson supposedly brought to the area. He said that Charlottesville could be a place where new technology has the space to collaborate and create, and that the 29

intersection is a "blank canvas" and would be a great place to make this happen. Mr. Bivins said that 9th Street in the district now has art galleries and independent theaters, and that above ground there are all sorts of engineering and small consultancies. He said that there are many places where first, the artists came to claim.

Ms. Spain agreed it was a grand vision, but recalled Jane Jacobs' quote of, "New ideas need old buildings." She said they were discussing all-new construction, which is much more expensive for artists. Ms. Spain said she didn't know how to get around this issue, or what type of subsidies the county would be willing to offer to encourage that. She said there would obviously have to be transit. Ms. Spain said she didn't mean to dismiss the idea, and that she thinks it would be a grand goal, but that there are some limitations that would make the county different than the other places.

Mr. Dotson said that, building upon Ms. Spain's comment about all-new buildings, this was not necessarily the case because there are a number of existing buildings that are vacant. He said one of his current concerns is that the county has an overabundance of commercial and retail space, and that this idea could provide some alternative uses that may actually help those spaces be filled in existing buildings before they mature to a point of redeveloping.

Ms. Firehock said that looking for a commercial space in the county, she was shown many of those spaces, and if she needed an 18-foot-tall ceiling that was a gym, this would work. She said she was told, "Build to suit," but the renter has to pay to put in walls, sound proofing, ports for internet, etc. Ms. Firehock said it becomes burdensome financially to hop into the space because it usually doesn't transition well. She said this is where the county perhaps does play a role in subsidizing for adaptive re-use of a building and creating the building into something that has a longer lifespan.

Mr. Bivins said that part of what they have been hearing from the board is the whole idea of public-private partnerships, and that what is happening in Woolen Mills, Barnes Lumber, and Southwood is taking a space that exists and being involved in creating a new life for that space. He said about 10 years ago, someone probably suggesting knocking down the space in Woolen Mills. Mr. Bivins said if re-use can be done at Woolen Mills, perhaps one of the commission's joint sessions with the board could be about how to further use this idea and doing so around Rio-29, and have the supervisors consider the factors that would attract the kinds of businesses there that would have that kind of partnership and feed off that kind of energy.

Ms. Falkenstein said she had the feedback she needed, and that this was a good lead-in to staff's second question regarding the ground story active uses. She said the question is, *"Should vertical mixed use, with active uses on the ground-level floor, be required within any areas of Rio-29? If so, what uses, or qualities would qualify as an active use?"* Ms. Falkenstein said she has heard feedback that it is currently a challenge to do vertical mixed use, as there are financing components, the market isn't quite there yet, and (as Mr. Dotson had pointed out) there is already plenty of vacant commercial space in the area. She said staff thought about how they could broaden the definition of "active uses" to not just necessarily be commercial retail, but perhaps some of the uses they have discussed, that may have some level of the public coming and going in the building throughout the day. Ms. Falkenstein said perhaps there are types of offices or artists spaces open to the public that would have them coming and going.

Ms. Falkenstein added that instead of requiring the use, in the interim, they could require the form. She said this wouldn't apply in necessarily every building, but on key streets within the Urban

Core along Rio and in other key place-making streets that would be identified.

Ms. Falkenstein invited the commission's thoughts and feedback on those recommendations.

Ms. Spain said these seemed like good solutions to the issue, and the question was whether active ground-floor uses would include residential at any point, or would it always be non-residential on the ground floor. She said that with residential, people are coming and going, and there would be variety on the streetscape if there are some that are commercial and some that are residential. Ms. Spain suggested leaving it open to residential as long as it is not the majority of the streetscape, but a fairly small proportion.

Ms. Riley said that staff prefaced in their report looking at Crozet as an example of where being too restrictive in terms of the type of use on the first floor perhaps prevented some vertical development or was an added complication. She asked how relevant this particular example was to the area, is the area comparable, and if this comment could be further explained.

Ms. Falkenstein said that this comment has come many times from the supervisor for Crozet, which she has heard many times from her constituents that banks are not financing vertical use. She said staff has heard that comment from stakeholders, and that she didn't think the two areas are that comparable, but Crozet is the only precedent in the county with vertical mixed use. Ms. Falkenstein said there has been one development in Crozet that has vertical mixed use under the Downtown Crozet District since the code was adopted in 2012.

Ms. Accardi said it may also be helpful to note that staff brought this question to the Steering Committee for this project, and that there were several members of the development community who expressed this feedback and concern. She said that while Crozet is a local case study, there is preemptive concern about this area and active ground-floor uses being feasible.

Ms. Riley thanked staff and said this information was helpful. She agreed with the staff recommendation about a broad definition of active ground-floor use, and this was important in terms of providing guidelines for private sector development, what might be financeable in terms of what in the future economy may or may not be feasible. Ms. Riley agreed with the recommendation of providing for the form and the shape, and if it can be residential first and then converted to something else later, noting that this kind of flexibility makes sense.

Mr. Keller also agreed with the proposed broader definition. He said he spent a lot of time in West Loop Gate, Chicago in the past 5 years because of family living there, and that it is an interesting incubator of a Greek village and Fulton Market completely changing what they were. Mr. Keller said the benefit of existing fabric is that there are structures, but in many ways, they are building what will be the structures of the future and building in opportunity by having the first floor available for it. He said it was fascinating when developers are building and owning the property as opposed to developers building the property for sale for use. Mr. Keller said anyone who has had a business realizes that losses are often better than gains, and there are many things to do with losses. He said having a plethora of empty space on the first floor that people are concerned about might actually lead to more innovative, incubator start-ups the county is looking for and provide the kind of space being discussed.

Mr. Keller said he has had his training in form-based code and acknowledges the concerns in the banking community about getting the funding for those first floors. He said this is a real concern that everyone is discussing and there is a need to figure out how to have a profit margin so that

in the short term, there is an opportunity for it to be filled with possibly local businesses instead of the national chains of restaurants that are often thought of as being those first-floor tenants. Mr. Keller said this would continue to be an interesting experiment and that in the larger urban environments, it's still being done, and the spaces are not all being filled. He said what is coming into those spaces are the types of operations Ms. Firehock discussed earlier. Mr. Keller noted they wouldn't be the long-term tenants, but it does bring in a certain degree of income that can then be the loss differential to be written off.

Mr. Bivins said that, optimistically, if a community or set of forms can be created for the area, it will come and that businesses tend to make decisions around the environments that they see happening to maximize opportunities. He agreed with the other commissioners about having flexibility, but that he didn't want to abdicate an expectation that there will be vibrant ground floors and that they may be eclectic and serve different uses. Mr. Bivins said that he believes that with what they are selling, Charlottesville is different enough to attract the kinds of eclectic businesses and individuals that the corridor can support, however they deal with the legacy buildings. He said that currently, there are not enough spaces to allow the county to imagine a new way. Mr. Bivins said some of the conversation he hears regarding the Downtown Mall being a place that is not appreciated by the eclectic nature of the community, if the county can get transportation, safety, and green spaces in the Rio-29 area, they can make it a place that is attractive to the diversity of the community.

Ms. Firehock said she liked staff's solution offered, but that she was reluctant to require active ground-floor use. She said that many years ago, she was involved in the rezoning of some of the city while on the Planning Commission there, and one thing they did was to require mixed use in three-story structures along West Main, and that it didn't work. Ms. Firehock said they went back and changed the zoning after several years to remove this requirement, and that there was a ratio of commercial to residential that they wanted to see. She said the mixes were not happening, they were not able to fill the buildings, and the zoning was actually stifling the natural evolution of things. Ms. Firehock said as soon as they got rid of the zoning, things really started to move. She said they made the mistake of being idealistic. Ms. Firehock said she would like to see spaces that have the ability to transition. She said for instance, the structure might be residence, but it might be designed in such a way that, if she is running an architectural firm and then retires and decides to have a practice on the first floor, she can do so seamlessly. Ms. Firehock said she loves the type of live-work spaces that are designed in such a way that makes it easy to go from one lifestyle to another. She said she actually lived in an old store in Fifeville with a giant plate-glass window and high ceilings, and it created a neat space to live in. Ms. Firehock said she wanted to avoid being too prescriptive and wanted to allow for a more natural evolution of the streets.

Mr. Dotson said he would allow residential initially or perhaps beyond, as long as the ground floor space was structured so that it could be convertible to some other use. He said as the staff report mentioned, it could be ground-level ceiling heights, appropriate windows and entrances. Mr. Dotson said if the emphasis is on the physical and allowing the uses to happen, it would capture the spirit that was being discussed. He pointed out that staff specified, "on key streets," and that this was key.

Ms. Falkenstein said they would talk about what those key streets are at the next work session. She said if there were no other comments on the topic, staff has the feedback they need, and they would move on to the discussion on building standards. Ms. Falkenstein invited Ms. Lea Brumfield to present the overview and background on the topic before getting into discussion

questions, of which there would be three.

Mr. Keller said that as a designer, and because he has heard so many people from the dais speak to the views, he wondered if they could change the order of the questions and talk about the views first. He said that how they feel about the views has a significant impact on the other two questions (size and massing of the buildings).

Ms. Falkenstein relied yes, they could address that question first.

Ms. Lea Brumfield, Senior Planning in Zoning, said she was one of the many staff members working on the form-based code project. She said she would present the findings on the topic of area bulk or building standards as they relate to form-based code.

Ms. Brumfield recapped that at the July 9 work session, it was determined that area bulk (or building standards) was tied with use as the top priority for regulation in the Rio-29 form-based code. She said they also discussed the importance of block size, to have flexibility, more options for development on larger sites, and that another priority for form-based code would be preservation of the viewshed, as has been discussed.

Ms. Brumfield said the building standards in the existing Rio-29 Small Area Plan (the guiding document for the area) recommends high-intensity of development in the Core and Urban Core areas. She said this would look like three- to six-story heights, 200- to 300-foot-long blocks, requiring structured parking, and active uses on ground floors wherever feasible. Ms. Brumfield said this would create the most inviting, pedestrian-focused, active streetscape/landscape, which is what they are hoping to encourage in the area.

Ms. Brumfield said the Flex areas are appropriately named, as they are intended to be the most flexible in both form and use, with 2-5 stories, 300- to 400-foot-long blocks, a range of parking types, and a flexible approach towards uses in the ground story of buildings.

Ms. Brumfield said Edge areas are located next to existing single-family neighborhoods and are intended to be the least intensive in development and building structure. She said the current Rio-29 Small Area Plan recommends up to 3 stories, up to 600-foot-long blocks, and generally smaller buildings with street parking or relegated parking behind the buildings.

Ms. Brumfield said staff is looking to regulate building standards as they greatly impact the perception and function of a place. She said the things they have discussed so far, such as ceiling heights on first floors, are more on the architectural side and that these things would be discussed further in the third work session. Ms. Brumfield said enclosure of the building height and its relation to the street impacts whether a place feels inviting, isolating, or exposed. She said they are regulating the general shape, form, and size and hope to create a landscape that functions very differently from the Rio-29 of today. Ms. Brumfield said they have researched other form-based codes and found there are standard ways to regulate – through height, setbacks or built-to lines (or minimum and maximum setbacks), step backs, building orientation, and block size, all of which staff is considering. She said the two they are primarily focusing on are building height and block size because of the impact of those two things on the built form.

Ms. Brumfield said that through staff's public engagement, they have heard that most respondents are generally also in agreement with the Small Area Plan recommendations. She presented a chart showing averages of the recommendations, noting that no one actually recommended 1.6

stories (that it was an average between 1 and 3). Ms. Brumfield said that in addition to the numbers presented, there was also a clear preference for smaller block sizes. She said there was some hesitation to allow taller buildings, and though the Small Area Plan recommended up to 6 stories in the Core and Urban Core areas, the stakeholders were not comfortable with anything over 5 stories.

Ms. Brumfield said they also noted a concern about preserving flexibility of use no matter what is done. She said if there is a building form element that would interfere with that flexibility, it should either be allowed by special exception, or there should be some kind of bonus factor permissions to permit it. Ms. Brumfield said that, for example, if there was another way to offset having a larger block and that more intensive use needed a larger footprint on the block, that was something that the stakeholders found to be a favorable option.

Ms. Brumfield said that staff's recommendations largely align with the recommendations of the Small Area Plan, with a couple of changes and additions. She said they do suggest requiring bonus factors for building heights greater than 5 stories in the Urban Core and the Core. Ms. Brumfield said that one thing to keep in mind is that staff recommends bonus factors instead of a special exception for something that is more straight-forward (such as building height) because that would preserve the speed and accessibility of the review process so that would require some staff time, versus more staff time and the board's time and approval. She said they recommend specific setbacks between 3-10 feet in the Urban Core, Core, and Flex. Ms. Brumfield said they also added an additional differentiation between boulevard-type streets and avenue or local-type streets in the way they are treating step backs. She said if the building will be on a cozier street, such as an avenue, they would want step backs at a lower height (3'), and 4' recommended for larger-type forms.

Ms. Brumfield said she would be available to answer questions and would pass the presentation back to Ms. Falkenstein and Ms. Accardi for the discussion questions.

Ms. Falkenstein said there were three staff questions about building standards and that they would start with the viewshed question, as it may have impacts on the question about height. She said the question was, *"Should views of the Blue Ridge Mountains (or mountain views) be preserved in the Rio-29 area, and if so, which views from which vantage points should be preserved?"* Ms. Falkenstein said staff does recommend prioritizing protection of existing mountain views, especially from entrance corridors and future public amenity spaces. She said, however, there needs to be more work done to identify where the views are and perform analysis of what level of development would impact or block the views before making a clear recommendation about what the building standards to protect those views would be. Ms. Falkenstein said they recommend pausing on this before the next phase of the project due to how quickly they are expected to pull a draft together and not having the resources to do it.

Mr. Keller said that last time Ms. Falkenstein presented to the commission, she had expressed hope for expanding the schedule out. He asked if this had changed.

Ms. Falkenstein replied that they have changed the December deliverable from a draft ordinance that would be ready to adopt to a framework or set of recommendations that would then turn into a draft (and hopefully final ordinance) by 2020. She said the timeframe for a final ordinance was July or August.

Mr. Keller noted that Ms. Spain has spoken on this subject and asked if she wanted to start.

Ms. Spain said it seems difficult to postpone the analysis of the viewshed while proceeding with discussions on maximum heights, as the two are so related. She said they should be preserved on the entrance corridor, as that is what they are trying to do at both the Pantops EC and Route 29. Ms. Spain noted that the Route 29 EC is a larger feeder into the city than Pantops. She said this is about building height and asked if the developer has given any feedback as to the difference between building a 5-story versus a 6-story building.

Ms. Falkenstein said they have heard particularly from architects and developers about the different construction types that are needed between 5- and 6-story buildings, and it goes from stick-built to needing some steel reinforcement above 5 stories, therefore increasing the cost of development to go to 6 stories.

Ms. Spain said she would then think that the two issues (the 5-story maximum and preserving the viewshed) would go together. She said it would still depend on the topography, and she could see how this would demand more study. Ms. Spain expressed that there should be a priority placed on the study.

Ms. Riley said she didn't have anything to add because her question was exactly what Ms. Spain raised – that until there is analysis as to where viewsheds should be preserved, she was unsure of how to address the second question about buildings heights in any given location, unless the viewshed was not going to be prioritized.

Mr. Keller said he didn't think that "viewshed" was a proper term, that that "views and vistas" seemed more appropriate. He said considering an urban experience (or even a rural one), what makes a place special was having the views provided. Mr. Keller said going a different route with considering the orientation of the streets and the views provided down the corridors, because if the streets will be animated with people and vehicles, that would be when people are having those opportunities to see the views. He said it also means that, since they have the Southwest Mountains to the east and the Blue Ridge to the west, depending upon the placement and what the heights of the different structures are, there will be opportunities from rooftops, apartments, condos, etc. towards one set of mountains or the other. Mr. Keller said he would like staff to explore a more sophisticated approach than simply GIS showing what can be seen from where. He said he is also not 100% clear that Rio Road should be a major pedestrian zone, whereas others are thinking in those terms.

Mr. Keller said that the block size then starts to become interconnected with views because if there are smaller block sizes and pathways through the buildings, and whether the pathways are vehicular in some cases and solely pedestrian in others, this begins to break up the block sizes. He said that in traveling the country and other parts of the world, one can see opportunities by having a story or two opening in a structure that allows views through, and there are ways to even have a larger block via design considerations.

Mr. Keller said this brings him to the topic of bonuses, which he hears being talked about as offering one of two things: a higher building, or affordable units. He said as he has looked at form-based code, there are all sorts of creative ways to allow for views, such as creating an opening in a building, or a glass curtain on two sides. Mr. Keller encouraged staff to consider (much like Light Industrial and artisans) looking at other bonus densities that are being granted. He said the great leap in this is amazing, and Crozet has provided a sense of this. Mr. Keller said staff has created much public involvement upfront, which relates directly to elected officials and whether they can

respond from their constituencies. He said much of this would become administrative, and he understands the lobbying that the Urban Land Institute is doing (which he agrees with much of the concepts that are coming forward), but believes they are getting a subtle sales pitch to give away a lot of what is in the public domain and passing it over to staff. Mr. Keller said this wasn't bad, but that they should follow the line of thinking staff has begun and get creative about how they can accomplish things such as views of the mountains and topographic variation. He said perhaps this is where some of the bonuses should come from.

Ms. Spain said she was thinking mainly of vehicular views when people are driving into Charlottesville and hadn't thought about the views from apartments or condos. She urged the commission not to privatize those views by making them available only to people who live on the highest levels. Ms. Spain said the idea of having the cross streets and pedestrian or vehicular views that people can see (whether they own property there or not) is important.

Mr. Keller agreed with Ms. Spain.

Mr. Bivins also agreed and said that the viewshed, for him, was not the Blue Ridge Mountains (though he appreciates their value and beauty). He said the viewshed for him was on the ground, and what he experiences when he's on the ground – whether he gets a hint of the vastness, or does he feel as if he's in a cavern. Mr. Bivins said his hope would be that if he was in a space where if he turned a corner, he would get a glimpse of green, or a building that is interesting because of its architectural notes. He said it is not just about the Blue Ridge Mountains, because lots of people don't have views of it because of the topography. Mr. Bivins said the people who sit on Pantops have great views, but those who sit at the bottom of that only see Wintergreen in the winter when there's snow on it, and otherwise it is just a fog at the end of the road. He said that is not what makes the area beautiful – that it's being *surprised* when one sees Wintergreen and other things. Mr. Bivins said it's not necessarily holding onto them in precious ways, but it's about the experience of intersection with both built things and natural things and combining those in a different way that allows them to meld together. He said the topic of Blue Ridge Mountain views always feels exclusionary and that there are many people in the community do not have that view.

Ms. Spain pointed out that from this location, it could be their view, and that's what is being discussed.

Mr. Bivins replied that his question was whether they should put everything in the middle and make a ring outside or should the heights of buildings be staggered while putting some public spaces on top while ensuring this is an experience someone is able to have not just by being able to afford an expensive apartment. He said this would be a place to work and play, but (agreeing with Mr. Keller's concerns) he would be afraid to walk across Route 29.

Ms. Firehock said she was thinking not just of the views in the distance, but the views and experience of the person on the site. She said there should be a view to green space, or that the roads should be oriented in such a way that makes someone want to discover that area. Ms. Firehock said she was uncertain as to how to write this into form-based code. She said that in terms of the viewshed analysis, it sounds daunting, but that some of the questions about what can be seen from where, and which buildings might block the views, would require a physical visit to the site, as well as GIS to simulate what could be seen at certain heights. Ms. Firehock said this level of analysis could be done in a day and isn't difficult. She said perhaps a consulting firm could be hired to do this, because though staff is talented, they may not have the time.

Ms. Firehock added that the staff report was excellent, and that she liked the way the citizens' comments were reported.

Ms. Firehock agreed with Ms. Spain about not being able to answer the question about story heights without first doing the viewshed analysis, and that this should not be postponed.

Mr. Bivins asked if there would be lots in the place that would not be built upon.

Ms. Firehock said that they might experiment with heights, or "peepholes" or what she called "see-through zones," citing the earlier question of whether there are large blocks of structure that can be seen through, and how close the buildings are to the streets so as not to get a cavern-type feeling. She said the reason the Downtown Mall works is because there was a street in the middle with sidewalks that was enclosed and happens to be very wide, and the buildings happen to mostly be short, therefore never feeling as if you are in a cavern there.

Mr. Keller said it seems as though staff has the ability to do a viewshed analysis from all different points, but ultimately if a point is reached at which the county has a kind of design excellence of other cities, an amazing building or park could conceivably occur, and they would become the views that are in the foreground or middle ground that become important. He said responsibility is being taken on to do analysis for each proposal to determine its impacts in the future as to what will be blocking final views that are left in a certain direction or providing an amazing new alternative view that can be much more than just mountains.

Ms. Firehock said she was referring to the views within as well.

Mr. Keller said opportunity was lost when the Gleason area on 1st Street was allowed to block the view up the mountains and down the street. He said this is a good example of what should not be allowed to happen and then consideration could be made as to how to write the code to prevent this.

Mr. Dotson said from listening to the other commissioners, he has learned that there are different scales. He said when he read staff's question, he was thinking about distant vistas, and not the more intimate or pedestrian ones. Mr. Dotson said there are foreground, middle ground, and distant vistas, and there is a slightly different answer to each of those. He said he hoped the form-based code would pay attention to the foreground and perhaps the middle ground at the street level, and to sidewalk widths and specifications, landscaping (as it can either be something to see, or could block the vision), and that it is appropriate for form-based code to address these things. Mr. Dotson said he didn't see the distant vistas as the driving force and that he would not want to turn down a development proposal because it blocks seeing the mountains off to the west, sunrise, or sunset. He said it seems that the basic structure with boulevards running east to west (which may need to be assessed) would provide for the distant vistas, rather than on every parcel or street. Mr. Dotson said this could be through boulevards, avenues, or large public spaces, but that he didn't see the distant vision as being a driving force and is something that would happen as a result of the street network as well as the step backs for the buildings, which can preserve a vista down the street. He noted that at some point, it is nice to have a vista down the street to look at a building that's at the end of it that serves as a focal point, which comes back to the middle scale. Mr. Dotson said the more intimate scale is more important to him than the more distant scale that would happen in terms of the street network.

Ms. Spain said that from the beginning, the commission has talked about how to make Rio-29 special to Charlottesville, and that they didn't wish to replicate special buildings or special greenspaces happening in other communities. She said that while these are nice, short-term views, part of what makes Charlottesville special to the people who live and visit there are the surrounding mountains. Ms. Spain noted she may be in the minority with her opinion.

The other commissioners urged her to continue her comments.

Ms. Spain expressed that this was important to her and that it is key to the area.

Mr. Bivins said that looking at the UVA grounds and how Thomas Jefferson had laid it out, there was not to be anything like Cabell Hall there. He said the way the grounds were set up so that young men to look west and to go west, as the opportunity was there, and Jefferson purposely set it up to remain open at the end in order to see one's future in front of them. Mr. Bivins said this was canned at some point when they needed Cabell Hall in the 1950s, and there is a different sense of what the lawn becomes when it is no longer the vista to the west. He said while he agrees with Ms. Spain on considering how to integrate everything in, he said unless staff can come up with a way to make 29 into more of a boulevard (and what the physical restraints would be regarding this), at some point they will have to struggle with these ideas.

Mr. Bivins thanked staff for including local buildings on the example page in the report (Attachment 3).

Ms. Falkenstein said she wasn't sure which direction staff would go with the commission's feedback, but that they would consider it and come back to them at some point.

Ms. Falkenstein read Question 3: *"Should larger blocks be permitted in areas of Rio-29 if pedestrian passages are provided at specified intervals?"* She defined "pedestrian passages" to be a break in the building where pedestrians can walk through, and that regulations could be included such that it is a comfortable walk and is not full of dumpsters and trash cans. Ms. Falkenstein said staff recommends that they require specific block sizes with ranges based on the recommendations in the plan, and they do allow pedestrian passages perhaps by special exception or some additional level of staff review.

Mr. Dotson said he would be comfortable with this and added that the Downtown Mall is sometimes used as an example. He said in one sense, if they defined the block, the block goes the entire length of the mall as a long, slender block that has pedestrian openings and some vehicular openings. Mr. Dotson said this gives him confidence that as long as there are breaks in pedestrian openings, there could be a larger block, so he would say yes to this.

Ms. Firehock agreed, and commented that she was considering the experience of the pedestrian traveling down the street and using the Downtown Mall as an example, there is a variety of storefronts and cafes, so it's not like walking down a monolith of buildings like some parts of West Main have turned into. She said in terms of the step backs (of 3' in some areas, and 10' for others), rather than having the uniform step backs, perhaps there would be dip-ins where the step backs would be varied, which would allow for courtyard spaces and gathering spots and steer away from the problem that happens when there is a monolith of buildings in a line exactly 10' back. Ms. Firehock cited an example in Washington State where large blocks were put in with a repeated pattern, with a nod to new urbanism, but no variety in the design. She said the variety of spaces that are not uniform in step back would help with the large block phenomena.

Mr. Bivins agreed, but also suggested that as they reach out to new industries, there may be an industry that includes people that want to be able to look at each other on the same level. He said the idea that people would go up and down stairs to talk to one another seems to be slipping by the wayside and having some opportunity to have a business to request a larger block among smaller blocks and passageways would work. Mr. Bivins expressed that people will want to be on the same level.

Mr. Keller said he agreed with everything said before and wanted to build on Ms. Firehock's comments as far as what bonuses would be offered for. He said he was not set on step backs being at the third floor because there are many places where three stories are a scale they are used to. Mr. Keller said he wanted staff to think more creatively because perhaps the building could be four stories, but they would be getting the equivalent of the setback on the street level so that there are opportunities for places that they are used to in older cities around the world where there can be a business occurring on the street that is private sector in some cases and in other cases being art or a public space. He encouraged staff to keep heading in their direction and figure out a way to loosen it in terms of what the opportunities are so that Block 2 isn't the same as Block 3 or 4, but different opportunities can occur at the ground level and that there is a variability of experience. Mr. Keller said, recalling Ms. Spain's comments, there are opportunities for the distant views as well as the close-up views that Mr. Dotson mentioned.

Ms. Riley said that she agreed with the staff recommendation and the commission's comments and complimented staff on a well-written report. She said she wanted to step away from the specificity of the question to say that on the one hand, she is encouraged by the comments from the commissioners about how to create unique and varied form and shape. Ms. Riley said that as Mr. Keller mentioned earlier, they are taking what would be a legislative process for much of the discussion and now moving it into an administrative process. She said that the level of staffing, training, and design expertise needed in staff to be able to do this well is important. Ms. Riley said she was concerned that they do not foresee staffing and administrative changes that need to occur with this to do it well because if they want all the variations, special exception processes, and bonus densities to be further explored by staff, they will not achieve this if they are not staffed up properly and may end up with worse results than they have gotten with the zoning method they are currently using. She said she was sure staff realized that, but that she felt she needed to go on record about it.

Mr. Keller said that what has been going on all over the world over the past couple decades is that the in-house team does what they do, while an urban designer is hired that puts together staff that will be sunset after 3-5 years to give form to what staff has done in order to answer questions such as Ms. Spain's and Mr. Bivins'. He said this is part of what Maurice Cox was doing in going to Detroit and will continue working on as he goes to Chicago. Mr. Keller said that true urban design teams would give real physical form as the next piece of the project and that this theoretically works well with form-based code as it becomes so prescriptive as to what will happen area by area. He said the developers would then have a variety of opportunities, whether they decide to go higher up or closer to the ground.

Ms. Spain said regarding Question 3, pedestrian passages would need to be fairly wide and provide opportunities for food carts or food vendors. She said this should not be privatized space (in terms of a restaurant or coffee shop not being able to mark off part of it as seating), but open to anyone. Ms. Spain expressed that they were going down the Jane Jacobs "table of contents" by saying that short blocks are best, uses of sidewalks, new ideas need old buildings. She said

the form-based code and new urbanism is very much in the spirit of what Jacobs had recommended but noted that she was recommending it for New York City and was quick to point out differences between a huge city and smaller places. Ms. Spain said she thinks they could still use some of the ideas of how to design parks (seating, centering, etc.) because those ideas can be applied everywhere. She said she was glad to see this coming forward in this format because it helps her think about long-lasting principles that are now being applied.

Ms. Falkenstein moved on to the final question regarding height, which read, *"Is six stories an appropriate height in the Core and Urban Core areas of Rio-29? If so, should six stories be allowed by-right, by special exception, or as a bonus for developments providing certain features such as affordable housing or green building design?"* She noted that, based on discussions, there could be other bonus options they can explore later. Ms. Falkenstein said that staff's recommendation is five stories as the max height, with a bonus for six stories in height.

Ms. Spain concurred with the staff recommendation and said the bonus factors should deal with whether there is public space provided on the top story.

Ms. Riley agreed with Ms. Spain and staff's recommendation.

Mr. Keller also agreed and said there are cities they can point to around the globe that has a six-story max. He said this doesn't mean they may not have a core with several higher rises than that, but that there was something in the five- to six-story height that is comfortable to people.

Mr. Bivins asked why they wouldn't do four stories, with a bonus for five.

Ms. Accardi pointed out that in Attachment 6, they had inconsistent community feedback on height, with the average being 5.4 stories. She said that staff's recommendation is coming from the community's feedback as well as from the recommendation in the Small Area Plan.

Mr. Bivins again asked why they wouldn't do four stories by-right but have a bonus for five; as opposed to five by-right and a bonus for six.

Ms. Falkenstein said they could consider this if it's the feedback. She said they took what they heard from the community, which was about 5.4 stories on average. Ms. Falkenstein said the development community (which they would hold focus groups with, in the following month) will want more height. She said that 65' is the maximum height now, which could get to six stories (depending on the use). Ms. Falkenstein said all those factors came into the recommendation, but that if the commission's sense was that they would rather see four as the maximum with five as the bonus, staff would accept that input.

Mr. Bivins said he was considering all the discussions he has sat in over the past 1.5 years, and that it seems that the feedback received from the community and his colleagues was about how to keep things more personal and on the human scale. He noted that the drive around the county he did to assess the height for Southwood resulted in him rarely seeing a building over five stories tall. Mr. Bivins said he saw many four-story buildings and some with three, and that he could understand where there may be many caveats as far as deciding upon a six-story building. He said the threshold shouldn't be as easy to reach. Mr. Bivins said he was feeling more comfortable with four stories, with a bonus for five.

Ms. Accardi noted that staff had just begun the housing conversations with the public but did meet

with the Steering Committee about this. She said in terms of affordable housing development, allowing for more height and units could provide additional affordable housing units. Ms. Accardi said she was saying this very preliminarily as they just had conversations on this recently, but that some of the transportation and housing topics relate to this in terms of more people and more units to an area, and how the form-based code conversation relates to some of the other topics and objectives.

Mr. Bivins said he gets uncomfortable when someone asks for height and promises affordability. He said his question is why affordability can't be built into the project. Mr. Bivins said in some places, it results in one floor with five additional apartments, and questions how this would achieve 15% affordable housing. He said if there is a desire to put affordability into the plan, it should just be put in. Mr. Bivins said that the entire of doing height versus affordability feels like a false set of decision criteria. He said he understands the feedback staff is receiving.

Mr. Keller agreed and said this was broken out in the last session.

Mr. Bivins said he understands the developers will say this, but that it feels to him that they are asking for another level if they are "good" and offer affordable housing in return. He asked why they cannot just develop a program that already has affordable housing in it. Mr. Bivins said perhaps this is the conversation that should be had with Ms. Pethia about doing this in a better way.

Ms. Accardi said she didn't mean to drive the conversation towards a different topic but noted that it does reflect the nature of the building heights and how they will have to address the topics.

Ms. Firehock said four versus five stories didn't matter much to her, and she liked the idea of making people do more things if they get an extra story, such as meeting leed building standards or providing public space on the top. She said she would want her opinion on this to be better informed by the development community because they are asking people to do more creative and innovative things. Ms. Firehock asked what the extra amount of profit margin is that they need to design the quality the county is looking for. She said she meant no disrespect to the community members who voiced their opinions on what they are comfortable with, but she noted that this was all private sector and she needed to understand whether it makes a difference as to whether or not someone will develop there and build a well-designed, attractive building, rather than some of the standard boxes seen in much of Albemarle.

Mr. Dotson said that like other commissioners, he has been recently driving around the county to find examples, and shared Mr. Bivins' feeling that four stories plus one feels like the kind of environment that the county is trying to create. He added that it has been the commission's experience that they under-build the densities that the Comp Plan allows and that even when they have an up-zoning, it's not usually to the top end but more in the middle range. Mr. Dotson said because of this, he wonders if they did allow six stories if they would never be built anyway. He said there may still be four-story buildings, in this case, and asked what the harm would be. Mr. Dotson said the question for him was about cohesiveness and having a district feel, and that perhaps the way to do this would be to have four stories by-right, five by bonus, and six by some form of legislative approval or special permit where it would have to be justified with a series of questions and criteria addressed.

Ms. Riley said this was an interesting concept and was curious as to staff's response regarding the bifurcated administrative, legislative process. She said her sense was that they were trying to

go strictly administrative, which is the benefit of form-based code, but that there will have to be some kind of process for handling exceptions.

Ms. Falkenstein said they were comfortable with this and if five stories were allowed by bonus, it would still be a staff-approved, administrative approval process. She said the only thing that would require a legislative approval would be six in that case, and that it could be handled by special exception to make it more streamlined. Ms. Falkenstein said a good compromise would be if they could identify some criteria in the code ahead of time to develop a more streamlined process that wouldn't require a public hearing or a longer legislative Special Use Permit.

Ms. Riley said that given this response, she agreed with Mr. Dotson's proposal and added that she was personally mindful of the fact that whatever they recommend or what is voted in by the board will become the precedent for the rest of the county – not necessarily in terms of standards, but in terms of the process. She said this seemed to be a good process.

Mr. Keller said he also supported this proposal.

Ms. Spain also expressed her support.

Ms. Falkenstein asked if Mr. Bivins was in support.

Mr. Bivins replied yes.

Mr. Keller said he wanted to build on Mr. Bivins' comments. He acknowledged that staff is receiving pressures from many different constituency groups, and that some people understand the numbers than others. Mr. Keller said on the one hand, staff is being asked to think about the project as urban design and a land use issue, and on the other, about how to get more of what the county needs such as affordable housing and open space. He said two developers have now told the commission they support form-based code, but the county needs to know that the finishes will cost more than average. Mr. Keller said that perhaps the Urban Land Institute would come in with a different answer, but that this comment has now been heard twice in the past several months. He said there are also issues with when people come to town to assess from other cities, professionals in the planning and development communities deem there to be a very high profit margin in Albemarle as opposed to where they are from. Mr. Keller said he was unsure if this was accurate or not, but it has been heard. He encouraged staff to consider housing and open space and noted that staff has to present back to the county the responsibility for these to come out of the public domain, and in public-private partnerships. Mr. Keller said that perhaps these areas are not included in the bonuses from the density, and maybe there are special things that could make it a better environment. He said this could mean they achieve the height but in return, developers are providing something on the ground plane and not exercising the right to fill a full blueprint of space so that there are views, whether distant or short. Mr. Keller said that is where staff could be creative and look at what other places have done. He said that as Ms. Spain mentioned, this could be tailored to what makes Albemarle County special. Mr. Keller said they need to determine, if they want affordability, how to achieve this rather than giving it away. He said that they would have the affordable housing figures from Ms. Pethia soon and that there isn't much affordable housing that has materialized long term from what has been "given" to the county by the development community. Mr. Keller asked if this would be the best way to accomplish affordable housing, or if it would be some combination of ways. He offered the option of putting the burden on the form-based code to provide more affordable units automatically, or to provide key open space areas or transportation improvements. Mr. Keller said it would be much better to think about

what the real amenities would be to make this area special.

Mr. Keller said his next idea may be controversial, but that he still wondered about an area that would allow for some real height. He said his old professor Harry Porter (who some of the meeting attendees knew) did an urban design plan for Albemarle County that put high rises on either side of the county (to the south side over the bridge of the Rivanna River), which was an urban design expression to convey entering into something special when coming into the area. Mr. Keller said he was not saying this is what it should be, and that it was something Mr. Porter envisioned 35 years ago, but there is an opportunity for an urban design expression that is more than the proposed scale that could get an answer to some of the issues that the development community is looking for so that they can actually have a more human scale environment that would be lowered by one story.

Mr. Dotson said he would comment about affordable housing. He said he would simplify this into "push" and "pull." He said it seemed that when they typically discuss affordable housing, they are trying to "push" the development community into "giving" them affordable housing. Mr. Dotson said he would like to think of it as a "pull" rather than a "push." He said providing nearby employees is part of economic development, which is what makes the area vibrant and able to succeed in a business sense. Mr. Dotson said instead of pushing people to build affordable housing, he would rather have people recognizing that having nearby employees is a major advantage.

Mr. Keller asked if staff had what they had hoped for.

Ms. Falkenstein said she did, and that she had one wrap-up slide. She said there were no more questions from staff at the moment but that wanted to let the commission know what was next. Ms. Falkenstein said the next week, they will have the last community conversation or public meeting on the topics of architecture, housing, and placemaking. She said this meeting will take place at the fire station on Berkmar Drive. Ms. Falkenstein said there would be a series of focus groups in September that would perhaps address some of the commission's questions in regard to financing and feasibility of development. She said the next work session with the Planning Commission would be held on September 17, during which they would be discussing streets, parking, and greenspace. Ms. Falkenstein thanked the commission for its feedback.

Mr. Keller thanked staff and the organization and quality of their research and presentation. He asked them to take it back to their whole team that the commission appreciates the effort going in, remarking on the creativity involved.

Mr. Dotson asked if there should be any public comment.

Mr. Keller replied yes.

Mr. Sean Tubbs of the Piedmont Environmental Council thanked staff for their presentation. He noted that these are not easy conversations, and that some of the outcomes they are looking for will not be seen for many years until they develop. Mr. Tubbs said getting through these details is important. He expressed the importance in ensuring the property owners of the various spaces are involved and that he was glad to hear about the focus group that would be meeting in the following week. Mr. Tubbs said that, as Ms. Firehock mentioned, they are the ones who will be taking the risk on this project moving forward.

Mr. Tubbs recalled that in April when the workshop took place, a gentleman from the Columbia

Pike Initiative was present. He said it was important to have some sort of non-governmental organization that can help to play a role in both educating people about what's going on and also, when the form-based code is in place, to help with some of the transparency. Mr. Tubbs expressed the need for good day-to-day reporting on everything that is happening with the project.

Mr. Tubbs said he did like the idea of exploring the definition of Industrial and was interested in looking at the artisans and manufacturing district in Nashville that had been mentioned. He said that earlier, he was at the Economic Development Authority where the Community Investment Collaborative received an additional $25,000 for Albemarle entrepreneurs. Mr. Tubbs said he wanted them to have places to work, and it would be great to see if there were ways to make this happen creatively.

Mr. Tubbs said that with ground floor commercial spaces, he would like to see this kept as much as possible as a norm and something that the county wants. He said he couldn't imagine a space where people would be working there.

Mr. Tubbs said he didn't have any comments about height except to say he did like the idea of bonuses and doing whatever they can do to try to incentive below-market housing. He said with this in mind, he said this has come up in the work that the Strategic Investment Area has done and mentioned the metrics put up by the Form-Based Code Institute regarding the cost of height as opposed to the cost of construction. Mr. Tubbs said that the following day, Ms. Pethia would be holding a work session with the board on the issue of updating the affordable housing policy in the county, which he looked forward to.

Mr. Tubbs said there has been much discussion about public-private partnerships, and that he acknowledges that this is how some of the work will have to be done. He warned the commission to be careful with getting the details right as they can often go awry, especially when the private party is not so inclined to be forthcoming.

Mr. Tubbs said there is a blank canvas for the area, and he was excited about the possibilities. He said he wanted the project to happen.

Mr. Keller asked if anyone else wanted to speak. Hearing none, he moved on to Committee Reports.

Committee Reports

Ms. Spain said the Places29 North CAC met the prior Thursday evening to hear three presentations (for three projects) by Kelsey Schlein of Shimp Engineering. She said one project is the Hollymead Town Center – Parcels 2 and 7, which is about reducing the commercial space and increasing residential. Ms. Spain said the commission heard this in a public hearing recently and recommended that they take it back to the community, which they have done. She said about 20 members of the public who live in the adjacent parcels in attendance, and their main concerns were traffic and new construction blocking their mountain views.

Mr. Bivins remarked that this was actually a place with lovely views, and he had wondered why someone hadn't built there.

Ms. Spain said the public asked about the height of the buildings and Ms. Schlein had replied they would be six stories. She said this goes before the board at some point in the near future.

Ms. Spain said that Ms. Schlein had also presented on the Rivers Edge South project and the creation of 72 new units (all single-family attached, townhomes, or apartment buildings) just south of National Ground Intelligence Center on the east side of 29 (north of North Point).

Ms. Spain said the third project was the Rio Road development the commission had discussed which is east of 29 and east of the Southern States building. She said they were not sure about the total number of units, but that Ms. Schlein had talked about moving the units or splitting them from the front of the parcel to both the back and front so that there would be greenspace in the middle.

Ms. Spain said there were about 30 total people responding from letters they received from Shimp Engineering to attend one of the project descriptions. She said it was the most people they have probably ever had at the Places29 North CAC.

Mr. Bivins said the Places29 Hydraulic CAC met the prior evening and that it seems as though every time they meet, there is a weather event. He said at the last meeting, there were downed trees all around the Lambs Lane area, and that the prior evening there was hail coming through the roof as well as power outages at the school, but that they got through it. Mr. Bivins said there were a couple of presentations – one by Ting Internet, which was interesting in that they are discussing this now with the county, which he views as a positive, next step for Ting. He said if anyone was wondering if putting a $9 deposit to place a point on their map would be helpful, he suggested considering whether they want to do that to send a message to Ting to send a message that people in the county want 1 GB of internet experience to come their way.

Mr. Bivins said they received an update from the manager of Stonefield, and for those who were lamenting the recent restaurant closures there, they were told that two new restaurants were coming – Champion Grill (from Champion Brewery) replace Rock Salt, and Matchbox (also found in Short Pump) to replace Medici Pizza. He said there was talk about the hotel going in the greenspace, and that it would be a long-term Hyatt. Mr. Bivins said the apartments in the townhouse buildings there would all be for rental.

Mr. Bivins said he wished Ms. Accardi was still present as she would have a hand in the next topic. He said there has been conversation by Supervisor McKeel to have an overlay arts district of the Jouett area and wants people to investigate how to do this. Mr. Bivins said there has been conversations with Stonefield and CAT as far as requesting art at the bus stops near the movie theater and Costco. He said they would be asking artists to envision and create bus shelters that would have an artistic flair. Mr. Bivins said since it is Stonefield's property, they wouldn't have to go through approval processes like they would have to if it was on Rio Road. He said in addition to this, there has been conversation with the person in charge of Public Works about adding art to 5-6 fire hydrants in the Jouett district that would have requests for art proposals done for them. Mr. Bivins said there was a movement to bring a different kind of on-the-ground experience in the Jouett district.

Ms. Firehock said she attended her district's CAC meeting the prior Thursday, and Ms. Nicole Scro from Galaxie Farm provided an update from the proposal that she had shared with the commission in a work session in December. She said the original proposal included obtaining some county land in exchange for building a connector road. Ms. Firehock said the Board of Supervisors declined to entertain this design, and so Ms. Scro has redesigned the site, moving away from some of the cottages she had discussed before but that she still wishes to do an

affordable design. She said she did not have any takeaways from the CAC meeting in the sense that there were no handouts, but supposedly the commission will be hearing this proposal on September 3.

Ms. Firehock said the CAC members did not have any particular objections to what Ms. Scro presented and didn't recall hearing any major concerns. She said they appreciated that while Ms. Scro was not required to come back, she wanted to come back and get the community's input since the design had changed.

Ms. Firehock said Mr. Don Franco, a consultant with Habitat for Humanity, came to the meeting to update the CAC on Southwood. She said he originally brought flash cards, but that people wanted to see the site, so staff ended up projecting images of the Southwood development. Ms. Firehock said they then had a long conversation about the overall site and goals, and then she was asked to review some of the concerns from the Planning Commission, which she did reflect some of the concerns from the memo and explained that while they supported the development and voted in favor of it, there were still lingering concerns that they hoped would be addressed in the future. She said she did not read through the memo line for line, but she did convey the highlights, which the CAC expressed appreciation for. Ms. Firehock said that one gentleman in particular said that he currently lives in the Habitat for Humanity site in Charlottesville and talked about the current HOA fees not being not high enough and that they barely pay for the maintenance of the building. She said the gentleman's concern was that they have no fund built up for roof repair or HVAC replacement. Ms. Firehock said that Mr. Franco thought that perhaps the fees had been reduced and the gentleman said no, that they have always been the same. She said that he and Mr. Franco made an appointment to discuss the HOA fees to ensure they are both affordable and adequate for maintenance of the site. Ms. Firehock said it was interesting to have the Charlottesville resident's perspective of the property.

Ms. Spain said she needed to make a correction for the record. She said she referred to the Shimp project on Rio Road, but it is actually the Proffit Road location (being the other side of Airport Road, where Southern States is located). She said everything else she said was correct except for the project's name.

Mr. Bivins said he thought that the block in the back of that proposed project was going to remain greenspace.

Ms. Spain said she believed they are trying to move the greenspace to the middle so that it will be accessible to both groups of apartments or townhomes.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

At 9:00 p.m., the Commission adjourned to September 3, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Interim Director of Planning

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

Approved by Planning Commission
Date: October 8, 2019
Initials: CSS