**Albemarle County Planning Commission**
**FINAL Minutes March 10, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 10, 2020 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph; Corey Clayborne; and Luis Carrazana, UVA Representative.

Other officials present were Cameron Langille; Tori Kanellopoulos; Frank Pohl; Megan Nedostup; David Benish, Chief of Planning; Charles Rapp, Planning Director; Jodie Filardo, Director of Community Development; Amelia McCulley, Deputy Director of Community Development; Kevin McDermott; Megan Nedostup; Frank Pohl; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Mr. Bivins 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. Bivins asked if there were any matters from the public not listed for public hearing on the agenda that anyone would like to speak to.

Mr. Sean Tubbs (Piedmont Environmental Council) urged the Planning Commissioners and the public to watch last week's Board of Supervisors meeting, and especially the discussion on the Community Development Work Program, along with the sweeping changes that they were told last week that are coming in the near future. He said staff is recommending a strategic Comprehensive Plan review to begin in the fourth quarter of 2020. He said this process needs more people to pay attention before it happens, including the Commissioners.

Mr. Tubbs said under the new work program, they were told last week that all discretionary work conducted by Planning staff will be diverted to this effort. He said all work on Master Plans, by staff, will be delayed while this work continues. He said staff also was suggesting hiring consultants to work on Master Plans for East Rio Road, Mill Creek, and the Hydraulic area. He said how those projects are selected are very important. He said there were not many details on this yet, but that he looked forward to those discussions.

Mr. Tubbs said a stated goal of that work is to reduce the legislative barriers in order to help encourage economic development in the County, and to convert many land use decisions that currently require public input to ones that can be handled administratively, to reduce uncertainty.

Mr. Tubbs said they have been told that Albemarle must do things differently in order to meet the needs of a new reality. He urged caution and question about what that might mean, noting that this should be discussed.

Mr. Tubbs said one thing that wasn't brought up during the Supervisors hour-long discussion about this topic was the role that the public will play in this decision-making process. He said that

evening, they were currently in a room where people were attending because they are concerned about what is happening in their neighborhood. He asked what role they would play under this new Comprehensive Plan. He said it is not too early to think about this issue, going forward, and to question whether residents of Albemarle really want to go even further to expand economic development that attracts more people to the community. He said these issues should be discussed.

Mr. Tubbs reminded that the first draft of Project ENABLE (the Economic Development Strategic Plan) called for things to move at the speed of business. He said there is a desire for government to be efficient, and for solutions, but that government is not a business. He said government requires transparency so that the public can know what is happening, and communications with citizens who may not understand why the community around them is changing.

Mr. Tubbs said it is PEC's job to help people know that there are things called "Comprehensive Plans," what the history of those Comprehensive Plans are, and to explain how following the plan that the County has had to date has made it the attractive location that it is. He said PEC's role is to help explain those complexities involved and try to encourage appointed and elected officials to make good decisions.

Mr. Tubbs said the Planning Commissioners, according to County Code, are, "qualified by knowledge and experience to make decisions on questions of community growth and development." He encouraged the Commissioners not to allow themselves to be bypassed.

Mr. Neil Williamson, President of the Free Enterprise Forum, said the organization is a privately funded public policy organization focused on Charlottesville and the surrounding localities. He said he provided each Commissioner a copy of the Forum's most recent blog, noting it was available at freeenterpriseforum.org for those in the audience.

Mr. Williamson said the concept of opposition to new development is not a new one. He said to think back what people were doing in 1979. He said at that time, an MIT professor named Bernard Frieden wrote the book, "The Environmental Hustle." He asked if any of what he read sounded familiar, reminding that it was from 1979. He read an excerpt from the book explaining that when housing proposals generate stiff oppositions, developers do not usually persist with their original plans and simply raise the prices to cover the cost of delays, legal proceedings, or other regulatory expenses. He said those developers instead compromise by cutting the number of moderately-costing homes in their plans and substituting a smaller number of homes that only the high-income families can afford.

Mr. Williamson said in the blog post, he cited a recent Boston University study that found that neighborhood meeting participants are deeply unrepresentative of their communities. He said they are much more likely to be white than the average resident, much older, and far more likely to be homeowners.

Mr. Williamson said the Free Enterprise Forum is always interested in public comment, but they do ask how the Commission and Board of Supervisors weigh such comment with the Comprehensive Plan, and the strategic objectives established by the Board of Supervisors. He said once again, they have more questions than answers.

Mr. Matthew Gillican said he was a City resident, and asked if this was a public hearing.

Mr. Bivins replied that this portion of the meeting was an opportunity for individuals to speak about matters that are not on the agenda.

Mr. Gillican said he would come up to speak later.

Mr. Bivins closed matters from the public and moved on to the next item.

**Consent Agenda**

Mr. Bivins asked if anyone cared to pull the item that was on the consent agenda.

Mr. Randolph moved to approve the consent agenda. Ms. More seconded the motion, which carried unanimously (5:0). (Mr. Clayborne and Mr. Randolph abstained from the vote.)

**Public Hearing Items**

**ZMA201900008 Parkway Place**

Mr. Cameron Langille, Senior Planner with the Planning Division of the Albemarle County Department of Community Development, said this was a public hearing for a request to rezone two properties that are located at the intersection of John Warner Parkway and Rio Road East, which are commonly known at the Wetsel Farm.

Mr. Langille said this request is to rezone from the R4 Residential Zoning District to the PRD Planned Residential Development District.

Mr. Langille said to give a brief overview, he would present the site context, current zoning, future land use designation, and proposed rezoning and Application Plan. He said he would then discuss the applicant's proposed road improvements as well as their Traffic Impact Analysis findings. He said they would transition to a discussion on the project's impacts to schools, followed by a summary of the proffers. He said the presentation will conclude with a summary of the factors favorable and unfavorable with the request, as well as the staff recommendation.

Mr. Langille presented a vicinity map of where the properties are located, with the site being circled in the center of the map. He said it is located on the southern corner of the intersection between John Warner Parkway and Rio Road East. He said to the east is the Dunlora Forest subdivision, with Dunlora being to the east and the north. He said the John Warner Parkway is to the west of the property, and beyond the Parkway further to the west is the City of Charlottesville.

Mr. Langille presented a closer view of the property as it currently exists. He said there are some existing structures on the property, indicating to the top right of the parcel. He noted that the John Warner Parkway greenway trail currently runs through the property. He said there is a public greenway easement on the property that measures about 5.89 acres.

Mr. Langille said there are several accessory structures that were used for sheds or storage purposes, in the middle of the site where there are trees. He said to the southwest of the property is Meadow Creek.

Mr. Langille said the current zoning of the properties is R4 Residential. He said to develop by right, the applicant could create up to 109 dwelling units, or up to 163 units with bonus factors. He said this could include detached single-family as well as attached single-family or townhomes.

Mr. Langille said the property is in the Entrance Corridor Overlay District, as well as the Airport Impact Area Overlay District. He said there are areas of Managed and Preserved Steep Slopes. He said there is a small section at the southwest corner that is in the Flood Hazard Overlay District. He presented a map, noting that all adjacent properties are zoned R4. He said there is some R6 zoning further to the east, in the River Run neighborhood. He said there is some land much further north that is Commercial, and some PRD and Neighborhood Model District further to the south, along Rio Road.

Mr. Langille presented the future land use recommendation from the Places29 Master Plan. He said this property has four designations on it. He said it is called to be a Neighborhood Service Center, which is what the letters "NS" stand for on the map presented. He said that on the map, the white and pink striped color represents the Urban Mixed-Use future land use designation, which calls for commercial, retail, and employment uses, with supporting residential uses and densities between 3-20 dwelling units per acre.

Mr. Langille said the orange color on the map, which covers the majority of the property, is the Urban Density Residential future land use designation, which calls for primary residential uses between 6.01 dwelling units per acre and 34 dwelling units per acre. He said it does allow for some secondary uses, such as Retail and Commercial, provided that they limit the square footage of buildings.

Mr. Langille said the light green color on the map, running along the northern and western property boundaries, represent the Public Open Space future land use designation, meaning that this is open space that is owned by a public entity and is open for trails, greenway systems, and active recreation. He said there is a small section of Privately Owned Open Space at the southwestern corner of the property, which overlaps with where there are some environmental features such as the 100-year flood plain.

Mr. Langille said he would speak about the specifics of the rezoning request. He presented Attachment 7 from the staff report. He said when County staff are evaluating Zoning Map Amendment proposals, the Comprehensive Plan states that they must determine the net density of the property. He said this is the developable acreage. He said the Comprehensive Plan states that any future land use designation that is green in color (e.g. greenspace, parks and green systems, public open space) needs to be subtracted out of the available acreage to calculate how many dwelling units can be developed.

Mr. Langille said furthermore, in Chapter 11 of the Comprehensive Plan, it states that certain environmental features (e.g. flood plains, preserved steep slopes) that are located on a property that are not inside of a green space future land use designation also need to be taken out.

Mr. Langille said the applicant prepared an exhibit to figure out what that acreage was. He said there is 5.33 acres in the Urban Mixed-Use designation, and 14.95 acres in the Urban Density Residential, totaling 20.28 acres.

Mr. Langille said the applicant then calculated how many dwelling units could be developed in the Urban Mixed Use and Urban Density Residential. He said the reason why this was done separately was because there is a lower number of units at each range (Urban Mixed Use is 3, and Urban Density is 6.01). He said these figures were put together to come up with the composite density, which is 144 units (up to 614 potential units).

Mr. Langille presented the Application Plan. He said it is a Planned Residential Development District, meaning the applicant has to have an Application Plan that identifies the general site layout, and different features (e.g. parking, travelways, buildings, open space). He said there were rectangle shapes on the plan that are meant to represent building envelopes.

Mr. Langille said the applicant is proposing 328 total units with the development. He said this density comes to 12.01 units per acre for gross density, and the net density is 16.17 units per acre. He said this is well within what the Master Plan recommends for density on the property.

Mr. Langille said in terms of open space, there would be 13 total acres, which includes the 5.89 acres of the existing greenway. He indicated on the map to an area that is called out to be a new public park, measuring approximately 1.1 acres. He said the area is proffered, which he would speak to later while reviewing the proffer statement, and that this would be a piece of land that would be divided off and dedicated to the County. He said the applicant would also construct some recreational amenities there such as trails, benches, and some parking spaces. He said this area would function as a trailhead that could allow members of the public to access the greenway along John Warner Parkway.

Mr. Langille presented an image showing the recreational areas that anyone is required to do when they develop residential units above a certain density. He said this is a requirement of the Zoning Ordinance.

Mr. Langille indicated on the map to one of the two entrances into Parkway Place. He explained that the applicant will provide a public access easement that will allow members of the public to drive into the park, then exit the development.

Mr. Langille indicated to some green on the image, noting that John Warner Parkway was at the top of the map. He said the green was meant to represent a variable width open space buffer which would either consist of existing mature vegetation, or the applicant would replant some vegetation there to provide a screen for the new buildings that are viewable from John Warner Parkway.

Mr. Langille presented the same image as on Sheet 1A of the Application Plan, which include the development standard notes, which staff typically require any Planned District to have on their Application Plan. He said it was difficult to condense all of this onto the actual drawing, and so the second page is the notes. He said the applicant would be held to all those things if this were to be approved and they move to the site plan stage.

Mr. Langille said some important things he wanted to bring up included building height. He said the Master Plan states that in the Neighborhood Service Center, for any residential uses, one can have a maximum building height of three stories. He said this note is on the Application Plan, Sheet 1A, and says that the maximum structure height will be three stories, or 45 feet in total, and that any building that exceeds 40 feet would have a 15-foot stepback.

Mr. Langille said there are notes about architectural standards for the structures, which is to comply with Entrance Corridor guidelines as well as staff recommendations to make this comply with Neighborhood Model principles related to architecture. He said this includes providing porches, varying building colors and construction materials, and having different forms of projections.

Mr. Langille said there are notes that say this will provide 15% of the units at 80% of the Area Median Income, which is consistent with the County's affordable housing policy. He said if the applicant develops to the maximum 328 units, this would be 49 units that are affordable housing.

Mr. Langillé said with regards to transportation, the applicant would be presenting that evening about the road improvements they proposed and how they will function. He said he would give a brief overview about the entrances to Parkway Place. He showed a map of John Warner Parkway and Rio Road. He said the first entrance would be a right-in only. He indicated on the map to the primary entrance, noting that drivers would be able to do a left turn out, a right turn out, a right turn in, and a left turn in.

Mr. Langille presented an image of the existing conditions of Rio Road, noting that it looked different in the plan, with some medians.

Mr. Langille said the applicant proposed to make continuous Green T intersection improvements at the intersection between Dunlora Drive and Rio Road East, and at the intersection of Parkway Place and Rio Road East. He said a continuous Green T intersection is a special kind of intersection that VDOT acknowledges in their design standards as a way to alleviate traffic issues. He said it provides dedicated thru straight travel lanes, with protected left turn lanes that allow for left turns at T intersections. He said a good example of this would be at Dunlora Drive. He said there would be a new straight thru lane, and anyone coming off Rio Road or John Warner Parkway going into Dunlora Drive could pull into a left turn and make the left in.

Mr. Langille said the same was being done in another area of the map, to mitigate traffic. He said the applicant had more details about this.

Mr. Langille said as part of the application, the applicant did a Traffic Impact Analysis. He presented the total figures, noting that the vehicle trips per day would be 1,786, with 893 entering and 893 exiting. He said at peak hours, one could see how many would enter and how many would exit.

Mr. Langille said the TIA then went on to do an analysis of the no-build scenario versus the build scenario. He said the no-build scenario factors in the anticipated trip increases that would result from general County growth between present time and 2023. He said it also incorporates the expected trip generation from 328 multifamily units that Parkway Place proposes, then the potential decreases from the continuous Green T intersections.

Mr. Langille said traffic scenarios were evaluated at certain intersections such as Rio Road East and John Warner Parkway. He said at peak AM, there would be a 6.3% delay increase with the build scenario versus the no-build scenario. He said Dunlora Drive and Rio Road East is currently a big problem intersection, and the TIA actually showed that with the Green T intersections, the build scenario does result in significant operational enhancements for that intersection. He said there is a 78% delay decrease at peak AM travel hours for people trying to make a left turn off of Dunlora to get onto Rio Road and to head towards the City. He said at peak PM, there is 65% delay decrease going from Dunlora Drive, making a left onto Rio Road East.

Mr. Langille said in terms of impacts to schools, Parkway Place would be served by Agnor Hurt Elementary, Burley Middle, and Albemarle High School. He presented a table showing the enrollment capacity for each of the schools based on the enrollment from 2018 to 2019. He said

these figures were taken from Albemarle County Public Schools' Long-Range Planning Committee report that was published in July of 2019. He said the elementary school is currently 58 students under capacity. He said the middle school is 138 students under capacity. He said Albemarle High School is over capacity.

Mr. Langille said the same report identified what the anticipated enrollment figures would be in 2028 and 2029, and it found that the elementary school would be 94 students under capacity. He said this was even accounting for projected growth. He said Burley Middle School would be 122, with some growth there in new students. He said Albemarle High School would get worse and would jump up to 298.

Mr. Langille indicated to a column on the table that looks at the projected number of the students from Parkway Place would be, noting that it is highest with elementary school because typically, younger families with younger children would be living in apartments. He said based on the multiplication calculations that the public school system uses, there would be 40 new students generated at Parkway Place at the elementary level, 10 at the middle school, and 16 at the high school.

Mr. Langille said even with taking these figures in 2028 and 2029 and adding Parkway Place in, both the elementary and middle schools would still be under capacity, and Albemarle High School would still remain over capacity.

Mr. Langille said there have been several other developments over recent years along the Route 29 Corridor that have proffered school improvements. He said there is a 7-acre site within the Brookhill development (further north, near the intersection of Polo Grounds Road and Route 29) that is currently under construction, and North Point (further north, north of Hollymead) has a 12.85-acre site that has been proffered for an elementary school. He said Brookhill also proffered a 60-acre site along Berkmar Drive that could be a comprehensive high school, or a center high school like the ones being considered by the school system.

Mr. Langille said it was important to mention that there is some school planning going on, and that the school system may have other capital projects they will look at in the future.

Mr. Langille said in terms of the proffer statement, there are three proffers, with each having a Part A and Part B. He said Proffer 1A is the road improvements that would widen Rio Road. He said the applicant would dedicate 1 acre of land to make the Green T intersections feasible there. He said the Green T's would be constructed prior to issuance of the first building permit in Parkway Place.

Mr. Langille said Proffer 1B would allow for the County to elect to receive a cash contribution of $750,000 in lieu of the developer constructing those road improvements.

Mr. Langille said Proffer 2 is about building the park and dedicating the land.

Mr. Langille said Proffer 3 talks about transit. He said on the first page of the Application Plan, the applicant has called out a spot where there will be a new transit stop. He said this will be located near the right-in entrance into the development, along the road in the right taper lane in, so it wouldn't block any thru traffic that is trying to move along Rio Road.

Mr. Langille said Proffer 3A commits to the design and construction of the transit stop and includes shelters, benches, and signage. He said there is also another cash-in-lieu option, should the County determine that the transit stop would be better in a different spot along the corridor.

Mr. Langille presented the project's factors favorable and unfavorable. He said staff believes that the request is consistent with the majority of the recommendations in the Places29 Master Plan and the Comprehensive Plan. He said this includes residential density, bicycle and pedestrian infrastructure improvements, and some of the road cross sections.

Mr. Langille said the request is consistent with the majority of the Neighborhood Model principles. He said this development would provide a new public park and trailhead that would benefit all members of the community, regardless of whether they live in Parkway Place or elsewhere.

Mr. Langille said the proposal does provide 15% of affordable units, which is consistent with the County's housing policy. He said it includes proffers to increase access to transit. He said some of the proposed road improvements would greatly decrease delay times and increase safety at the Dunlora Drive and Rio Road East intersection.

Mr. Langille said in terms of factors unfavorable, this proposal does not provide a complete mix of uses that is consistent with the definition of "Neighborhood Service Center" in the Places29 Master Plan. He said it does give the County the park and the residential, but doesn't include things such as commercial, retail, institutional space, or office space, and that under the definition of "Neighborhood Service Center," there should be some element of that.

Mr. Langille said delay times at other nearby intersections (specifically, John Warner Parkway and Rio Road East intersection) will be increased, even with the proposed road improvements.

Mr. Langille said since the staff report was published the week before, the Board has actually endorsed dedicating some funding to doing a transportation study of the Rio Road East Corridor. He said the reason for this is because there is a confluence of development occurring, with the 999 Rio development slightly further north and the continued development in Belvedere, and that there are many intersections that could be affected by the approval of Parkway Place. He said staff wants to be sure to conduct a study that evaluates all the proposed road improvements and how they would function together, and that he wants the Board to know about that and give their endorsement.

Mr. Langille said that at the time the staff report was written, the Board had not endorsed this, as they did this last Wednesday at their meeting. He said though they do not have the anticipated start date, staff believes it will be relatively soon (in 2020).

Mr. Langille said there has not been the final design endorsement of road improvements that would alleviate traffic issues, from nearby developments.

Mr. Langille said the Places29 Master Plan designates two large areas of land that are in priority areas. He said when the plan was adopted in 2011, the idea was that development would be best served in those areas because the Board had endorsed putting money for capital projects in that area. He said this could include utility infrastructure, road improvements, etc. He said the Wetsel properties are not located in one of those two priority areas.

Mr. Langille said at this time, staff believes the factors unfavorable outweigh the favorable factors with this request. He reiterated that staff does believe the request is consistent with the majority of the Comprehensive Plan and Master Plan recommendations. He said the unfavorable factors related to transportation that may be needed along the corridor outweigh the favorable factors. He noted that this was primarily a timing issue, and that it wasn't necessarily that the Green T intersections won't be identified as an appropriately solution, but that staff cannot definitively say that this is what should be done at this time.

Mr. Dotson said this was a good presentation and that though the information was complicated, it was laid out very clearly. He said in the Application Plan, it indicates that the maximum height is three stories, or 45 feet. He said then it goes on with a statement that he didn't understand which seemed to contradict that, which is, "For each story that begins above 40 feet," (a 5-foot story), "or for each story above the third story" (which it was said there wouldn't be any), "the minimum stepback would be 15 feet." He said he didn't understand this and that it seemed to be contradictory.

Mr. Langille replied that the language on the Application Plan is the exact language that is in the Zoning Ordinance for building heights. He said any request for PRD could request a building height to go up to 65 feet, so they could exceed three stories or four stories. He said if the structures do reach 45 feet, Mr. Dotson was right that it would only be a 5-foot area, but that if the applicant hit the 40 feet, they would have to step back the roof area by 15 feet. He said there would not be a fourth story, and that the third story maximum height would trump their ability to exceed that.

Mr. Dotson asked if it was then a sort of oddity.

Mr. Langille replied yes. He said part of this was that the applicant hadn't fully completed their architectural plans or gotten their ARB approval yet.

Mr. Dotson said his second question had to do with the trailhead. He said he preferred this to commercial development, which has been cited as a negative. He asked if the County has discussed their willingness to take on the dedication. He pointed out that this could mean mowing, weeding, mulching, and enforcing so that it does not become an overflow parking lot for the apartments or a commuter lot. He asked if it would be closed at night, like a park with a gate, so that it doesn't become a hangout. He asked about maintenance of the art, gazebo, signage, etc. He said there are a lot of realities and wondered if those have been discussed, or if they were being left to the Board of Supervisors to decide if they want to take this on.

Mr. Langille replied that staff from the Parks and Recreation department has been looking at the proposal the entire time it has been under review with the County. He said the situation was interesting because the John Warner Parkway greenway easement is maintained by the City. He said the County's Parks and Rec staff had discussions with City Parks and Rec staff, and they said that if the land were to be dedicated after it is built with a trailhead, benches, and trails that the City would, in fact, be willing to take it over. He said the proffer statement contains language that says it could be turned over to the County, and at the choice of the County, it could be turned over to the City for the maintenance.

Mr. Langille said in terms of things like signage and preventing people from using it as a park and ride, the exact amenities have not yet been determined. He said this was left open ended so that

if this were to be approved and they get to the site plan, then finds that the layout needs to be shifted, they didn't want to have to come back to amend the ZMA.

Mr. Langille said in terms of putting up a gate, he didn't know if this had been discussed at all, and would be something staff would have to evaluate later. He said staff is aware of the reality that if people leave their cars there, it will not help it be a public trailhead, so there would likely be some kind of action they would take.

Mr. Dotson said to follow on this, the staff report says the request includes a much-needed trailhead with parking. He asked if there has been a study of need, or other parking options such as CATEC (particularly on the weekends).

Mr. Langille replied that he was not sure if a study had been done. He said his colleagues in Parks and Rec told him that anytime the County can get a trailhead with parking spaces at any of its parks, or along any easements that it owns that has trails, this fulfills a huge need. He said they were very supportive of this having some parking areas.

Mr. Dotson asked if CATEC parking would likely be available on weekends. He said he was thinking about the Monticello Trail and how popular this is on weekends. He said this wouldn't compete with that, but nonetheless, he wondered if CATEC parking would be available on weekends.

Mr. Langille said off the fly, it could be an option, but that a concern could be having people crossing John Warner Parkway or Rio Road. He said if they could have that trailhead on the other side, that would be ideal.

Mr. Dotson asked if this was a signalized pedestrian crossing.

Mr. Langille replied yes.

Mr. David Benish (Director of Planning) said he was aware of a parking agreement with CATEC and the adjacent church, at one point in time. He said that church is not functioning in that building any longer, but there had been arrangement so that at certain times of day, when there was church activity in the building, there could be some complications.

Mr. Dotson pointed out that while he sees this as a benefit, it comes with burdens as well.

Ms. More said she had a question on page 16 of the staff report. She said there was a bullet point that says, "Any development on the Wetsel property qualifies at infill development, and not green field development, as defined by the Comprehensive Plan." She said when she then goes on to read the report, it seems to flip flop back and forth between viewing the proposal as infill versus green field.

Mr. Langille replied that the short answer was that staff believes this is greenfield and is not an infill site. He said the Comprehensive Plan was clear and that there are two objectives or strategies that talk about how to treat infill development versus greenfield development. He said a greenfield development is any large, multiacre site that is currently undeveloped or not developed. He said an infill site is something that is extremely small and that the Zoning Ordinance defines an infill property as one that has less than 120 feet of frontage along the road. He said with Wetsel, this is absolutely not the case.

Mr. Langille said from a Comprehensive Plan standpoint, if they were looking at an infill property, it could be something such as an existing single-family detached subdivision that has a lot that was not built on. He said this is more consistent with what an infill development would be.

Mr. Langille said he wasn't sure which part of the report was confusing.

Ms. More said it starts off by saying that it qualifies as infill and not greenfield, but then it goes on to explain how it is greenfield. She said when the County looks at infill, they look at size and scale and things seen happening in other places. She said a good sized site can have an impact on an existing neighborhood by size and scale.

Mr. Langille said this was an editing error on his part, and should be flipped. He said it was meant to say that the site qualifies as greenfield and not infill.

Ms. Firehock said as she was driving to the meeting, at the signalized intersection, three cars ran the red light in front of her.

Ms. Firehock said many of the comments she read talked about the massing in terms of the scale of the building, if the building is too tall, and if a max of two stories should be considered. She asked if staff could comment, as they have been looking at a lot of different developments in the region, about other structures that may be similar in scale, although not in density, in terms of size.

Mr. Langille replied that the staff report does get into the building height question, and the first thing he would default back on is what the Master Plan recommends for the site. He said the Master Plan recommends residential buildings that are three stories in height, and that this is appropriate with the Neighborhood Service Center designation.

Mr. Langille said he looked at many other existing developments along Rio Road East that are very close to the Wetsel properties. He said there are other three-story residential developments that are located less than one-third of a mile away from the Wetsel site. He said it is not exactly accurate to say that having a three-story residential building would be completely new.

Mr. Langille presented an image of the Wetsel properties, John Warner Parkway, and Rio Road East. He indicated to the Dunlora Forest neighborhood, and to a section of buildings. He said these buildings, under the Zoning Ordinance, count as attached single-family dwelling units. He said they have a first floor with a garage door and entrance, second floor and third floor, and a projected roof (noting he wasn't sure if it was an attic, or vents). He said the idea is that there are buildings that are used for residential uses almost immediately adjacent to the site that would have a form that is consistent with what the developers propose with Parkway Place.

Ms. Firehock said with regards to the pitched roof on some of the illustrations, it looks like the roof on the proposed apartment buildings is a pitched roof. She asked if this was how they got to the 45 feet.

Mr. Langille replied yes. He said Attachment 9 has several renderings and the illustrative exhibits, and that those were looked at with ARB staff. He said these show the pitched roofs and what the facades would look like, to give an idea of form.

Mr. Randolph said he wanted to talk about the center. He said he had a series of questions based on the center that he has been focused in on ever since the Southwood application from one year before, as a Board member. He asked if every PRD application should contain a Neighborhood Center, as defined explicitly as a commercial nexus, when the location of the Planned Development is within biking and public transit access to a broad, deeply based commercial center. He said this was more of a rhetorical question and that he didn't expect a response.

Mr. Randolph asked if PRD applications close to commercial developments be able to count on a recreational facility and open space as a suitable substitute for a commercial Neighborhood Center. He said they didn't have any criteria currently, as a Planning Commission, to help guide applicants on this and in turn, advise the Board of when is an alternative set of public recreational facilities providing a commiserate benefit to the community and therefore, provides within the concept, a center and focus of activity for a community.

Mr. Randolph asked if the current policy of commercial centers, being intrinsic, contribute intentionally or unintentionally to commercial sprawl. He asked if by saying that if they have a Planned Residential Development and thereby, they need to have a commercial center there, they were therefore becoming a party to the very sprawl that all the Commissioners were trying to prevent. He said one would think that they would want to see more recreational space for residents, with time, in that they have an overbuild commercial center in light of what is happening at Fashion Square and Albemarle Square just to the west of the site.

Mr. Randolph said these were questions he believed they should have a discussion about. He said this application triggers an opportunity, going forward, to have a discussion about reexamining the role, frequency, and nature of centers in ZMT applications. He said as he mentioned earlier, he has been thinking about this since Southwood.

Mr. Randolph said his next point was an observation rather than a question. He said the location of Parkway Place, with a higher density, seems to be appropriate with higher density in a location closer to a city. He said he was conscious, as representing the Scottsville Magisterial District, whereas Breezy Hill (an application the Commission had not yet had a chance to fully digest) is located beyond an existing Planned Residential Development with a center built in (up to 40,000 square feet of commercial development). He said therefore, even further away from the urban ring, one could argue whether they should have a center.

Mr. Randolph cautioned care with trying to determine where additional commercial development is appropriate, and where it is inappropriate. He expressed he would like to discuss this further.

Mr. Randolph said his main set of questions are about proffers. He said he thinks it would be helpful on all applications, going forward, for the Commission and Board of Supervisors to know which proffer law they are operating under. He said this was not explicit, and that he would propose that every application should make it explicit so that all the officials are aware of what they consider in terms of recommendations for proffers.

Mr. Randolph said his question was about what is cited as the amenities for the park. He said it was important that the Commission helps define for the Board what is meant by "amenities." He said he hoped they would have a discussion that evening of what amenities the Commission is recommending.

Mr. Randolph said the applicant has cited monumentation, gazebo with trail maps, and public art as three potential amenities. He said Mr. Dotson may suggest that there should be additional amenities based on his concerns about the trail, and that it was important to define that.

Mr. Randolph said the transit stop is important, and that there is an opportunity, given the proffer, that if fact the transit stop is not provided, there will be money in lieu (up to $20,000) for the transit stop. He said for the first time ever, to his knowledge, in the past 8 years, there is an opportunity to actually have a modern transit stop installed in Albemarle County, meaning that a four-sided transit stop so that people who are waiting for a bus do not get pelted with rain when they have a nor'easter. He said it has to be open on one of the sides for people to get out.

Mr. Randolph said he thinks the proffers should apply to Albemarle County. He said he noticed a proposal that if not acceptable, the money should go to the City of Charlottesville. He said the Commission should not be making decisions for the City of Charlottesville in terms of proffers, and that he submits they should drop section B of Proffer 3.

Mr. Randolph noted there were no proffers offered for education. He said 68 students are projected as a result of the development, which adds (according to his rough calculations) to three classrooms of students. He said they were doing nothing in terms of educational capacity on this proffer. He said perhaps they were excluded by law, but that he wanted to raise this point as it was a lot of students, in his judgment, especially tied together with a second application with additional students (not necessarily all to the same elementary school).

Mr. Randolph said there are no funds proffered for a corridor study. He said it would be wonderful in the application to recognize that it is contributing to changes in the corridor, and if money were set aside to help the County fund a future corridor study.

Mr. Langille apologized for not mentioning that the staff report did address Mr. Randolph's proffer law question. He said the last attachment was an email from the applicant, which was worked in conjunction with the County Attorney's Office. He said the applicant elected to go under the proffer law that was in effect as of July 1, 2019.

Mr. Randolph said he did read the letter from the Virginia Beach developer indicating that he wanted to operate under the 2019 law. He said what he was suggesting that on the application, at the front, it would be helpful to have it stated.

Mr. Keller said he wanted to go back in the presentation to the factors favorable and unfavorable in order to suss out where staff really was on this. He said in the midst of that portion of the presentation, Mr. Langille did a segue to the recent decision by the Board of Supervisors on funding for the transportation study of the Rio Road area. He said he then segued from that into the new proposed free flow alignment. He asked staff if they had had that information before, there would have been a different staff recommendation.

Mr. Langille replied no. He said there were a few facets to the corridor study. He said just having the Board endorsement that it needed to be done was the first step, and that's what he was getting at with number 3 on the slide. He said the second part was about having the study funded and conducted, adding that they hadn't actually allocated funding to it or started it yet, although it was guaranteed it would happen.

Mr. Langille said the most important part was completing the study and having those outcomes identified as far as what are the most appropriate improvements for the corridor. He said this was getting at the fourth factor unfavorable, which was the most important question to have answered -- if, with all the different developments and intersection improvements that are currently proposed, this solution is the best thing to have. He said this is what they will target getting the answer to with this corridor study. He said it was a timing issue.

Mr. Keller thanked Mr. Langille, explaining that he wanted a clarification on that because the way it was presented, it seemed like there was some wiggle on where staff was on the recommendation. He said the reality is that the staff recommendation stands as it is in the document. He said the corridor study that the Commission, the Board, and staff have been interested in appears to be underway in this fiscal year, which then will allow them to set up another series of questions after the public hearing.

Mr. Bivins asked to hear from the applicant before starting the public comment period.

Ms. Lori Schweller, an attorney for Williams Mullen representing Kotarides Developers (a family-owned Virginia Beach-based business), represented the applicant. She said she was joined by Mr. Pete Kotarides and Mr. Ryan Hambleton of Kotarides Developers, along with the entire development team.

Ms. Schweller said this is the right project for this property. She said there are many benefits to the County, and that she had a lot of information to share with the Commission. She said she would focus her time on three of those benefits the applicant believes are critically important.

Ms. Schweller said she would also provide details about traffic, which is of upmost importance to the community.

Ms. Schweller said this project gives the County the opportunity to fulfill the land use map of the Comprehensive Plan by bringing medium-density housing close to employment centers. She said it brings a public park into the trailhead park area, which connects to existing trails and to a new bike-ped sidewalk, which will be located along the frontage on Rio Road. She said it brings significant traffic improvements. She said 1.1 acres of land is dedicated, and $1 million worth of traffic improvement will help mitigate the coming traffic and will tremendously improve the improvement at the Dunlora Drive intersection.

Ms. Schweller presented the illustrative plan. She said she would be happy to answer further questions on the Comprehensive Plan density analysis.

Ms. Schweller said there were many benefits to the plan. She said the 1.1-acre park would connect to the existing 5.89-acre park that is already dedicated to public use. She said there are many open areas as well.

Ms. Schweller said 50 units of affordable housing are proposed, which could be discussed in further detail.

Ms. Schweller said if one includes all the land in the property but excludes the roadway improvements, almost half of the property is dedicated to open space.

Ms. Schweller said the applicant is proposing a Neighborhood Service Center. She said the applicant has been talking with the County for three years about this project and that from the very beginning, they got the direction from the Planning Director and staff at that time in the 2018 pre-application meeting that a trailhead park would satisfy the Neighborhood Service Center requirements for this intersection. She said the applicant thinks this is far more desirable than office space here.

Ms. Schweller presented some of the amenities the applicant was proposing at that time. She said they will continue to work with the Parks and Rec department.

Ms. Schweller said they would continue the meadow planting that is already underway, across the street. She said this location is important to those who use the trails in the County and City, right on the hub at that trail system.

Ms. Schweller said active recreation is at 1.5 acres and includes a tot lot, dog park, clubhouse, pool, and many recreation fields.

Ms. Schweller presented existing active recreation amenities in existing Kotarides developments.

Ms. Schweller said she would present traffic information, noting she would be clear as this is very detailed information. She said the applicant does recognize that existing traffic on Rio Road is relatively heavy, at 28,000 trips per day. She said when shifting to John Warner Parkway, it is 17,500 trips per day. She said along the frontage of the property on Rio Road, existing traffic trips per day is 11,700.

Ms. Schweller said this project will add 1,786 to that traffic. She said by-right development (163 townhomes) would add 1,186 trips per day.

Ms. Schweller said the improvements the applicant proposes include widening Rio Road and adding new turn and deceleration lanes to allow those traveling to do so safely and more quickly. She said a salient feature of those improvements is two Green T configurations that allow thru traffic to move continuously through, while left turn traffic is able to turn left in a protected lane. She said it also doubles the amount of space for cars to wait while trying to turn left.

Ms. Schweller said she had a series of slides that would break down each of the studied intersections. She presented an image of one of the intersections, noting that the action on the screen was turning left from Rio onto John Warner. She said what the table shows is making the left turn during peak AM hours (7:00-9:00 am), with the next row making the turn during peak PM hours (4:00-6:00 p.m.)

Ms. Schweller said the first column on the table indicates the average time that a car must wait today to make that movement, when this study was done. She said the next column indicates the average time a car will wait in 2023, based on the analysis done and that VDOT has extensively reviewed. She said the third column indicates the wait time in 2023, if the Wetsel property is developed by right with 163 townhomes. She said the final column indicated the wait time if the project is built with the road improvements the applicant is proposing.

Ms. Schweller said the turn in question was one that has the greatest increase, and that the VDOT letter from January 8 notes that there is a 0.5 to 6.4-second increase over the by-right build. She said that is one of the greater increases in the slides she would be presenting.

Ms. Schweller said in its January 8 letter, VDOT said overall, the increased delay at the intersection is 3.4 seconds in the morning and 4.5 seconds in the evening.

Ms. Schweller presented a left turn from Rio Road onto Rio, noting that the changes were insignificant.

Ms. Schweller presented another turn going straight through from John Warner Parkway onto Rio Road. She said there will be an increase in delay times for cars going through. She said this increase will be similar between no build, by right, and build with just a few seconds' difference.

Ms. Schweller presented a right turn where an increase can be seen. She said the maximum increase differential between by right and build is only 7.7 seconds. She said here, there is the greatest benefit and impact of the road improvements. She said the left turn onto Rio from Dunlora Drive, which is currently 45 seconds in the morning and 34 seconds in the evening, will be tremendously increased whether they have nothing or by right. She said there could be people sitting for a full two minutes to turn left out of Dunlora Drive onto Rio. She said that with the improvements the applicant proposed, the time delay has been reduced from what it is today by 10-15 seconds. She said this is a major improvement to the community in this area.

Ms. Schweller said the applicant has also analyzed Dunlora Forest. She said there was not a great deal of difference there between by right and build, and that the applicant had more up-to-date information as well.

Ms. Schweller said in summary, on transportation, there is just a few (3-4) seconds on average at most of the intersections, whereas they are showing a tremendous improvement turning left on Dunlora. She said the applicant believes those few seconds are certainly justified by all of the improvements they are showing -- fulfilling the goals of the Comprehensive Plan by providing the density close in to employment centers, 50 units of affordable housing, $1 million in road improvements, transit stop, and a new trailhead park to be dedicated to the public.

Ms. Schweller said the applicant had great information for the Commission regarding the affordable housing commitment. She said there is more information regarding schools. She said there was more detailed information regarding the movement of traffic on the map that Mr. Langille alluded to. She said they had more up-to-date information on the movements exiting out of Dunlora Forest, which people had expressed interest in. She said they had street view renderings, as well as other maps for answering questions.

Mr. Bivins opened the public hearing.

Ms. Lisa Drummond (Dunlora Forest) said she knew that this area is a Development Area in the Comprehensive Plan and Master Plan, but that the higher density being sought by the developer was not warranted for several reasons.

Ms. Drummond said it didn't seem fair to throw out existing zoning regulations for an interpretation of the Master Plan, which is almost 10 years old and includes several out-of-date assumptions. She said the Master Plan is a guideline and loose vision statement, and is broad. She said if they

use 163 units that could be developed under the R4, plus the bonus, they end up with a net density of about 8 units per acre. She said this is well within the 6-34 PRD range.

Ms. Drummond said she would argue that the character of the area in question is more suburban than urban, and so a density below or at the bottom end of that range is appropriate.

Ms. Drummond said she didn't think that Parkway Place would totally comply with the Master Plan. She said it was not compatible with the surrounding neighborhoods that are almost all single-family townhouse, villa, and largely non-rental. She said the plan also calls for a mix of housing types, like in Belvedere and Dunlora Forest, but the proposed development is 100% apartments. She said as noted, the plan calls for the parcel to include "local-serving retail service uses," and that Parkway Place would not.

Ms. Drummond said she believes the apartments seem better suited to the Route 29/Rio Road intersection area. She said the 2018 Rio-29 Small Area Plan reflects the County's desire to locate housing where it is easily accessible to employers, stores, and other amenities (the Urban Core). She said there are no amenities in the area, and one cannot walk or bike to anything now. She said per the developer's plans, the closest thing is 2 miles away (either to Downtown, Fashion Square Mall, or Albemarle Square) and that there are no continuous sidewalks or bike lanes currently.

Ms. Drummond said the Small Area Plan favors residents' proximity to major roads or arteries. She said the Wetsel property is surrounded on all sides by two-lane roads, none of which meet the definition of an artery or major road. She said she thinks it is naïve to think that the additional residents of Parkway Place are going to bike everywhere, take the bus, or walk everywhere. She said what will happen is they will get on the two-lane roads and add more congestion.

Ms. Drummond said as responsible representatives, she would ask the Commissioners not to judge this application as a one-off, but to look at it in the context of all other developments being requested or added, the Senior Center, and what is currently happening with traffic. She asked the Commission to consider doing a small plan study for the whole Rio Road area, and also wait until the traffic study is complete.

Mr. Andy Drummond said he moved to Dunlora Forest from the D.C. area for beauty and the relaxed atmosphere of the area. He said along with his neighbors, he'd assumed that the adjacent open space (zoned R4) could eventually be developed and would yield a neighborhood similar in look and feel to his. He said he would share his concerns about the effect of the developer's plans on the aesthetic and landscape of the area.

Mr. Drummond said the developer's application has three three-story apartment buildings set back only 30-40 feet from Rio Road and shows that only small trees will be planted as a buffer. He said there seems to be more visual protection offered along the John Warner Parkway, as the buildings will be set back further, and larger perimeter trees are also to be planted. He asked why Rio Road residents should have to suffer with buildings placed very close to the road. He added that the buildings are not staggered, making them visually unappealing, and do not include a mix of building materials to provide better human scale and aesthetic.

Mr. Drummond said he understood that County Planners made some comments about this issue, but that he has not seen any specific changes offered by the developer.

Mr. Drummond said he asks that if this goes forward, the County requires a more detailed commitment to improve the aesthetic for all buildings in the complex, reduce the buildings along Rio Road to two-story, and plant larger trees as a buffer.

Mr. Drummond said the placement of the buildings so close to Rio Road will reduce privacy, increase overall light pollution, and increase noise level from additional traffic. He said buildings being so close to the road will definitely block the views. He said that even though he knows that only the western part of the County is being consciously preserved as rural, he thinks that all County residents should be entitled to enjoy the beauty of the landscape and topography, including those who live in the Development Area or travel along Rio Road.

Mr. Drummond said the Wetsel property was identified in the original John Warner Parkway study has having high scenic value and picturesque terrain. He said the Master Plan states that development must respect and work with the terrain, and that the community values the expansive views, which should be preserved. He said nothing about this parcel of land has changed since the original study other than it is being sold. He argued that the dense development of the three-story block-type building is not in keeping with the Master Plan's commitment to maintain the natural character of the parcel.

Mr. Drummond asked the Commission, as they consider the rezoning request, to think about the overall character they are establishing for the area. He asked them not to let it become an "unattractive anthill," and to vote no.

Mr. Kent Schlussel (Rio District) said he opposed the rezoning. He said he is expecting the request to be recommended for approval to the Board of Supervisors by a vote of 4:3, but that he hoped it would not be the case and he would be pleasantly surprised by that.

Mr. Schlussel said the development is completely out of character for the area. He said building 328 apartments on this land would not only increase the traffic on the infrastructure that is currently failing, but Rio Road would be dangerous and will cause more accidents.

Mr. Schlussel said this is an infill development and does not meet the definition, according to the paragraph 20a.8, on mixture of land uses in the Albemarle planning documents.

Mr. Schlussel said the Comprehensive Plan is a failed document for this area. He said just because it is in the plan does not mean the Commission must recommend approval. He said after all, the Comprehensive Plan is a plan, and a plan is guidance, not law. He said the plan gives no credence to infrastructure, schools, or quality of life. He said the plan needs to be revised and not be used as a determining factor for approval.

Mr. Schlussel said the development will forever change the topography of the land. He said based on pictures posted on Facebook for the past several months, the land will be leveled at the corner of Rio Road and John Warner Parkway. He said this was taking out about 15 feet of land. He said he didn't think anyone wants that.

Mr. Schlussel said according to the April 2019 study done by the U.S. Department of Housing and Urban Development titled, "Comprehensive Market Analysis: Charlottesville, VA," "During the next three years, demand is expected for 1,625 new rental units in Charlottesville, HMA. All the demands expected to be met by the 1,235 units currently under construction, and 460 units in

planning that has to apply for FHA insurance, the demand is expected to be relatively stable during each of the forecasted periods." He asked why they needed more rentals.

Mr. Schlussel said the developer has used all the catch phrases, with the first one being greenspace. He said the second one is affordable housing, asking what this means. He said he asked several people to explain to him what affordable housing is, and that he was told it was too complicated and would take several hours to explain. He said one reason he asks this question is because he lived in low-income housing for 14 years. He said he knows that "affordable housing" is a buzzword, but doesn't know what it actually means. He said the developer only wants to provide affordable housing that would exist for 10 years.

Mr. Schlussel said in a previous rezoning hearing, the chairman of the previous Commission stated that they would only consider the project alone, and not the impact on schools, roads, or anything else if it conforms to the Comprehensive Plan. He asked the Commission to consider the area, schools, traffic, and infrastructure and the quality of life on residents. He asked the Commission to vote no on the project until the corridor study is complete.

Ms. Judy Schlussel (Rio District) said she is a member of the Rio-29 CAC. She said she was baffled as to why Parkway Place is being presented. She said the Commission received the staff report summary dated March 20 that listed four factors that are unfavorable towards approval.

Ms. Schlussel said the developers used all the correct buzzwords to make the Commission think this project will be beneficial to the extremely congested corridor that has no hopes of any improvement in the foreseeable future with regards to the infrastructure as long as projects continue to be approved.

Ms. Schlussel said Parkway Place has been advertising with a rendition of this complex for several months. She said as she looked at this rendition, she had a sense of déjà vu, and wondered where she had seen this type of layout of living arrangements before. She said although she has lived in the South for many years, her early childhood education was in public schools in Upstate New York, where the history lessons were about the Iroquois Indians and their life. She said it dawned on her that the Iroquois Indian villages had a similar type of layout with the living arrangement of their long houses. She said these teachings made quite an impression on her, as many years later, Parkway Place has conjured up that same image.

Ms. Schlussel said Parkway Place has added some modern amenities, but the basic design of the long apartment buildings most definitely isn't keeping in the surrounding environment of single-family home duplexes as well as triplexes. She said if the rezoning was kept R4, perhaps a better configuration would be to have clusters of a variety of housing types.

Ms. Schlussel said on March 4, the Board of Supervisors approved 999 Rio Road that, although small in scope, will still have an impact on traffic. She said 65 lofts at Meadow Creek were nearly ready for occupancy, and that Lochlyn Hill has projected 212 homes. She said Belvedere Phase III is proposed to have 400 more homes built, which is in addition to the 775 that have already been approved. She said Dunlora Park, Phase II will have 11 townhomes facing Rio Road, and that she understood there was some movement created in the form of a townhouse project next to Parkway Place.

Ms. Schlussel said the big news is that 80 acres of the Dunlora Farm is now up for sale, with approximately 50 acres that are buildable. She said if it is zoned R4, this would equate to perhaps

200 more homes in Belvedere. She said Parkway Place is proposing 328 apartment units. She said all of this totals to approximately 1,200 living units.

Ms. Schlussel said that what all these developments have in common is that they all funnel onto the already-congested Rio Road. She said several of these yet-to-be-built developments have huge trees that are homes to critters large and small, and that she suspected several of the trees on the Dunlora Farm are witness trees that will be clear cut to make way for development, taking down history. She said greenspace is another buzzword, but that development seems to be priority.

Ms. Schlussel urged the Commission to act responsibly and to look at the current traffic situation with antiquated infrastructure, as well as the number of current housing units in the pipeline and proposed, and agree with the County staff report by voting no of the recommendation of the Parkway Place proposal.

Ms. Mary Hood (878 East Rio Road) said she was there on behalf of her brothers, Thomas and Clarence Wetsel, who are both in nursing homes, as well as herself. She said they are the landowners of the Wetsel property, and their family has owned the property since the 1920s, when all of the land around their property was nothing but farmland, and Rio Road was gravel road. She said both her brothers have farmed on all the land that is now developed. She said when Greenbrier, Dunlora, Dunlora Forest, Belvedere, and Pen Park were all in the development stage, no one from her family ever went to a meeting to complain about those developments, and the impact that they would have on their lives.

Ms. Hood said they knew about the need for housing in the Charlottesville area, and when the County came to let her mother know they needed land for a vocational school (CATEC) and that their land would be in the condemnation suit, she did not fight them because she knew it would help those children who didn't want to go to college, but needed to learn a trade. She said children were in the classroom before her mother received a dime. She said when her mother passed away in 1990, she saved all the money from that school, and that they owned another farm they had to sell to pay the inheritance taxes.

Ms. Hood said that when her family tried to sell the Rio Road property back in the 1990s, no developer would touch it because they didn't know where the then Meadow Creek Parkway would be built (which is now John Warner Parkway). She said it was going through their land and when it was divided, her family did not like giving up their land for the road. She said they did what they needed to do for the community without going to anyone to complain. She said they did not like all the development around them, but they have never gone to any forum to complain about how it was going to affect them. She said they always dealt with the inconveniences.

Ms. Hood said the property belongs to her family so therefore, they didn't want just anyone to develop their land that they have owned and paid taxes on for over 100 years. She said her brother, Thomas Wetsel, has paid inheritance taxes twice on that property. She said that over the years, they have talked with many realtors and developers. She said when Mr. O'Connell brought them the Kotarides development, they liked what they saw from their plans, and they especially liked that they are a family-owned business and were going to manage it once it will be built. She said this means they will have a stake in the community, so they will keep the property up.

Ms. Hood said the project will mean more traffic, but that there are always ways to handle it, as it has been in years' past. She said all problems have a solution and that sometimes, one has to learn to adjust, as her family has adjusted over the years.

Ms. Hood said the Kotarides have gone above and beyond to try to please everyone, which is an impossible task. She said she and her family would like to ask the Commission to move to recommend approval of the Zoning Map Amendment for Parkway Place. She said they have been there a long time, and that this was the first time that they have ever said anything about their property and how the Commission would accept it.

Mr. Rick Seaman (Dunlora Forest) said he is a member of the Places29 CAC. He said he would be speaking in opposition to this particular zoning request. He said he remembered the deliberations surrounding the planning and construction of the John Warner Parkway, as he has lived there that long. He said the planners at that time wanted to create a continuous corridor from Route 29 to the Route 250 Bypass via Rio Road and the new parkway, at that point called the Meadow Creek Parkway. He said Rio Road East, from the CATEC intersection, was to remain a secondary road. He said that is why the intersection at CATEC is configured the way it is. He said this was no mistake and that VDOT wanted it that way. He said this was to discourage thru traffic from going down Rio Road East.

Mr. Seaman said that subsequent decisions, however, to approve dense development along Rio Road East have resulted in traffic pressures on that road that are greater than before the parkway was built. He said having the traffic from the proposed 328 units at Parkway Place dump onto Rio Road East (through one exit point) will only make the situation worse. He said the current Master Plan designates an area for urban density that does not have the infrastructure to support it at this point.

Mr. Seaman said there is no doubt that housing will be developed on the Wetsel properties, and that the question was about the appropriate scale and timing of that development.

Mr. Seaman said that as to the timing, he submits that no development should take place until the corridor study and infrastructure analysis of the impacted area are done, and that the Master Plan be updated to reflect the current state of all the development that has occurred since it was done.

Mr. Seaman said that as to scale, he urges the Commission to use smart growth principles to determine the appropriate density for the remaining parcels in the Rio Road Corridor so that they do not continue to put pressure on inadequate infrastructure.

Mr. Seaman said it was his firm belief that, at a minimum, the intersection at CATEC needs to be reengineered before any further development is approved along the corridor. He emphasized the word "approved." He said VDOT's analysis of the developer's proposed reconfiguration indicated that the intersection is still going to perform poorly. He said without updated analysis and plans, it is unreasonable to expect the Commission to provide well-reasoned guidance to the Board of Supervisors.

Mr. Seaman said County staff, in their review of the request, determined the unfavorable factors outweigh the favorable factors and could not recommend approval of the request. He supported the conclusion of the County staff and asked that the request be denied.

Mr. Dale Fricknic (Rio District, Dunlora Forest) said he lives just across the road from the Parkway Place project. He said he was speaking as someone whose life and property will be directly affected by the project, and as a citizen who wants to be sure that development along Rio Road contributes to building a world-class community for children and grandchildren. He said as currently planned, however, this project will not make the neighborhood a better place to live for the next generation.

Mr. Fricknic said the Places29 Master Plan is inconsistent with the Comprehensive Plan in several areas. He said that the definition of "greenfield development," for instance, differs from one plan to the other. He said Parkway Place was designated as a greenfield development, but given the confusion over the definition, he wondered if this designation was correct. He said for the sake of developers and County staff, as well as the citizens, the County should clarify definitions and ensure that regulations are clear and consistent before approving more projects.

Mr. Fricknic said the Master Plan was adopted in 2011, and the Comprehensive Plan was adopted in 2015. He said that since that time, the increase in the number of housing units built and of cars on the roads has been explosive and seems unlikely to stop soon. He said to effectively manage the new development projects, the County should make sure its key planning documents accurately reflect current conditions and projected growth. He said this should happen before -- not after -- more projects like this one are approved.

Mr. Fricknic said the Parkway Place development will not provide easy access to work, shopping, and other destinations as required by the Master Plan. He said miles from business and commercial centers and hemmed in by the Parkway and Rio Road, most residents will drive to their employees and services. He said adding 328 housing units will turn a failing intersection at Rio and the Parkway into an ongoing crisis -- a crisis that will endanger all who use it, especially the children and young adults attending the three nearby schools (CATEC, Charlottesville Waldorf School, and Charlottesville Catholic School).

Mr. Fricknic said the traffic study supporting this development is years old and does not reflect current reality. He said the County should complete a new comprehensive traffic study before the rush of new development makes a solution to the area's traffic problems impossible.

Mr. Fricknic said he did not mean that this land should never be developed, but it is a prime location, and that he understands the County is beginning the process of making their governing and planning documents clear and consistent.

Ms. Roberta Pinkava (Rio District) said she has lived in Albemarle County for over 30 years, and still remembers how surprised she was on coming there to find it so open and undeveloped, with Charlottesville having been founded over 200 years ago. She said this was no longer the case. She said more lanes are constantly needed to ease traffic congestion, and that shopping centers are built even though many storefronts are empty in those existing.

Ms. Pinkava said now, a developer wants to fill one of the last, large rolling parcels of land along East Rio Road with 328 apartment units, grading the land flat, even though his submission says, "The project has been designed to respect the existing terrain." She said they will fill it with a barracks-like grouping of oblong boxes, generic in style, towering three stories tall up against Rio Road with only a 30-foot setback.

Ms. Pinkava said she lives on the other side of Rio Road, in Dunlora Forest. She said the windows and balconies in these buildings would overlook her backyard, making her feel like an exhibit anytime she goes out to sit on her patio or play with her dog. She said even if the third floor has a 15-foot stepback, she would feel the presence of these buildings. She said she wouldn't see trees and skies out her back windows, but buildings.

Ms. Pinkava said the last time she drove around Washington, D.C., she observed high-rise apartment buildings with balconies facing each other at no great distance, and wondered who would choose to live like that. She said now, she is at risk of living this way, but not at her own choice. She said she bought property across from an R4-zoned parcel that she thought would be developed in a suburban manner, similar to those around it -- not an overwhelming, urban apartment complex.

Ms. Pinkava said the County's usual inclination with larger apartment projects is to hide them, either by distant road placement, vegetation, or terrain. She said this massive grouping would be clearly visible from both Rio Road and the John Warner Parkway.

Ms. Pinkava said she heartily supported the negative findings in the project. She asked the Commission not to change the zoning.

Mr. Josh Carp, a City resident, said he was attending to speak in support of the project. He said his toddler attends the daycare at the Jefferson School YMCA. He said he has taken him there for over two years, and that over the years, he has gotten to know the staff that works there. He said one thing he noticed is that none of the staff at his son's daycare live in Charlottesville, as they cannot afford to live there. He said they cannot afford to live in the County, either, and that they live in Nelson County, Fluvanna, and Greene County. He said some of them drive an hour to get to work every day. He said they start at 6:00 a.m., meaning some of them leave for work around 5:00 a.m. He said they are effectively working 10 to 12-hour days, including their commutes.

Mr. Carp said this is typical for people who work in service in the City and the County. He said they have some of the most important and hardest jobs people do -- taking care of kids, the elderly, and sick -- and they do not make enough money to live anywhere close to their jobs. He said it was not ethnically good to treat people in this way, and that he would like them to be treated better. He said they work hard, are very diligent, but are tired from getting up so early and driving an hour to get to their jobs every day. He said they are preoccupied thinking about how they are going to make rent and take care of their own kids. He said he wants the people working these jobs to be able to live close enough to work so that they are not tired before they even get there. He said to him, this means building projects like this one.

Mr. Carp said the project is 1.5 miles from his son's daycare. He said someone who lived there could bike, walk, or take the bus with the proffered bus stop. He said it was incredible to him that the project includes 50 affordable housing units. He said he has never heard of a project of that size. He said the people who would live there are living in the outlying counties and are driving a lot of miles every day. He said if the County wants to reduce traffic, the best tool they have to do it is let people who drive a long way drive a shorter way, or not at all, and that this project would help them do that.

Mr. Carp said that development would happen in the location, and that the developer can build 170 units by right. He said there will be more residents, more neighbors, and more traffic. He said the question was as to what the community gets along with that development. He said if the Commission supports the project, they get a trailhead, road improvements, and affordable units that are hard to come by in the area. He said if the rezoning isn't approved, they will have by-right development for people with more money and none of the amenities.

Mr. David Myers (Dunlora Forest resident) said he would like to talk about short-term traffic, long-term implications, and safety. He said the proposed traffic solutions noticeably increase delays coming from his neighborhood and others. He said while there are no VDOT-defined failing intersections, there are several in the same vicinity that are approaching failure.

Mr. Myers said when considering traffic southbound from points north on Route 29, notably at the grade-separated intersection at Rio and 29, all downtown traffic is pointed through this corridor with the new signage. He said at this point, they are approaching (if not exceeding) levels that necessitated the John Warner Parkway in the first place, with no available remedy.

Mr. Myers said in summary, they have signage sending drivers down a corridor that is already nearly at capacity with existing development, let alone all the rezoning applications out there, including Parkway Place.

Mr. Myers said when thinking about longer-term implications and traffic, they can look to documents such as the Places29 Master Plan. He said it has guidelines that clearly state that it is important to, "...provide infrastructure at, or before, the time it is needed to serve new development." He said this is not being followed in this case and in many others, unfortunately. He said the County continues to build without the right infrastructure in place.

Mr. Myers said secondarily to that, they spoke earlier about funding a Rio Corridor traffic study. He said this hasn't been done and should be. He said he knew there had been some change to that, and fully supported this.

Mr. Myers said in terms of safety, this had not been discussed at all that evening, so far. He said looking closely at the developer's plan, there is a 0.2-mile stretch on Rio Road where the following is happening. He said there are six distinct turn lanes, five separate medians, two merge and accelerate lanes, two dedicated thru lanes, and a 10-foot bike and pedestrian path all within 0.2 miles. He said one can imagine the stopping, starting, merging, turning, etc. that will happen in that space, which can hardly make it safe, let alone with pedestrians and bikes going along that same stretch.

Mr. Myers said in summation, there are both negative short-term and long-term implications to traffic volumes, but most importantly to safety.

Mr. Myers said he was not there to object to growth, and that he fully expected it to happen. He said growth is good for everyone in that it creates opportunities and an increased tax base for the County. He suggested doing this in a way that is smart, responsible with the character of the County and, most importantly, safe for residents. He said he fully supported the staff recommendation to deny the request, as submitted.

Ms. Vicki Bravo (City resident) said she would share a letter written by a resident of Dunlora, Ms. Janie Pudoraski. She read, "I am a resident of the Dunlora community, and I'm writing in support of the Parkway Place community. While there are some in my community who are opposed to the new development, I am a strong supporter of this plan. My main justification for my support of Parkway Place is that it will greatly improve traffic, which is a major benefit to our community.

"The plan for Parkway Place includes improvements around the Rio Road and John Warner Parkway intersection. The developers have pledged $1 million in road improvements in an effort to make the existing traffic situation along Rio Road and at the Dunlora Drive intersection better. This will directly benefit me and the other community members immensely.

"The plan for Parkway Place also says that they plan on widening Rio Road along the new development. This would allow traffic on Rio Road to flow much better, as well as make left turns safer.

"Overall, these are significant improvements to the traffic situation that increase both safety and traffic flow. There is a need for these improvements, and this community is helping to provide a solution. As a community member, I can see all of the positives that Parkway Place will bring, and with their commitment to making the traffic situation better for all, I am strongly in support of Parkway Place. Sincerely, Janie Pudoraski."

Ms. Bravo said that for herself, as a resident of the community, they all know from the Regional Housing Assessment that more housing is needed. She said the affordable housing being proposed by Parkway Place means, as Mr. Carp said, housing for people who work there but who cannot live there. She said this was housing for people like police, firemen, teachers, and medical workers who serve everyone but who cannot afford to live in the community.

Mr. Martin Meth (Dunlora Forest resident) said there is general acknowledgment that the Comprehensive Plan, Master Plan, and zoning are out of date and need to be revised. He said he understood that the County Planning staff is working on addressing this issue. He said the developer's application, however, is based on these out-of-date documents.

Mr. Meth said he supported the County's goal for increasing density, but that there is a wide range of what the density would mean for any particular piece of land. He said they need to take into account the surrounding area, as they make that adjustment. He said the Wetsel property location is not one that he would think supports the density of the so-called "urban center" location. He said he comes from New York and knows what "urban" is, and that this was not it and never will be.

Mr. Meth said he looks at surrounding communities and sees residential, single-family, townhouses, and villas. He said he also sees East Rio next to the property, which is a two-lane, winding country road not easily, if at all, expandable.

Mr. Meth said he would support some type of zoning, and probably R6, which is similar to what Mr. Langille showed for River Run, which is the nearest community. He said this would be consistent with the surrounding communities and enable affordable housing. He added that less density provides a latitude to the developer to situate dwellings in such a way that they do not loom over his section of East Rio like an impenetrable wall.

Mr. Meth said incidentally, Mr. Langille showed the Commission the townhouse picture from Dunlora Forest, but what he did not point out is the green space around that townhouse, which is not evident when looking at the drawings for Parkway Place.

Mr. Meth said using this application as an example, the Commission now has the opportunity as to what the County should consider in its planned revisions. He said their input was not just about this property, but other similar situations that will undoubtedly occur in the development areas.

Mr. Sean Tubbs (Piedmont Environmental Council) said Albemarle's planning process has always anticipated that one day, this property would be developed. He asked the Commission to weigh this proposal against the totality of Chapter 8 of the Comprehensive Plan on Growth Management.

Mr. Tubbs said the Commission had heard a lot of comments from people that evening on this project. He said public hearings such as this are a crucial part of democracy, where people have the ability to comment about what will happen in their area. He said it is crucial that those citizens have the ability to be heard. He said it is also crucial that the Comprehensive Plan and other plans are weighed against public input. He said development happens parcel by parcel, application by application, and that it is up to everyone else to provide context.

Mr. Tubbs said as the Commission heard earlier from Mr. Langille, there is a confluence of development going on in the area, and citizens have reasonable expectations about when infrastructure will be in place. He said it was up to everyone to try to fix the transportation problems.

Mr. Tubbs said the Commission has been urged by many to deny the rezoning and go by right, but that they cannot lose sight that this would mean no improvements here, potentially. He said this is what has happened with so many of the other developments that were built with no infrastructure development at all because they did not go through the rezoning process.

Mr. Tubbs said that, in fact, the Growth Management policy acknowledges in Objective 1 of Chapter 8, Strategy 1c, that, "The cost of providing infrastructure and facilities to support the development area must be a shared obligation of the County and new development." He said that by submitting this application for rezoning, the developer understands this, and is offering up money to go towards that.

Mr. Tubbs said the County appears to be stepping up by trying to solve a problem with creative ways to move forward. He said they referred earlier to what Mr. Langille had said about the potential for a Small Area Plan there. He said they were also there to compromise. He reminded that the first submission for the project was over 400 units, and was now down to 328 in part because of the citizen input.

Mr. Tubbs said it was not up to PEC to determine what the right number of units is there, but that they could urge the Commission to take a broader look at where this particular site is, and how it can be made to fit so that many of the objectives in the Growth Management chapter of the Comprehensive Plan fit. He said PEC will work with many stakeholders to ensure that the transportation infrastructure is in place.

Mr. Tubbs said he was trying to shift towards a life that is car-free. He said he did not like driving, and that this was an area that potentially could work for people in the future. He said the County may not be there yet, but at the moment, this was a 25-minute bus ride to Downtown. He said

they can and will fix the system. He said everyone is in it together. He said many people there tonight do not want to get out of their vehicles, which he understood as it is a challenge. He said he knew that there are generations coming up, however, who are going to live in a different world. He said this is the 21st century, not the 20th, and that they must keep this in mind. He asked the Commission to look to the future and the planning that has already been put in place.

Ms. Martha Springett (Rio District, Dunlora) said she just did some quick research to recover from the 999 Rio Road proposal. She said the Planning Commission serves to improve public health, safety, convenience, and welfare of County citizens and to plan for the future development of the County, to the end that transportation systems be carefully planned. She said it serves so that the growth of the community be consonant with the efficient and economic use of public funds.

Ms. Springett said the County has had budget surpluses for the past four years, at a total of $27.6 million, which seems like enough to build a very nice highway.

Ms. Springett said she would remove and forget the asphalt parking lot called, "Public art and trailhead" and use that area to widen Rio Road and beyond to a four-lane divided highway (boulevard).

Ms. Springett suggested using this land as a compromise to build a by-right village, or combine it with extra permits, using townhouses, biplexes, and triplexes. She said these could be rentable, or private, and affordable. She said as time proceeds, perhaps the project could include bakeries, groceries, etc.

Ms. Springett said at the back of the property, close to the river and the Rivanna Trail, she suggested immediately building a wildlife nature center with a gravel trailhead and pervious parking, which would be much more effective for that area.

Mr. Matthew Gillican (City resident) said he would read a letter from Mr. Timothy Holbert. He read, "Thank you, Mr. Chairman, and honorable members of the Albemarle County Planning Commissioners. It's been awhile. My name is Timothy Holbert, and I am an Albemarle citizen, a resident of the East Rio Road/John Warner Parkway neighborhood. My wife Bonnie and I moved into the Forest Ridge neighborhood about a year and a half ago. Our address is 1610 Fowler Ridge Court.

"We love our new home and our friendly new neighbors in our new neighborhood. We also appreciate the approval of our neighborhood development in the face, at the time, of opposition from folks who are now our neighbors in nearby previously-Albemarle-approved neighborhood developments. These neighborhoods, too, were approved in even earlier times despite opposition from nearby neighbors. These projects are now vibrant threads in our community tapestry. Thank you.

"I support approval of the Parkway Place neighborhood project across Rio Road in our beautiful area of Albemarle County. I'm one of the neighbors that think Parkway Place, with the funds needed for roadway improvements as well as several other amenities, can be an overall improvement. I welcome the new women, men, families, and neighbors who will have the opportunity to rent in our area as they try to build the financial resources to access affordable home ownership, or downsize to adjust to new life transitions, and everything in between.

"Without private funding, the Rio Parkway road intersection probably won't see a capacity or safety project for quite a while, given the lack of State and local funding. You all know that private developer funding for such projects here has been, and continues to be, used in place of public funds for some time.

"As for the project scale, the revisions that were made to the project to reduce the number of units from 414 to 328, made in part in response to our neighborhood's concerns, is more than consistent with the Comprehensive Plan. This translates to a gross density of 12 units per acre. Doesn't the Comprehensive Plan contemplate a range of 6-34 units per acre?

"Back when I used to be Tim Holbert, I regularly asked our local public officials focused on getting more affordable housing, 'How is it that government can make housing more affordable by making it more expensive?' Constricting the supply and requiring assorted regulatory trimmings makes housing more expensive. Basic economics.

"Among other housing benefits, Parkway Place will offer market workforce housing. Our economy -- today's and tomorrow's -- demands more rental housing across the board. Technology companies such as WillowTree, CFA Institute, [inaudible], and others need bright, young folks. Millennials are still paying off enormous debt and trying to save and thus our renters who, just as us, want to live at or near the center of things. (You know, I have four of them.)

"I can be confident DINKs (Double Income, No Kids) young couples, or us older folks, will be the predominant renters for the one and two-bedroom units, and some units will attract families with one or two kids. I welcome them to our neighborhood."

Mr. James Watson (569 Lochlyn Hill Drive) said he has been a Charlottesville resident for about 26 years. He said about 20 years ago, he was a UVA student and bartender, and his wife is a hairstylist. He said in their mid-20's, they sought to buy a home, and that the realtor took them to a great neighborhood that was affordable -- Belmont. He said they built a home there in 2000, which today would be absolutely impossible. He said those hard-working early career professionals and civil servants all know that someone cannot buy a house in Belmont anymore for less than $350,000. He said people who are supporting the project are the same type of person they are trying to provide homes for.

Mr. Watson said 17 years after they bought the house in Belmont, they outgrew it. He said this happens a lot in Belmont, as the houses aren't very big and are 100 years old. He said they hit a point where they were able to move anywhere they wanted within the City or County. He said when that time came, they wanted to live somewhere that was diverse. He said he loved his neighborhood, which had Brown's Grocery and that he saw the rise of Mas, La Taza, and Beer Run there, adding that he was sure people in the County visit as well. He said those are places that make the neighborhood interesting.

Mr. Watson said he decided to move to Lochlyn Hill, and that he had never thought that in his lifetime, he would be able to design and build his own home. He said their reason for moving there is that they have a mix of single-family and townhomes, as well as Habitat homes and retired folks, young professionals, and parents. He said as he lives there and looks at the Rio Road Corridor from Stonehenge to the intersection of John Warner Parkway and Rio, there is a mixture of home types.

Mr. Watson said to him, he would think this kind of project complements what is already there. He said if anything, better pedestrian and bike accessibility is needed to move around more instead of being at home. He said there should be some design elements adjusted in the project, but that it could only make the community better.

Ms. Firehock invited the applicant to address points or make any additional comments.

Ms. Schweller said she would like to make some comments centered around five primary areas of concern heard that evening. She said the first thing she wanted to talk about that was critically important for the Commission to know is that the road timing is actually quite excellent with the Board's approval of the study.

Ms. Schweller said as the Commission knows from reading the proffers, the road improvements must be done before the first building permit is issued. She said Kotarides developers do not intend to begin road improvements for a couple of years. She said she understood from talking with Ms. Amelia McCulley and Ms. Jodie Filardo that the third-party study regarding the Rio Road Corridor will be done without about a year.

Ms. Schweller said the beauty of this is that there could be a synthesis there. She said in the proffers, the applicant is offering to do the road improvements that have been described, as approved by VDOT. She said they have been working with VDOT for a very long time, and with Mr. Kevin McDermott (Transportation Planner). She said those can be changed as the County desires.

Ms. Schweller said Paragraph B of the proffers says that if the County determines that something else is needed to solve the Rio Road Corridor traffic issues, then the County may opt to take that road frontage and $750,000 instead. She said it dovetails with what the County wants to do, and the applicant is providing funds and road frontage. She said she wanted to make it clear that the applicant thinks the timing is excellent for approval of the project.

Ms. Schweller said the second thing she wanted to briefly talk about was the questions about the traffic impact analysis. She clarified that the Traffic Impact Analysis that was done in 2018, with additional work in 2019 and additional updates at the Dunlora Forest intersection in January 2020, includes all the development that has been mentioned (Lochlyn Hill, Dunlora Park, and Belvedere). She said all the units that have already been approved are included in the numbers, plus a 2% annual compounded increase. She said it is a very conservative number because the 2% is a large number. She said the County often uses 1%, but that 2% is what the applicant was asked to use.

Ms. Schweller said with regards to listening to the community, Kotarides Developers has been engaging the community and listening to their concerns for over a year. She said in fact, the very first pre-application community meeting was a year ago, tomorrow, in March 2019. She said there was then another meeting in July with a huge turnout and comments. She said there was another meeting after that, then many one-on-ones, including specific targeted meetings with Dunlora and Dunlora Forest. She said they have certainly reached out and heard the community's concerns, which is the reason the applicant has made the concessions of reducing the density from 414 to 328 units, reducing the height of the buildings from four stories to three, adding proffers, and increasing open space for the park.

Ms. Schweller said they have changed the road improvements and added the additional Green T. She said the applicant truly has been listening to the community.

Ms. Schweller said with regards to beautification, this project would have many features that a by-right project will not have. She said she would love to have the opportunity to show the Commission some of those things. She said if they have read the notes for the plan, they have seen them.

Ms. Schweller said in the illustrative plan at the beginning of the application, she would point out that in the existing 5.89-acre park, a review has already been done with the ARB. She said they wanted to do an initial advisory review before getting to the site plan stage where the ARB gets to comment very specifically. She said one thing the ARB said was that they want the applicant to leave all the plantings there and to add more naturalistic planning. She said they requested a 50-foot buffer with 30 feet of planting, and a 30-foot buffer with 20 feet of planting. She indicated on the plan to proposed trees. She said the applicant is willing to do as much as he can do, as much as the County desires.

Ms. Schweller said the setback that people had mentioned is 45 feet, which is because there are requirements -- a minimum of 5, maximum 30, then adding 15 for the 10-foot-wide pedestrian and bike lane, then 5 feet of street trees. She said there is a lot of beautification proposed for the area.

Ms. Schweller said in terms of Comprehensive Plan issues, there were many points she wanted to cover. She said as Mr. Watson mentioned, there are many housing types in the area. She said the applicant has heard the Commission's discussion of Breezy Hill, for example, and has reviewed other plans. She said it is the applicant's belief than when there is single-family attached, single-family detached, and townhomes all up and down the corridor, it is appropriate to have multifamily there without a mix of different housing types. She said only 4% of the County is zoned for multifamily, and that the Comprehensive Plan states that multifamily is needed.

Mr. Bivins closed the public hearing.

Mr. Dotson said several people had mentioned $1 million, and that the proffer mentions $750,000. He asked if this could be clarified.

Ms. Schweller replied that the $750,000 is the actual cash-in-lieu amount that is stated in Paragraph 1B, if the applicant does not build the road improvements. She noted that originally, the application was filed under the 2016 proffer law, but that the applicant decided to opt into the 2019 proffer law so that they could offer the cash-in-lieu contribution.

Ms. Schweller said the $1 million refers to the $750,000, plus what the applicant deems to be the value of that acre of frontage along Rio Road.

Mr. Dotson said several people from the audience have mentioned the units fronting on Rio Road and are concerned with three stories being looming. He said he heard two stories as a preference, and wondered if the applicant had a reaction to that. He said it wouldn't have to mean reducing the number of units, but that perhaps they go back to four stories towards the back of the project to make up whatever they would have lost.

Ms. Schweller clarified that with regards to the notes on their plans regarding the building facades, various textures, setbacks, and landscaping, even though the ARB governs the Entrance Corridor

and made those recommendations, the applicant has adopted all of those recommendations for the part of Rio in question as well, which is not in the Entrance Corridor. She said to answer Mr. Dotson's question, the buildings she indicated to on the screen were the ones of concern to those who live across the road, and that one in particular was the small building that would look onto the backyards of those homes. She said she heard from some of the speakers their concerns about privacy, and that this was the view there. She said their concern was that someone in a three-story building could look down into the backyard of those units.

Ms. Schweller said to respond to that, the applicant has agreed to additional concession that this building can be reduced in height. She said it can be reduced to two stories, while keeping the others at three stories.

Mr. Dotson asked if that would require an amendment to the Application Plan notes.

Ms. Schweller replied no. She said they have a maximum of three stories, but that they could go down in height as much as they want to.

Mr. Dotson asked if via some mechanism, a commitment could be made to that.

Ms. Schweller replied yes, adding that they could change the note.

Mr. Dotson said he was interested in the mix of unit sizes (studio; and 1, 2, and 3 bedrooms). He said he didn't need a precise number, unless the applicant had one, but that he was wondering what sort of preponderance they were leaning towards (small or large units). He said part of the reason he asked is that one of the affordable housing needs is for affordable, larger units.

Ms. Schweller replied that at that point, they were looking at roughly 45% 1-bedroom, 45% 2-bedroom, and 10% 3-bedroom, with no studios. She said the beauty of this development is that when looking at Kotarides Developers' market rates, they actually line up almost exactly with current Albemarle County AMI, at 80%. She said even though they are offering 50 affordable units at fair-market rents (based on what HUD puts out every year), the entire project will be more affordable than most of the housing available. She said she could show the Commission those slides with more detail.

Mr. Dotson asked if the affordable housing would be distributed throughout the site, or concentrated in one or two buildings.

Ms. Schweller replied that they would definitely be distributed throughout the site, with a distribution of 1, 2, and 3 bedrooms. She said they would try to keep those evenings, but as people come and go, they will not always be able to keep a proportionate number in each of the 1, 2, and 3 bedrooms, though it would be the goal, if possible.

Mr. Dotson asked if there would be certain designated units that they would track and re-lease.

Ms. Schweller replied it would not be physical units, but numbers of units. She said the units would not be any different.

Mr. Dotson asked how they would begin the 10-year clock, which is triggered by Certificates of Occupancy, if it was different units.

Ms. Schweller replied that the 10 years begin for all the units at the same time when the project receives the Certificate of Occupancy.

Mr. Dotson said he assumed there would be a series of Certificates of Occupancy. He asked if the applicant was imaging a single one.

Ms. Schweller replied that they would use the last CO as the trigger for the 10 years.

Mr. Clayborne asked about the schedule. He asked if the applicant were to design and construct the road improvements being proposed, how many months in duration this would be.

Ms. Schweller replied that construction of the roads would start in 2023, with construction of the buildings in 2024, roughly.

Mr. Keller said the Commission often has discussions about the wonderful rolling topography of the Piedmont region, and that being modified. He asked if the applicant could speak to the degree of disturbance, which was an area of concern brought up by several parties.

Ms. Schweller replied that all the area the applicant shows on their plan as being in preserved areas will be preserved and not disturbed. She said anything in the flood plain, stream buffers, or steep slopes will not be disturbed. She said some of the concern is that from the renderings, the elevation of the area that would house the trailhead park would be lowered. She said this must be lowered in order to make it usable for people to go from the trailhead park to the trail, and to easily get to the multimodal pathway. She said other than that, there would be disturbance as any other development.

Mr. Keller said this was his concern -- whether they were talking about a flat site that would have a number of units more or less at the same elevation and stacked in the middle of the site, or whether the rolling feeling of the Wetsel farm is going to be maintained.

Mr. Pete Kotarides (Kotarides Developers) said he has been working with their local engineer and landscape architect and that at the corner in question, they felt it was appropriate to bring down the property some. He said those renderings were relatively rough and were not accurate. He said the goal was to bring down the site as much as they could to make it usable. He said currently, the slope is so steep, and to make the park accessible to all, that portion will need to meet the accessibility guidelines from the parking lot to the amenity areas at the park. He said their goal always is to roll with the land, as it is expensive to move dirt. He said whenever one disturbs a property to put buildings on it, however, some flat areas need to be made.

Mr. Kotarides said they do have some buildings that step down from front to back, because of the topography, and they are trying to keep with that topography as much as they can. He said this was still preliminary in nature until they get the specific topographic information. He said they were happy to talk about this in the site plan stage, as there was nothing firm in writing and the renderings weren't exactly accurate with what they were proposing.

Ms. More said with regards to the corridor study, staff had mentioned that the Board had approved funding, or approved for the study to move forward. She asked for clarification on this.

Mr. Benish said at the March 4 meeting, the Board of Supervisors reviewed the Community Development work program. He said they cited several projects that would need outside funding to complete. He said the Board agreed for those projects to be further studied and to move forward for staff to scope. He said through the budget process, the Board is setting aside funding that would be available for that. He said there has not yet been a decision on the timing of the projects, or the priority for those five, but that the Board did agree the corridor study was an important project to move forward with, in concept.

Mr. Benish said the next step was to scope it, establish a schedule, and get it funded. He said staff believes there is every intent from the Board of Supervisors to do that, but he could not provide a date.

Ms. More said while she appreciated the offer by the applicant to do some traffic improvements, but that her major concern was that she felt there is a better way to look at this more comprehensively. She said before her time, her father served on the Planning Commission for eight years, and that he (along with Supervisor Mallek) mentioned to her that there had been the idea of having a roundabout at the CATEC area, then it disappeared. She said this concerns her, as it is a priority item to have studied. She asked if there was any memory of this.

Mr. Benish said the corridor, including the entrance to Belvedere, has been looked at for possible improvements. He said it has been recognized that as traffic grows and develops, they need to better accommodate and manage the traffic. He said a traffic circle has been looked at the John Warner Parkway/Rio Road intersection, and that an R-cut is being considered as a possibility for Belvedere Boulevard and Rio Road. He said there has not been a final decision by the Board of Supervisors on either of those two improvements, but they have been investigated.

Mr. Kevin McDermott (Transportation Planner) confirmed that Mr. Benish's understanding was correct. He said there has been discussion of a potential roundabout there that has not been fully evaluated by the County or VDOT. He said as part of the potential Smart Scale applications that staff may be submitting that year, they have looked at a potential R-cut, which was not finalized, and how it could be coordinated with a potential roundabout at John Warner Parkway. He said the R-cut would be at the Rio Road/Belvedere intersection. He said details are still being finalized and that staff could come back to the Commission to discuss once the final studies are done.

Mr. Benish noted that staff did actually make an application for a traffic circle at Pen Park Road and Rio Road.

Mr. McDermott said this was correct, adding that this was a few years ago, and that it unfortunately did not score well. He said the application scored so poorly that staff did not want to go back with a new application for it at this time. He said this project was put on hold, but was another intersection that staff would continue to look at in the proposed corridor study.

Mr. Dotson said he would comment about traffic and transportation, as well as the land use designation and the Comprehensive Plan.

Mr. Dotson said on traffic and transportation, he has studied (with difficulty) the Traffic Impact Analysis, and understands that at times, it addresses seconds of delay. He said he found difficulty understanding that because from a driver's eye perspective, a matter of seconds didn't seem to be a big deal. He said his sense was that those delays are, in some sense, cumulative, and that it was not just him, but the whole queue. He said part of what brings him to that point is a statement

in the staff report (page 12) that mentions delays of 13 and 15 seconds, which then puts it in human terms that both increases would be noticeable with long queues that exceed storage length, making for driver frustrations. He said he was trying to take a driver's perspective and make sense out of the traffic issues.

Mr. Dotson said with regards to the Green T, he hoped it was green, and that there was enough space so that they would not just get concrete medians with seams that invite weed seeds that result in a maintenance problem (and don't get maintained). He said he was not an expert on this, so he did some research and found a VDOT brochure that positively described the Green T as an "innovative intersection." He read on, "It is typically controlled by a traffic signal." He said went on further to read, "It is typically signalized, but can also be designed without a traffic signal," noting that the design proposed it without a traffic signal.

Mr. Dotson said the brochure went on to ask when the design should be considered, and that the answer was, "At intersections where moderate or low left-turn traffic volumes on the side street exist." He said Dunlora Drive to East Rio is not moderate or low, in his opinion, in terms of left-turn volume. He said no signal is proposed, and that this leaves him concerned about the adequacy of what's been proposed.

Mr. Dotson asked with no light, how they would control the traffic coming from the east and heading west onto Rio. He said it would use a "do not block the intersection" sign, as exists there today. He said personal experience is that this creates a dangerous situation. He said when coming off John Warner and wanting to turn left into Dunlora, he pulled up into the turn slot and saw a car approaching from the east. He said he waited, and the car stopped. He said he decided to go, but that at that time, the light changed, and the other car started to come on, resulting in an accident. He said the insurance companies decided that both drivers were at fault.

Mr. Dotson said this creates a situation that relies heavily on very loose communication to two drivers as to exactly who is yielding. He said he was interested in the "do not block the intersection" signs, and so he did more research. He said he found in the transportation research record a study called, "Effectiveness of Do Not Block Intersection Signs." He said this was a study done at four different sites, both before and after the signs were put up. He said the conclusion was that at three of the four sites, the sign had no effect on driver behavior. He said this concerns him.

Mr. Dotson said if a car heading west on Rio comes over a crest and down, the first driver might see the sign, and the second driver may not and may wonder why the driver ahead suddenly stopped in the lane of traffic to let them in. He said there is the danger of a rear-ender happening at that point.

Mr. Dotson said he wondered if the Traffic Impact Analysis and the figures the Commission has been given for that intersection of making a 75% improvement is not making the assumption that those "do not block intersection" signs always work. He said he suspected it is making that assumption and therefore, he is again concerned with what is proposed.

Mr. Dotson said if adding 328 units, a portion of them are going to be coming from the east to the west, and will hopefully heed the "do not block intersection" sign, though he was not sure about that. He said one of the problems with the rezoning is that it fails to sufficiently address traffic safety and capacity. He said most of the TIA deals with capacity, while his driver's eye view is concerned with safety.

Mr. Dotson said in terms of the land use designation, staff pointed out that the Wetsel property (which Ms. Hood gave a moving commentary on) has been designated as 6-34 units per acre since 1996. He asked if the appropriateness of that designation had been reexamined, or simply carried forward ever since. He said his feeling is that as a participant in the 2015 plan (which was almost 20 years later), it wasn't a focus of the analysis. He said it was simply that there were no known issues there, and so it was carried forward. He said in 2015, however, they also saw the John Warner Parkway opening, and since then, the County has gained experience that they didn't have before.

Mr. Dotson said it was his view that there was a need to go back and reevaluate the appropriateness of the designation. He said if they were to start all over, they wouldn't come to the conclusion of as many as (mid-range) between 6-34, or above mid-range. He said they would likely come to a conclusion that is closer to the low end.

Mr. Dotson said Mr. Randolph was talking about things that the County needs to do in the future, and that one of the things they need to do is wherever they have that 6-34 designation, it should be broken into tiers (low, middle, high) with some criteria. He said they should determine when it is appropriate to stay at the low end of the range, middle, or high. He said they didn't have this now, and that he didn't feel that the scale of this development, given his remarks about transportation, is appropriate.

Mr. Dotson said Mr. Neil Williamson commented about compliance with the Comprehensive Plan. He said if the developer was to go ahead with by-right development, they could develop 163 units. He said the Comprehensive Plan, by the applicant's analysis, calls for a range of 104-614, so it could develop in accord with the Comprehensive Plan as a by-right approach.

Mr. Dotson said because of the traffic and the unexamined density designation, he would not be able to support the project.

Mr. Clayborne thanked the public for their comments, noting it was helpful to hear the intimate concerns of the neighbors. He said he did feel, however, that there was an audience that was not in the room, and that this is the audience of the new and young families, and those who would like to live and work within the area without having to commute in.

Mr. Clayborne said that the County needs the housing stock, and the affordable housing. He said he didn't think that commercial development was appropriate on this site. He said he wanted to circle back to the staff report and those recommendations.

Mr. Clayborne said the biggest issue in the staff report, and to some of the community members, was the timing of the corridor study. He said this almost seemed to be the linchpin. He said what was hearing was somewhat good news, however, that the road construction wouldn't start for a few years, and that it seemed like there was time for that. He said now, there was the risk of someone coming in by right, putting in some units, and the community not getting anything out of the deal.

Mr. Clayborne said this could also be an opportunity to carefully think through what is being proposed, and if it was worth passing up the public park and trailhead, the 50 affordable units, transit stop, and road improvements. He said if the County didn't like what was being suggested, there was $750,000 to go towards the issue. He mentioned the 10-foot-wide trailway along the frontage as well. He stressed that all this should be carefully considered.

Mr. Clayborne said that at this point, he would approve the project, from his perspective, based on what he shared.

Mr. Randolph said he would follow up Mr. Clayborne's comment by saying if not here for affordable housing units, where. He said this was an ideal location that was even better than 999 Rio Road that the Commission recently considered. He said the late author cited earlier by Mr. Williamson would indicate that the more the County gets away from auto dependency and becomes closer to a city, this is a forward step. He said everyone may not cycle that lives in the community, or take the bus, but that this is a location that is close enough to Downtown Charlottesville that it would be easy to get there in both of those manners.

Mr. Randolph said there were good things in the application. He said the road improvements are one of the highest benefits, though flawed in some way. He pointed out that going by right on the application, as Mr. Clayborne noted, doesn't give the community the quality of road improvements that the County could otherwise have. He said the 49 affordable housing units are important. He said the park, buffer, and 49% of the site being open space is valuable. He said the reduction in the number of units is a forward step, and that he liked the cluster model.

Mr. Randolph said when looking at the factors cited by staff as unfavorable, he takes the first item off the table in terms of the neighborhood center not existing there, as he didn't think it was truly relevant. He expressed hope that the Commission would have a discussion about that.

Mr. Randolph said there will be an increase in delay times, but there of course would be, as they are adding traffic in the corridor. He said this was just a part of growth, and that the Commission's responsibility is managing growth in the community.

Mr. Randolph said he thought it was important that though they didn't know how the Board would fund the Rio Road Corridor Study (e.g. CIP funds, supplementary funds, or General Funds), he would like to see the applicant making a good-faith effort to help fund that study as it goes forward to the Board.

Mr. Randolph said though the ultimate improvements to the nearby intersection have not been determined, this was outside the scope of this application. He said they need a corridor study that factors in all the intersections that is similar to the work that's been done on Avon Street Extended. He said former Supervisors Sheffield supported that corridor study on Avon Street Extended, arguing that it could become the template for other corridor studies, such as here.

Mr. Randolph said although he agreed that the properties are not located within the priority areas defined in the Comprehensive Plan, he believes it is a suitable location for this kind of project. He said this didn't mean that he would support it, however.

Mr. Randolph said he would not support the project because he didn't think the proffers were strong enough. He said the application does not address the educational impacts under the 2019 State law of adding essentially three additional classrooms of students to Albemarle County Public Schools (assuming everyone attends them). He said he would also like to see some funding for the Rio Corridor, and with both of those included, if this application went to the Board, he would say to his Supervisor of the Scottsville District that it would have his support, at that point.

Ms. Firehock said she didn't come to the meetings with her mind made up, and that she had changed her mind at multiple times that evening. She said the testimony and comments from the public were extremely compelling.

Ms. Firehock said she would have to get some points out of the way, first. She noted that she cannot stand the random "c's" that are all over the Comprehensive Plan signifying "centers" in strange places. She said she didn't support a commercial center at the site and that she would like to attack many of the "c's," although she supports mixed use.

Ms. Firehock said the other thing that maddens her about the Comprehensive Plan is the number of times it says 6-34 density units per acre. She said this is a ridiculous plan that is all over the plan and gives the Commission very little guidance.

Ms. Firehock said she wanted to address the notion of infill versus greenfield. She said what is "infill" is in the scale of the beholder. She said in Charlottesville, an infill parcel might be 2 acres. She said when zooming out and looking at the development surrounding the site, it is the very definition of an infill property. She said it is green, but that this doesn't mean it is a greenfield development. She said a greenfield is something that is far out and away from developed areas, and not in the middle of a growth zone. She said to her, the site is actually the definition of an infill.

Ms. Firehock said when she first came to Charlottesville 27 years ago, a friend suggested she should move to Rio Road because it would be like living in the countryside. She said she took a look at Rio Road and thought about what was coming, and she went to Belmont instead.

Ms. Firehock said regarding traffic, VDOT's own model stated that the John Warner Parkway would increase traffic tremendously and opens up the area to growth. She said people didn't believe that, and that many people thought it would alleviate traffic. She said it indeed drives development to live there, which causes congestion. She said they are getting exactly what VDOT expected with the development of that road and now, with this development coming forward.

Ms. Firehock said she was troubled by the amount of traffic on the road. She said she appreciated Mr. Dotson adding up the seconds, as it wasn't just a matter of one person driving alone on the road with their 5-second delay.

Ms. Firehock said she thinks the timing of the project allows from that input from the County study to occur so that if indeed the study shows that something different needs to be designed there (e.g. traffic light, roundabout), there is time for that for occur because construction would not begin until 2023. She said there is therefore time for the County to bid out the project, have the consultant's results, and incorporate the input.

Ms. Firehock said the with by-right development, the County is not going to have the contribution made. She said the County has seen many options in the past and can study things, but that they don't always pay for what the study indicates. She said the County will do a study, but the question was if the County would pay the money out of its own coffers to do the improvements noted as needed. She reminded that the Smart Scale program requires the County to compete with other areas for transportation projects. She said Hampton Roads and Northern Virginia will always have more congestion than Albemarle, and that the way the equation works, it will be very difficult for the County to get the money, and that no one wants their taxes raised to pay for the improvements.

Ms. Firehock said they have here a developer paying to make a situation better, and that the timing of the County study will allow them to make the needed adjustments.

Ms. Firehock said she was impressed with the amount of open space in the project. She said the buildings were set back adequately such that it will not feel like looming towers bearing down upon the residents. She said she has seen what horrible things look like in Arlington, where there is a six-story building on top of a two-story bungalow house. She said the project was not doing this.

Ms. Firehock encouraged the developers to think about things the citizens mentioned about permeable pavement, noting that many green innovations and demonstrations could be made with the project.

Ms. Firehock said affordability in the project was compelling. She expressed her desire for the units to be affordable for more than 10 years, but that she could also imagine a resident living in a unit for 10 years and slowly, but surely, creeping their wages up to being able to afford market rate.

Ms. Firehock said on a personal note, when she was in her 20s, she couldn't find a place to live. She said she stood in lines behind people who always made more money than her, as she was a minimum wage worker. She said she actually lived in an affordable subsidized house, which was the first house she bought in Charlottesville, which allowed her to slowly creep up her income. She said she qualified for affordable housing as a teacher. She said she appreciated the notes on affordability.

Mr. Keller said this was not an appropriate site for commercial. He said personally, he was still concerned about what 80% AMI gives them, from the affordability standpoint, but that in terms of workforce, the project could serve a purpose.

Mr. Keller said he had two big issues that were somewhat different than those of his colleagues. He said the first was urban design. He said with the relatively new Community Development Director and Planning Director, the County needs to think through the maps in these areas and the infills, and have conceptual designs themselves, as the Planning staff, so they have a sense of what is a good fit and what is not.

Mr. Keller said he heard many people talking about lowering the height. He said he was not convinced that two 15 or 20-foot towers elegantly sited on that site might not be a better design solution. He said it was not a suburban model they were moving towards, but an urban design as they get closer to the historic City.

Mr. Keller said in these political election times, they are hearing a lot about age of voters. He said he would reflect on what he heard from the public that evening, and people in the younger cohort who have a lot of years ahead of them and are thinking about the changes that might affect transportation. He said the discussions of turn lanes might truly be moot because of the vehicles they may have in the near future.

Mr. Keller said he was hearing their concerns about affordable housing and being able to live close to where they work, and that this was the perfect site for that. He said to him, this meant using the high end of the density level and not the low end. He said it should be considered urban, not suburban.

Mr. Keller said the design solution being put forward by the applicant was not worthy of Charlottesville, as it was extremely pedestrian. He expressed that there is a trend for contemporary houses and buildings and that consideration should be made as to changing design styles, adding that this was a separate discussion.

Mr. Keller said with no commercial aspect, underlining the affordable housing, thinking about different urban design solutions, and letting age have an impact in how they think about transportation solutions, he was inclined to support the project, having everyone expressing the concerns that they hope would make this project better.

Ms. More agreed with what others had said about not having a commercial piece. She said that like Ms. Firehock, her opinion went back and forth on the project that evening. She said for her, it is difficult, she also sees this as an infill project, and so she is worried about size and scale. She said there are things being done, however, that are attractive and that this could help mitigate the size and scale.

Ms. More said there was possibly a more creative way to accomplish the project. She said she understood they cannot have the expectation that they want to pull numbers back, which the applicant already has from their original application, and still expect to have money given to road improvements and affordable units. She said if they want to have extra components, they have to accept density in some places.

Ms. More said she believes that where they fail themselves is having Master Plans that are somewhat outdated, as Mr. Dotson pointed out. She said as Mr. Tubbs mentioned with Community Development considering how they look at their workload, this could bring some Master Plans or Small Area Plans to a halt. She said she wasn't saying that she didn't support the efforts, but that it was a concern of hers as it doesn't give the Commission a way to do their part to stay somewhat concurrent with what is happening all around with the confluence of development and things to come, such as The Center.

Ms. More said there was a point made about how the project would be okay if it were located elsewhere. She said she agreed that there were challenges with the small roads that surround the property. She said that she thinks there is a possibility to push the applicant to think about design to make it fit more with what surrounds it.

Ms. More encouraged the applicant to make the road improvement come into conjunction with the corridor study, as she was concerned with the timing of that and because they have seen this type of situation in other places that are high-pressure areas. She said if the applicant spends the money on the improvements and they don't make sense with what comes after it, it fails to create a more comprehensive solution to the area. She said given the applicant is offering cash in lieu, she wants to almost not support the project, just to put pressure on everyone to come up with a solution, as she thinks the project is in a great place with lots of possibilities. She said she was very concerned, however, with the timing of the improvements versus the study.

Ms. More said she would support trying to offer units to people who aren't finding a place to live, and that this is a place that is close to the City and transit. She encouraged the applicant to work out some of the details, such as what Mr. Randolph suggested. She said if the County keeps saying no, they will never get homes for these people that they need to have. She said she knows many people who work for the County and drive from Louisa and Waynesboro because they cannot afford to live in Albemarle.

Mr. Bivins said the Commission covered a number of points, as well as enhancements to Small Area, Master, and Comprehensive Plans in the future. He said each Commissioner has outlined things they don't like about the project, as well as things they like.

Mr. Bivins said he was very pleased to learn that it will take two years to get the traffic improvements started, as he fully believes the corridor study will be done by then, and that the new director will engage with those properties around it to make sure they are thinking in holistic and smooth ways of how to make the corridor study come alive and have a future that is longer than the next five years. He said this was the key piece for him that he had had ambivalence about, and that he was thankful that there is a family firm that knows they will hear grief if they mess it up.

Mr. Bivins said he has taken a macro view of the community and hoped that there would be other housing opportunities than what are presently there. He said he lives in a rural part of the community that sits a mile away from Hydraulic Road. He said there is one way out of his property that hits four schools and noted how teenagers often drive there. He said he was also aware of what it's like to sit behind buses two times during the day and have to sit there for 15 minutes. He said this is a marvelous time to meditate and contemplate, and that he has chosen to see this time as a gift rather than an inconvenience.

Mr. Bivins said he would vote yes to support the project. He said the Board of Supervisors will hear that the Commission is very concerned about traffic in the area, and that the Rio Corridor study was something they were serious about, as well as the community. He said if they are to think about how the area lives into its expectation, connecting up to Route 29 and down to the City, there is an opportunity to make this work. He said he hoped the Supervisors hear that this needs to work.

Mr. Bivins said the Commission was also saying that as they come into this period of Comprehensive Plan referral and renewal, there are terminologies that worked in one period that are no longer workable. He said they have become stale. He said not only do they have stale zoning, but there is stale terminology. He said they were asking staff to have rigorous discussion and to work with the Commission as they get into this work, noting that Crozet was in the midst of this already.

Mr. Dotson moved to recommend denial of ZMA201900008 Parkway Place based on the reasons in the staff report; because the proposed traffic solutions are inadequate; because the land use designation is not appropriate and needs to be reassessed; and because the developer's contributions do not address several important impacts.

Mr. Randolph seconded the motion. The motion to deny failed to pass, with a vote of 2:5. (Mr. Clayborne, Ms. More, Mr. Bivins, Ms. Firehock, Mr. Keller dissented.)

Mr. Clayborne moved to recommend approval of ZMA201900008 Parkway Place based on the reasons stated in the staff report. Ms. Firehock seconded the motion, which carried unanimously (5:2). (Mr. Dotson and Mr. Randolph dissented.)

Mr. Bivins said the Commission would be recommending that the application go forward to the Board of Supervisors for their discussion and approval.

Mr. Bivins thanked the public, on behalf of the Commission, for being so articulate and passionate about how this feels in their backyards.

**Consent Agenda**

Ms. Firehock moved to approve the Consent Agenda. Mr. Randolph seconded the motion, which carried unanimously (6:0). (Mr. Clayborne abstained.)

**Recess**

At 9:06 p.m., Mr. Bivins announced a recess.

At 9:20 p.m., Mr. Bivins called the meeting back to order.

**Public Hearings (continued)**

**ZMA201800018 and SP201800023 River's Edge**

Ms. Tori Kanellopoulos, Senior Planner, said she was also joined by County Engineer Mr. Frank Pohl. She said this is a request to rezone from RA Rural Area to PRD Planned Residential District on two parcels totaling 32.52 acres at 2260 River's Edge Lane. She said there is also a request for a Special Use Permit to disturb preserved slopes for an accessway and for stormwater management facilities.

Ms. Kanellopoulos said she would start by talking about the context of the site, then discuss the proposed Application Plan for the rezoning, discuss the proposed Special Use Permit, staff's recommendation, and the motions.

Ms. Kanellopoulos said the proposed development is located at River's Edge Lane off of Route 29. She said it is approximately one-quarter mile north of the intersection of Lewis and Clark Drive and Route 29, at the UVA Research Park. She said there are several commercial uses north of the site, and a federal government facility. She said there are forested parcels in the Rural Area located to the east and south. She said the adjacent parcel directly to the south is currently undeveloped; however, it is also in the development area.

Ms. Kanellopoulos said the site currently consists of approximately 14 dwelling units, which are currently rental units. She said the properties are bordered by the Rivanna River. She said there are two accessways that run through the property called River's Edge Road and River's Edge Lane, and that these two accessways connect and create a loop through the site. She said there is an existing basketball court near the front of the site.

Ms. Kanellopoulos presented additional photographs from the site that show conditions of the existed accessways and the forested character of the site. She presented photographs showing views of the Rivanna River from the site, and another view of the existing accessway.

Ms. Kanellopoulos said the property is currently zoned Rural Area, which allows residential densities of 0.5 units per acre; however, subdividing the property would likely not be feasible. She said nearby zoning districts include Commercial, Industrial, and Residential Districts.

Ms. Kanellopoulos said there are significant environmental features on the site. She said there are preserved slopes (shown on the map in green), stream buffers (shown in dark blue), and flood

plains (shown in light blue). She said the existing accessway is in the stream buffer flood plain and preserved slopes. She said the proposed accessway is in the stream buffer and slopes, but not in the flood plain. She said there are approximately 8.62 acres out of the total, outside of those environmental features.

Ms. Kanellopoulos said the properties are designated Neighborhood Density Residential and Private Open Space in the Places29 Master Plan. She said the Neighborhood Density Residential classification calls for residential uses between 3 and 6 units per acre. She said the proposal is above the recommended density in the Comprehensive Plan.

Ms. Kanellopoulos said the private open space and environmental features include the areas in the flood plain, steep slopes, and stream buffer. She said no residential units or parking are located within the environmental features.

Ms. Kanellopoulos said this proposal is also consistent with several Comprehensive Plan policies, including the Growth Management policy; efficient use of the Development Area; promoting density within the Development Areas to help create new, compact urban places; the housing policy of having at least 15% affordable units with rezoning; directing affordable housing activities to the Development Areas; and having hard edges with the Rural Area.

Ms. Kanellopoulos said the proposed development is within the Entrance Corridor and is providing the 50-foot forested buffer called for in the Master Plan.

Ms. Kanellopoulos said the applicant proposes to rezone the 32.52 acres from Rural Area to Planned Residential Development. She said the proposal is for a maximum of 100 dwelling units, each of which is size restricted to a maximum of 1,200 square feet. She said all of the units are rentals, as the property cannot be feasibly subdivided. She said access to the site will be provided using the existing entrance off of Route 29.

Ms. Kanellopoulos said as would be discussed later in the presentation, the applicant has also requested a Special Use Permit to disturb steep slopes to widen the accessway and to install stormwater management facilities.

Ms. Kanellopoulos said the application meets the requirement for a minimum of 25% open space and proposes a variety of amenities, including trails and playgrounds.

Ms. Kanellopoulos said the applicant has also requested a central sewage system per County Code 16-102. She said this request must be approved by the Board of Supervisors.

Ms. Kanellopoulos said as outlined in the staff report, staff has not found any inconsistencies in the Comprehensive Plan with this request. She said the Virginia Department of Health, Albemarle County Service Authority, and engineering review and approval are required prior to central system plan approval.

Ms. Kanellopoulos said Strategy 8c in the Development Areas chapter of the Comprehensive Plan states that density should be calculated using net density by excluding areas not suitable for development, including steep slopes, stream buffers, flood plains, and areas identified as Parks and Green Systems. She said the proposed development has a gross density of 3 units per acre and a net density of 12 units per acre. She said the Master Plan recommends a maximum of 51 units, using the calculation of net density.

Ms. Kanellopoulos said 100 units are proposed, with a range of detached, duplexes, triplexes, and four-plexes, which is double the recommended density in the Comprehensive Plan. She said all of the units are size restricted, with a maximum gross floor area of 1,200 square feet each.

Ms. Kanellopoulos said the applicant has included information regarding accessory units in their narrative as justification for the additional units. She said specifically, the applicant has compared the additional density proposed with this development to be comparable with a more traditional single-family development with accessory units, which are permitted in the Zoning Ordinance and do not count toward the overall density.

Ms. Kanellopoulos said the applicant compares the following scenarios: the applicant could construct larger single-family homes, each of which would have an accessory dwelling unit, which would not count toward density. She said that for example, a 3,000-square-foot house could have an accessory unit that could be 1,050 square feet in size. She said alternatively, as the applicant proposes, the applicant could construct 100 units and size restrict the units so that the overall impact would be similar to 50 larger single-family units.

Ms. Kanellopoulos said there is not sufficient guidance in the Comprehensive Plan for staff to determine when it may be acceptable to exceed the Comprehensive Plan recommended density. She said Master Plans are drafted and adopted through a community-driven process, including review of future land use designations and categories. She said therefore, staff has included exceeding the recommended density as a factor unfavorable with this application and previous applications, and recommends that the density be reduced to meet recommendations in the Master Plan. She said staff welcomes further recommendation and guidance from the Planning Commission.

Ms. Kanellopoulos said the proposal also extends the existing multiuse path, as shown in the Places29 Master Plan. She said in consultation with Parks and Recreation, staff finds that a future public connection with the adjacent parcel to the south (Tax Map Parcel 32-22, K1) would allow for the trail network to connect to North Point and therefore, to the greater trail network.

Ms. Kanellopoulos said Parks and Recreation is planning to eventually connect the trails on each side of Route 29 with a future crossing near this area. She explained that the red arrows on the map showed the approximate location of the public connection that Parks and Rec has identified as an important section of the overall trail. She said staff recommends that the applicant coordinate with Parks and Recreation and Planning staff prior to the Board meeting to determine how best to make this connection.

Ms. Kanellopoulos presented a slide showing the topography and imagery of the area where the path is proposed. She noted that to the left in the image was where the area starts to slope downward and becomes more challenging to install the trail.

Ms. Kanellopoulos said the applicant has also requested a Special Use Permit to disturb preserved slopes to widen the accessway to meet County standards, and to install stormwater management facilities. She said the requested area of disturbance is 39,100 square feet (shown in orange in the Application Plan). She said the County Engineer and Planning staff have no objection to the request. She said the applicant would need County Engineer review and approval of a Virginia Stormwater Management Program application, meeting the steep slope standards of County Code 18-30.7.5, prior to any disturbance activities.

Ms. Kanellopoulos said while there will be some impacts to environmental resources with this development, the County Engineer and Planning staff find the impacts to preserved slopes to be acceptable and find that there would not be substantial negative impacts. She said no buildings or parking are in steep slopes, nor the stream buffer, nor flood plain. She said disturbance of preserved slope is necessary to allow for vehicular access to the site.

Ms. Kanellopoulos said the proposed development provides trails throughout the development and gives residents access to the scenic environmental resources on the site. She said the Natural Resources chapter (Chapter 4) of the Comprehensive Plan highlights the importance of protecting water and topographical resources in the County, especially the water quality of the Rivanna River. She said Strategy 5c states that steep slopes in the Development Areas should be protected, especially those adjacent to streams.

Ms. Kanellopoulos said the potential negative impacts to environmental features are considered against the beneficial aspects of the proposal, including providing affordable housing and directing development to the Development Areas.

Ms. Kanellopoulos said the accessway will not be a private street, but it will have the design and appearance of a rural road section, widening the existing accessway from 12 feet of travelway (plus some shoulder area) to 28 feet, with 20 feet of travelway and 4 feet on each side for shoulders. She said the wider accessway is needed for safe and convenient vehicular travel, and for access for emergency vehicles. She said further development of the site is not feasible without widening the accessway.

Ms. Kanellopoulos noted that while disturbance of steep slopes is needed for the accessway, disturbance of steep slopes for stormwater management facilities may not be ultimately needed during site planning. She said the applicant has chosen to include the disturbance request for the stormwater management facilities with this application so that the full request is contained in one Special Use Permit, and so the applicant does not need to submit an additional Special Use Permit in the future, should the disturbance be necessary.

Ms. Kanellopoulos said the applicant shows three locations for potential slope disturbance for stormwater management facilities. She said the County Engineer has reviewed the general location of the proposed facilities and found them to be acceptable.

Ms. Kanellopoulos said staff has found the following favorable and unfavorable factors for this proposal. She said staff finds that the request is consistent with the majority of the recommendations in the Places29 Master Plan, Comprehensive Plan, and Neighborhood Model principles; and is meeting the County's affordable housing policy. She said staff notes that the proposal is above the recommended density in the Master Plan, and that there are potential negative impacts with steep slope disturbance.

Ms. Kanellopoulos said based on the favorable factors and analysis, as outlined in the staff report, staff recommends approval of the rezoning request with the following changes. She said staff recommends that the application not exceed the recommended density in the Master Plan, and that the applicant coordinate with Parks and Recreation and Planning staff prior to the Board meeting to determine how best to make a public trail connection, as proposed in the Places29 Master Plan.

Ms. Kanellopoulos said staff also recommends approval of the Special Use Permit request, with the following proposed conditions. She noted there was a slight change to Condition #5 to specify the types of erosion and sediment control measures not allowed in the flood plain. She said other than that change, the conditions on the screen were the same as those in the staff report.

Ms. Kanellopoulos presented rezoning motions and Special Use Permit motions for the Commission's consideration.

Mr. Randolph said in the community meeting on January 17, 2019, 60 units were proposed, and that they were now looking at a total of 100 units. He said it was unusual for the Commission to see a community meeting with a number of units proposed, then have the number increase after the community meeting. He asked for an explanation of how this came to pass.

Ms. Kanellopoulos replied that the overall area of disturbance and construction is the same, but that the units are now more clustered together. She said staff did not require the applicant to come back for another community meeting.

Ms. Megan Nedostup (Community Development staff) said she attended the first community meeting and that there was one adjacent owner across Route 29 who was interested in what was going on. She said she didn't see the need to have an additional community meeting, since it wasn't highly attended.

Mr. Randolph said he thought Ms. Nedostup was misunderstanding his question. He said he wasn't asking why there wasn't another meeting held, but that he was struck by the fact that the number in the application went from 60 up to 100 units. He said usually, the Commission sees the movement in the other direction.

Ms. Nedostup replied that the applicant could speak more about the reasoning, but that she believes they were looking at a different type of development, which is the proposal that was in front of the Commission, versus what they originally anticipated when they came in with the application.

Mr. Randolph asked if River's Edge holdings should financially fail, had there been any discussion by staff who would become responsible for paying for system monitoring and generation upkeep of the central sewage system proposed in the application.

Ms. Firehock said she thought it was a pump station.

Mr. Randolph agreed it was a pump station, pointing out that it was a facility, and that he wanted to know who would maintain it going forward.

Ms. Nedostup replied that the applicant could answer, but she believed it was a private facility that would be maintained by the homeowner's association.

Mr. Randolph said they would have a discussion about the liquidity of the homeowner's association and fees associated. He asked if staff has thought in any way about the unaddressed impact of the trails going in here, and no money proposed to go towards trail construction on the site.

Ms. Kanellopoulos replied that some of the trails are private. She said the trails farther back on the site where the homes are would be private. She said in talking with Parks and Recreation staff, they felt that this would be appropriate. She said the main connection they want to make is getting from North Point up to Route 29, then crossing the bridge.

Ms. Kanellopoulos said the applicant is providing a trail connection up to Route 29, which would be along the frontage of Route 29. She said this would likely need to be constructed at a later date, given the topography. She said she didn't know if Parks and Recreation was ready to determine exactly what needs to be constructed, and that staff could discuss this further with them.

Mr. Randolph asked if the bridge would be paid for by the residents.

Ms. Kanellopoulos replied that the bridge was not proposed with this development, since it would be on the adjacent property. She said the applicant is proposing a public connection up to that property so that, in the future, if there were a bridge, it could connect to that with development of the adjacent property.

Mr. Keller asked if the buildings would have basements, or if they were on footers.

Ms. Kanellopoulos replied that she believed they were on footers, and she would let the applicant speak to this.

Mr. Bivins opened the public portion of the session to hear from the applicants.

Mr. Justin Shimp (project engineer) said he was joined by his planner, Ms. Kelsey Schlein. He said this was an interesting project and one he very much liked, where the client has given him leeway to go outside the norm.

Mr. Shimp said in terms of the bridge, the same owner owns the adjacent piece, and that there is a rezoning application in for this. He said they therefore understand that the condition of that will be to connect the bridge on that property, and that this was coming. He said they have the public easement that they give through this property down a road that is already built, and so most of the trail infrastructure does actually exist on the plan.

Mr. Shimp said he had been before the Commission various times to talk about the size of units and density, and that this project was a perfect example of the problem with counting density as a dwelling unit, regardless of the nature. He said for instance, in Albemarle County, if one disturbs over 1 acre and builds a house, they have to do an erosion control plan. He said he is sometimes hired by someone building an estate, and that for example, a landowner in Ivy cleared 6 acres of land and built a 1,000-foot driveway at the side of the mountain (noting it was all legal, with permits) to build a 6,000-square-foot house. He said the disturbance was equivalent to the one he proposed in the River's Edge project, but for one dwelling unit.

Mr. Shimp said likewise, if someone wanted to build a 400-square-foot cabin, it would also be counted as one dwelling unit.

Mr. Shimp said in this situation, they considered some options such as townhomes. He said the version they talked about at the community meeting were traditional townhomes and larger units, totaling 60. He said although this can be done, he thought that there was a better option for the property.

Mr. Shimp said in the past, the Commission has approved accessory dwelling units to be considered as not a part of the density. He said for example, Belvedere has these ADUs, as well as Southwood, Riverside Village, and Old Trail. He said if an applicant brought a plan to the County for a 3,000-square-foot house with a 1,000-square-foot ADU, and there were 51 of these, that this would meet the Comprehensive Plan definition of density. He said that if the principal unit, however, was not three times of the size of the ADU, it doesn't count.

Mr. Shimp said for example, if every two units is 2,400 square feet instead of 4,000 square feet, it is considered too high of a density. He said this did not make sense to him.

Mr. Shimp said he was not asking the Commission to redefine how to look at density that evening, as this was a bigger conversation. He asked them to think about if a project like this could be thought of as a small unit and ADU that happens to be the same size, but that they both fall under a 1,200-square-foot maximum which is what the applicant thinks of as an ADU. He said he believed this was reasonable.

Mr. Shimp said it was important to note that with the footprint of the design, the applicant has proffered in the Application Plan a maximum of 50,000 square feet of footprint. He said comparing this to additional development, they are approaching half of touching the land to build these same units. He said they are impacting less and getting more "kitchens," and that they would have one and two-bedroom units instead of 3 and 4-bedroom houses. He said the number of bedrooms is the same, but they essentially will have more kitchens. He said he believes the overall impacts would be the same, or less, than what would be conventionally built on the property if they did the typical plan.

Mr. Shimp said he believed this was a reasonable justification for the increase in units, and that he was happy to discuss it more.

Mr. Shimp presented the overall plan, noting the access road and explaining that all the units are on a flat, buildable portion of the property. He indicated to where the road would have to be widened, for emergency access purposes. He said the applicant has worked with County staff on this and that they feel the impacts are mitigated.

Mr. Shimp said one thing that is unique about this property is that there are many nice trees on it, and that in looking at options, a townhome development requires them to be cleared. He said he came up with a scheme where they have some modular construction, and can build and set the units amongst the forest. He said the idea is that they can set the units up on columns without having to clear or grade the entire area. He said they will have to build the large parking lot, as there are standards that the County has to meet. He said they could build that, put the units off to the side, and minimize their impacts otherwise.

Mr. Shimp said the site is near some employment centers who use a lot of contract employees. He said this project will fit those employees' temporary needs amongst their employment.

Mr. Shimp presented examples of the houses. He indicated to the largest unit, which was 2 bedroom at 1,181 square feet. He said the typical shape of the unit is a long, skinny shape with one or two bedrooms, which can be built in a factory and brought to the site on a trailer.

Mr. Shimp said though they didn't have the exact architecture selected yet, the examples gave an idea of the scale of the structures.

Mr. Shimp presented an example that he noted was very close to what they would build. He said they would have a structure elevated on piers, and the parking lot would be adjacent to it.

Mr. Shimp showed an example of a unit that was closest to the flood plain. He said the lower unit was built above the flood plain by a large margin, and another unit is stacked on top of that. He indicated to the location of the parking lot. He said the grade otherwise follows the natural terrain, and that they can step up the hill with the units.

Mr. Shimp said he had a useful density comparison. He indicated to what represented eight units, noting there were two units over two. He said this was about the same footprint as the traditional three villa homes. He said if they built that, however, there was no room in between, and was straight structure. He said he hoped this illustrated what the applicant was getting at with the size of the structure, and that they were really building 50 or fewer houses. He said there are 36 structures on the plan containing various levels of units, but that in feel, look, and impacts, it falls into the Comprehensive Plan's number.

Ms. Firehock asked if someone would be walking down the stairs to get to their door in some units, while other units were at grade.

Mr. Shimp replied yes.

Mr. Shimp presented the area of pedestrian circulation mentioned earlier. He explained one would come off Route 29 and down the existing 8-foot road that the applicant would convert to a pedestrian trail. He indicated to where the future bridge would be to get across. He noted that most of the infrastructure was already built for this.

Mr. Shimp said because the project was embracing nature, they had a list of alternates to usual play structures (e.g. swing sets). He said though he didn't expect many children to live there, the ones who would can have a place to go and take advantage of the trails.

Ms. Firehock added that "big kids" need nature, too.

Mr. Shimp agreed. He said in summary, there is an increasing supply for smaller units, and that he didn't think any project had come forward with this mixture of units of this type. He said all he needed from the Commission was the acceptance of the idea that an ADU does not have to be one-third. He said they could look at these as smaller units without having to count them as full dwelling units, noting that the Commission has done this with other projects, such as Southwood.

Mr. Bivins asked if anyone from the public cared to speak. Hearing none, he moved the meeting forward with questions for the applicant, as well as for Mr. Pohl, if necessary.

Ms. Firehock said that because she is a proponent of saving trees, she was very much in support of the design the applicant put forward. She cautioned about the fact that there is only one way in and out of the site, which presents a fire risk. She suggested that the applicant would avail themselves of the free services of the Virginia Department of Forestry and their "Fire-Wise" program. She said there are ways to design to make a dwelling safer in case a fire should break out.

Mr. Shimp said this was a good point. He said they have agreed with the fire marshal to provide sprinklers in all the buildings, which will also help mitigate that risk. He said Ms. Firehock was correct that when working the forest, they need to be cognizant of the risks.

Ms. Firehock said the Fire-Wise program is on the Virginia Department of Forestry's website. She said they have people that can come out and help the applicant's site design so that it is safe. She said perhaps there are some trees that do need to come out because they could be at risk. She urged the applicant to consider these things.

Mr. Randolph said on page 4, in the community meeting, there was some discussion about these units being long-term rentals of a year or more. He said a statement is provided on page 4 that says, "It will not be used for short-term rentals." He asked how they would prevent people from renting these facilities and not renting them out on a short-term basis.

Mr. Shimp replied that these were the staff's comments from the community meeting. He said the owner of the property owns Access Properties, who offer affordable housing around town. He said as the owner of this, they prohibit anyone from subleasing without their permission. He said Mr. Randolph was right that it is hard to enforce this with owner-occupied units, but in the case of this project, the units will all be owned by one property owner. He said people would be kicked out if they try to rent short-term, and so there is a control in this particular circumstance.

Ms. Firehock said she was curious how the County would know that this would be a requirement.

Mr. Shimp said he didn't think the applicant ever said that they were going to proffer this, but that it was their intention that they conveyed to the community. He said he had never heard of a development requiring that, and that he didn't know if the applicant would be opposed to it, but that there was no intention of it. He said he couldn't say that the property wouldn't be sold in 20 years and that someone else may have different rules. He said the applicant could only speak to an intention on what they are doing, as owners may change, and rules may change. He said this was more of a zoning question of how they would enforce this, rather than a decision of if this should be approved or not.

Ms. Firehock said a traditional subdivision would have a homeowner's association with the ability to create this rule, but that this was a matter of one individual owner, and that Mr. Shimp just said that this person could retire, go away, or sell the property, resulting in the property becoming an Airbnb or hotel type of community.

Ms. Kelsey Schlein (Shimp Engineering) said it was her understanding that the homestay regulations may preclude short-term rentals occurring regularly on the property, especially if it is not rented to the uses allowed on the Application Plan. She said she was asking for staff's input on this, as it was the applicant's understanding in proposing the Application Plan was that short-

term rentals are not proposed as a by-right use on the property and so therefore, they are not allowed. She said it was her understanding that they would have to comply with the supplementary regulations for short-term rentals.

Ms. Nedostup said staff would have to get back with an answer on that after doing some research on the homestay regulation.

Mr. Keller said that since it was one parcel, he didn't think it would be an issue. He said the most that there could be on one parcel would be the one. He said in other words, they wouldn't be able to turn each one into short-term. He said perhaps they could get the 5 plus 5 if it stayed rural, and that the most they could get out of it would be 10.

Mr. Dotson asked if all of the units would be rentals.

Mr. Shimp said this was correct. He said the applicant would not meet the County subdivision ordinance requirements for division as it is built.

Mr. Dotson noted these were modular units and that this suggests a situation where someone could not own the land, but the building only.

Mr. Shimp said he did not know. He said he supposed one would be able to have a condominium situation there, but that he didn't know for sure about that.

Mr. Dotson asked if this was the applicant's intent.

Mr. Shimp replied it was not their intent.

Mr. Keller asked if the road would be a County road or a private road.

Mr. Shimp replied it would be a private road.

Mr. Keller said if the Rivanna goes through, creates the ox bow, and there has to be a bridge across, they wouldn't have to worry about this being a County cost for the bridge at some point in the future.

Mr. Shimp said no.

Mr. Keller asked about modular versus manufactured.

Mr. Shimp said manufactured relates to older style mobile homes.

Mr. Keller asked if that would defeat the building standards.

Mr. Shimp said this was correct. He said they could not be manufactured homes, considering the building code. He said it has to meet the full building code.

Mr. Keller said this was the clarification that he wanted. He said in effect, they are building units to code.

Mr. Shimp noted the units would not be built off site.

Ms. Firehock said this was an important point.

Mr. Keller indicated that the applicant was asking the Commission about the land disturbance. He recalled the Commission had had an interesting work session on this previously, and that there has been a lot of response to ideas coming forward from that. He asked if the applicant is building on piers so that they don't have to have as much land disturbance, why not do pocket parking so that they can work with the grade more.

Mr. Shimp said he tried that. He said what he really wanted to do was have 14-foot 1-way roads with parking scattered throughout. He said between the fire code and parking regulations, however, it was near impossible. He said he did try this, as it was in fitting with the character that is there now. He said it was not feasible, however.

Mr. Keller said perhaps they could hear from the County Engineer (Mr. Pohl) about this, as these are things that have come up for other projects as well.

Mr. Keller said the last time, they talked limnology (the study of fresh waterways), and that there were issues about this becoming an ox bow lake and the impacts that Mr. Randolph talked about in the last several meetings about the different flood levels and changes to the environment with climate change, which will have an eating-out aspect of the concave side of the rivers. He said this means there will be less and less space or distance between the two channels. He said they didn't know whether this was 10 years, 100 years, or 1,000 years in this environment, in geologic time, but that it is something that is an issue of real concern.

Mr. Keller said the road going in was more of his concern, more so that the buildings. He said the applicant has addressed this, and he applauded them for that. He said they had talked before about floating a road or quasi-bridge concept in the narrowest part so there would be less disturbance to the steep slopes there. He asked the applicant since they were doing other innovative engineering techniques, if there may be a more innovative solution for dealing that type of connection.

Mr. Shimp replied that there are always more solutions, if enough time and money are spent. He said the problem was about the fire trucks. He said if they do an elevated road, it has to support the weight of a fire truck. He said it would kill the project if they had to construct something like this in that couple hundred-foot section of road coming in. He said there was not a scale that can justify or support that kind of cost. He said though the design idea was interesting, the other design components that stack against the applicant makes it unfeasible.

Mr. Keller asked about logging such as in the Amazon, where there is very large gravel put into the road with geotextile put down. He asked if there are ways, they could support it without adding as much land disturbance. He said he was referring to creating a stronger base.

Mr. Shimp said that the problem is that the narrowest point where the road crosses through is quite steep on either side. He said if they start building out on one side and put fill material there, they have to keep it from sliding off down the hill. He said he considered these things, but came to the conclusion that the best way, with minimal risk for rock and mud getting out of hand, is to follow the top of the hill and cut the grade straight down. He said although this was not innovative, this was the most practical solution and satisfies zoning, fire code, and can be done without the risk of a mud slide.

Mr. Shimp said though creative solutions were considered, the project also has to be buildable for the client (for whom he had spent 1.5 years working on the project). He said it was a fair question, but that he hadn't figured out a way to do this that was feasible, or that doesn't create concerns about how they operate in the slopes. He said he is minimizing the number of slopes they have to touch with this particular concept. He said as far as grading, this was the minimum they could do.

Mr. Bivins asked to see the slope disturbance facts for managing runoff. He asked for explanation of the stormwater management facility and if this involved runoff from the parking lot that could find its way into the north fork of the Rivanna River.

Mr. Frank Pohl (County Engineer) said they would have stormwater coming off this site. He said the first proposal was a level spreader in the flatter areas that Mr. Shimp had proposed, but that there could be implications with the level spreader about erosion along the stream bank, as that stream bank drops. He said they need to get to the river, if there is going to be a problem, but that he wasn't sure if there would be a problem until the design is done and until staff can look at things more closely. He said he suggested that Mr. Shimp show access to the river. He said he would rather have protected access with a built outfall than try to force a solution that might create a problem.

Mr. Pohl said this solution gives them the flexibility and that they could still address it. He said either way, the applicant has to meet the VSMP requirements.

Mr. Bivins asked with oil changes and antifreeze changes, and with 100 units and 100 cars (perhaps 200 cars), if this was a potential problem for that kind of runoff.

Mr. Pohl replied yes. He said they cannot control oil changes that occur illegally and dump into the river.

Mr. Bivins asked how the system controls the potential damage to one of the County's resources.

Mr. Pohl replied that all the projects have this, and that none of them are required to have an oil separator. He said the County does not have the authority to require an oil separator. He said the site is located on the river, and so the applicant can purchase credits and discharge directly to the river without having to provide any attenuation. He said his understanding was that this was not the applicant's intent, and that the applicant was going to provide attenuation, which is how they were going to use the level spreader, which is the one-year stormer vent for the energy balance. He indicated on a corner of the map to a wider line, noting this represents an underground detention facility.

Mr. Pohl said he believed the applicant would utilize off-site return credits.

Ms. Firehock said she wanted to ask the applicant about this. She said the County Engineer is well aware of all the progressive things that could happen, as was Mr. Shimp, but that she wanted to put the question to him instead.

Mr. Bivins said one of the Commissioners was wondering about the 500-year flood and the 1,000-year flood, and whether or not any of this interferes or impacts this project.

Mr. Randolph said there was a discussion during the break, and that he was aware of where the buildings are situated, and the proposal to have them on stilts or columns above the flood plain. He asked what the insulation would be underneath the buildings, because if it gets wet in flooding, then it all has to be torn out if it is fiberglass.

Mr. Shimp said this was true. He said they were above the 500-year storm, and that the probability of that happening in the lifespan of these houses is very low. He said with access underneath, they could replace the insulation without too much hassle, and that it was a remote risk.

Mr. Shimp said that normally in zoning, they don't get into stormwater treatment, but given the specifics of the site, if the Planning Commission were to recommend some percentage of on-site water quality treatment instead of credits, he would not object to that, if that is what they were getting at.

Ms. Firehock said this was possible.

Mr. Shimp said there is a Special Use Permit for the disturbance and that under that, in the past, the Commission has made similar conditions before.

Ms. Firehock said she knew Mr. Shimp has a client and that he is not the purse strings of this project. She said in looking like places like River Bluff (and not suggesting they build $600,000 homes), they have some features such as permeable parking spaces. She said the applicant could reduce the volume of stormwater that they need to treat in the first place. She said since this development may attract a different sort of individual, as they are building a nontraditional product in the woods, they could have rain barrels or other ways to reduce the amount of underground storage they have to construct as a savings. She said she understands that permeable pavers need to be vacuumed at least once or twice a year, and that this was a paid service, but that they would have to do things to maintain the property anyway.

Ms. Firehock said there are many techniques and technologies to reduce the amount of runoff generated. She said although this was not the applicant's fault, she wanted to say for the record that she was opposed to buying water quality credits and how the State law changed years ago. She said the committee that worked on this put a lot of "and's" in the clauses in the law, and by the time it was voted on in the legislature, they all became "or's." She said therefore, what they have is not what was intended by the best stormwater professionals.

Ms. Firehock acknowledged the applicant is working within the law, but to the degree that they can push their client to do some of this water quality treatment on site would make this a much more attractive project because they are on a fragile landscape in the loop of the Rivanna River that is already severely impacted. She said to her, the greener and more sensible treatment they could put there, in addition to leaving large trees, was ideal.

Ms. Firehock said the County's parking standards, for the records, were draconian and also need work, as the Commission has discussed with Mr. Benish many times.

Mr. Shimp said these were all fair points.

Ms. Nedostup said she had the opportunity to look at the homestay regulations, and that short-term rentals are only permitted in detached single-family dwellings. She said in this case, these are attached units, and so the current regulations would not allow for them to be homestays.

Mr. Keller asked if the units would all be attached.

Ms. Firehock said they were all touching.

Mr. Bivins closed the public hearing.

Mr. Dotson said he had a question for staff. He said looking at the plan, it brings to mind a mobile home subdivision, based on the shape of the footprints. He asked what the density regulations are for mobile home subdivisions, and if they are a straight one-for-one the way single-family detached are or if there is some allowance for more mobile homes than the density calls for.

Ms. Kanellopoulos replied that staff could try to check on this question, as she was not sure offhand.

Mr. Keller said the model for this is a PUD of regular houses. He said this has no relationship to a trailer park in any way. He said it would be like a rural subdivision.

Mr. Dotson said he was not convinced by Mr. Shimp's logic of how to address the Comprehensive Plan density question, and that he wondered if there was a precedent in mobile home subdivisions, senior housing, or any other category where the Comprehensive Plan density was not simply translated one for one.

Ms. Nedostup replied that they have not had a lot of those applications. She said the only one she could think of that went above the Comprehensive Plan density was Riverside Village for the affordable units. She said as Ms. Kanellopoulos stated, staff does not have much guidance within the Comprehensive Plan, Zoning Ordinance, or any other policies to direct them.

Mr. Dotson expressed that if the Commission approved this, Mr. Shimp would remember that, and they would see more of this type of request. He said Mr. Shimp was bringing them something new.

Ms. Firehock said she understood what was said about the difference of the density, and that there was a lot of effort to explain carriage houses, which she didn't need. She said this was why the Planning Commission exists. She said instead of by-right uses, they look at special exceptions, strange situations, and requests to change the norm. She said in this case, it was not merely a request to increase density, but it is a completely different design where the applicant has shown the proposed density in a nontraditional format, which is actually less impactful to this particularly sensitive landscape in this location. She said this is what she found compelling.

Ms. Firehock expressed her joy with the applicant protecting some trees on the site. She said she was tired of lot line to lot line clearing.

Mr. Dotson said this raises the question of impact-based density. He said one could build a 2,400-square-foot home as a unit, or two 1,200-square-feet homes (a unit), or three 800's as a unit. He said in some of the Airbnb discussions, there was the question about regulating units, square feet, or bedrooms, and determining the best indicator of impacts. He asked if there were some things, however, that do not scale, as perhaps the same number of parking places is still needed. He said if there are two people in a unit, they could perhaps have two cars, or not, for instance. He said it was a very interesting question, and possibly the first project they could add to the work program for staff.

Mr. Dotson said what this reminds him is of the habitat at the World's Fair in the late 1960s that was modular units that were stacked in a very attractive way to make a rather large structure. He said this notion was very appealing, and that the project makes him think of this (and not an Iroquois Indian village).

Mr. Clayborne said overall, he enjoyed the project, and thought there were many clever moments in the proposal. He said it is unique. He said he didn't have an issue with the density, and that the more he studied it, he didn't have an issue with the uniqueness of the proposal. He said he did agree with his colleagues' stormwater management comments, and however this is tucked into the motion, he could get behind it. He said as of that moment, he saw the application as highly favorable and that it would have his support.

Mr. Keller said although he wanted to support the project, he believed they needed to work through it further on a number of points. He said in dissecting the number of questions that had been made thus far, they would perhaps be digging into them further if it wasn't such a late hour.

Mr. Keller said this project was exactly what he had been calling for, and that he was completely supportive conceptually. He said he was not sure, however, how he felt about the two units being together the way they are. He said they were trying for this not to be like a trailer park and yet, it feels like one, to him. He said he thinks that if they are asking an applicant to do something creative, they need to think and work with their County Engineer to see whether they might be able to do something more creative in terms of parking, the roadway in, and how this works with fire and police.

Mr. Keller said he still had concerns and reservations about how narrow the channels at the 500-year flood plain are, between the two channels of the river. He said this warrants more thought.

Mr. Keller said although he was close, he personally felt that the Commission should consider these points, as well as the stormwater management.

Mr. Dotson said he knew that State agencies that issue permits related to water and health matters have the ability or process for issuing an experimental permit where they identify the things that the experiment is intended to test. He said they then track it over time. He said this doesn't open the door to having a new rule but rather, it gives a vehicle for going forward with some creative ideas. He said he wondered if some thinking along those lines might apply. He asked what they might want to test with this. He said they all agree it is innovative, and perhaps they could set up a program where this becomes a model, they look at every so often to see if it would be a good idea to make it the normal option.

Mr. Bivins said he didn't know how the Commission would impose that or set it before an applicant. He said perhaps if the applicant, during the process, were to say that this was something they would like to do, it could work, but he didn't know how the Commission could ask the applicant to speak to the Commonwealth to see if it is something they can do and if so, the Commission would stand with them. He said what they might encourage, as they are looking at climate action and the policies that may come before them, is to see if there is a way there to suggest the option to people.

Mr. Dotson said in suggesting they think about this as an experiment and try to specify what they would hope to learn from it, he thinks this could be stated as part of a purpose statement on the

Application Plan. He said there could be a protocol for whatever it is they want to monitor. He said perhaps there was nothing to monitor.

Mr. Bivins said he thought this was a good idea, but that he was hoping they were not suggesting pausing the application.

Mr. Dotson said it would be a way to go forward with the application.

Mr. Bivins asked how they would know what they were suggesting.

Mr. Dotson said at that moment, he didn't have a list of things that he would like to know. He said he hoped there might be some things, however, and that this would be a rationale to go forward.

Ms. More said the project is creative and that she liked the idea, but that she was not comfortable with the idea of doubling the density by using the accessory dwelling, and with them being the same size. She said going this for, the applicant was not asking for a little bit, but was asking to literally double with the accessory unit not being what they typically look for, where there is a certain size for the main dwelling and the accessory. She said this is what made her uncomfortable. She said they were going from 50 to 100, and although she could somewhat understand the applicant's argument for it, this was why she was a "no" on this.

Mr. Shimp said one thing the applicant could do is say 1,200 for 50 and 1,000 for 50, dropping the number down. He said what they see is mostly around 650-700 square feet, and that 1,200 square feet is only his largest unit. He said if there was concern about that being the same, they could make half of the accessory units a smaller square footage.

Mr. Bivins said there was something that he has been very clear about during his chairmanship. He said they are not going to get engaged in doing the work of staff from the dais. He said this would come down however it would, and that he would recommend Mr. Shimp have this conversation with staff. He said the Commission was not going to negotiate the square footage, although it was a valid point to bring forward.

Mr. Shimp said that staff were not going to tell him what the square footage would be, either.

Ms. More said she was only one "no" vote.

Mr. Bivins said Mr. Shimp was advised to stop at this point.

Mr. Randolph said Ms. More was not alone, and that he had the same feelings about it. He said the problem he has with the application is that although it contains some innovative things, he was worried in the long-term that the County would see a low-income community that they will be a party to creating. He said once again, they will have put a low-income community in a location with no public transit available. He said he didn't see any suggestion of a bus stop for a potential future bus. He said it would be left to the Board and CAT in the future to make an argument or, with autonomous buses coming out, to provide transit to this location. He said this was an unaddressed impact, in terms of buses.

Mr. Randolph said there would be 21 students occurring there, at minimum, which was an unaddressed impact.

Mr. Randolph said the bridge was cited as a pedestrian bridge, but that it needs to be thought of from a design standpoint of an emergency exit if the ox bow does come into fruition. He said in his estimation, it would have to be somewhere around 45 feet of water that would have to occur to cross over between the two portions where the ox bow would be eliminated. He asked the applicant to think about another means of exit there.

Mr. Randolph said one thing that has not been put into the queue is that there are many trees on the site and if there was a forest fire, with only one way out, they don't want people having to swim and cross the Rivanna River to get out. He said he was uncomfortable from a safety point that there was only one way in, but that fundamentally, he was concerned about the unaddressed impacts of education, public transit, and the trails. He said he was concerned long-term about what could happen on the site that they do not have control over.

Ms. Firehock said she had a point that was related, but that she was not expecting the Commission to discuss that evening. She said that in Charlottesville, there were many requests for infill when she was on the Planning Commission there, and that they wrote an ordinance that provided a density bonus in exchange for implementing a certain minimum number of innovative best management practices, such as low-impact development design, so that they got infill with guaranteed green design. She said they can write those types of ordinances in the County, but that they didn't currently have that.

Ms. Firehock said for her to support the project, she would need to see some kind of clause. She said she didn't know how to quantify this, as they were not writing a stormwater plan for the dais, either. She said if they were to add some sort of clause such as, "Implement innovative best management practices to reduce stormwater volume generated, and to treat water quality on site to the maximum extent practicable," they would not be setting a specific number on it. She said she wished the application already contained some of this, as it is a sensitive site.

Ms. Firehock said the Wetsel property the Commission just reviewed is largely cleared, and so that site will have a lot more stormwater impact to treat this site because it is already treed, and the applicant is leaving some of the trees in place, which actually generates less stormwater from the start. She said one mature tree can take up to several thousand gallons of stormwater per tree, per year. She said by leaving the trees in place, the applicant already has a site that has much less impact than most of the County's development projects. She said even so, since there is a private road and parking spaces, she would like to see some way to use permeable pavements, cisterns, rain barrels, etc. She said there was a whole host of approaches that were not too expensive.

Mr. Bivins said the applicant was receiving some feedback that evening, and asked if it would be helpful for the applicant to defer before taking a vote.

Mr. Shimp replied that this was reasonable. He said he has not heard specifics on some things, but that he had ideas on things he could revise. He said he wants to move the project forward with everyone feeling good about it. He said there are some things the applicant can address, but that the ox bow condition was out of his hands. He said the stormwater points and narrowing down the square footages could be accomplished. He asked if he could return in four weeks to defer and make some tweaks.

Mr. Andy Herrick (County Attorney's Office) asked if the applicant was requesting a deferral.

Mr. Shimp said yes, with the condition that it not be 3-4 months until he comes back.

Mr. Herrick asked if Mr. Benish knew the upcoming schedule.

Ms. Firehock suggested putting it at 4-6 weeks, noting that it was difficult for staff to juggle all the projects.

Mr. Shimp acknowledged that staff was busy. He said he would be fine with a 4- to 6-week timeframe. He said the changes would be very minor.

Mr. Herrick said he would like Mr. Benish's input on the upcoming schedule.

Ms. Nedostup said if they were looking at stormwater management, they would need to cycle through a review of that with the County Engineer, and that it would be about 4-6 weeks, though she hadn't looked at the schedule of the upcoming meetings in April and beginning of May.

Mr. Bivins asked if the Commissioners would like to add any points, they wanted Mr. Shimp to address.

Ms. Firehock said she had already mentioned fire-wise design, as there is a risky site with one entrance.

Mr. Clayborne said stormwater management was his main concern.

Mr. Keller said he would like the applicant to challenge County staff about the original parking scheme along the side of the road, instead of having defined parking areas. He said he would still like the applicant to think about his point about the narrowing where the two channels are, and whether they could have less environmental impact there.

Mr. Dotson said to build on Ms. More's point, he would like to have the applicant think about a rationale that is different than the accessory unit rationale -- the rationale that even though PUD's don't qualify for bonuses, thinking about it as if it is a bonus because it does things the County says it wants to do. He said he would feel much more comfortable with that than with the accessory unit.

Ms. Firehock and Mr. Randolph agreed.

Mr. Bivins asked Mr. Herrick if this was sufficient.

Mr. Herrick replied yes. He asked if they have determined a specific date to which this should be deferred.

Ms. Nedostup replied that the thought was May 19 in order to give a couple weeks for the applicant to revise and bring in plans for review.

Mr. Herrick said if the applicant was then requesting a deferral to May 19, there would need to be a motion.

Mr. Randolph moved to defer of ZMA201800018 and SP201800023 River's Edge.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Ms. Firehock noted that she would be out of town on May 19. She said she would convey her thoughts to Mr. Shimp and to the Commission before that meeting.

**Committee Reports**

There were no reports.

**Old Business**

**New Business**

Mr. Benish said next week's Planning Commission meeting (for 3/17/20) had been canceled, as the applicant asked for a deferral. He said that hearing was tentatively scheduled for June.

Mr. Herrick said his suggestion was that the Commission formally make a motion to defer that application, to make it official.

Mr. Keller moved to defer SP201900013 to June 16.

Ms. More seconded the motion, which carried unanimously (7:0).

Mr. Benish said April 29, there would be a joint meeting with the Board of Supervisors on affordable housing, 10:00 a.m. to 12:00 p.m., in Room 241.

Ms. Firehock and Mr. Randolph said they would not be able to attend this meeting.

Mr. Benish said on April 1, at the Board of Supervisors meeting, there would be a presentation on R-cuts. He encouraged the Commission to listen in or attend. He said this meeting would be sometime after 1:00 p.m. and was actually couched in the VDOT quarterly report. He said this type of presentation would typically occur around 3:00 p.m.

Ms. More asked if the next meeting would be March 24, and if the Yancey item was still tentative.

Mr. Benish replied no, and said his understanding was that this would still be occurring on this date in order to meet some review deadlines. He added that Bamboo Grove had not been scheduled.

Mr. Charles Rapp introduced himself as the new Planning Director. He said he looked forward to working with the Commission and serving in the community.

**Adjournment**

At 10:38 p.m., the Commission adjourned to (March 24, 2020 – CANCELLED) April 7, 2020 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

Charles Rapp, Director of Planning

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

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| Approved by Planning Commission |
| Date: May 5, 2020 |
| Initials: CSS |