

**Albemarle County Planning Commission  
FINAL Minutes July 7, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 7, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Tim Keller; Rick Randolph; Corey Clayborne; Daniel Bailey; Jennie More; and Luis Carrazana, UVA representative.

Members absent: Karen Firehock, Vice-Chair.

Other officials present were Megan Nedostup; Frank Pohl; Kevin McDermott; Charles Rapp, Planning Director; David Benish; 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 electronic meeting to order at 6:00 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said there were no Commissioners attending from the County Office Building, and that the Commissioners electronically present that evening were: Mr. Bivins, Mr. Randolph, Mr. Keller, Mr. Bailey, Ms. More, Mr. Carrazana, and Mr. Clayborne.

Mr. Bivins said the public could access and participate in this electronic meeting by following the links available at [www.albemarle.org/calendar](http://www.albemarle.org/calendar), or by calling 877-853-5257.

**Consent Agenda**

Mr. Bivins asked if any Commissioner would like to pull an item from the consent agenda.

Ms. More moved to approve the consent agenda.

Mr. Clayborne seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent.)

**Public Hearing Items**

**ZMA201900004 Breezy Hill**

Ms. Megan Nedostup, Principal Planner, said this was the first public hearing on a request to rezone eight parcels that, together, are approximately 84 acres located along US Route 250 East, in the Village of Rivanna Master Plan area near Glenmore.

(There was a long pause after Ms. Nedostup's introduction, as there were technical difficulties with the webinar that were being addressed.)

Ms. Nedostup repeated her introduction of the public hearing. She said this proposal is a request to rezone from RA Rural Area zoning to R4 Residential. She said she will present the site context, current zoning, the Master Plan's future designation (including recommendations on

transportation improvements), and an overview of the proposed rezoning and application plan. She said then will transition into providing more detail on the transportation impacts; affordable housing; schools; neighborhood model; and environmental, cultural, and historic resources.

Ms. Nedostup said she would give a brief overview of the applicant's offered proffers, factors favorable and unfavorable to the rezoning, then finally conclude with staff's recommendations on the rezoning and modification requests.

Ms. Nedostup presented a vicinity map, indicating to Route 250 East and its direction toward Charlottesville, to the Rivanna Village Neighborhood Model, to Glenmore, and to the site marked by a gold star with parcels outlined in yellow. She also indicated to the Running Deer neighborhood located to the east.

Ms. Nedostup said there are currently single-family houses on the property. She said Breezy Hill Lane comes in off of Route 250. She indicated to Running Deer Drive on the map, as well as to Hearn Lane, noting it provides driveway access into the back of the properties.

Ms. Nedostup said the zoning of the properties is currently Rural Areas and also includes the Zoning Overlay Districts of Environmental Features, which include the floodplain (represented by a blue striped area on the map), the stream buffer (represented in darker blue), and preserved slopes (represented by the green areas). She said Glenmore (to the southwest) is zoned Planned Residential Development. She said Rivanna Village (in the green area) is zoned Neighborhood Model District. She said all other parcels on the map, shown in white, are also zoned Rural Areas.

Ms. Nedostup said Breezy Hill is within the Village of Rivanna Master Plan area. She presented a map of the future land use, noting it includes two designations for the subject property. She said "Neighborhood Density Residential - Low" was represented by a lighter yellow color on the map, and that all the Breezy Hill properties were outlined in gold yellow. She said the "Parks and Green Systems" designation was located along Carroll Creek, as well as along US-250 (represented in green).

Ms. Nedostup said to the west, across Carroll Creek, the land use designation is "Neighborhood Density." She said this exhibits the transition that is discussed within the Master Plan to provide the most intensive development within the village center (Rivanna Village) to the least density adjacent to the edge of the Master Plan area, which is along Running Deer Drive.

Ms. Nedostup said the Master Plan further designates this as "Area B." She explained that in the inset of the map presented, Area B is recommended at a density of 1 dwelling unit per acre. She said Breezy Hill is located within Area B, noting that there are additional parcels within Area B that are not part of the Breezy Hill proposal.

Ms. Nedostup presented a chart from the Master Plan that describes three areas where future development could be expected within the Village of Rivanna. She said it provides guidance on how this area would transition from higher density to lower density, radiating out from Glenmore and Rivanna Village. She said Breezy Hill is described as having the lowest density of this development area. She said the Planning Commission, at its work session last July, confirmed that the density should follow this chart within the Master Plan, and that a net density of 1 unit per acre (equating to 65-66 total units) would be appropriate relative to the recommendations of the Master Plan.

Ms. Nedostup presented two maps -- the land use plan that is within the Village of Rivanna Master Plan, and an enlargement of the area where the proposed Breezy Hill would be located. She said the land use plan shows a future connection to the west, across Carroll Creek Drive; a connection from Route 250, which is the existing Breezy Hill; and a connection to Running Deer Drive. She said it also recommends a multiuse path along the south side of Route 250. She presented a site section of Route 250 from the Village of Rivanna Master Plan, showing the walking path along the south side.

Ms. Nedostup said the proposed plan is providing for a future connection to the west, an emergency access connection to Running Deer Drive, and the main connection on Route 250.

Ms. Nedostup said the Commission, at its work session, did recommend that the connection to Running Deer be an emergency-only connection due to the concerns raised by residents, and concerns about the adequacy of the rural road handling the traffic that would be generated by this development. She said as staff noted in the staff report, the proposal is not currently meeting VDOT's secondary street acceptance requirements for a second, full vehicular connection. She said an exception to this requirement will need to be approved by VDOT. She said staff is recommending that the note on the concept plan be revised to allow for a second connection to Running Deer if VDOT requires that connection.

Ms. Nedostup said in addition to the land use recommendations within the Village of Rivanna Master Plan, there are a number of recommended transportation improvements. She said the Master Plan also states that approval of any development by rezoning will be predicated on the completion of a number of transportation improvements; and it is essential that all the US-250 improvements be constructed before new development occurs in the village.

Ms. Nedostup presented a chart of the summary of transportation recommendations in the Master Plan and the status, as provided by the County Transportation Planner, Mr. Kevin McDermott. She said more detailed comments and analysis is provided starting on page 7 of the staff report and further, in Attachment 5. She said later in her presentation, she will discuss the transportation impacts of the development.

Ms. Nedostup presented Sheet 3 from the applicant's concept plan document (Attachment 6 of the staff report). She indicated on the plan to Route 250, noting the plan had the same orientation as the previous maps. She said the proposal is for 160 residential units, which is above the recommendations of the Master Plan. She said Blocks 1 and 2 allow for both attached and detached single-family units. She said all of the other blocks are proposed as detached units, and a single-family detached unit is proposed in Block 6.

Ms. Nedostup said the proposal includes 32 acres of greenspace that will include the environmental features of preserved slopes, floodplain, and stream buffer, which are located along the edges of the development, represented on the plan in a light gray hatch. She said the greenspace will also include a proposed pocket park, and trails that go through and wrap around the development.

Ms. Nedostup said the main entrance is off Route 250, and there is an emergency-access-only connection to Running Deer Drive. She indicated on the plan to a future vehicular or pedestrian connection to the west, at the end of Block 2. She said a multiuse path is proposed along Route 250. She said along with the rezoning, the applicant is also requesting three modifications of streets standards for sidewalks, planting strips, and curb and gutter.

Ms. Nedostup presented Sheet 4 of the concept plan document, which is an illustrative layout plan. She said since this is a rezoning to the conventional development R4, and not a Planned District, the applicant has offered the plan to be proffered, with 8 major elements identified.

Ms. Nedostup said these elements include the vehicular connection point at Route 250; the emergency access point at Running Deer Drive; future vehicular and/or pedestrian connection point to the west, toward Carroll Creek; the road typologies that were outlined on Sheet 1 of the concept plan; the approximate delineations between blocks and housing typologies assigned to each block; the approximate trail, multiuse path, and pedestrian network locations and typologies; approximate locations and size of blocks, open space buffer, and conservation areas; and the density limit.

Ms. Nedostup said she will transition to the impacts outlined in the report. She said as stated earlier in the presentation, the Master Plan recommends a number of transportation improvements needed in this area, and recommends that those improvements be completed prior to any rezonings being approved.

Ms. Nedostup said the applicant submitted a Traffic Impact Analysis (TIA) and additional supplements, as requested by the County Transportation Planner and VDOT staff during the review. She said this information is provided in Attachment 4 of the report. She said a detailed analysis by the Transportation Planner (Mr. McDermott) is provided in Attachment 5 of the report. She said she will summarize some of the key findings from the TIA and from Mr. McDermott's analysis.

Ms. Nedostup noted that Mr. McDermott and Mr. Adam Moore (VDOT) were present to provide assistance to any transportation-related questions the Commission may have.

Ms. Nedostup said the charts presented on the screen were also provided in the staff report and were included in the TIA. She said the top chart showed operations for overall intersection in the peak hours and the movements identified with failing level of service in any scenario, color-coded to show significant changes between the no-build scenario and build scenario with improvements.

Ms. Nedostup indicated to a column that represents the proffered improvements. She said the green color represented positive change, while orange represented the negative change with those improvements.

Ms. Nedostup said the bottom chart showed the average daily trips, as well as the AM and PM peak hour trips. She said 160 units would generate 1,602 trips per day on US-250, which currently carries 5,200 vehicles per day. She said this equates to a 31% increase.

Ms. Nedostup said US-250 from the Charlottesville City line to the Village of Rivanna is characterized by poor operations in the AM and PM peak hours, as documented in the submitted TIA and other studies. She said the TIA focused on two intersections currently experiencing poor service: the US-250/Route 22, and US-250/Milton Road intersections.

Ms. Nedostup said the applicant is offering two proffers to reduce the transportation impacts from the development, which include signal upgrades to improve timing and coordination of those identified intersections at Route 22 and Milton Road, as well as \$500,000 to support

transportation, transit, or school capital projects in this area. She said she will discuss school impacts later in the presentation.

Ms. Nedostup said Transportation staff have concluded that the proposed upgrades to the signals will result in no negative traffic impacts at the intersections of US-250, Route 22 and Milton Road. She said it is noted, however, that all the recommended transportation improvements within the Master Plan have not been completed, to date.

Ms. Nedostup said she will transition to the impacts and offers on affordable housing and schools. She said the applicant has offered a proffer that addresses the current housing policy of providing 15% affordable housing, either onsite or in cash to be used for offsite affordable housing initiatives. She said support for providing cash for offsite affordable housing initiatives was given by the Planning Commission at the work session on this project last July. She said the applicant is offering in Proffer #4 to either provide 15% for-sale rental units onsite, or provide cash in-lieu of up to \$507,000 if the units are not provided onsite.

Ms. Nedostup said the County's Housing Principal Planner, Dr. Stacey Pethia, has reviewed the proffers and has no concerns. She said Dr. Pethia was present to answer questions related to this proffer and affordable housing.

Ms. Nedostup said for the School Impact Analysis, staff coordinated with Ms. Rosalyn Schmitt, Chief Operating Officer with Albemarle County Public Schools, who was also present to answer questions. She said the students within the proposed development would attend Stone Robinson Elementary, Burley Middle, and Monticello High Schools. She said Ms. Schmitt has stated that Stone Robinson is projected to be at its building capacity by the 2021-22 schoolyear, which will make accommodating additional students difficult.

Ms. Nedostup said the Long-Range Plan for schools that was completed in July of 2019 did not identify capacity conflicts at that time for Stone Robinson Elementary. She said since the report was finalized, an additional 70 students were enrolled in the past year, which was 60 more than anticipated.

Ms. Nedostup said Burley Middle currently has moderate-capacity conflicts, but a high population growth forecast. She said Monticello High School has high-capacity conflicts and a high population growth forecast.

Ms. Nedostup said there are not any identified projects within the Capital Improvement Program that would address capacity at Stone Robinson or Burley Middle. She said a High School Center II project has been identified, however, and will help with the capacity issues at Monticello.

Ms. Nedostup said as the applicant did not provide a breakdown of unit types, staff was not able to provide an enrollment projection based on detached or attached units separately. She said she provided the enrollment calculation in the chart, which was based on single-family detached units. She said 160 units would yield 24 elementary, 13 middle, and 19 high school students, for a total of 56.

Ms. Nedostup said as previously stated, the applicant has offered a cash proffer of \$500,000 toward either transportation or school improvements to address the impact of development.

Ms. Nedostup said a detailed analysis on the Neighborhood Model Principles can be found in Attachment 8. She said while the Village of Rivanna Master Plan includes recommendations regarding transition from the village center to the edges for density, size, and scale, it also states under the Guiding Principles that, "Villages are places that combine the feeling of country living with the amenities of a development area," and that, "Villages should reflect the principles of the neighborhood model."

Ms. Nedostup said additionally, staff identified the following impacts that have not been addressed to date related to the environmental, cultural, and historic resources. She noted that since the writing of the report, based on recent DEQ guidance, the County Engineer can no longer recommend providing 100% onsite treatment, as indicated in #4. She said this was marked out. She said the County Engineer, Mr. Frank Pohl, was present to answer any questions.

Ms. Nedostup presented a summary of the proffers that were offered by the applicant. She said she had spoken previously to the eight elements the applicant had identified. She said Proffer #1 is the plan, and Proffer #2 is related to the transportation signal improvements. She said Proffer #3 is the cash proffer for the transportation and/or schools, and that Proffer #4 speaks to affordable housing. She said Proffer #5 discusses the annual adjustment of the cost, and that Proffer #6 is related to the counterparts of the proffers and how they relate to each other.

Ms. Nedostup presented the factors that staff have determined to be favorable and unfavorable to the application. She said favorable factors include elements of the plan that align with the recommendations of the Master Plan, as well as the affordable housing policy.

Ms. Nedostup said unfavorable factors include those elements that do not align with the Master Plan and Comprehensive Plan -- most notably, the density recommendations and the transportation improvements, as well as other impacts that have not been addressed.

Ms. Nedostup said based on the unfavorable factors, staff recommends denial of the rezoning request.

Ms. Nedostup said in addition to the rezoning request, the applicant is requesting three modifications and exceptions related to subdivision requirements for street standards for sidewalks, planting strips, and curb and gutter for those streets proposed that contain less than one quarter-acre lots and less than 400 vehicle trips per day. She said analyses for these requests are provided in Attachment 9. She said in order to allow for questions and comments, she would not go into detail on the analyses of those requests, though she was prepared to answer questions.

Ms. Nedostup said staff is recommending denial of all three of the modification requests.

Mr. Rapp noted there were technical difficulties as of 1-2 minutes earlier and recommended pausing the meeting to allow for resolution of those issues.

Mr. Bivins asked Mr. Rapp if there was a sense of where that was.

Mr. Rapp said it was 1-2 minutes ago, during the last page of the staff report.

After a pause, Mr. Rapp said it was about three slides earlier that there were difficulties.

Ms. Nedostup repeated her summary of the proffers, factors favorable and unfavorable, and staff's recommendations for denial of the rezoning and modification requests.

Ms. More said she wanted to ask about the capacity for Stone Robinson and that it had been 60 more students than was anticipated. She expressed that this seemed like a lot.

Ms. Rosalyn Schmitt (Chief Operating Officer, Albemarle County Public Schools) replied that Stone Robinson has been a stable, predictable population as far as student enrollment. She said it has always had excess capacity. She said this year was perhaps an anomaly, or maybe a trend, but they enrolled 70 more students than they had the previous year, which was 60 more than they had projected. She said based on further analysis, this came from a mixture of new neighborhoods (such as Cascadia) as well as existing neighborhoods. She said this analysis could be provided to the Commission.

Ms. Schmitt said there were two surprises this schoolyear -- Stone Robinson and Cale.

Ms. More asked if these students were coming from developments in the Growth Area.

Ms. Schmitt said this was correct.

Ms. More said her main question was if Ms. Schmitt had a feeling about more development in the Rural Area that was sending children to Stone Robinson (as it is part of that district), or if it was coming from development within the Growth Area.

Ms. Schmitt replied that it was primarily from development, but not all. She said there is housing turnover in other areas as well.

Ms. More said she had another comment for later in the hearing about schools.

Mr. Keller asked Mr. McDermott and Mr. Moore if there was a recent origin-destination study for traffic. He said the Commission received a number of communications from the public with a lot of hypotheses about travelers on US-250 in this area who are residents versus travelers who are coming from outside the County to the east (which he would imagine, for the most part, would be from Fluvanna and Louisa). He asked if there was updated data for these other projects they were doing. He recalled that the last data he saw was rather old.

Mr. Kevin McDermott (Principal Planner, Transportation) replied that unfortunately, he did not have any updated numbers for that. He said with the nature of what is seen there, it appears that it is likely generated from areas all the way out to the County's east [inaudible], but they do not have any definitive studies that show that that he was aware of. He said Mr. Moore may have other information.

Mr. Moore said he unfortunately did not have any current destination-origin data. He said he supposed this was something that could be prioritized by the County to get the study. He said perhaps more than one area of the County could be collected to inform these types of decisions, but this was not data they had on hand.

Mr. Keller said as they are talking about studies that need to be done to ascertain what is really going on in the land use and planning world, he remembered that at least 4-5 years ago, with one of the comprehensive regional studies, there was discussion about the new way of collecting this

data that is so much more efficient than the old-fashioned way of hiring undergraduate students in engineering from the universities of the state and having them sit out to click numbers. He said they actually have the data to be able to look at license plate information, and that a number of states are doing that. He said the Commonwealth is doing that in some other areas.

Mr. Keller said he did not understand how they could actually be contemplating the kinds of new transportation changes on US-250 East without having that kind of data.

Mr. McDermott agreed. He said it is information that would be very valuable to have. He said this kind of thing is available, and they can actually track people on their phones. He said this kind of data is available so they can see where origin-destination is coming from and going to. He said staff have not done this, and many of the studies they do tend to be very small in scale. He said a large corridor study such as what Mr. Keller was referencing would be valuable information to have.

Mr. Clayborne said he had a couple of questions and more so, a clarification for himself. He said towards the beginning of the presentation, Ms. Nedostup showed a slide that highlighted the site, which said that the recommendation was 1 dwelling unit per acre, which came out to about 115 dwellings. He remembered that when he was reading through the materials to prepare, he thought he saw something along the lines of 68 dwellings, roughly. He asked Ms. Nedostup about the difference.

Ms. Nedostup replied that what was discussed at the work session last July included a session around net density versus gross density. She said net density is the density calculated outside of environmental features, such as floodplain, [inaudible] steep slopes. She said the direction from the Commission at that time was that this property's density should be calculated at 1 unit per acre based upon net density. She said this would be 64-65 units based on 64-65 acres, minus those environmental features.

Mr. Clayborne asked if 115 was gross.

Ms. Nedostup replied that gross density would be 84. She said the total of the 8 properties was 84 acres.

Mr. Clayborne asked what the 115 number was that he saw on the slide.

Ms. Nedostup replied no, and said she would go back to the slide.

Mr. Clayborne said it was slide that showed Sections A, B, and C densities and dwellings.

Ms. Nedostup said she understood the question. She said she had mentioned that Area B includes additional parcels that are not part of Breezy Hill.

Mr. Clayborne said his second question was with regard to the transportation recommendations for the area. He asked if this were more so for a rezoning, or if this would still apply if the applicant has submitted to build in accordance with the Master Plan. He asked if those transportation recommendations would still apply there.

Ms. Nedostup replied no. She said those are only for rezonings that is recommended in the Master Plan.

Mr. Bivins asked if since Mr. Clayborne was asking about the density, Ms. Nedostup could share what the by-right density might be there if, in fact, that becomes an issue or matter of interest.

Ms. Nedostup replied that she calculated this earlier that day, and it would be about 24 units that would be available by right.

Mr. Carrazana said for point of clarification, it looked like there was a modification on one of the environmental mitigation strategies that was taken out, and that this had to do with stormwater onsite. He asked if staff could talk more about this.

Ms. Nedostup said she would defer to Mr. Pohl to talk about that. She said her understanding was that recent information, since the writing of the report, that staff received from DEQ does not allow them to have that as a condition for a rezoning.

Mr. Frank Pohl (County Engineer) said DEQ has stated that the County must allow nutrient credits to be used to satisfy nutrient reductions for a site if they meet the conditions or criteria within State Code. He said there are certain things or reasons why they can prohibit them, which is nutrient TMDLs, which they do not have in the County.

Mr. Pohl said for this particular application and, in fact, for any other application since the beginning of the year, he has been making recommendations to require onsite treatment for projects. He said in working with the County Attorney's Office, they agree that they cannot do that.

Mr. Carrazana asked if this was mainly related to quality and not quantity.

Mr. Pohl replied this was correct. He said the applicant would still have to meet the quantity requirements. He said the applicant has offered and showed on their plan that they will do some onsite treatment. He said if they cannot do that, they can use offsite treatment.

Mr. Bailey said there were many numbers floating around regarding the density and recommendations, but he believed he sorted it out between cross-referencing the discussion and the staff report.

Mr. Bivins opened the public hearing and invited the applicant to speak.

Mr. Charlie Armstrong (representative of the applicant) said he was with Southern Development, and was joined by Mr. Don Franco and Ms. Amy George, who are land planners, civil engineers, and landscape architects with Roudabush, Gale and Associates. He said they were also joined by Mr. Bill Wuensch with EPR, who is the applicant's traffic engineer for the project.

Mr. Armstrong said since some of the Commissioners saw this project at a work session about a year ago, the applicant has worked hard to make lots of small refinements and find solutions to the two major items that were raised at that time (which were density and traffic). He said he suspected they would spend a lot of time on those issues that evening.

Mr. Armstrong said the applicant has refined the density in the project and how it is distributed. He said they were initially proposing more units that they are now, and were not offering a distribution of density in any particular arrangement when they last discussed this.

Mr. Armstrong said the applicant has solved the traffic issue so that Breezy Hill will make traffic on the US-250 corridor better, and not worse, even including the additional units from Breezy Hill. He said he looked forward to explaining the plan for this as they move through the presentation.

Mr. Armstrong said it is known that there is a housing crisis in Albemarle County. He said constricted supply is driving up prices, and is pricing people out. He said they know what the Comprehensive Plan says -- that they want their new housing in the Development Areas. He said the Village of Rivanna is one of those Development Areas.

Mr. Armstrong said the applicant is not proposing dense development at Breezy Hill. He said they are proposing fewer than 2 units per acre, or fewer than 2.5 units per acre when not giving credit for all the land with environmental features that the applicant is preserving. He said this is the difference between that and the gross density discussed. He said it is fewer than 2 units per acre for the entire Breezy Hill property. He presented an illustration to put this into perspective.

Mr. Armstrong asked the question of what the Comprehensive Plan says for Breezy Hill. He said the Comprehensive Plan, in general, says 3-6 units per acre in Development Areas identified for Neighborhood Density. He said the Village of Rivanna Master Plan says different things in different sections, and refines that definition.

Mr. Armstrong presented some highlighted portions of the Master Plan, with page references. He said on page 26 and continuing on page 27, the Village of Rivanna Master Plan says 1 unit per acre, like Ms. Nedostup said, with the caveat that this chart is only one possible mixture (stated directly above the chart). He said directly below the chart, it says that different mixtures could take place. He said this is not a firm dictation of what should happen there, but is clearly a guide to be taken into context with everything else that is in the 50-page Village of Rivanna Master Plan.

Mr. Armstrong said on page 33, the Master Plan indicates that density should be up to 2 units per acre in this particular area on the future land use map. He said on page 35, it again says "up to 2 units per acre" for the area where Breezy Hill is located. He said there is some conflict, and it is not a specific prescription of what that density should be.

Mr. Armstrong said that on page 27, the Master Plan gives a helpful illustration of what the 2 units per acre should look like. He said although they were not proposing home that were that large, the example land plan from the Master Plan is exactly what they are trying to do at Breezy Hill. He said comparing that layout to Breezy Hill, one will see preserving woodlands, preserving wetlands, preserving steep slopes, and developing on the high ground with smaller lots, at a density of fewer than 2 units per acre, which is what the note on the diagram presented says.

Mr. Armstrong said there has been some talk about Breezy Hill being right at the edge of the Development Area. He said it is on the eastern side of the Village of Rivanna Master Plan area, but is not quite at the edge. He said several existing lots along Running Deer Drive, which are not part of this development (as seen on the zoom-in on the slide), vary in size. He said these lots are between 0.6 acres in size to about 2 acres in size. He said they are between Breezy Hill and the actual edge of the Development Area. He said they are not developing right up to the edge.

Mr. Armstrong said the residential fabric along Running Deer, which is at the edge of the Development Area, will remain intact as it is today, unless those owners decide to do something, but that this was not part of the project.

Mr. Armstrong said since this project was reviewed about a year ago, the applicant is now preserving a 9-acre lot on the high ground next to Glenmore, at the back of the project, away from US-250. He said this would be restricted to only one residence in that 9-acre block.

Mr. Armstrong said this is an environmentally-sensitive design. He said the plan preserves 38% of the site as greenspace. He said this is significant. He said it also preserves all of the stream buffers, all wetlands, and the existing ponds. He said it stays out of the preserved slopes and the floodplain.

Mr. Armstrong said for transportation, the plan proposes new road connections where the Master Plan calls for them. He said the Master Plan shown earlier does show a connection at US-250 where the applicant has it, and a connection to Running Deer where the applicant has it, as well as a future connection to the west for interparcel parallel road networks, if that parcel to the west were ever developed.

Mr. Armstrong said the applicant is also open to a full connection rather than emergency-access-only connection at Running Deer if the Commission thinks this is desirable, but that the applicant is trying to be responsive to the neighbors along Running Deer, who want either no connection or emergency-only.

Mr. Armstrong said the plan also proposes a multiuse trail that is on the Master Plan, along US-250. He said it proposes sidewalks on all the thru streets, with an extensive trail network to serve the dead-end streets and to connect the developed areas with the natural areas.

Mr. Armstrong said the goal was to have Development Areas blend with the adjacent Rural Areas, providing sidewalks on the streets that will have the most traffic, but on streets that will not have much traffic, providing trail connections instead to get to that rural feel. He said the applicant is open to sidewalks on all the roads, however, if the Commission finds this is better than rural, which he supposed would mean a denial of the modification requests, which would be okay with the applicant. He said this was a way to meet some of the concerns from the neighbors about keeping it more rural in character. He said the applicant was open to either option.

Mr. Armstrong said in terms of what this would look like from US-250, the renderings on the screen were done by Design Develop Architects and showed the existing US-250 roadway with the Breezy Hill plans illustrated and superimposed. He indicated to the entrance area to the new community as it would look from US-250. He presented some additional views of US-250 as it would be after developing the property.

Mr. Armstrong said the board fence that is there exists today and would be replicated after the multiuse path is built. He said this contributes to the rural character of the area.

Mr. Armstrong noted that a guardrail or some other protective measure may be necessary between the multiuse trail and US-250, depending on how much distance they can provide. He said this is something the applicant would consult with VDOT on, when the final engineering is done, before any final approvals. He said this is where detail has not yet been engineered at this zoning stage.

Mr. Armstrong said traffic was the hardest issue for the applicant to resolve, but that they feel very strongly that they have done it. He said he would turn the presentation over to the traffic engineer, Mr. Bill Wuensch with EPR, to discuss the solution they have come up with.

Mr. Wuensch said the majority of EPR's work is for the public sector, and that about 15% of their work is with private sector entities. He said his firm leads the multimodal transportation plan for the City of Norfolk as well as regional transportation plans for Danville, Lynchburg, and other localities. He said they authored the State-wide multimodal system design guidelines as well. He said locally, they do support private sector entities, and focuses their work with developers that he feels are interested in doing good things with the community, adding that they do not work with just anyone.

Mr. Wuensch said his firm did the traffic study work with Southern Development, and that the effort focused on two intersections presented on the graph -- Route 22/US-250, and Milton Road/US-250. He said many times with these traffic studies, they are talking in terms of level of service (e.g. E, F, C), but this time, they wanted to take the tact to examine travel time. He said travel time is really what it is all about in terms of what the public can feel and see. He said it is about taking them longer to take home and have dinner, or get back to their kids. He said these things are relatable and what they focused on with the study.

Mr. Wuensch said they also looked for strategies to help the traffic flows within this geometrically-constrained environment. He said with the bridge there, they cannot do widening work. He said it is a tricky environment, but that there are some technological solutions to employ to help add some capacity back into the system to offset the development.

Mr. Wuensch said they talked in terms of travel time and came up with ideas to help invest in the signals and reduce travel times through coordination of the signals.

Mr. Wuensch presented a graphic that was similar to one in the staff report. He said they have laid out all the movements, and that the staff report only included a few. He said improvements in travel time were represented in green, in terms of vehicle hours of delay. He said this means that when they total up the incremental savings for each car and multiply it by the number of vehicles, they get to a total number of hours that are saved if they invest in this technology in this corridor.

Mr. Wuensch said a couple outstanding things was the 30.73 number on the slide, which is the total for all movements. He said in the year 2023, if this is built out by then and with the investment in technology, this was how many hours were being saved in the PM peak hour. He said likewise, to the left, close to 10 hours of travel time total amongst all cars is being saved. He said it is good technology and automated traffic signal performance technology. He said they were actually working with the City of Charlottesville now to add this to the Emmet Street corridor. He said VDOT is doing this State-wide and that it is the latest, greatest thing.

Mr. Wuensch said at the US-250/Route 22 intersection, in the morning, with this technology and under the build condition, by investing in these signal improvements, they are saving 10 hours and close to 13 hours in the PM. He said Milton Road is a little less, but still an improvement, nonetheless. He said at the end of the day, this means that there is a travel time savings, which is what the public sees.

Mr. Bivins told Mr. Armstrong that they had gone over the typical amount of time the applicant has to present his or her initial case. He asked if there was anything Mr. Armstrong could wrap up quickly before moving onto the public comment. He said the applicant would have a chance to come back to it, but that they have pushed beyond that time, which is typically 10 minutes.

Mr. Armstrong said he had two very brief slides to wrap it up.

Mr. Bivins said he would give Mr. Armstrong 2-3 more minutes, but he would like to give the public an opportunity to enter into this public piece. He reiterated that Mr. Armstrong will have an opportunity at the end to summarize or add additional information. He asked Mr. Armstrong to only present two slides.

Mr. Armstrong reiterated that the vehicle counts are after the additional units at Breezy Hill, and takes those into account. He said in addition to saving more than 45 vehicle hours of travel time in just those two peak hours, they are also proffering an additional \$500,000 in cash to the County to be used for any transit, transportation, or school project the County deems would directly benefit the Village of Rivanna residents. He said they are also proffering \$500,000 (or the equivalent onsite units, which would be 24 affordable units) in cash toward affordable housing.

Mr. Armstrong said although they cannot widen 2 miles of US-250 to four lanes, which is one of the recommendations in the Master Plan, the applicant is doing their part and making sure their development is not making traffic worse. He said that, in fact, it makes it better than it would be without the development and proffers.

Mr. Armstrong said that while he understands County staff and neighbors will always have reservations with any new housing developments, the applicant feels this is a very compelling project that has more than mitigated its potential impacts to the area while providing much-needed housing in the Development Area. He thanked Mr. Bivins for the extra time and welcomed questions.

Mr. Bivins moved to the public portion of the hearing.

Mr. Dennis Odinov (2060 Piper Way) said he was Chairman of the Village of Rivanna Community Advisory Committee from 2010 through 2016. He said there was a recent Albemarle County community survey that showed that 46% of respondents believed that the quality of life in the County in five years will not be as good as it is now. He said one of the main factors in that belief was increasing traffic problems attached to increased development.

Mr. Odinov said the quality of life has decreased in their area for the past 15 years. He said in 2005, a VDOT study for the Eastern Albemarle District showed that Route 250 was at or over capacity. He said the EPR study commissioned by the Breezy Hill development in 2018 confirmed this. He said as he pointed out in a letter to the Commissioners, that EPR study assumed that traffic signals were all optimized. He said it states this on different pages in their study.

Mr. Odinov said the commute into Charlottesville from 7:30-9:00 a.m. during school openings or as a result of an accident on US-250 or I-64 results in a nightmare every time. He pointed out that traffic in the EPR assumed a 2% increase in traffic every year.

Mr. Odinov said after three years of work, the Village of Rivanna Master Plan was completed in 2010. He said it is the only Master Plan in the County that specifically prevents new development until after certain detailed improvements are made to Route 250. He said this Master Plan was unanimously approved by both the Planning Commission and Board of Supervisors in 2010. He said both bodies reaffirmed it in 2015.

Mr. Odinov said if this 160-unit project is approved, additional vehicles will be driving to Charlottesville on an already overburdened road, has been projected to have this increase in traffic as the study mentioned. He said he could assure the Commission that if this project is approved, the Master Plan will essentially be worthless, and a message to every other Development Area with a Master Plan will be chilly. He said he cannot overstate how important that is to them.

Ms. Susan Worden, President of the Glenmore Community Association, said she lives in Glenmore. She said she wanted to bring to the Commission's attention a matter that is not usually considered. She said this relates to the traffic and obvious problems residents have getting into town with the traffic on Route 250. She said Route 250 is not sufficient to handle the current traffic.

Ms. Worden said the important thing the Commission needs to know that they have not thought about is that as of July 1, they have lost their three-professional staff at the East Rivanna firehouse. She said this means that for the 1,600 calls that come from the Keswick and Pantops area, and with over 70% of them being EMT calls (not fire calls), if there is a person in Glenmore or Rivanna Village who is having a heart attack or stroke, the EMT has to come from Pantops and then go back into town, which doubles the response time before one can get a seriously ill person into the hospital.

Ms. Worden said this is an important thing to think about. She said in Glenmore, the average age is about 53. She said there are young families moving into the community, which is part of the reason why Stone Robinson Elementary is experiencing an increase in enrollment. She said there are a lot of elderly people in the community who might have strokes, heart attacks, and may not be able to breathe due to COVID-19. She said for an ambulance to get from Pantops to Glenmore and then back into town (especially when there is a gridlock on US-250, which they have from time to time) could result in the loss of life. She said the Commission really needs to be aware of that.

Ms. Worden said there are many statutory things the Commission is considering, but she wanted them to think about the loss of the EMT professionals at the fire station, which means the time to get in for help is doubled. She said increasing the traffic on top of that, they will have people who will really suffer. She said although she hoped there would not be a loss of life, there will be an impact.

Mr. Mark Fitzpatrick (3392 Darby Road) said he had two questions, mostly for the traffic planner. He said the first question was as to when those traffic studies were done. He said since February, they have been in a Coronavirus shutdown, and he wanted to make sure the traffic studies were indicative of what true traffic flow would be year-round, post-Coronavirus, which is more like back in the fall or winter of 2019.

Mr. Fitzpatrick said secondly, all he heard was a hand wave about light signal optimization. He said they are only talking about two lights in the course of about three quarters of a mile. He said it still causes a tremendous backup, and it is not clear to him how coordinating two lights at that three-quarter of a mile section, and with a 31% (almost one-third) increase in traffic, he does not understand how they can say that they will be able to decrease traffic.

Mr. Neil Means (3815 Richmond Road, Keswick) said he has lived in the Village of Rivanna since before it was a Development Area. He said he has been involved in lots of the planning processes

over the years, including the Master Planning and the Community Advisory Committee. He urged the Commission to deny the Breezy Hill ZMA in accordance with the staff report.

Mr. Means said he was particularly concerned about the Route 250 improvements required by the Master Plan. He said it is not a requirement that a particular development mitigate its own impact, but it is about years or decades of infrastructure deficit. He said the traffic has been bad for a long time. He said the County approved the rezoning of the [Lievan Good] property, the [Leak] property, and Rivanna Village before they permitted them to do a Master Plan. He said during the Master Plan, they presented a study showing that in 2005, before they approved all those things, the road (Route 250 between I-64 and Glenmore) was far above capacity.

Mr. Means said this was 15 years ago, and there has been lots of development, yet the road is still inadequate. He said it is great to time some lights, but it will not solve the problem. He said unless they actually solve the problem, this area is not suited to be a Development Area.

Mr. Means said he would hope the Commission will respect the Master Plan and deny the ZMA.

Ms. Jean Wood (3940 Albino Lane, Running Deer subdivision) said residents only have one exit to get out of the subdivision. She said if Hearn's Road is even an emergency route for the people from Breezy Hill, and the traffic backs up, Running Deer does not even have another outlet in order to get out onto US-250 to go to I-64 to get into town. She said this needs to be addressed. She said she didn't know if Mr. McDermott could shed any light on this.

Ms. Wood said this is a concern, as there are elderly people who live in Running Deer as well, and if there is a backup in the mornings, she cannot even make any of her appointments between 8:00-10:00 a.m. that are time-sensitive because she cannot get anywhere. She said there is a bottleneck at Route 22 and 250 at Shadwell that is horrible to deal with.

Mr. William Christian (3080 Darby Road, Glenmore) said he and his wife have lived in Glenmore for a year. He said he was very surprised with the location and ruralness of Glenmore that they have experienced huge traffic jams, particular in the morning and in the evening coming home.

Mr. Christian said he has reviewed the 14-page report from the Planning staff that prepared for the meeting. He said he feels they are professional and subject experts, and that the Commission should listen to them, as they have done an excellent and thorough job. He said he agrees with their factors, both favorable and unfavorable, and supports their recommendation of denial for the rezoning project.

Mr. Christian said that most significantly, he would say that traffic impact is set to increase to a higher level again, as he has learned. He said Rivanna Village Phase I is nearly built out, and Phase II is land-clearing and will continue to be built out. He said Phase I has already added additional traffic to US-250, making the conditions highly congested and adding to lengthy delays from Glenmore all the way in through Pantops on a daily basis.

Mr. Christian said more housing just up US-250 from the Breezy Hill development, as proposed, will only further add to the already congested and unacceptable traffic flow. He said there is already too much housing density for the capacity of US-250, and that approval of more is just inappropriate and unacceptable.

Mr. Bivins said Mr. Armstrong had 3 minutes to respond or add information.

Mr. Armstrong said he would like to have Mr. Wuensch from EPR address the question about how coordinating two lights would decrease traffic on US-250. He said he thought this was a good question from Mr. Fitzpatrick.

Mr. Armstrong said first, he wanted to talk to the notion that there is a single phrase in a 50-page Master Plan document that essentially prohibits development until all of those traffic improvements that are listed in it are complete. He said some of these improvements include four-laning US-250 all the way from Milton Road into town, and six-laning US-250 over Pantops (most of which is complete). He said prohibiting development in one Development Area with a clause like that, while other Development Areas (like 29 or Crozet) continue to be developed, does not make sense in the broader scheme of the County. He said he thinks they should look at the Master Plan as a whole document and not just a single phrase.

Mr. Wuensch said he knew there was a question about counts, and that these were pre-COVID-19 counts that are valid. He said he had a reference from the VDOT website that he would share, and shared his screen.

Mr. Wuensch said this was a study that VDOT had commissioned with the Research Council at UVA. He said their focus was a Midlothian Turnpike in the Chesterfield area, which is a very highly congested corridor. He said with signal coordination, they were able to improve travel times by 30-34%. He said he was offering this as some level of proof, noting that this information lives on VDOT's website.

Mr. Wuensch said for years, FHWA has told him that there is 20% capacity increase by well-coordinated signals. He said this works by minimizing stops and keeping the traffic moving. He said it not only reduces travel time, but reduces rear-end crashes. He said it is also better for the environment, with cars idling for less time, so in a way, it is a green treatment. He said signal coordination keeps the bulk of the traffic flowing and moving.

Mr. Wuensch said it is state-of-the-art technology, and the investment in these signals would noticeably improve the situation. He said he was well aware of this locally, as he has driven through that congestion, and that this is a good solution. He said it doesn't fix the situation, but it does offset the impacts of the development and actually improves the situation a bit, as they had talked about earlier with the numbers.

Mr. Bivins noted that there was one member of the public who had technical difficulty, so when Mr. Armstrong was finished speaking, the Commission would let that person talk. He said they will also give the Commissioners an opportunity to ask the applicant questions.

Mr. Armstrong noted he was finished.

Mr. Kevin Fitzpatrick (1351 Sandown Lane) said he and his wife have lived in Glenmore for the past 12 years. He thanked the Commission for what they do, noting it must be difficult to balance the growth of the County against the infrastructure requirements to support that County growth.

Mr. Fitzpatrick said he would provide some background about his time in Virginia. He said he, his wife and kids lived in Northern Virginia from 1983 to 1996, and they watched three Northern Virginia counties fail miserably at the growth-versus-infrastructure balancing act, with ever-worsening traffic. He said the first time it became evident; they were in Burke in 1984, and he and

his wife would leave the house on a Saturday morning at 7:00 a.m. and run into traffic a quarter mile from their house. He said Saturday morning, 7:00 a.m., there was gridlock and yet, more development.

Mr. Fitzpatrick said that after a few moves, they found their way to Albemarle County in 2008. He remarked that it is beautiful there, and that it seemed as though the County had a real plan -- the Village of Rivanna Master Plan. He said the plan states, "It is essential that all US-250 improvements be constructed before new development occurs in the village." He said that offered them some hope -- planned growth.

Mr. Fitzpatrick said skipping forward to 2020, he had some observations. He said prior to the pandemic, residents would post on Nextdoor Glenmore every morning, "Traffic is backed up to Glenmore Way." He said that was before Breezy Hill. He said it is not just Breezy Hill that affects the 250 Corridor. He said increased development at Lake Monticello and Orange County will also impact US-250. He said they all know that the railroad bridge will be the 250 bottleneck for at least the next decade.

Mr. Fitzpatrick said it seems clear that the County's Master Plan had it absolutely right, and that any changes to the density at Breezy Hill will just make the traffic worse. He asked the Commission to abide by the Master Plan and reject the density increase at Breezy Hill. He encouraged them to work on the US-250 improvements first.

Mr. Bivins closed the public hearing.

Mr. Clayborne asked Mr. Armstrong to spend a few moments to talk about how this project came to the density requested. He said as he looks at all the planning documents and all the time and energy that have been invested. He said the Comprehensive Plan says that 131 could be a defensible number in terms of units from net density, and the Village of Rivanna Master Plan says this is 65-66 net units, yet the applicant has exceeded all of those. He asked if Mr. Armstrong could talk about how they came to the proposed density, which exceeds all the master planning documents they have in their possession.

Mr. Armstrong replied the net density based on 1 unit per acre is the lowest of the several different recommendations that are in the Master Plan. He said in other places, it recommends 2 units per acre. He said the applicant looked at the 1-unit to 2-unit-per-acre range as an acceptable range. He said to keep in mind that 2 units per acre is hardly a Growth Area type of density and is verging on suburban or rural density. He said looking at the lots that are adjacent along Running Deer, some of those are only 1 unit per acre, and those have not been developed. He said those are at rural densities.

Mr. Armstrong said they looked at this range as the primary driver. He said they also looked at what it would take financially for them to make significant contributions to fixing some of the issues there. He said they could develop by right; or, they could come in with a 60-unit or 80-unit development, but this would not provide any money from lot sale revenue to pay for traffic improvements or affordable housing, both of which they want to do and contribute to. He said in order to generate that, it takes some additional density to pay for those things. He said coming in with a by-right or lower-density development, it would not produce any of that.

Mr. Armstrong said those were the two factors that the applicant considered most closely for the density they arrived at.

Mr. Randolph said he wanted to direct attention to page 12 of the staff report, where there is a discussion about anticipated impact on environmental, cultural, and historical resources. He said he had three questions, based on what is cited there.

Mr. Randolph said first, some of the proposed blocks are shown outside of environmental features, including stream buffers and preserved slopes on the plan. He said staff has expressed concerns that during the subdivision plot stage, those lots will encroach into these areas and impact these features. He asked what assurances and guarantees Mr. Armstrong can provide to the Planning Commission that staff's concerns are not justified during the subdivision plot stage regarding these lots.

Mr. Armstrong said he thought they had done that. He said this comment was of surprise to him as well. He said the block lines they show on their proffered block plan are very clearly drawn outside of those sensitive areas. He said they do not include any of those sensitive areas. He said perhaps staff could better answer that question than he could, but he could say that this is their intention and what he thinks their plan shows. He said if there is something they could add to it that refines it and makes it clearer, the applicant is happy to do that.

Mr. Randolph said additional erosion and sediment control measures recommended by the County Engineer to protect Carroll Creek and the stream buffers have not been provided, to date. He asked Mr. Armstrong if he could explain why these have not been provided.

Mr. Armstrong replied that he may need to ask his engineer about this. He said whatever extra measures are needed or wanted, the applicant is happy to do. He said they would be directing their drainage to sediment ponds, silt fencing, and other standard things. He said if that should be enhanced, they certainly can. He said they are not at that level of engineering yet.

Mr. Don Franco (Roudabush Gale and Associates) said he is one of the consultants working on the project for Southern Development. He said the comment came as a bit of surprise to him as well because everything County Engineering has asked for, the applicant has granted. He said they have agreed to stay out of the environmentally-sensitive areas. He said that would include any ENS measures that might have to be added in the future. He said there was recognition that it had not been final-engineered, so there was a sentence added to the plan itself that said that future measures will not go into the environmentally-sensitive areas.

Mr. Franco said he was not sure of anything that County Engineering has requested that the applicant has not granted.

Mr. Randolph said the stormwater management is not provided for 100% onsite, but only for 75% of the site. He asked if there was any assessment there.

Mr. Franco replied that when Mr. Pohl was talking about this, DEQ has said that proffering 100% onsite was not an option. He said the applicant's intent is to provide as much onsite as possible, but they needed to put in a number to show that they were complying with DEQ's request of not saying that they will eliminate one of the tools in the toolbox. He said their goal would be to provide it onsite, if possible, but they cannot eliminate one of the tools that is in DEQ's toolbox for meeting water quality.

Mr. Randolph said his next question was likely for Mr. Wuensch. He asked if his traffic flow projections that were provided in the TIA include the buildout of Phase II of Rivanna Village.

Mr. Wuensch replied that they actually worked on the later studies for Rivanna Village and were able to build on those projections from that study.

Mr. Randolph said the whole buildout, then, of Rivanna Village was included.

Mr. Wuensch replied this was correct.

Mr. Randolph said he has a June 5, 2020 communication from Roudabush Gale and Associates to the County, to Ms. Nedostup. He said on page 4, Number 7, there is a statement that the lots that previously contained the preserved slopes have been revised to be outside the limits of the preserved slopes. He asked why, then, staff was concerned about the slopes if, in fact, this statement is true. He noted this question was for Mr. Franco.

Mr. Franco said it was not only provided on page 4, but was on the application plan itself. He said he has done many of these Master Plans in terms of submitting, designing, implementing, and reviewing them. He said one of the things during the process was staff identifying and stating they want to make sure that all of the lots stay out of that area. He said the applicant understood that to mean that if they were to come back in the future to encroach into those areas, staff would say they were not consistent with the Master Plan. He said this was why the applicant was confused when the comment came up. He said it seemed to be either a leftover comment or something they didn't quite understand. He said the applicant's intention is to stay out of those areas.

Mr. Randolph said he had a final question. He said he had a communication of March 2, 2020 from Roudabush Gale and Associates. He said he reads all their communications very carefully. He said there is a statement on the opening page where it says in the second paragraph, "The County's longstanding goal is to allow 3-6 dwelling units per acre in a village." He asked how many other villages there are in Albemarle County, besides Rivanna Village.

Mr. Franco asked how many were there, or are there.

Mr. Randolph said he was asking how many there are now, not in the past.

Mr. Franco replied that Rivanna Village is the only village there now.

Mr. Randolph said this was correct. He asked if in the Master Plan for the Village of Rivanna, it does not specifically state that the further away they get from the center, the less the density.

Mr. Franco replied that it does. He said this was the conflict that Mr. Armstrong was addressing earlier. He said the plan also talks about if densities varied within the areas, the density in each of the blocks could be changed in order to accommodate consistency with the Master Plan.

Mr. Randolph said originally, Rivanna Village was projected to have 500 or more units, and now, it has been carved back, partly because of different standards the Army Corps of Engineers implemented during the last administration. He said that figure now, according to Robinson Development, will come in somewhere around 320-340 units, far below even the 390 that was originally projected when Rivanna Village II (the second iteration, not the second phase) was approved in 2015 by the County.

Mr. Randolph asked if this then really made the argument realistic that if there is less number of units available in Rivanna Village, that Breezy Hill should step up its level of intensity to increase development to compensate for the less development that is resulting in Rivanna Village.

Mr. Franco replied that the reference in the Master Plan references that if Rivanna Village had developed at even a higher density (e.g. if it were rezoned from 500 to 700), the expectation was that Area B and other areas would have a reduction in their overall number of units in order to offset that. He said he would think that the reverse would apply as well.

Mr. Randolph said what Mr. Franco was saying was that he would have potentially presented a less intensive development proposal if Rivanna Village had had increased density.

Mr. Franco said the community would have been having the argument of saying it needs to have less density because the Master Plan says it can be reduced in order to offset higher density somewhere else. He said he was not saying he would necessarily propose that, but he could see people reading the plan and saying that it should go the other direction.

Mr. Bivins said regarding one of the public comments was that Hearn Lane, which he believes has access to Block 6, there was a question on whether or not this would be a thru street. He asked if the applicant could respond to that, and also, as a matter of public information, state what they plan on doing with Hearn Lane, if they do build on Block 6 or sell Block 6 to be built upon.

Mr. Armstrong replied that Hearn Lane would not be a connection through to anywhere except for the one residence that would be allowed in Block 6. He said Block 6 is the 9-acre preservation-sized parcel that they want to have there. He said they had originally contemplated accessing it with a driveway from Block 3 within Breezy Hill, but to do that will require either disturbing some critical slopes or going through some floodplain with the road. He said this idea was removed and left it that Hearn Lane would be the only way to access it.

Mr. Armstrong said though he didn't want to misspeak, at one point, Block 6 had two houses on it. He said it definitely has one now. He said there would be no increase in density there. He said what the applicant does plan to do is connect a little further toward US-250 on Running Deer than Hearn Lane is where, on the Master Plan, one can see the arrow pointing to Running Deer. He said this would be emergency access only, as they have proposed now. He said they are open to making it full access if this is something the community and Commission desire.

Mr. Bailey said there were many numbers, and that he would like to hear from Mr. Wuensch on the traffic study. He said the question was asked as to if the traffic study had factored in the density of Rivanna Village, and the answer was yes, but it wasn't clear which number of density for Rivanna Village was factored into the traffic study. He asked if it was the current number, or the peak of the potential 700, and if Mr. Wuensch could talk more specifically about what numbers were used for the study.

Mr. Wuensch replied that they netted out the increment of development that didn't occur that was just discussed. He said he did not have the figures at his fingertips for exactly the number that ended up being in the analysis, but that they netted out the increment that was not developed.

Mr. Bailey asked if it was not the 500 number, but the 340 number.

Mr. Wuensch replied that it was the lower number they netted out. He said he did not have the exact numbers with him.

Mr. Bivins closed the public hearing and brought the matter back to the Commission for discussion.

Ms. More said she had a question for either Ms. Nedostup or Mr. David Benish about a statement that was made from the public that the plan was adopted in 2010 and then reaffirmed in 2015. She said she was taking this to mean that under Comprehensive Plan review, the plan was readopted as it was as all would be, and that there was no review of it in 2010 -- that there was a Comprehensive Plan review and at that time, the existing 2010 Rivanna Village plan would have come back in under the Comprehensive Plan. She asked if this was correct.

Ms. Nedostup replied yes.

Ms. More said she wanted to clarify this point. She said she honestly did not know where other Commissioners would go with this, but there were a few points she would like to make, depending on it goes through the Commission and Board.

Ms. More said one point she wanted to make (prefacing that it had been confusing with the different numbers) is that they have a number on page 6 that talks about "Neighborhood Density Residential - Low" with 168 units using gross density and 131 using net density. She said on the next page, however, it talks about Chapter 4 of the Master Plan. She said she was correct to assume that this is where they get into Area B, which would recommend a lower density. She said in this section, it talks about 84 units using gross, and 65-66 units using net. She asked if this was correct.

Ms. Nedostup replied yes.

Ms. More said she was not going to support this project because of the language that is in the Master Plan. She said she would like to say, however, that she does believe to the point that the applicant made that in all Master Plans, there is the ability to make changes, and it is a recommendation.

Ms. More said this is an area where she would probably go on the low end, but even on the higher end of that, she noticed that Mr. Armstrong made a point of how they transition into the Rural Area. She said this is still over 80 acres and dense, even if they were to go with the high. She said this was the suggestion he was making, that there are different areas in that, and they can be flipped and flopped around. She said she would agree with that statement and that even though she is not supporting the plan, she would like to support the notion of that being acceptable.

Ms. More said she also likes the calculation that staff is using for net density in all the scenarios, and not the gross density.

Ms. More said she did not want to go into many questions about traffic, as she feels very strongly that while they recognize that the Master Plan is a guide, they also know that Master Planning gives residents a sense of what to expect. She said in this particular Master Plan, there is very strong and specific language. She said whether she personally agrees with it or not is not what she is there to do, and it is there. She said with that being there, she cannot support it.

Ms. More said this is where she is on the matter, although she finds parts of what is being proposed are actually things that are attractive. She said without the Master Plan element, she would be more prone to look at this project fondly. She said with that language there, however, and the clarity that is put in, there is no ambiguity there. She said for her, she feels as though she would be trampling on another district's plan to move forward with it.

Mr. Keller said it was interesting to hear people talk about the length of time that they have been in the area. He said he thinks back 66 years and the transformations that have occurred in Albemarle County that he has seen.

Mr. Keller said he remembered when a fellow [Kestler] came to the County [inaudible] and was selling the idea of a Boars Head East, which was an elite community that, if adopted by them, would never expand beyond those boundaries, and there would not be the issues of water and sewer that have been seen with the stale zoning for the commercial along US-250. He said he finds it fascinating that the Rivanna Village has grown and now, Breezy Hill, and that somehow, that original Glenmore Village has morphed into other pieces that have created a series of issues the Commission has heard about from people who live in that area.

Mr. Keller said he thinks they need to stop for a moment and thank Mr. Armstrong and his team. He said this was one of the better proposals the Commission has seen put forward in the Development Area. He said there is a challenge about what they are going to do with the Development vs. Nondevelopment Area and the directions to expand the Development Areas because of the way they are responding to proposals that are coming to them in the Development Areas -- ones that, for the most part in this case, seem to him to be a reasonable set of compromises that have been proposed.

Mr. Keller said having said this, he does think they are starting to get direction from the Supervisors, and actually ones the Commission has asked for, with transportation studies in the Rio Road area. He said they have asked for information on the schools. He said those two sets of issues, and the fact that they are embedded in this Master Plan as well, lead him to not support this particular application although, for all the other reasons, he would be inclined to do so.

Mr. Clayborne said this was tough for him. He said Mr. Armstrong did a good job in presenting the proposal. He said Ms. More had brought up a great point about how these planning documents provide a level of comfort and stability for people in the community to know what is coming, and may even lend themselves to make purchases based off of that. He said one public member did say that they lived in Northern Virginia and looked at this Master Plan, which gave them some level of comfort in where to purchase. He said Mr. Keller had some great points in terms of the proposal and proffers that he thought were very strong.

Mr. Clayborne said the part he was really struggling with were the different densities that are provided in the different documents. He said he understands Mr. Armstrong is saying that there is flexibility there. He said at the same time, he feels like what is being proposed certainly exceeds the Comprehensive Plan, as well as the "micro-plan" (VOR Plan). He said if the proposal had said 130 units as a best-case scenario, as the Comprehensive Plan gives the latitude to say this, he could probably get on board with that. He said the fact that it exceeds all densities is the reason he is unable to support it at this time.

Mr. Bailey said he wanted to echo what Mr. Keller said and pass on to Mr. Armstrong and team that he thinks this is a good problem to have. He said Charlottesville is a very desirable place to

live. He said people want to live there, and this will continue to put an increase on development pressures. He said they have very limited development space available with a lot of challenges. He commended staff for weeding through the different numbers stated in different places. He said Area B was supposed to be 115 units by the Master Plan, but then they are down to 65 at the one acre, and if they include in the other things, he doesn't think they get to 115. He said the clarity on density has been challenging.

Mr. Bailey said with this being said, he does think the 2.5 net density is pushing the boundaries of that, and it is potentially a reasonable though to say that because the Rivanna Village is below density for what was expected, another area within the Village could assume some of that density. He said this requires more due diligence and thought, however, at the Planning Commission level and clarity in that language.

Mr. Bailey said that for those reasons, while he does think Mr. Armstrong and team have done a great job of putting forward a great plan (and it is tough for him, as he thinks they need developments like this), the density is not consistent, even at 115. He said he also would not be able to support this project, as stated.

Mr. Carrazana said he also wanted to thank Mr. Armstrong and his team. He said it is an interesting and reasonable proposal, in some ways. He said he does agree with his colleague in terms of the density.

Mr. Carrazana said where he begins to have an issue is with the language of the Master Plan, and that Ms. More referenced some of this. He said the Master Plans (like the one being done in Crozet now) creates a series of mitigation for issues that are coming from growth. He said the way he reads it, there seems to be some very specific language in terms of some mitigation for traffic in this particular Master Plan.

Mr. Carrazana said without those mitigations in place, the question is if they should allow the growth. He suggested that the mitigations are there to ease traffic in this particular case, but there also should be some flexibility in Master Plans if one can achieve the same results with different mitigation strategies. He said what the Commission heard that day was a different mitigation strategy that achieves the same result. He said the Master Plan calls for widening the streets, and what they heard from the traffic engineer was that with some traffic technology, synchronizing the lights can result in reducing traffic.

Mr. Carrazana said it was interesting, and that he didn't know whether the County has fully evaluated this option. He suggested that they do that to see if this is actually a solution because the problem exists today. He said there are already challenged intersections and traffic stops on US-250. He said they have the problem today, regardless of whether or not Breezy Hill is built. He said perhaps the County wants to look into that sooner rather than later.

Mr. Carrazana also suggested that if the development saves money on that end because the County moves forward with these mitigations, perhaps that can go toward the schools, for which there isn't really a solution. He said he was not belittling the \$500,000, noting that although useful, it takes much more than that to build capacity in schools. He said he did not know the specifics about the elementary school there and whether they have room to grow. He said he knows that in Cale and some others, they are in a position where they do not have the growth capacity, so it creates other challenges.

Mr. Carrazana said he does think the development is reasonable and could perhaps be pared down. He said there is the issue of mitigations that are in place, and perhaps they do not have to follow them exactly if they can achieve the same outcomes.

Mr. Randolph said he wanted to go back to July 10, 2019 and the editorial page of The Daily Progress that talks about a backlash to growth. He said the backlash is, "trying to compel Albemarle to abide by its own vision for growth." He said the compact that was formulated in the 1980s in Albemarle County was basically twofold and two sides of the same coin: to keep Albemarle County rural, and redirect growth in the Development Areas. He said some people have submitted that it was "save the dandies, and pack the newcomers into the Growth Area." He said the fundamental issue, as they know, is that the capacity and capabilities of the County, along with VDOT, to see improvements in roads has not kept up with the growth.

Mr. Randolph said lacking impact fees, they have seen continued growth of schools with developments that are not paying for the increased population in the schools that those projects are tripping and causing to occur. He said this proposal doesn't address those educational impacts whatsoever.

Mr. Randolph said he wanted to focus in on the issue of the Master Plan as guidance. He said the editorial talked about the fact that Master Plans "are not hard and fast," they are not an edict or a contract, or a guarantee -- that they are just guidelines and are not mandates. He said he wanted to go back to when the original Master Plan was all of 38 pages, and the statement about transportation, which said, "It is essential that all of US-250 improvements be constructed before new development occurs in the village."

Mr. Randolph said he has had active discussions about this statement over the course of the last 5-6 years. He said the statement does not say it is a necessity, that it is required, or that it is imperative. He said the fact, however, is that this statement was borne of a compromise between the residents and framers of the Village of Rivanna that wanted to ensure that there was some check on unbridled growth in the Development Area of the Village of Rivanna. He said everyone understood that the roads were absolutely critical to any future development growth, and the capacity to handle an increased population must occur.

Mr. Randolph said the statement does not say that these improvements must be or shall be constructed, but that the understanding of the residents was that this statement was simple, but straightforward, and that it would be essential that those improvements be constructed. He said this was an agreement or compact in this Master Plan between the residents of Rivanna Village, Glenmore, and Running Deer. He said people have based their decisions to stay in the community and moved in with the assurance that that language was in there.

Mr. Randolph said they get to the issue of having to balance what they look upon as being a document of guidance, but it is a document that forms the basis of a compact of trust and confidence of residents in the community regarding their local government, where they expect that local government will not erode an agreed, consensual guidepost. He said to do so otherwise is for government to be negligent and to not follow through in what it promised and [inaudible] to do.

Mr. Randolph said as the term was used earlier by another member of the Planning Commission, that document established expectations. He said he appreciates staff going ahead and providing the specificity and clarity as to why this zoning change should be rejected.

Mr. Randolph said he also wanted to say that for members of the Planning Commission, the residents of the Village of Rivanna have been down the path before in being assured that technology is going to be a panacea to the traffic problems in the corridor. He said Mr. Odinov, Mr. Means, and other people listening do well recall that they reached an agreement with VDOT that assured them that the improved signalization at North Milton Road's intersection with US-250/Richmond Road and improved signalization at Route 22 coming into US-250 at Luck Stone would result in improved traffic flows.

Mr. Randolph said the assumption presented by the applicant and by the applicant's consultant is that increased traffic congestion plus new technology will all of a sudden magically reduce travel times. He said he sees the numbers, and he knows there has been quantitative analysis, but the reality is when looking at this corridor, the question is if new signalization at Milton and Route 22 will reduce the volumes of traffic that get generated from Luck Stone, Route 22, North Milton Road, Keswick Road, Glenmore Way, Hacktown, and the second Rivanna Village entrance from Breezy Hill, from Running Deer, and Route 250 moving west in the AM. He said the answer is no. He said they will continue to see increased traffic volumes that signalization will not begin to address.

Mr. Randolph said basically, the \$500,000 is a drop in the bucket in terms of the needs in this corridor. He said as Mr. Keller rightly pointed out, as with Avon Street Extended, they need a corridor-wide study instead of recommendations to address the challenges here. He said \$500,000 is nothing but a piecemeal approach to a comprehensive, major problem they have along this corridor.

Mr. Randolph said that for those two reasons alone, he has to stand in opposition to this application, and will vote to reject the request for a zoning change.

Mr. Bivins asked if he could ask a couple questions to Mr. McDermott before commenting. He said the Commission heard that night that there is a need for a connection, and that an emergency connection is hoped for going through Running Deer. He said perhaps they also need another exit onto US-250. He asked if it were possible to say that the additional entrance on US-250 comes from the Breezy Hill property itself and not through Running Deer.

Mr. Bivins asked if there is a needed emergency entrance, if it would be possible to have an emergency entrance through the property that is north of there being developed now that would provide the necessary emergency entrance into the property, thereby leaving any entrance alone that might be anticipated to come from Running Deer. He asked, in other words, what was so special about Running Deer.

Ms. Nedostup said she may turn the question over to Mr. Moore to answer some of this. She said the applicant could show a connection that will require the stream crossing of Carroll Creek, at a larger expense for that crossing. She said there is not any development occurring immediately across from Carroll Creek at this time, so there is just privately-owned residence currently. She said this is why it is shown as a future connection.

Ms. Nedostup said as she mentioned earlier about the secondary street requirement that is not being met currently, she would ask Mr. Moore to answer if the Commission wanted information about that requirement. She said the applicant has not gone through that process yet.

Mr. Bivins said if there is an easy answer from Mr. Moore on that, he could answer, but if not, Mr. Bivins would pass and move onto the other comments.

Mr. Moore replied that essentially, for VDOT to accept a network of streets into the State system for maintenance, it must meet the secondary street acceptance requirements, one of which is multiple connections in multiple directions to the existing road network.

Mr. Moore said Running Deer represents an obvious connection point because it is an existing street, instead of a stub-out to an unconnected parcel boundary or, in particular with the creek, a very expensive connection that may very well never be made. He said with the intent to develop a network of streets that are all connected, there would have to be some strong reason why a connection to Running Deer couldn't be made, such as being infeasible or unsafe for some reason.

Mr. Bivins asked if it were not possible to have two streets that connect to US-250.

Mr. Moore replied that it does not meet the second direction part of the requirement.

Mr. Bivins said he just wanted to have that articulated.

Mr. Bivins said as always, his Commissioner colleagues have hit all the various points that he might feel called to mention. He said he would only lift up one piece, and perhaps this was the factor he looked at. He said he wanted to be clear that the Commission was not saying "no," but that what they were saying was, "Not this density." He said there were some Commissioners who said this was a good project, and that there are a couple options.

Mr. Bivins said there is an option to sit with staff and see what the optimal density would be that they would be able to recommend, given all the various inputs they received that night. He said he assumes this will be somewhere significantly less than 160 units. He said perhaps it is around 64 units, or something else.

Mr. Bivins said also, there is the existing situation that the property could develop by right, which would be 24-25 units. He said he is not one who views that as a threat. He said there have been a number of developers that say if they are not allowed to do something, they will just go by right. He said that is an applicant's by-right right, and if that is what they feel called to do, then that is something they are allowed to do with that piece of property. He said he never accepts that as a threat, and simply accepts it as something that the applicant can do as they feel called to do.

Mr. Bivins said he wanted to be clear that while they've heard that this is an interesting project, he would ask the affordable housing staff if \$500,000 really helps the County move the affordable housing needle, even if it is not there but someplace else, and if she feels called to respond to that. He said he feels that even though \$500,000 is being offered as a one-time cash deposit, and noting a report from her was forthcoming in the fall, he has no idea whether this \$500,000 is meaningful or not.

Mr. Bivins said as some have referred to the \$500,000 for traffic or schools being a "drop in the bucket," he was certainly not aware of that \$500,000 would house many people from a serious length of time, and if that were to be something accepted by the Board. He said with that, he remains concerned about what is the true additive value of that kind of offsite offering.

Mr. Bivins said for him, the real piece here is like what so many of the Commissioners had spoken to. He said he thinks the property is being pushed over the density, and to him, this is a binary thing. He said he really has one or two things that pushes him into places, and this was a lot of people out there on an interesting project. He said with his primary concern of the density being too much, and that what staff has recommended and what is available by right seems to be a valid option. He said for that reason, he will not be supporting this project at this time with that particular set of density.

Mr. Bivins noted that Dr. Pethia was prepared to speak, but that the Commission would move on and hear her report later in the fall.

Mr. Randolph moved to recommend denial of ZMA201900004 Breezy Hill for the reasons stated in the staff report.

Ms. More seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent.)

Mr. Randolph moved to deny the sidewalk modification request for ZMA201900004 Breezy Hill for the reasons stated in the staff report.

Ms. More seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent.)

Mr. Andy Herrick (County Attorney's Office) said that before proceeding with the next motion, he wanted Ms. Nedostup to clarify whether staff is recommending approval or denial of the next modification request. He said the motion on the screen indicated moving for approval.

Mr. Randolph moved to deny the planting strip modification request for ZMA201900004 Breezy Hill for the reasons stated in the staff report.

Ms. More seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent.)

Mr. Randolph moved to deny the curb and gutter exception request for ZMA201900004 Breezy Hill for the reasons stated in the staff report.

Ms. More seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent.)

Mr. Bivins told Mr. Armstrong that he had heard a lot of discussion from both the Commission and the public. He said the Commission is not recommending the proposal as presented to them that evening, and is also not recommending the three exceptions or variations that were asked for. He said his recommendation, as always, is that the applicant perhaps takes a moment to sit with staff to see if, for when this moves to the Supervisors, there is a way to achieve the goals. He thanked the applicant for their effort and for pushing the Commission as they consider the future of development and land use in Albemarle County. He wished him a good evening and to be safe.

Mr. Armstrong thanked Mr. Bivins for his kind words and for the Commission's consideration.

### **Committee Reports**

Mr. Bivins asked if any Commissioner had let Mr. Rapp know who they would like to see on the Rivanna River committee.

Mr. Rapp replied no.

Mr. Bivins said he seemed to recall Mr. Clayborne giving this serious consideration.

Mr. Clayborne told Mr. Rapp to go ahead and put his name down.

There were no committee reports.

### **Review of Board of Supervisors Meeting - July 1, 2020**

Mr. Rapp said on July 1, the Board of Supervisors had three public hearings that had previously been at the Commission. He said the Malloy Ford outdoor storage display Special Use Permit was approved. He said the Field School of Charlottesville's Special Use Permit was approved. He said the Special Use Permit for the Little Explorers Discovery School in Crozet was also approved. He said these carried on just as recommended by the Commission.

### **Old Business/New Business**

Mr. Bivins said they were building a list, and that Mr. Rapp told him the Commission was reaching a point where they will be able to have a work session. He said there are number of issues that have been put on the table.

Mr. Rapp said this was correct. He said in August, they will hopefully get back to work sessions with the Crozet Master Plan and discussion on land use. He said Ms. Stacey Pethia would be discussing some housing policy, and that there were some Zoning Text Amendments in the works as well.

Mr. Bivins said they have talked about traffic studies, stale commercial zoning, and whether or not they should be looking at that. He suggested these would all be good for the Commission to talk about together.

Mr. Keller asked if there was a sense of when they will stop meeting virtually.

Mr. Rapp replied there was not. He said they will continue with the virtual meetings until they are directed otherwise.

Mr. Bivins said most of the Commissioners either look at the John Hopkins, New Harvard, or Virginia reports, but that the numbers are looking scary again. He said it was not that he would like to say that they become comfortable with doing Zoom meetings because he doesn't know how they will ever get to that point, but he would hope that their executives and Board will continue to be prudent as they bring people together. He said the numbers were not looking good. He said he is concerned with some of the things people are sharing with him.

Ms. More said although this was not on the work schedule and although it would need to come with direction from the Board, they had touched on the gross versus net density calculation. She said staff outlined this very clearly when they were dealing with greenspace, but this same issue has come up on other projects with constrained land, whether it is in the floodplain, critical slopes, or stream buffer. She said she did not think it was her job to put it on a list, but she would like to see it there. She said it is a tough issue and not necessarily popular, and perhaps in the past, it has been brought up as a potential discussion item. She said she would very

much like to see that discussion happen.

Mr. Bivins noted this request and said it is key.

Ms. More said as far as the way in which the Commission interacts with the School Board, perhaps there is an opportunity with this platform, as sometimes it is difficult to get everyone in a room together. She said it was not to say it isn't hard to get everyone together on this platform, but whenever it is appropriate for that to happen, this is a very important piece that they are communicating with the Schools and their projections.

Mr. Bivins said it would be helpful for the Commission to hear about the present capacity projections for the Schools, which may bring staff to them a lot sooner. He asked if this was a fair assessment.

Ms. More said she hopes this happens at other CACs, but Ms. Schmitt was at the Crozet CAC to give a more specific presentation about their schools as well as a broader look at the County overall so that there is perspective as to how it all shakes down. She said this important, and there is a great step in place for that to happen. She said hopefully, as CACs continue to start up again, those are presentations that chairs might piece together, as they are good and easy to do online. She said Ms. Schmitt had good slides not just about Crozet, but about the whole County.

### **Adjournment**

At 8:28 p.m., the Commission adjourned to July 14, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 08/04/2020
Initials: CSS