

**Albemarle County Planning Commission  
FINAL Minutes July 21, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 21, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Corey Clayborne; Daniel Bailey; and Jennie More.

Members absent: Luis Carrazana, UVA representative.

Other officials present were Tori Kanellopoulos; Kevin McCollum; David Benish; Daniel Butch; Kevin McDermott; Francis MacCall; Jodie Filardo; Amelia McCulley; Bart Svoboda; Charles Rapp, Planning Director; 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. Firehock, Ms. More, 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**

There was no consent agenda.

**Public Hearing**

**ZTA-2020-02: Landscape Contractors in Rural Areas**

Mr. Kevin McCollum (Planner with the Zoning Department) said the purpose of the amendment is to define a landscape contractor and add it as a use permitted by Special Use Permit in the Rural Areas Zoning District.

Mr. McCollum said he would begin with some background information. He said the goal for the Rural Area in the Comprehensive Plan is to have thriving farms and forests, traditional crossroads communities, protected scenic areas, historic sites, and preserved natural resources. He said the Comprehensive Plan then goes on to describe several objectives that are intended to help the County achieve that goal.

Mr. McCollum said this amendment is described under Objective 1, which is, "To support a strong agricultural and forestal economy." He said specifically, Strategy 1-J states that the County should consider amending the Zoning Ordinance to allow landscape services and the storage of

landscape materials in the Rural Areas. He said this strategy mentions that these types of services are currently only in Development Areas' use, but they may be more appropriate in the Rural Areas because of the need to grow trees and shrubs, and the storage of landscaping materials and equipment.

Mr. McCollum said this amendment then became part of the Community Development Work Program for 2020, which was endorsed by the Board. He said a ROI for this project was adopted on April 15, which authorized an amendment to the Zoning Ordinance to allow landscape services and storage of landscaping materials in the Rural Areas Zoning District.

Mr. McCollum said after the ROI was approved, the first thing staff had to do was come up with a definition. He said the definition they are proposing reads, "Landscape Contractor. Landscape contractor means, 'an establishment providing landscaping services.' For the purposes of this definition, landscaping means, 'the modification of the landscape for an aesthetic or functional purpose.'"

Mr. McCollum said staff developed this definition after researching many other Virginia codes and contemplating what was the best fit for the purposes of this ZTA. He said since "landscape contractors" is being proposed as a Special Use Permit use, each application will have to go through the entire SP review process. He said the proposed language allows for a broad interpretation of what qualifies as a "landscape contractor" and thus, will allow a wide variety of businesses to potentially apply for the Special Use Permit and get vetted through that process.

Mr. McCollum said after staff developed their definition of "landscape contractors," they reached out to some stakeholders for any input. He said they received comment from two individuals. He said the first had questions about the definition and whether arborists would be included. He said staff ensured this stakeholder that their arborist business would indeed meet this definition because they are an establishment, and they work on modifying the landscape.

Mr. McCollum said the second comment they received (which came after the completion of the staff report) expressed strong support for the ZTA. He said this stakeholder expressed how it is extremely difficult to stay in business in the Development Areas because of high lease prices, and there are many landscapers looking for cheaper options. He said one quote from the stakeholder's email that stood out to him was, "We are landscapers. Making things beautiful is what we do. Vote yes on this and help me stay in business."

Mr. McCollum said Attachment F includes the information staff is recommending be submitted alongside an application for a landscape contractor SP. He said Section 33.33K enables staff to require this information and will ensure a comprehensive review of the impacts of each proposal. He said this list could grow or shrink over time, or even become the basis for supplemental regulations.

Mr. McCollum said in conclusion, staff is proposing two changes to the Zoning Ordinance. He said they propose to amend Section 3.1 to define a landscape contractor, and amend Section 10.22 to add landscape contractors as a use permitted by Special Use Permit in the Rural Areas. He said they also recommend that each applicant submit the information listed in Attachment F alongside their application.

Mr. McCollum presented proposed motions for the Commission and offered to answer questions.

Mr. Bivins asked if the Commission was also voting on the criteria, or if they were assuming this was procedural.

Mr. Andy Herrick (County Attorney's Office) explained that all the Commission will be voting on is a motion to either recommend or not recommend the amendments.

Mr. Bivins said the other piece (Attachment F), then, was for information only and not included in what the Commission was doing.

Mr. Herrick said this was correct.

Mr. Keller said he was asking his question to get it on the record for the public. He asked how this works with a home occupation.

Mr. McCollum said that in terms of a home occupation that someone applies for, there are multiple ones for landscape contractors. He said currently, for a home occupation for a landscape contractor, all they can do is have a vehicle or trailer (one truck, one trailer) in many of the areas. He said there is some limited storage of materials for a Class A, but that it is more the equipment they are addressing here as far as the yard, where there will be larger amounts of storage materials and larger pieces of equipment (e.g. a boom truck for arborists to cut trees). He said the difference is the intensity, which will likely pick up with the size and amount of equipment that a particular contractor might accumulate and want to put together. He said this is the idea and what is envisioned here.

Mr. McCollum said they would still permit a home office, as that is really what the home occupations do. He said they have a truck and a trailer, but they go to different places, and they are not actually large operations with large amounts of equipment.

Mr. Keller asked Mr. McCollum if he thought there was a need to clarify that scale because of these two different approaches. He said historically, in the Rural Areas, they would have a small contractor who was doing it as a home occupation and then, they tend to grow to the scale that Mr. McCollum is talking about. He said he was wondering about people qualifying through the home occupation and then, over time, adding personnel and equipment. He asked where the transition point is and if it needs to be addressed so that they do not have frustrated small business owners who are out of compliance, but who began in compliance.

Mr. McCollum replied that this involves communicating at the beginning of an application or when an applicant makes a request to do a home occupation. He said staff discusses with them, usually face to face, and emphasize the scale. He said there was currently not an option for them to do that in the Rural Area, so this would be part of the conversation now, if someone did want to start small. He said if it gets out of control, the County has to deal with that on a complaint basis. He said the impacts would be addressed during the larger review of a Special Use Permit, but that staff did not expect to see this.

Mr. McCollum said he was not aware of many complaints they receive about the landscape contractors. He said when they do, it is usually about there being too many trucks and then, those have to be addressed. He said it is a matter of having the conversation with those individuals making the request to operate these businesses.

Mr. Keller said they all know that this is an important issue, and have heard from people in the Development Area about this kind of equipment being parked in residential areas, with the contractors' point being that they cannot afford or cannot find the property in the Development Areas for it. He said he thinks it is a very positive step forward.

Mr. Keller said he was a little concerned about this issue of the transition of scale and size, and that in other arenas, there seems to be a frustration on the part of the small business that grows in feeling that they have been tamped back in what they can do. He said he wondered if there was some way to put a clarification in either the public materials on the County's website, at a minimum, or define in this and in the home occupation where the breakpoint is where one needs to go from a home occupation to a Special Use Permit.

Mr. Herrick said he would address the question. He said one of the benefits of this particular ordinance is that it clearly moves out of the home occupation classification into a Special Use Permit classification for the landscape contractor. He said as they were having this discussion, he was looking through the home occupation regulations, and anything that requires a Special Use Permit under this code section is actually exempted or excluded from the home occupation criteria. He said it is mutually exclusive -- either one would come in under a home occupation application, or one would come in for a Special Use Permit.

Mr. Herrick said one of the benefits of this ordinance would be that it would move it from the realm of home occupation into a Special Use Permit where the Planning Commission and the Board of Supervisors could consider what would be the reasonable conditions that would be placed on this particular use.

Mr. Keller said he totally understood, supported, and agreed with what Mr. Herrick was saying, but he was thinking about the transition that they encountered, and the history of land use change at Yancey Mill. He said while it is an entirely different topic, it is about the issue of people coming in through one area, and then things changing, with the question of if there is a mechanism to catch or trigger that change other than a public complaint.

Mr. Charles Rapp (Director of Planning) said he believed he heard what Mr. Keller was saying, and while he didn't know if they had a specific mechanism, he knows that they have quite a good bit of materials that staff provide people when they submit an application for various permits. He said it sounded like they could provide some additional clarification on some of those guidance documents when someone does apply for a home occupation permit, any type of landscaping business, or something in that category that would at least alert them to be aware of these changes that would need to happen if they bring their business to the point of storing large equipment that is more than the specified amount of one truck/one trailer that Mr. McCollum mentioned earlier, so that it is clear up front as soon as they start the process.

Mr. Keller said he supports the ZTA if this is part of the agreement between the Commission and staff, if not part of the motion, that this information will be passed onto the Supervisors and will, indeed, be part of the upgraded website that the County is all looking forward to the rollout of.

Mr. Rapp said staff could do that, adding that they have a Forms Team in house where they are currently reviewing all forms, applications, and guidance documents as they have been more virtual anyway. He said it is a great opportunity to loop this into that and make sure they address this in coordination with the ordinance.

Mr. Clayborne said his question might be for Mr. Herrick, and that it circled back to Mr. Bivins' comment about Attachment F. He asked if there was something the Commission wanted their colleagues to consider perhaps adding in their future discussions that night, if it was off limits, in light of what Mr. Herrick was saying.

Mr. Herrick replied no. He said they would certainly welcome any discussion that the Commission has. He said it is that the anticipated motion would be whether or not the Commission recommends the ordinance. He said if the Commission has specific recommendations about Attachment F, staff would love to hear them.

Ms. Firehock said her comments were along the same lines as those of Mr. Clayborne. She said she was looking at Attachment F, and it struck her that the need for screening is something that should also be considered. She said she works with a lot of landscapers, and they can have some very large pieces of equipment. She said she understood that tonight, they were only really concerned with whether there should be an ordinance. She said she agreed that they should, and that it is appropriate to have such uses in the Rural Area. She said she supposed they could work on the checklist at another time.

Mr. Randolph said he would propose a hypothetical question, alluding to Trojan horses. He said to suppose he is the president of Leopard Landscaping, and he is a wholly owned subsidiary of a local fuel company. He asked if, as the president of Leopard Landscaping in applying for a Special Use Permit, he would be able to build onsite a fueling capability for his trucks.

Mr. Herrick said this would be a question for the Zoning Administrator to determine what uses were occurring on the property. He said it would be within the province of the Zoning Administrator to make a determination as to what uses were occurring, and to the extent that the use that was actually occurring on the property was exceeding landscape contractor, the Zoning Administrator could fine them in violation of the Zoning Ordinance. He said it would be a fact-specific determination for the Zoning Administrator whether this was just fueling of that company's vehicles for their landscaping business, whether it was customarily incidental to the landscaping business, or whether it was an entirely different use that was in violation of the Zoning Ordinance.

Mr. Randolph said that once he, as Leopard Landscaping, has established that he has fuel stored on the site, one can see over a number of 4-5 years that it makes it much easier to make an argument that that operation could potentially be enlarged and expanded. He said he was just raising a hypothetical.

Mr. Herrick said again, it would be a fact-specific determination for the Zoning Administrator whether it was in support of the landscaping business. He said he would imagine that the Zoning Administrator would find that fuel sales to the public were not part of the landscaping business, but that it would depend on the facts.

Mr. Randolph said he understands that in all likelihood, it would require another Special Use Permit. He said he had another related question, and to suppose that on this particular property that he owns as president of Leopard Landscaping, part of the property is Highway Commercial and the other part is Rural Area. He said he would really be putting the bulk of the nursery in the Rural Area. He said in the Highway Commercial area, he is just proposing that he might be able to have (consistent with the zoning) somewhat of a retail-oriented business on the front portion. He asked if this would be acceptable.

Mr. Herrick said in this hypothetical, because there would be split zoning, they would have to take each part of the property separately and evaluate the permitted use on the commercial parts, and the permitted uses on the Rural Areas part. He said this particular ordinance would allow a landscape contractor to be established by Special Use Permit only in the Rural Areas. He said it would not allow that landscape contractor to be a permitted use in the commercial areas. He said they would take each part of the property in this split zoning hypothetical and analyze it separately.

Mr. Randolph thanked Mr. Herrick for the answers.

Mr. Bailey echoed Ms. Firehock's statement, and said he wasn't sure if this was in Attachment F. He said driving down Hillsdale and by the chiropractor office, before getting to Whole Foods, there is a lot of laydown brick stacked that the landscapers used over time. He said this was the type of thing he wasn't sure that he saw directly in Attachment F, which is where the screening is for the laydown yard of where a contractor typically puts excess material and other things. He said those can just accumulate, and can be seen in other places driving up Route 29 that get left there for many years, and then weeds can grow there and become unsightly.

Mr. Bailey said while the attachment does address setbacks, he didn't know if this matter were covered in the Special Use Permit process, but spelling it out in Attachment F clearly would be helpful. He said understanding the laydown yard and screening locations would probably be of help to the landscape contractor.

Mr. McCollum said there seemed to be comments about the attachment. He said the attachment is administrative and can grow or shrink. He said he was happy to hear comments of things to add or subtract. He said for the purposes of this ZTA and motion, he wondered if the Commission could possibly email him comments so he could adjust the attachment appropriately before the Board meeting.

Mr. Bivins suggested seeing if there were any public comments, since they were going to public hearing. He said when they come back from that, if some of the Commissioners have an item or two to offer, this may be appropriate.

Mr. Bivins opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back to the Commission.

Mr. Bivins said for Commissioners who have a comment or two about Attachment F, this was an appropriate time to make those comments.

Mr. Clayborne said Attachment F was very inclusive, so he would not recommend subtracting anything. He said he would like to perhaps consider from a planning standpoint, in the Rural Areas, that he would suspect that most properties are run off a well, and with the definition being so wide and sweeping, that perhaps for things that have storage areas, consider requesting whether or not they know it is going to be a combustible or noncombustible type of construction; and whether or not, based off of what they are storing, if they anticipate fire sprinkler or fire suppression systems, which all have a heightened awareness in the Rural Areas running off of wells.

Mr. Clayborne said based on the definitions presented, he thought it was great that staff had such a collection and did their research. He said it seems like it would probably include hardscapes, such as walking paths and like. He asked staff if they think there is any value or clarity in perhaps

adding the words “natural” or “manmade” landscapes. He said reading the definition as written, if he were just a regular layman, he would not think of manmade landscapes when he reads it.

Ms. Firehock reiterated her earlier comment about the potential need for screening, based on the size and amount of equipment stored onsite. She said she would echo Mr. Clayborne’s comments about the storage of hazardous materials, as there are potentially some noxious materials used. She said she is also concerned about the size of the storage yard itself. She said she didn’t know how to write that as something to look at, and that staff noted falling with materials but that at some point, they have to get at the square footage of the area that this would take up.

Ms. Firehock said she thinks the majority of the landscaping contractor businesses would probably be relatively small in scale, but that they have the potential to get quite large. She said she wanted to find a way to somehow capture that, as she was not exactly sure how to do that.

Mr. Randolph said that Mr. Bailey’s and Mr. Clayborne’s comments were good catches.

Mr. Bivins said at some point, they will be looking at performance metrics. He asked if this is something that would be done internally, or if it would come before the Commission at some point, with his assumption being that it would be done internally, and that this will be how the analysis is done when staff does bring a Special Use Permit forward.

Mr. Herrick said he thinks that if this follows the process that they were anticipating, this would simply go to the Board as a Zoning Text Amendment, and that staff would work internally on the forms and the information that was required to be submitted by the applicant. He said the nature of Attachment F is the information that staff would request or require of applicants. He said if the Commission is prepared to move recommendation of the ordinance, it would be staff’s anticipation that this would not formally come back to the Commission, although staff was open to any suggestions the Commission has that they would like to have put on the form.

Mr. Bivins asked if the Commission would see an SP that would come forward under this particular ordinance.

Mr. Herrick said this was correct.

Mr. Keller said Mr. Randolph’s hypothetical, and Mr. Bailey’s issue about storage of vegetative materials, made him wonder if there is a clear line definition between the difference of that storage on a large scale with a nursery.

Mr. Herrick said the ordinance, as written, does not specify the size or scale. He said it would be up to the Commission and the Board to put reasonable conditions on the use to keep the size and scale appropriate. He said in terms of there being a hard and fast bright line in the ordinance, the ordinance does not include such a standard.

Mr. Keller said his concern, again, was the small operation growing into the large operation. He said it is not that he thinks they need to put a scale on the SP, but again, he wonders about that transition point of a small operation and if there is a way to get around there having to be a complaint from the citizens about what is happening.

Mr. Herrick said ideally, for a business that started out small and incrementally grew, the conditions would be placed on them in such a size that they would have to come back if they were

expanding beyond the scope of what was permitted under the initial Special Use Permit. He said they would be in a position where they would have to come back and request an amendment, and they could grow incrementally to where, periodically as they grew and came up to the cap of what was allowed under their existing permit, they would have to come back to the Commission and the Board for approval to go to the next level.

Mr. Keller said he understood, and was sorry to be going on about this. He said he was concerned with the person who is the home occupation who grows in scale. He said he thinks there are many examples of that in businesses in the County and throughout the nation. He said there is a feeling that the individual that starts small has a number of rights that they accrue from having done that, and that he still has this concern in the transition from the by right of a home occupation to the point at which they would normally be asking for an SP if someone was coming in fresh.

Mr. Keller said he thinks this is really where it is going to cause conflicts in Rural Areas -- not on the large parcels, but in the more densely-populated collections of 5-6 houses where someone has a 2-acre or 5-acre lot in amongst those other houses, and their business continues to grow in scale.

Mr. Herrick asked Mr. Keller if his concern was of expectation setting, where someone might come and get an SP that is at a certain size and then may think to themselves that because they have the SP, they do not need to come back again, and that they may feel entitled to go beyond the scope of the SP.

Mr. Keller said it was not about the SP at all. He said it was about the person who is coming in as a home occupation, the scale is growing and growing, and the County does not have a mechanism because the owner came in as a home occupation. He said he was sorry to go on about this, but that he thinks they have seen this happen in other categories.

Mr. McCollum said staff does their best to work with an applicant to have them understand that the home occupation is an accessory use to their dwelling. He said beyond that, if they decide to do something with the County's permission (e.g. expanding or getting more vehicles), the only option he knows of is the complaint option that they have to work with to be able to address this. He said communication is big with staff as far as making those conversations and information as clear as they can to an applicant when they are proposing something.

Mr. Keller said it might be something that is worth sending out to all home occupations that are, indeed, landscapers once this ordinance goes into place -- that they be aware, on the positive side, that there is an opportunity for them to grow through an SP on that site. He said by sending that, they would also possibly be sending the message that if the businesses will be growing to a certain scale, the County expects them to come back for an SP.

Mr. McCollum said this is certainly something staff can look into.

Ms. More said she shared Mr. Keller's concern. She said although she would very much like to move forward on this, these situations could be happening now under existing conditions. She said it would be complaint-driven for it to come to the County's attention that someone is keeping equipment out in the Rural Area where they cannot currently do that. She said they would now have this mechanism if they move forward with the Special Use Permit.

Ms. More said this wasn't to minimize the issue, as she thinks Mr. Keller's concern is valid, but currently this is essentially what could be happening -- that a small business or home occupation could have grown outside of a scale that people had anticipated. She said if they didn't have a neighbor complain, the County would not know. She said it is frustrating that so many things are complaint-driven, but this is often the reality with many things they consider.

Mr. Bivins said ideally, if they had integrated systems during the personal property tax bills, if they saw large deltas in those taxes over a certain amount of time, they would be flagged for someone to take a look at the business to see whether or not the business had grown to a certain level. He said this is the kind of exception reporting that staff might be able to build into a system. He said they would look for key factors such as significant changes that would trigger an action. He said they do not have those kinds of integrated systems at the moment, however.

Mr. Keller moved to recommend approval of ZTA2020-02 as shown in the draft zoning ordinance in Attachment D of the staff report.

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

Mr. Bivins informed Mr. McCollum that he may be receiving comments from the Commissioners about Attachment F, and asked him to please be responsive to those.

Mr. McCollum said he would do so.

#### **ZMA-2020-06 Spring Hill Village Proffer Amendment**

Ms. Tori Kanellopoulos, Lead Planner for the project, said the application is to amend previously approved proffers to remove the left turn lane on Route 20 and to convert a sidewalk into a pedestrian path. She said Mr. Daniel Butch (Transportation Planner) and Mr. Adam Moore (VDOT) were also available that evening to answer question.

Ms. Kanellopoulos said the 12.5-acre site is located between Avon Street Extended and Route 20. She said it is located across Avon Street from the Avon Park development, and the Rural Area is located across Route 20 to the east. She said adjacent parcels to the north are zoned Light Industrial and include a variety of commercial and industrial uses. She said adjacent parcels to the south and west are zoned R1 and R6 Residential. She presented an aerial photo, noting that Spring Hill Village is in the process of being developed.

Ms. Kanellopoulos presented pictures from staff's site visit. She presented an image showing a view from Spring Hill Village at Avon Street Extended, looking toward Route 20. She presented another image showing the current construction entrance off of Route 20 into Spring Hill Village, looking south.

Ms. Kanellopoulos said the community meeting requirement was met in the form of mailed letter with information about the proposal, with response options including contacting staff via email or phone call, or using an online input form. She said the applicant mailed letters to property owners within a 500-foot radius of the proposal on June 5. She said staff received a total of four individual responses via email and Microsoft Forms. She said the major concerns heard were access to the site (especially a concern with drivers potentially using the adjacent property to the north to make U-turns), and also traffic, with the potential for more traffic to be diverted to Avon Street Extended.

Ms. Kanellopoulos said the property is zoned Neighborhood Model District (NMD) per approved application plan and proffers with ZMA2013-17. She said this rezoning approved up to 100 dwelling units, and up to 60,000 square feet of nonresidential uses. She said staff is currently reviewing a final site plan and final plat for this development for 100 units for Phase 1, and the nonresidential development will be submitted as Phase 2. She said if this proffer amendment is approved, the applicant will need to amend their site plan and road plan to match the updated application plan and proffer requirements.

Ms. Kanellopoulos noted that the code of development (included as Attachment 9) is the current code of development and is not changing with this application. She said the code was last updated with a Special Exception approved by the Board on May 20. She said the only changes to the rezoning with this application are to Proffer #4 and to the application plan (specifically, the Route 20 improvements).

Ms. Kanellopoulos said the property is designated Community Mixed Use in the Comprehensive Plan. She said as noted in the staff report, analysis of this development's consistency with the Comprehensive Plan was completed with the original rezoning. She said therefore, staff analyzed the proffer amendment for consistency with the relevant portions of the Comprehensive Plan and Southern Western Master Plan, and staff found that this application would provide the same level of multi-modal connectivity as the original rezoning. She said staff also found that a path is more fitting with the character of Route 20 instead of a sidewalk. She said a path was also approved with the Galaxie Farm rezoning in 2019.

Ms. Kanellopoulos said the proposal is to amend Proffer #4, as approved with ZMA2013-17, as well as the relevant requirements of the application plan. She said specifically, the revised proffer and application plan would eliminate the left turn lane requirement on Route 20. She said they would also change the timing of the required Route 20 improvements -- that they must be completed before the thirtieth Certificate of Occupancy. She said Fire Rescue requires two entrances after the thirtieth dwelling unit.

Ms. Kanellopoulos said the revisions would also require a path along the frontage of Route 20 instead of a sidewalk. She noted that the landscaping on this application plan is conceptual only, and Architectural Review Board review and approval will be required with the final site plan. She also noted that the revised application plan would replace the existing application plan dated August 29, 2014.

Ms. Kanellopoulos presented a comparison between the approved rezoning for ZMA2013-17 and the proposed changes, per this application. She presented an image showing ZMA2013-17 and the left turn lane on Route 20 into Spring Hill, with a sidewalk along the frontage. She presented another image showing the new proposed design of the Spring Hill entrance with the removal of the left turn lane and no option to turn left into Spring Hill. She said it also shows the proposed path along the frontage, which is a conceptual location and will have public access.

Ms. Kanellopoulos presented an image showing how cars traveling northbound on Route 20 would access Spring Hill Village. She said drivers would turn left onto Avon Street Extended from Route 20, would then drive up Avon Street Extended and turn right into Spring Hill Village. She said there is concern from the adjacent property owner to the north of Spring Hill Village that drivers will use their property to make U-turns instead of using Avon Street. She said the applicant estimates approximately 5 drivers per day would be traveling northbound on Route 20 to Spring Hill Village. She said VDOT, Transportation staff, and Planning staff find this estimate to be

reasonable and find it unlikely that drivers would make a U-turn instead of turning left onto Avon Street. She said this is not possible to guarantee, however.

Ms. Kanellopoulos said staff is recommending approval of the rezoning application, provided the following technical changes are made to the application plan prior to the Board of Supervisors' public hearing. She said since these changes were included in the staff report, she could return to them if there were any specific questions. She presented the motions for consideration and offered to answer questions.

Mr. Randolph said when the Shadwell Store was redone at the intersection of Routes 22 and 250 in Shadwell, they were told there would be no left-hand turns for moving east on Route 250 into the store. He said there was a concrete Y unit that was put in that indicated one could turn to the right, or enter by coming in on the left side, but one could not go out and make a left-hand turn and thereby, proceed east on Route 250.

Mr. Randolph said the reality was that the way that site was used, people did attempt to make a left-hand turn. He said despite the fact that there was the construction architecture there of concrete and the road surface that indicated that one should not turn left, they proceeded to turn left. He said it required VDOT finally establishing a series of yellow markers that establish a line that people cannot get through them to make a left-hand turn. He said only then did they see people actually following the design that they were assured from the outset was going to be followed.

Mr. Randolph said while he understands that Mr. Butch and his department have good sense that they do not find it likely that people would make those turns, they already have the property owner to the north stating clearly that people currently use his driveway to turn around.

Mr. Randolph said one of the things that he hopes the Commission will talk about that night is to try to provide some measure of satisfaction by the developer that can prevent people from making a left-hand turn into that business (Gropen), thereby turning around and then proceeding south on Route 20, then going into Spring Hill Village.

Mr. Randolph said he would like to come up with a solution that night that will address that concern because he knows from experience that expectations do not always work out the way they think they will when it comes to human behavior, and with people having an urgency to get somewhere. He said architecture be darned (especially road architecture), people will drive right over it and do not care what they will be doing to their suspension as they are getting into the most convenient way of getting somewhere.

Mr. Randolph said the other issue he believed the Commission also needed to address that night was assurance -- given Mr. Roger Schickedantz numerous communications with Mr. Scott Collins through the site review process several months ago, prior to the pandemic happening -- of what degree of encroachment, if any, will occur both from tapering on Route 20 on his property, and also in terms of what impact the trail will have on his property. He said he would be looking for answers to those that evening as they go forward.

Mr. Randolph said he was not directing his comments at Ms. Kanellopoulos, but was using this as an opportunity to let people know that he thinks the Commission needed that kind of information that evening.

Ms. More said she was going to give an example of people making a left-hand turn where there is something there that is telling them they should not be doing that. She said Mr. Randolph's example was much more appropriate to the scale of this. She said her example was going to be at Old Trail, where there is a "pork chop," which tells the driver who wants to turn left into a commercial area that one should not do that. She said everyone does, however. She said what it wants them to do is go past where they want to go, go through a roundabout, then come back and turn right, but no one does that. She said some people actually drive out of the exit because they think they should, although this is dangerous, even in a small neighborhood setting.

Ms. More said Rick's example was of faster moving traffic, and more traffic. She said her concern is about what will be there that is safe for the driver and directs them that they should not be turning this way when she knows that people will do all kinds of crazy things in their cars.

Ms. More said her second point was that she was having trouble following the logic of this putting more traffic onto Avon Street, which is with the assumption that they do not have the driver who is going to do the U-turn and use the property to the north. She said she thinks it is a valid concern that a driver could choose to go up and do a U-turn. She said if that doesn't happen (which she is concerned that it would), the choice of what they were saying should happen is that they use Avon Street.

Ms. More said she wondered, from a transportation perspective, if this were putting more burden on an already busy street, and why they would not want a plan that disperses traffic. She said she was having trouble getting to a place where she feels like this makes sense -- that they would limit the choices rather than offering a driver more choices that would disperse traffic, and not put more burden onto Avon Street. She asked if this were a Transportation staff question or a VDOT question, adding that she was not in a place where she could support this but was willing to listen.

Mr. Bivins asked Ms. Firehock to ask her question, as there could be related questions that Mr. Butch could respond to collectively.

Ms. Firehock said she had a similar question to Ms. More's, and wanted to hear from staff as to whether they think that this new design proposed by the applicant is better for traffic and safety, or simply an attempt to save funds by not having to disturb as much of the area to build the original design.

Ms. Firehock said her second question has to do with the materials use and the trail. She said the report said it was similar to other pathways along the road, and she would like more detail on that.

Mr. Bivins asked if Mr. Butch could answer the transportation questions. He said given some of the observations that were made by Mr. Randolph and Ms. More, VDOT should offer some input on this as well.

Mr. Butch said from a transportation planning perspective, looking at the applicant suggesting that there would be five vehicles per day going northbound on Route 20, this would not have a significant impact on Avon if they had to choose to go that route. He said as Mr. Randolph mentioned earlier, staff also looked into the possibility of U-turns on the adjacent property, or the possibility of them continuing to Mill Creek, going left, and then making a left on Avon. He said these are all assumptions, but the impact of five vehicles was significant to not have to have that left turn lane, which was the transportation perspective.

Mr. Bivins asked Mr. Moore if he had anything to add.

Mr. Moore said from a planning standpoint, it is for the County to determine if more traffic on Avon Street is advisable in this context. He said to the points about the complaints of the neighbor, he thinks it is definitely possible that some people (especially before patterns set in) may use this neighboring entrance. He said he does not think that it is likely people will consistently use it. He said it is a largely residential community, so people will form their community habits quickly. He said in the long term, most people will find it easier, more comfortable, and therefore safer to turn left onto Avon, and for the handful of traffic that is expected during busy times to turn left on Avon and right to the development.

Mr. Moore said regarding the design of the entrance itself that was a concern, the dimensions of what they call the "pork chop" are very important, and the Commissioners brought two examples that have substandard dimensions. He said he imagines this is a change in the design standards over time. He said the current standards are a 50-foot dimension on the side adjacent to the through street (in this case, Route 20). He said at the Shadwell Store, that same dimension is only 15 feet, and on Old Trail, it's maybe 17 feet. He said both are not nearly wide enough to physically redirect traffic to a right turn only when it comes out.

Ms. More asked if the five vehicles per day estimate was for full buildout, including Phases 1 and 2.

Mr. Moore replied yes.

Mr. Bivins said he assumed they would wait to hear from the applicant to address the trail material.

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

Mr. Scott Collins, the project engineer, said he was joined by Mr. Jeremy Swink from Stanley Martin, who represents the owners on the property.

Mr. Collins said the whole idea about the entrance came about from the staff-developer meeting that was held back in March, as Mr. Randolph indicated. He said the original design of this intersection at Route 20 leaving the site with the full intersection design does have a significant impact along Route 20 in that corridor.

Mr. Collins said the design that was approved with the original rezoning is a very urban design, with curb and gutter and sidewalks along the section of the property and along the properties to the south and to the north, in order to get the improvements for this turn lane. He said the turn lane improvements actually stretch almost 1,000 feet north and south of this entrance, so one could imagine the effects it has across the properties to the north and south of them -- especially to the south, which had substantial grading impacts all within the right of way, but was removing 90% of their buffer between their residential home and Route 20, taking away the rural characteristic that one can see along most of Route 20.

Mr. Collins said when those concerns were brought forth during the staff-developer meeting, the applicant stepped back and took their comments to heart to ask themselves why they were putting in this full-access turn lane. He said he looked back at the 2013 rezoning and realized what the intent was, and why it was so important for the developers back in 2013 to have this full-access turn lane. He said it was driven by the commercial. He said they saw the need for more of a

commercial frontage along Route 20 that was going to pick up commuters coming into town and leaving town as they left. He said the rezoning allowed for up to 60,000 square feet of commercial.

Mr. Collins said in 2020, everyone knows this is no longer a model that works. He said in Belvedere, for example, the commercial center still has not taken off, and there is a total buildout that is 10 times the amount of residential in that neighborhood.

Mr. Collins said he lived in Old Trail for 10 years and was the third house there, and that he has seen a definite turnover of the commercial there. He said restaurants there turned over every six months. He said the commercial that worked and started to thrive were specific businesses and the small one or two office spaces for people who wanted to work and live in the same community, but not have clients come to their house.

Mr. Collins said that model really started to take off, and he sees that this exact model will work in Spring Hill Village, which is why they have gone forward with the development with a minimal amount of commercial proposed (10,000 square feet). He said they have one area left on this property that will handle a 10,000-square-foot area, and they see it being the perfect spot for a home office type of building that allows people to work and live in the same neighborhood, walk to work, and have clients come to their office.

Mr. Collins said this (the commercial aspect) is what drove much of this need for a full access onto Route 20. He said when they eliminated this, they eliminated a lot of the in and out traffic from Route 20, which is why the developer revisited it.

Mr. Collins said the other reason they looked at this as well was that having a left out/right in/right out of the property on Route 20 did not preclude people from using Route 20 to go into town, which is the majority of the movements. He said there are schools, work, and commercial in and toward town. He said there is not a lot of traffic that is going south out of this development, as it is a residential development, and this design does not preclude it.

Mr. Collins said another thing that was touched on that night is that the new design protects the rural characteristics of Route 20, as well as the entranceway because the entrance to this development is very important for Stanley Martin, and they really wanted to preserve the rural characteristics. He said this design does that, versus the more urban design that was previously approved with the rezoning.

Mr. Collins said as far as safety goes, Avon Street is much safer to make a left onto and then turn right into the development. He said with regard to those five extra cars on Avon Street, he agrees wholeheartedly with the Transportation Planners that it is not an increase in traffic on that road to have five cars going up and making a safer turn into the neighborhood development.

Mr. Collins said as far as some of the questions that came up that night from the Commissioners, they were excellent questions and concerns. He said the biggest difference in those questions, concerns, and examples is that those were all examples of people turning into heavily commercial development areas. He said with regard to Mr. Randolph's question about people turning left into the Shadwell Store, this is a commercial use, and this is why people are not abiding to the turn lanes. He said he feels Mr. Moore was correct when he said that people do settle into a pattern, and knowing that they cannot make the left turn into the residential neighborhood, they will not be doing that.

Mr. Collins said the same goes for Ms. More's example. He said he actually design the right in/right out at Old Trail, and has seen people turn into that commercial development area through the exit. He said this is why they extended the median of their design all the way up to the first intersection so that no one can turn in through the exit lane without traveling 200-300 feet up that road. He said it will then preclude that movement from happening.

Mr. Collins said there were many things that the applicant has taken into account with this proposed intersection design in order to prohibit, as much as possible, anyone doing something that is not what they should be doing. He said this is someone's residential neighborhood, and if they are making these weird left turns, their neighbors are seeing that, and it is not just a commercial stop in and out getting something. He said this was really the biggest difference he could see.

Mr. Collins said as far as the comments about safety and traffic, he thinks the safer movement is to turn left onto Avon Street and have a nice right turn into the development. He said it is a much safer, easier turning movement. He said this was the heart of his presentation, and that Mr. Swink may want to make comments.

Mr. Swink said he would like to piggyback on a couple things. He said Mr. Collins mentioned that one of the drivers for the applicant taking a look at this were some of the concerns heard during the staff-developer meeting. He said they take those meetings seriously and take public comment to heart, and try to implement them into their designs. He said some of the best ideas he has gotten have come from the outside.

Mr. Swink said one of the things that seemed to echo was the perception between what someone's actual yard and property is, and what the right of way line is. He said it is a perception about where the road and edge of pavement stop, and where someone's yard stops. He said looking at the existing conditions today in terms of where that road is and the edge of pavement is, versus where the right of way ends and where the neighbor's property starts, there is a big difference there along Scottsville Road. He said Scottsville Road has the right of way to be widened to be in the four-lane position that was proffered here.

Mr. Swink said when the applicant looked at the ultimate widening, grading, curb and gutter section, and concrete aprons that would replace driveway entrances that exist today, this resulted in a major impact to what people perceived as their yard, buffer, and trees. He said while it is not their property, he knows those people have lived there for a long time, and it probably feels like their backyard at this point. He said the applicant wants to be sensitive to their neighbors.

Mr. Swink said one of the first things they had to look at was how people are traveling to the development. He said they are a residential developer and not a commercial one, so one of the first things he did with the plan was to make it as residential as possible, taking the commercial down to the lowest common denominator, which was 10,000 square feet (from 60,000). He said he was familiar enough with commercial development and traffic movements to know that 50,000 square feet of commercial development is a tremendous amount of traffic or vehicles per day between people going to work there, and people stopping in to use goods and services (especially with its convenience and location).

Mr. Swink said the first thing they did when they got the property was, they scaled back the commercial, and made it more residential heavy. He said by doing that, and thinking about the way people are traveling, there are not a lot of people that are going from their neighborhood out

to Scottsville and then back to work. He said people are going from their neighborhood to town, so they needed to preserve their ability to go right or left out of the community, so people that live in the neighborhood can leave safely and in either direction. He said if one is coming from town heading towards Scottsville on Route 20, they needed to preserve the ability to take a right into the neighborhood, as this is another important, heavily traveled, and safe entrance into the community.

Mr. Swink said what they probably will not see a lot of (aside from visitors that are coming to visit people they know in the community) are people traveling from Scottsville on Route 20, then taking a left into the community. He said he thinks this is what they are sacrificing with the design, but what they are preserving is the rural feel of the road and what people perceive to see their backyard, property, and buffer. He said he thinks the impacts to people making U-turns on the neighboring property and the impact on Avon Street may be a bit overstated, at least from what he has seen in the traffic data and what he understands to know about residential development versus commercial. He said they were open to any ideas, and that he and Mr. Collins would talk after the meeting to try to clear as many hurdles as they can.

Mr. Swink asked Mr. Collins if he could address the question about trail materials, and how to keep people from going off the trail and onto the neighbor's property. He said his suggestion would be a concrete barricade at the end of each, but that he was open to ideas and suggestions.

Mr. Collins said the trailway would be an asphalt pathway, very similar to what was approved with Galaxie Farm, in keeping with the rural characteristic and weaving it through the applicant's proposed layered park along Route 20. He said it would tie into the north and south properties in the right of way, so not impacting or requiring their property owners to make changes to their properties in order to extend the trails if they ever developed. He said they want to make sure it would tie in at grade without impacts to their properties, and they were able to do that much more successfully with this proffer amendment, as opposed to the urban design from the original rezoning.

Mr. Bivins asked if anyone from the public wanted to speak.

Mr. Roger Schickedantz (1858 Scottsville Road) said he is the neighbor immediately to the south that had been mentioned several times that night. He said he agrees with everything that has been said about his concern, and about the loss of considerable vegetation between his house and Route 20, which serves as a buffer, and also the potential for a lot of regrading that would remove a steep bank that is there now. He said he is fully behind this, and is happy that the applicant has taken his comments and has tried to work with them.

Mr. Schickedantz said one thing he wanted to address that had not been talked about at all is that his driveway is at the top of a hill of which Spring Hill Village's entrance is above. He said when he leaves his driveway to turn left to go into Charlottesville, he has a blind turn into oncoming traffic that is southbound. He said the VDOT plan that was in the original plan does not solve that. He said it actually moves the southbound lane more acutely to his driveway without removing the hill. He said it actually makes his entrance onto Route 20 more dangerous. He said two people use that driveway, and they need to balance the two of them with the five additional cars on Avon.

Mr. Schickedantz said he was in favor of the amendment. He said he did have a couple of reservations. He said he noticed there still seems to be some encouragement with the latest site plan onto the right of way, and that he thinks this is being done because the pedestrian path (in

order to stay at grade as it comes out to meet Route 20) requires quite a bit of cut on the applicant's side. He said in order to bring it to the street, it looks like they are extending that cut beyond the property line. He asked if this be avoided if possible, and if it cannot be avoided, that there be some provision for either a retaining wall or a well-vegetated replacement that doesn't have to be maintained in its place.

Mr. Schickedantz said he had another concern that came up in the staff report that talked about there needing to be a 400-foot-long right turn lane to the property. He said it wasn't clear whether that was a right turn off of Route 20 into the property, or from the property onto Route 20. He said if it is the latter, he would have concerns that this may extend into the right of way in front of his property, exacerbating the problem they are trying to alleviate.

Mr. T.J. Ronayne (1766 Scottsville Road) said he represents the property just to the north. He said he was very excited to see the original approved development plan. He said he thought that the increased number of lanes, allowing vehicles at 55 mph to properly decelerate and make their turns, was a great benefit to the increased traffic. He said the reality is that he is not a traffic engineer, so he cannot understand why the anticipated car usage is a quantity of five. He said he does know that building 100 or more homes will have several hundred people migrating on Route 20 and Avon Street, so the increased traffic was obvious to him.

Mr. Ronayne said his biggest concerns relate to the Entrance Corridor (Route 20) being as safe as possible. He said he thinks the original plan, having four lanes to the north and three lanes to the south, give them more room for vehicular traffic, which will be increasing, and more room for safe deceleration, using turn signals, and overall egress. He said he thinks going down to two lanes with the increased traffic in the proposed amendment is not as safe, simply put.

Mr. Ronayne said he also feels as though everyone assumes that people will use Avon Street when heading northbound towards Charlottesville and Spring Hill. He said there has been no accommodation, however, for any sort of signage. He asked if people are supposed to inherently know that they are not allowed to take a left off of Route 20. He asked if GPS will be able to handle that. He said he tends to believe people will intuitively, by instinct, take the shortest, most direct, and fastest egress possible. He said for all the houses that are lower grade, closer to Route 20, he did not see how or why they will ever want to go up Avon Street uphill, then traverse back down.

Mr. Ronayne said the reality of the situation is that no matter what anyone can say, people coming on Route 20 who don't know they can't take a left will turn around on the next property, and this is his property adjacent to the north. He said they have three tenants there currently, and vendors coming and going. He said it is a Light Industrial property, and to have traffic be impeded by people attempting to take a U-turn right in front, he feels this is a major safety liability and issue.

Mr. Ronayne said this was his primary concern. He said he had no comment on the path, and that he thinks it looks great. He said to assume that people will inherently know they have to take a left on Avon Street without any viewshed of Spring Hill whatsoever is very nearsighted and not applicable in the real world. He said there are only two entrances to it: Avon and Route 20. He said to limit a single direction of traffic at one of two entrances seems very unsafe, and that he did not see the benefit to it.

Mr. Bivins invited the applicant to respond.

Mr. Swink said to address the first concern he heard, it sounded as if there was a concern about the grading and how this will be handled where their property starts and where the neighbor's property starts within the right of way. He said to the extent that they are permitted by VDOT to put a retaining wall on the property, he was certainly open to it, and would have to defer to Mr. Collins and VDOT on what is permitted within that right of way and what they could do to soften the grade. He said according to the plan, 4-6 feet of a slope from where their grade ties in and then the neighbor's goes up hill quickly. He said his response is that they are willing to do it, but he needs to understand the ability to engineer and permit it.

Mr. Swink said the second concern he heard was around people coming from Scottsville towards their development (either visitors, or people who live in the community who went to Scottsville for the day) using the neighboring property as a turnaround. He said his gut instinct is that there will not be too many people (outside of visitors to the residential property) that are coming from Scottsville, especially at full buildout when people will become familiar with the traffic pattern in the area.

Mr. Swink said in a residential neighborhood, at full buildout, there are people who live there and people who visit people they know who live within that community, which is 99% of the traffic. He said of that cross-section, a very small percentage of it is people coming from Scottsville to Spring Hill, versus people coming from Charlottesville. He said he thinks the traffic pattern is heavily weighted in the opposite direction. He said he also thinks that over time, residential visitors or owners will become familiar with their traffic pattern in an area.

Mr. Swink said the largest impact will be felt during the times they are developing, and also as they are getting to full buildout. He said he has taken some steps with Mr. Ronayne offline to limit their contractors using his property as a turnaround. He said they had some problems in the initial month or so of development with some truck drivers that were pulling in and blocking the entrance. He said they put some things into place, including a cash escrow and a per-occurrence fine, that stopped all the infractions, to his knowledge. He said they will continue that throughout the buildout phase. He said his thoughts will prove true as they have people living there and as people become familiar with it.

Mr. Collins said with regard to the grading, the grading for the trailway along the southern property line at Mr. Schickedantz's property ties in. He said they graded the trail up about 2 feet there so that they do not need retaining walls or any other major impacts to this property. He said it ties in well, and one can see the grading on the application plan. He said there is no need for impacts in front of this property with the trail, as currently designed. He said it is much better than the original trail design.

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

Mr. Randolph asked Mr. Moore what the status of Route 20 is from 7:30 a.m. to 9:00 a.m., based on VDOT's traffic study of the road. He asked what Mr. Moore would label its condition as being (e.g. an "F" or a "D--").

Mr. Moore replied that the issues they see on Route 20 are closer to Route 53. He said he does not believe that there are many through traffic delays at this location. He said they would run into delays at the Route 53 intersection where the proposed Smart Scale project is. He said he has not heard a lot of complaints about the condition or length of the left turn lane onto Avon Street.

Mr. Randolph said he agreed with that, and that he was talking about the area further north, at the intersection with Mill Creek. He said there are occasions where traffic is backed up from that traffic light all the way back down on Route 20, in the morning, as traffic moves towards Charlottesville. He said he was trying to establish the actual classification of Route 20 at the intersection of Mill Creek and that of Route 53. He said they know that at Route 53, it is an “F,” which is part of the reason why the Smart Scale project is proposed. He said at the intersection with Mill Creek, it has to be a “D” (if not an “F”).

Mr. Moore said it very well may be, and that he did not have a recent classification. He said his most current information comes from following the associated traffic studies, and that he did not have a recent one for that intersection. He said perhaps there is something about this as part of the Route 53 study, but that he did not have this in front of him.

Mr. Randolph said most of that study has been southern [inaudible] than getting on Route 53, and then Route 53 traffic coming down in the morning, making a right-hand turn, then getting on Route 20 and moving to Charlottesville. He said what he was talking about was the dynamic of traffic moving from the south, coming to the north, and going through this intersection.

Mr. Randolph said his observation, as having driven through there repeatedly as Supervisor, going down to the Town of Scottsville is that between those hours of 7:30 a.m. to about 8:45 a.m., it is oftentimes gridlock. He said there is an issue he needs to bring up to Mr. Swink and Mr. Collins. He said the reality is that drivers, knowing they will be facing a traffic delay, will do irrational things. He said this is what Ms. More was getting at earlier in terms of irrational driving behavior. He said people are concerned about being stuck in traffic, and they want to be able to get to work on time, or they have a meeting, for instance.

Mr. Randolph said the reality is that this proposal now has a “Y” intersection with the nameless road coming out of Spring Hill Village onto Route 20, which makes it difficult for someone to make a left-hand turn in moving north on Route 20, then going through Spring Hill Village and accessing Avon Street to go down to the City that way. He said the applicant has precluded that capability.

Mr. Randolph said all he was saying was why not provide for the same preclusion of that capability at the neighboring property to the north so there is no way that anyone can just pull into Gropen, then turn around. He said if it is not a “Y” intersection, they could put some kind of barrier there to make it difficult for a vehicle to turn around at the entrance, in terms of being a good neighbor. He said the reality is that in a rational world, he agrees that perhaps there will only be five cars that go north and will thereby need to access Spring Hill Village from the south. He said the reality is that, especially when people are choked with traffic, they will do irrational things and will turn around in people’s driveways. He said they just need to be prepared from the outset.

Mr. Randolph said it seemed to him, given how much money the developers are saving by not having to put in a vast road improvement that they would be doing otherwise, that it would be cost-effective to make sure that a neighbor is happy and that they have good traffic management on this corridor.

Mr. Randolph said he was concerned, however, that the default road of choice is now to put more traffic onto Avon Street Extended because the effort there, with the Avon Street Corridor, is to try to look at managing traffic and reducing traffic speed. He said the more traffic there is there, the greater incentive there is for people to speed, despite the fact that they will be having a crosswalk

at Cale, and that they have looked at a roundabout at the intersection of Mill Creek and Avon Street Extended.

Mr. Randolph said to him, it seems reasonable to look after this neighbor and try to ensure there will not be a way in which people could do U-turns. He said they have to expect irrational behavior, and they need signage that says, "No U-turns." He said they will need something to be physically put in at the Gropen entrance that will preclude the ability of people to quickly turn around and then go south because traffic is backed up.

Mr. Keller said he was curious about what the cost savings between the two proposals (less the improved trail) would be, in terms of round figures.

Mr. Swink said he was not 100% sure. He said he has contracted it with the approved road plan, so his intention is to spend whatever they contracted it for. He said he did not count on these things being approved until they are approved and until they have site plan amendments in place. He said his instinct was that it was probably \$80,000-100,000 for not building the left turn lane. He said once the contractor has their hands in their pockets, it's hard to [inaudible].

Mr. Swink said to address Mr. Randolph, he was happy to work with Mr. Ronayne on signage. He said it was not the cost of things that would preclude him from working to find a solution. He said what he wanted to make sure he didn't prohibit was people who are trying to access his property from making a left-hand turn. He said his only concern (which he was sure was Mr. Ronayne's as well) was that he didn't want to do anything that will interrupt his business efforts more than the development already has.

Mr. Bailey said he wanted to try to understand from staff first, and then some of the rationale. He said he recognized that when looking at the existing area, it is reasonable to expect perhaps five cars turning in there. He said even though it is a smaller commercial center, it is located predominantly on the Scottsville Road side and not on the Avon Street side, so there is potential for GPS. He said when he looks at the Comprehensive Plan, then forecasting out the constant requests they get about where the next developments are coming, that this area is marked as a Development Area. He said it seems like it would be under pressure.

Mr. Bailey said right now, there is a lot of empty land south of here that could be ripe for growing that is somewhat in the Development Area or adjacent to it. He asked staff if it is reasonable to expect that, as this grows, it will still be five cars to this commercial center that is predominantly located on Avon Street. He asked if they should assume that the development, as it is zoned as now, will keep the density likely the same. He asked staff if they could walk him through what the Development Area plan is there now, and what that might mean for the commercial center that is proposed being on the Avon Street and now, eliminating a left-hand turn as more people start to live south of this development.

Mr. Randolph asked Ms. Kanelopolous if she had a map showing the Development Area.

Ms. Kanelopolous said she could pull this up. She presented the map, noting that Spring Hill Village is the parcel selected in brown. She said the Rural Area was all outside of a gray line, and indicated to the Southern and Western Urban Development Area. She said she thinks the applicant covered part of this as well. She said they were allowed up to 60,000 square feet of nonresidential uses with this development, but the minimum is 10,000 square feet. She said she was not sure exactly how much they were planning to build, given that the site plan staff has right

now is only for the 100 units. She said they cannot go above 100 dwelling units, so they are building the maximum there.

Ms. Kanelopolous said the applicant reserved an area in the bottom right corner of the site plan for the commercial use. She said based on the area shown on the site plan, it would be significantly less than 60,000 square feet.

Ms. Kanelopolous said offhand, she was not exactly sure what other types of developments could happen in that area. She indicated on the map to an area designated as greenspace and Biscuit Run Park, and to another area that was rural. She said Avon Park has a Phase 2 that is working on developing, but coming from the south, she did not see significant future development anytime soon.

Mr. Bailey said this was helpful. He said it is good to know what the future development could be on the southern side, given there is money being spent on infrastructure. He said it seems to be a desirable place to live and has very much expanded in the last five years with the amount of housing going in there. He said Ms. Kanelopolous had answered his question, that it was not projected to be anytime soon to increase neighborhood load.

Mr. Bailey said to him, this would be a much easier slam dunk if the commercial was located on Avon, but if the GPS routes someone around and they get there, they are going to take a left-hand turn into commercial as opposed to driving all the way through the neighborhood to get to a commercial area.

Mr. Keller said just as the Commission has talked about recently with a number of projects, VDOT, the Transportation Planners, and Planners find themselves in a heck of a situation. He said while they do not know when the project will begin and will start having an impact, they all know that Belmont Bridge rework is going to be coming online. He said they know that the Route 250 East work between Shadwell and Pantops at the I-64 interchange will be coming online.

Mr. Keller said in terms of short-term, he hypothesizes there will be significantly increased traffic coming onto Route 20, both south of Route 53 and from Route 53 coming in, because of the number of people who work in the Charlottesville community who are coming from the east and the south that will change their short-term movement into town with those two construction projects.

Mr. Keller said they know there is a significant project (which perhaps Mr. Randolph could speak to) which is proposed for the outer edge of Scottsville that, as he understands, would significantly increase the number of residents over time in that Scottsville area.

Mr. Keller said when looking at the Development Area and in talking about the buildout, PVCC is able to move their land for development that they have talked about when they get the changes at the State level (or perhaps they will not), and that this is north of this project.

Mr. Keller said he still thinks there will be a significant increase in population and therefore, a significant increase in movement unless, out of COVID, they find a very different workplace environment. He said historically, a number of the people coming from the south and from the east are in the employment categories that they will still need to come into work.

Mr. Keller said just as they have talked with the Rio Road Corridor, and with Route 250 East and West, there could be significant increases in the number of people who are coming from the south. He said the same question applies as to if a number of them will be looking for alternative ways to circulate into town. He said it is a statement and not a question, but he thinks that just as the public has asked the County to think about future increases in those other corridors, they need to think about those changes also, and what are the by right developments along Route 20. He said the map showed the parcels in the Rural Areas, and that there is a lot of by right development potential there that are close to town and the Development Area that could, over time, increase the population relatively soon.

Mr. Bivins said there had been a number of comments on traffic, about what life will be like on that road coming from south of town, and about whether or not to anticipate that people will take Avon Street (even after putting in roads at Biscuit Run). He said as Mr. Keller implied, that whole area could have some significant attractions to it within the next decade, and the question is to what they are looking at on this piece of property.

Mr. Bivins asked Ms. Kanellopoulos to present the motions while the Commission continues to talk.

Mr. Randolph said he would be inclined to recommend approval, but that he would really like some conditions and commitments to address the Gropen entrance that would allow for business to access Gropen where they need to legitimately, as well as other businesses located there, but that can effectively deter individuals from driving north on Route 20 and with congested traffic, doing a U-turn in the Gropen driveway and then proceeding to go south and making a turn into Spring Hill Village, then cutting across to Avon Street Extended and proceeding into town.

Mr. Randolph said he would only give approval on the condition that there is a commitment to working out a *modus operandi* with Gropen that is mutually satisfactory to both Stanley Martin and to Gropen. He said he didn't see any reason why that couldn't be accomplished. He said this is something that, by the time it gets to the Board level, the Board will be looking to have that detail addressed. He said he thinks the Commission is actually helping this application along by conditioning this as a requirement that this be worked out.

Mr. Randolph said he believes that they sufficiently addressed Mr. – Schickedantz's concern about the grading on his property with the trail. He said he hopes that Mr. Schickedantz feels, as Mr. Collins has proven in the past, that the applicant will be accommodating and willing to listen. He said the proof is in the pudding here, that the applicant has dramatically changed this application to accommodate Mr. Schickedantz's concerns and, at the same time, address the reality that they have one-sixth of the overall nonresidential development that was originally approved for the site.

Mr. Randolph said on that basis, he would be prepared to recommend approval. He said he could not see denying approval on this application just because, in the future, they will probably see traffic-related problems here. He said they will have traffic-related problems there, whether or not Spring Hill Village goes in with 100 properties. He said this is just a reality.

Mr. Randolph said this is a property that the County has known was coming online for an extended period of time. He said he believed he, Mr. Keller, and Ms. Firehock voted on this as members of the Planning Commission back to 2014 or 2015. He said he would be prepared to recommend

approval, but with the condition that the entrance for Gropen is worked out so they have a means for preventing people to do U-turns in their driveway.

Mr. Bivins asked Mr. Herrick if he could suggest a line to add to the motion.

Mr. Herrick said what he was understanding Mr. Randolph to say is that he would be prepared to move to recommend approval of the ZMA with the changes outlined in the staff report, and upon the condition that sufficient means are made to prevent U-turns at the neighboring property to the north. He said he was trying to think of a way to put that in a condition, and was not sure what else they could say.

Mr. Bivins said between Mr. Herrick's words and what Ms. Kanelopolous had just typed, the motion might be in a place in which Mr. Randolph would feel comfortable moving forward with.

Ms. Kanelopolous asked Mr. Herrick if, since this was a ZMA, it was okay to use the word "condition" in the motion.

Mr. Herrick suggested saying, "With a recommendation."

Mr. Randolph moved to recommend approval of ZMA2020-00006 Spring Hill Village Proffer Amendment with the changes outlined in the staff report, and with a recommendation that sufficient means are made to prevent U-turns on the adjacent property to the north.

Mr. Clayborne seconded the motion.

Ms. Firehock asked if they could change the words, "means are made" to, "methods are employed."

Mr. Bivins asked Mr. Randolph if he would accept this amendment.

Mr. Randolph said he accepted.

Mr. Bivins asked Mr. Clayborne if he was fine with seconding this.

Mr. Clayborne replied yes.

Mr. Keller said he would support the motion. He said Mr. Randolph has made him move the way he was inclined to go. He said he wondered, however, if the Transportation staff could stay until New Business because at that point, he would like to talk about the transportation studies and plans that are being talked about, and whether they need to have an entry corridor study that talks about future land use changes and the impacts. He said they now see that Route 20 needs to go in, along with Route 29 North, and Route 250 East and West, and he would like to have a brief conversation about this.

Mr. Bivins asked if Mr. Moore and Mr. Butch could stay for a while longer.

The motion carried unanimously (7:0).

Mr. Bivins addressed the applicant and said they have heard from the Commission that they were recommending moving forward, with the condition about having some dedicated interaction with

their neighbors to the north. He said there also may have been some mention, given the change in traffic conditions, of whether or not the location for their 10,000-square-foot commercial space will work for them, which is something they may want to consider.

### **Committee Reports**

Mr. Bivins said in spite of some of the comments about Lynchburg and Danville, it looks like they will get a way to move people up and down Route 29 via bus ahead of the train, and that there are some things coming along regarding trains in the future.

Mr. Keller said there was a CTAC meeting, and that it would be easier to send everyone the minutes from that when they are available. He said they did have conversations about these same issues that they may talk about under New Business.

Mr. Randolph said that (Albemarle Broadband Authority) is a dynamic environment right now, and a lot is going on because a significant amount of money is coming in with the recognition of the equity and economic development realities associated with broadband. He said they will meet tomorrow and will probably go into closed session to discuss potential funding opportunities to expand broadband, with a lot of focus on Southern Albemarle.

Mr. Clayborne said the Places29 joint CAC meeting will be Thursday. He said he plans to attend that and will circle back with the Commission at the next meeting.

Mr. Bailey said he would be attending this as well, as it was a joint meeting with the Rio District.

### **Board of Supervisors Meeting Update**

Mr. Rapp said there had been an eventful Board meeting on July 15. He said there was second public hearing for the CDBG (Community Development Block Grant) application for funds that were required for submitting that application, which is for a variety of different housing programs.

Mr. Rapp said the Board approved the Zoning Text Amendments for erosion protection design standards, as recommended by the Commission about a month or so ago, including the changes that the Commission had recommended.

Mr. Rapp said there were several hours of discussion on Yancey Lumber for the Special Exceptions and other items associated with that property. He said the Board approved all of the Planning Commission's recommendations, and they will be returning to discuss items associated with the sorter and stacker as soon as some additional information and conditions are worked out with the applicant. He said this will be revisited soon and that it was not officially over yet.

### **Old/New Business**

Mr. Rapp said they got the funding approved for the Rio Road Corridor Study, and will be moving forward with that. He said the 29 North area is certainly worthy of a study sometime soon as well, as they continue to see redevelopment and rezonings there of significant density. He said they want to ensure that those improvements that were recently made with the 29 widening project stay intact and continue to operate successfully.

Mr. Rapp said as they start working on additional Master Plans and Small Area Plans, one thing they would like to do is incorporate a component of that to do some of these corridor studies within those areas and make sure that they are vetting the transportation components of each of these plans, as they work them through, so that they are done in coordination with land use decisions, as Mr. Keller mentioned. He said the two go hand in hand, and that even the Rio Road Corridor Study will have a land use component to ensure they look at how future development impacts that corridor and the system as a whole.

Mr. Rapp said this is something they are obviously seeing growing and needs to be addressed. He said the studies do have a significant cost associated with them, so they will work through them as best they can as areas are further planned and as Master Plans are updated.

Mr. Keller said he had three things, referencing back to CTAC and discussions with the Culpeper office representative for VDOT. He said he thinks it is atrocious that they do not have modern origin-destination studies of traffic in their corridors. He said he understands VDOT has a contract with a group that is doing this work and is able to use this on certain projects.

Mr. Keller said he thinks that needs to be turned into a study that those in the community and region, through the Planning District Commission, have an opportunity to see and understand those things so they can look at real-time impacts of things such as Martha Jefferson Hospital moving its location, and where the last data they saw was before it moved. He said they should see the impacts of things such as the Belmont Bridge and various construction projects on each of the corridors. He said he knows the data is there and that it is referenced on the throughway of Charlottesville because of the improvements done with 29 North.

Mr. Keller said that from Mr. Mark Graham, in the past, they have had projections of the Rural Area development. He said it seems that it was maintaining a standard number of units that were happening annually. He said it would be interesting to see that and now with Mr. Bailey and his GIS expertise, he might be interested in delving into this even more with Mr. Rapp, who is new and has interest and experience in this as well. He said they can start looking by corridor.

Mr. Keller said if they see a significant development in Scottsville, for instance, they can use those Rural figure projections just the way they have been using the Development Area projections for change they have as part of the annual report that Mr. Rapp's predecessor was involved in. He said he would be interesting to see those updated on an annual basis through that report, just as they are seeing in the Development Areas.

Mr. Keller said they have had projections on what the by right developments are all over the County. He said now, with GIS queries, they can begin to home this down to the corridors and use the real data from what is happening on an annual basis to see what they can project over 5-10 years. He acknowledged that the economy and the significant societal changes could impact it, but that he thinks some kind of data, in those ways, is important.

Mr. Keller said on Route 250 West, to not have the origin-destination studies when they were looking at Breezy Hill, there were people from the community who were projecting the number of people who were coming from Louisa and Fluvanna on Route 250. He said as he understands it, with this new data collection that uses cellphone towers, this is not new technology, but technology that has been used in certain sectors for a number of years and is actually being used through a consultant with VDOT.

Mr. Keller said he would like the County to have much more relevant data of where people are moving from and to, both within the County and from outside the County. He said in terms of some of the issues about the five-car projection, they should take it from this to realistic figures about what those numbers might be. He said they could have a much more realistic figure than someone shooting a dart at a wall and coming up with five, for instance, in those U-turns. He said it might not be accurate, but it would at least be based on more science than the County has been using for a while.

Mr. Keller said he hoped that staff, at a level where they can have an impact, can think about this. He encouraged them to speak with Mr. Bailey so he can later share some of his thoughts about what they could be using in terms of more modern approaches to thinking about movement within communities.

Mr. Bailey said he was happy to do this. He said in his day job, he deals with mobility and cellphone data, which is much more widely available than it was two years ago. He said it is changing fast, and he is happy to point staff to different people to talk to, if that is of interest.

Mr. Rapp said staff embraces technology and utilizing it to better inform their decisions. He said he would be glad to look into whatever they can.

Mr. Moore said he was in the Railroad Transportation Advisory Committee that morning, and the Planning District Commission mentioned in their work program that they are going to be looking into a corridor study of 29 North coming from Greene into the Rural Area of Albemarle County. He said they are starting that discussion in November. He said this was the only information he had, and felt it was relevant to mention it now.

Mr. Bivins said he would like the Commission and staff to give some thought about how they can engage with the schools about the property that they have proffered so that they have a better idea about some of the development that is coming onto some of the major corridors, and whether or not there are short-term or long-term solutions.

Mr. Bivins said they know, for instance, that Brookhill has proffered 60 or so acres on Berkmar Drive, and that North Pointe has proffered an elementary or middle school within the development there. He said with the new development that everyone likely saw in The Daily Progress that day, there is the question about the impact of that.

Mr. Bivins said as the Commission has had to respond to new development, he wonders what the impacts on the schools are. He said some of their conversation would have perhaps been better informed if they knew the inventory of land that the School Board is sitting on. He said that might be able to help advance some of those conversations because the about 60 or so acres on Berkmar Drive could help to relocate some noneducational functions that are presently on the Albemarle High School/Jack Jouett/Greer/Ivy campuses to someplace else, and then create a new kind of campus.

Mr. Bivins said they are particularly seeing this pressure from his, Mr. Clayborne's, and Mr. Bailey's jurisdictions about what they are doing with young people, and that it would be helpful to have that conversation about land at some point, and what might the possibility be for schools systems.

Mr. Bivins explained that transportation is something the Commission focuses on, but that they also look at schools and where they will put people once they move there.

Mr. Rapp said staff could do that. He said in August, they will start getting back into work sessions each month. He said as Mr. Clayborne mentioned, there was a 29 North CAC meeting recently, and there was a discussion about a large rezoning in that immediate area that will have an impact on the school system adjacent to Brookhill, Forest Lakes, and North Pointe.

Mr. Rapp said in addition to traffic, there is a significant impact on schools that is taking place with these projects, and staff wants to get ahead of that as well.

Mr. Bivins asked if there was any other Old or New Business.

Mr. Randolph said he appreciated what Mr. Bailey sent out that day. He said he would like to have a discussion about whether their flood standards are realistic, based on what they are seeing environmentally. He said it was wonderful having the mapping function, and he wanted to take it out to some constituents for them to see what the realities are that they don't want to recognize -- not in an economic sense, but in an environmental sense.

Mr. Baileys said it is important because although FEMA and the Planning Commission might be using those, insurers and underwriters are using those maps, which has an economic impact on the County when things become uninsurable or unbuildable.

### **Adjournment**

At 8:12 p.m., the Commission adjourned to August 4, 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