

**Albemarle County Planning Commission  
Final Minutes Regular Meeting April 25, 2023**

The Albemarle County Planning Commission held a regular meeting on Tuesday, April 25, 2023, at 6:00 p.m.

Members attending were: Fred Missel, Vice-Chair; Karen Firehock; Julian Bivins; Luis Carrazana; and Lonnie Murray.

Members absent: Corey Clayborne.

Other officials present were: Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; Andy Reitelbach; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

**Other Matters Not Listed on the Agenda from the Public**

There were none.

**Consent Agenda**

Ms. Firehock stated that she had submitted a correction for the minutes.

Ms. Firehock moved to approve the consent agenda as amended. The motion was seconded by Mr. Carrazana and passed unanimously (5-0). (Mr. Clayborne was absent)

**Action Items**

**a. SDP202200047 Victoria Heights AIA Review**

Mr. Andy Reitelbach, Senior Planner, stated that the proposed development was two parcels located on property between Woodburn Road and Berkmar Drive. He said that the zoning of the parcels was R-15 Residential, and there were two zoning overlay districts—the Airport Impact Area (AIA) and managed steep slopes. He said that surrounding zoning districts included CO, HC, R-6, and rural areas. He said that the properties were included in the Places29 Master Plan in Neighborhood 1. He said that the northern parcel was designated for urban density residential. He said the southern was designated office/R&D/flex/light industrial, and residential was allowed as a secondary use.

Mr. Reitelbach said both parcels totaled 4.921 acres, and the applicant proposed a by-right development of 88 single-family attached multi-family units, and they proposed a cluster development. He said the applicant proposed to use the bonus factor provisions in the ordinance, specifically the affordable housing standards to provide affordable units for increased density. He said that the AIA overlay district required a Commission determination when bonus factors or cluster developments were used.

Mr. Reitelbach said that the AIA overlay district encompassed a large portion of the County and the development areas. He said that the AIA ordinance, § 18-30.2.6, related to cluster developments and bonus factors. He said that the applicant proposed to use the cluster development provision and the affordable housing bonus factor to increase density for the development. He said that the applicant proposed to provide eight affordable units for an overall density increase of about 20%. He said that the applicant proposed a cluster development to maintain open space.

Mr. Reitelbach said that the site plan was under review by staff. He said that areas of open space were scattered through the property. He said that staff reviewed the land use designation, the Places29 Master Plan, and the zoning of the property and surrounding area. He said that the proposed density was about 18 units per acre, and the master plan recommended a range between 6.01 and 34 units per acre. He said that the proposed level of development was consistent with the surrounding areas. He said that at least 25% of the development would remain open space. He said that the structure height would not increase beyond the by-right allowance. He said that the tallest proposed building was 54 feet.

Mr. Reitelbach said that staff recommended that the Commission approve the applications request.

Mr. Bivins asked if the Berkmar Overlook underwent a similar process.

Mr. Reitelbach said that he was not aware.

Mr. Bivins asked if the AIA overlay was based on the flight path.

Mr. Reitelbach said he believed that was correct.

Mr. Bivins asked if the overlay had been updated and who provided the boundaries.

Mr. Reitelbach said that the airport provided the overlay.

Mr. Bivins clarified that there were managed steep slopes at the front of the site.

Mr. Reitelbach said yes.

Mr. Bivins said that the slopes would likely not be usable for green space. He asked how ADA access would be addressed in the development.

Mr. Missel clarified that they were not holding a public hearing.

Mr. Herrick responded that a public hearing was not required, but the Commission was free to receive public comment if it desired.

Mr. Bivins motioned that the Commission find that the proposed cluster development and bonus level provisions or regulations of Victorian Heights (SDP2022-00047) will reduce or be equivalent to hazard and/or noise impacts anticipated under standard level-conventional development of the underlying zoning district. The motion was seconded by Ms. Firehock and passed unanimously (5-0). (Mr. Clayborne was absent)

Mr. Missel requested that they switch the order of items B and C because item C was related to the AIA.

Mr. Bivins moved to amend the agenda. The motion was seconded by Mr. Murray and carried unanimously (5-0). (Mr. Clayborne was absent)

**b. SUB202200178 Montgomery Ridge Phase 4 Preliminary AIA Review**

Mr. Reitelbach stated that there were two parcels, and both were zoned R-1 Residential, and the overlay districts were the AIA, managed steep slopes, and preserved steep slopes. He said that surrounding zoning districts included the NMD and PUD. He said that the parcels were included in the Places29 Master Plan, and they were designated Neighborhood Density Residential which recommended three to six units per acre.

Mr. Reitelbach said that the parcels totaled 14.27 acres, and there was an existing single-family detached house on the larger parcel with some accessory structures. He said that the applicant proposed to develop the property by-right with 14 single-family detached houses. He said that the applicant requested to use the cluster development and bonus factor provisions of the ordinance. He said that the applicant proposed to use the environmental standards bonus factor for maintaining wooded areas.

Mr. Reitelbach said that the northern half of the parcel would be the location of most of the development, and the southern portion would contain most of the open space and wooded area. He said that the proposed density of one unit per acre was less than the proposed density in the master plan of three units per acre. He said the proposed development was similar to the development pattern in the surrounding area. He said that the height of the structures would not be increased past the by-right requirements.

Mr. Reitelbach stated that staff recommended the Commission approve the applicant's request.

Mr. Murray moved that the Commission find that the proposed cluster development and bonus level provisions or regulations of the Montgomery Ridge Phase 4 (SUB2022-00178) will reduce or be equivalent to hazard and/or noise impacts anticipated under standard level-conventional development of the underlying zoning district. The motion was seconded by Ms. Firehock and carried unanimously (5-0). (Mr. Clayborne was absent)

Mr. Herrick requested that the Commission provide feedback as to whether such items in the future should come back as regular action items or consent agenda items.

Mr. Murray said he supported the AIA items being included on the consent agenda.

Ms. Firehock said she supported including the items on the consent agenda.

Mr. Carrazana said he agreed.

Mr. Bivins said he agreed.

Mr. Missel said that there was consensus to bring the items before the Commission on the consent agenda.

Mr. Herrick said that in the future, the items would be included on the consent agenda, and commissioners could pull the items if needed.

**c. SUB202200190 Montgomery Ridge Phase 4 Sidewalk-Planting Strip Waiver**

Mr. Reitelbach said that the final two items were related to the previous item discussed, the AIA determination. He said that it affected the same two parcels that were located to the east of the existing Montgomery Ridge subdivision. He said that specifically, the request for the sidewalk and planting strip waivers especially applied to the highlighted parcel on the slide, which was a proposed road parcel that was where the interconnection between the existing Montgomery Ridge subdivision and new lots were proposed to go.

Mr. Reitelbach said that this parcel was reserved for future dedication to the County when the first Montgomery Ridge subdivision was platted but was still owned by the HOA at Montgomery Ridge. He said that the applicant was looking to acquire this parcel from the HOA to be able to develop the parcel on the right side of the screen, to the east. He said that this parcel was not wide enough to accommodate the road required by current regulations, which was one of the main reasons why the applicant had submitted the request to modify the street standards for planting strips and sidewalks for this development.

Mr. Reitelbach said that the two parcels were zoned R-1, the total acreage was 14.27 acres, and the existing use was one single-family detached house and accessory structures. He said that the proposed by-right development of 14 single-family detached houses was using a cluster subdivision and bonus factors of environmental standards for maintaining wooded areas. He said that parcel 46D-A2 was owned by the Montgomery Ridge HOA but was not wide enough for the current street sign regulations, so the applicant requested modification of the sidewalk requirements to permit a sidewalk on only one side of the street and modify the planting strip requirements to allow reductions in the planting strip widths.

Mr. Reitelbach said that the parcels were zoned R-1 residential, allowing one unit per acre with overlay zoning districts of AIA, managed steep slopes, and preserved steep slopes. He said that the comprehensive plan designated the parcels as Neighborhood Density Residential, recommending residential at three to six units per acre. He displayed a conceptual plan from the preliminary subdivision plat submitted by the applicant.

Mr. Reitelbach indicated in the top left of the graphic the street in the existing Montgomery Ridge subdivision which would be built on that parcel, showing sidewalk on the left side, or the south side of the parcel. He said that there would be no sidewalk on the north side of the street, and the planting strips would be reduced in width by a minimum of four feet on the north side and a minimum of three feet on the south side of the street.

Mr. Reitelbach said that the applicant had also proposed to acquire an easement from the neighboring property owner on the south side of the sidewalk to put in additional vegetation and landscaping. He said that the sidewalk waiver would also apply to Settlers Ridge Road, which was the name of the proposed street, on the cul-de-sac on the right side, where the open space was against the existing Montgomery Ridge subdivision, since no houses were proposed in that small area, the applicant was also requesting that no sidewalk be required on that side of the street as well, however the sidewalk would be provided along the reside of the cul-de-sac, in front of where the proposed houses would be.

Mr. Reitelbach displayed another image from the concept plan showing the proposed road. He said that the 4-foot planting strip proposed would be more of a buffer, because it would be adjacent to that neighbor's yard, with no separation in the grass or vegetation between that planting strip and neighbor's yard. He said that Settlers Ridge Road, as it curved down into open space A, there was no sidewalk provided on that side of the street as there were no houses on

that portion of the street, so it would just be open space. He said that the planting strip could be provided there but would serve as more of a buffer than a planting strip separating the street from the sidewalk.

Mr. Reitelbach said that the positive aspects of the proposal were that it allowed for connectivity of developments within the development area of the existing Montgomery Ridge subdivision and the new proposed subdivision. He said that a sidewalk would be provided on the southern side of the street to facilitate continued pedestrian access, and with only 14 houses being proposed in the new development, staff did not think that sidewalks on both sides of the street was absolutely necessary to facilitate pedestrian access because it was unlikely that significant numbers of people would be using those sidewalks. He said that planting strips would be provided, although narrower, with the proposed landscaping easements to help maintain the urban character of the streets. He said that no concerns were identified by staff.

Mr. Reitelbach said that staff recommended approval of the requests to vary the planting strip and sidewalk requirements on the proposed public street known as Settlers Ridge Road, subject to these requests following the plan that was provided, showing the location of the one sidewalk and the reduced planting strips. He said that Mr. Herrick had provided the proposed resolutions that included those conditions.

Mr. Missel asked if there were questions for staff.

Mr. Bivins asked if there would be a way to get across from the mailboxes to lot B, or if people would have to walk all the way around. He asked if that would be addressed at site review.

Mr. Reitelbach said that the Engineering Division and VDOT would look at whether a crosswalk was required at that section.

Mr. Bivins asked what the other court was called.

Mr. Reitelbach said that he did not know, but the applicant did know.

Mr. Scott Collins stated that he was the civil engineer on the project. He said that the intersection was designed so that the road was leveled for pedestrian access to reach the mailboxes and everything else. He said that by eliminating the sidewalk on the left side of Settlers Ridge Road, they could get better stormwater management by retention.

Mr. Bivins asked what the name was of the other court.

Mr. Collins said that he could not recall.

Mr. Murray commented that he would like to see how they could incentivize using the planting strips for stormwater management, because it was a great benefit when used that way.

Mr. Carrazana moved the Planning Commission to recommend adoption of the proposed Resolution to approve the Montgomery Ridge Planting Strip exception prepared by staff. Mr. Murray seconded the motion, which passed unanimously (5-0). (Mr. Clayborne was absent)

Mr. Carrazana moved the Planning Commission to recommend adoption of the proposed Resolution to approve the Montgomery Ridge Sidewalk Exception prepared by staff. Ms. Firehock seconded the motion, which passed unanimously (5-0). (Mr. Clayborne was absent)

## Committee Reports

Mr. Murray said that Crozet CAC met and had a community meeting about the Oak Bluff proposal. He said that many emails had been received on the subject, so he would spare the details, but most comments at the meeting reiterated those points.

Ms. Firehock said that she had clarified for constituents that the Planning Commission had not yet received that proposal for review.

Mr. Murray asked if staff knew the schedule for that item.

Mr. McDermott said that they were unsure when that proposal would be before the Commission. He said that the applicant was scheduled to receive the first round of comments from staff this week, and after that it was in the hands of the developer to continue. He said that there had been many comments, so the applicant likely would need to resubmit after another month of review, meaning it could be three months until the Commission reviewed the project.

Ms. Firehock said that she had explained that staff was currently reviewing the proposal and it had yet to be reviewed by the Planning Commission, so it appeared that the public was unsure of who to address their concerns to. She said that she could share all of the comments that she had received when it was applicable.

Mr. Murray clarified that a suggestion received was that the County impose a condition requiring an environmental impact study, which he did not think was a power that they had. He asked if that was correct.

Mr. McDermott said that they could request specific studies that related to the impacts, and there was a list of them in the standards for rezoning applications. He said that some of those listed were related to environmental issues, but they had to be related specifically to what was seen as the impact.

Mr. Herrick said that was correct. He said that the ordinance stated what was required for an application to be considered complete, and he did not believe an environmental study was one that would affect that. He said that staff certainly could request it, but under the ordinance, it was not required in order for the application to be considered.

Ms. Firehock said that the environmental impact statement was usually an involved process in terms of use of federal and local facilities, and she knew that they would not be requesting such a study, but it was good to bring it up in public. She said that the 5<sup>th</sup> and Avon CAC had a meeting that was primarily composed of a presentation of the County budget that was very educational. She said that the Historic Preservation Committee met this month and worked on the comprehensive plan language that staff would now create into coherent goals and objectives. She said that they adopted their by-laws for the year and elected officers because they were finally able to meet.

Mr. Bivins said that his district also had a CAC meeting on the same subject. He said that he had heard many comments about property assessments being too high and requests to reduce the personal property tax rate.

Ms. Firehock said that Supervisor Andrews had recently given a presentation in which he explained that the personal property tax had been reduced over the past few years, because during the pandemic and inflation, used cars were being sold at extremely high rates, so they

reduced the property taxes during that time. She said that in some cases, the increase in people's property tax, even though the rates were the same, the property had increased in value so that they had to pay more, but the property tax was still being maintained at an artificially lower level by the County. She said that there was some attention given by the Supervisors to equalize some of that.

Mr. Murray said that one of the biggest objections brought up in regard to the Oak Bluff development was the lack of current infrastructure in Crozet, but without tax revenue, they could not pay for infrastructure.

Mr. Missel said that it was not an agenda item, but at the 5<sup>th</sup> and Avon meeting, there was a heartfelt conversation about the expansion of the growth area.

### **Review of the Board of Supervisors Meeting: April 5 and 19, 2023**

Mr. McDermott said that the April 5 Board meeting had transportation items including a quarterly report from VDOT and staff, as well as review of the secondary six-year plan from VDOT, which looked at paving money from the state and how that could be utilized. He said that they would return next month for the public hearing on that item. He said that in the evening public hearings on that agenda, Wakefield Kennel was approved unanimously, the Gobblers Ridge Development Rights was approved unanimously, and both Woodridge Solar substation and solar array were approved unanimously. He said that there was nothing on the April 19 agenda regarding Community Development; there was a presentation from Dr. Pethia on a potential housing incentive program in the afternoon.

### **AC44 Update**

Mr. McDermott said that the earlier work session of the Commission and staff had sufficiently covered this topic for the meeting.

Ms. Firehock said that a topic raised at a previous 5<sup>th</sup> and Avon meeting was a concern about developments with lighted bollards. She asked if that was a loophole in the lighting ordinance that allowed the glowing posts.

Mr. McDermott asked if Ms. Firehock was referring to public spaces.

Ms. Firehock said that they were usually along walkways.

Mr. McDermott said that he was unaware, but he would be happy to review the information and have the Development Review Team analyze whether it was appropriate.

Ms. Firehock said that she would share the information she had with staff. She said that lighting ordinance would be reviewed as part of the updates they were working on, so it may pertain to that work.

Mr. McDermott said that he would look into the matter and return to the Commission with an answer.

Mr. Bivins said that during the presentation for Victoria Heights, staff mentioned that there was a bonus, which was the first time in his tenure that they had discussed it. He asked if more information could be provided about where that was written in the ordinance.

Mr. McDermott said that he would return with the relevant information.

Mr. Herrick said that within the Zoning Ordinance, it was in County Code §18-2.4, which listed several types of bonuses available to applicants, including environmental standards, affordable housing, development standards including road improvements, and land not otherwise required by law to be dedicated to public use.

Mr. Bivins said that he would like to learn more about the applications of the code.

Mr. Murray said that he would like to know how that would range.

**New Business**

There was no new business.

**Old Business**

There was no old business.

**Items for follow-up**

There were none.

**Adjournment**

At 6:48 p.m., the Commission adjourned to May 23,2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Kevin McDermott, Acting Director of Planning

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

Approved by Planning Commission
Date: 5/23/2023
Initials: VG

[Montgomery Ridge Planting Strip Exception Resolution](#)  
[Montgomery Ridge Sidewalk Exception Resolution](#)