

Nov. 27, 2022

To: Albemarle County Planning Commission

From: Board members and residents of Huntington Village: Andrea Burton, Chris Bridge, Jane deButts, Charles Crenshaw, Jimmy French, Matthew Fritts, Kathleen Jump, James Kennedy, Kathleen Marshall, Nick Mattsson, Carol Wood, Mignon Worman Tucker

Re: Planning Staff Report, Old Ivy Residences

We write to bring your attention to several omissions in the new Planning Staff Report regarding a development that would add 525 rental units on property located on Old Ivy Road (ZMA20210008). This deeply concerns county residents who are familiar with this rezoning application for many reasons, which we have outlined below, but primarily because of safety issues that will affect everyone who lives and works along Old Ivy Road.

After closely reading this new staff report, we do not believe that the Planning Commissioners can rely on it when determining whether the terms of the 1985 proffer have been met. Unfortunately, the report ignores the existence of the 1985 proffer, showing a blatant disregard for the safety of Albemarle County's residents.

We ask, therefore, that the Planning Commission dismiss the planning staff report and deny this application until safety improvements are implemented to satisfy the proffer.

### **Pre-Condition of 1985 Proffer**

1. There is a higher standard of review for Old Ivy Residences than other rezoning applications, and the report fails to meet this standard. In the usual course of rezonings, road improvements lag development. In this respect, however, the Board of Supervisors set a clear expectation that improvements would precede R-15 development. Development on 28.29 acres of this project is restricted by the Proffer of 1985, which limits density to R-1 until Old Ivy Road is "improved to the satisfaction of the Board of Supervisors of Albemarle County."

2. The report does not provide evidence of true improvements to Old Ivy Road, and refutes the applicant's attempt to do so:

*"The applicant also provided supplemental information identifying road improvements that have occurred along Old Ivy Road since approval of ZMA1985-21. The improvements identified were all required to address site-specific needs as properties within the corridor developed over previous decades...these improvements have primarily been turn lanes...[that] have enhanced access and safety for vehicles traveling to specific parcels/designations along Old Ivy Road.*

*However, they have not significantly relieved congestion for vehicles traveling to or through the entire Old Ivy Road transportation corridor.” (p. 9)*

3. The report also admits that “traffic operations at the surrounding intersections are currently, or are projected to be, failing...” (p. 2), which is another indication of the intolerable state of road service in this general area.

*In summary, the report provides no evidence to suggest that satisfactory improvements to Old Ivy Road have been made and provides no analysis related to the 1985 proffer.*

### **Safety vs. Congestion**

1. The report lists two concerns with this development:

- (a) The project would add to present overcrowding at Albemarle High School and
- (b) Traffic operations at the surrounding intersections are currently, or are projected to be, failing without the development of Old Ivy Residences... (p. 2).

2. It is a glaring omission that neither the report nor the proffer resolves the hazardous safety conditions that currently plague Old Ivy Road.

3. In evaluating a project to add up to 525 housing units on Old Ivy Road, the report makes no mention of concerns with the Old Ivy Road corridor, particularly the eastern end where the roadway narrows at the railroad underpass creating a “choke point” where pedestrians and bike riders are forced to share this sliver of road with vehicles. The result is the creation of daily hazards and near misses. Pedestrians must also walk on the road or road shoulder at the western end of Old Ivy Road, through a dizzying – and dangerous – crisscross of traffic.

3. Also disquieting is that the County, VDOT, and the developer (in its proffer to alleviate the “congestion area”), focus more on increasing traffic flow than protecting the safety of people who depend on Old Ivy Road to come and go from their homes and to and from their work. The risk to life becomes increasingly acute when pedestrians walk on the shoulder of the road or in the narrow roadway through the railroad underpass.

4. In this 20-page report, the word *safety* appears only three times. Once, in reference to the turn lanes, etc., built to accommodate new development that “enhance access and *safety* for vehicles traveling to specific destinations [but not the corridor].”

The other two references come from members of the community. See p. 6, “Comments and concerns from the community included pedestrian *safety*...” and p. 11, “Primary concerns [from the public to County staff] have been related to pedestrian *safety* and traffic concerns.” It’s alarming that despite raising safety concerns multiple times in

multiple forums, the community's concerns have not been addressed, but in fact, appear to be ignored.

### **Recommendations for Transportation Improvements**

1. The report alludes to “solutions” contained in a recently completed VDOT study that targets “surrounding intersections on road networks west of Old Ivy Residences – but not the Old Ivy Road corridor itself.
2. It is not sufficient to only identify recommendations for transportation improvements; improvements must be completed to satisfy the 1985 proffer.
3. Importantly, the report lacks critical information about these solutions, such as:
  - \* What solutions are proposed?
  - \* Will the proposals address safety issues on Old Ivy Road?
  - \* How will the improvements be funded? The developer proffers a maximum contribution equal to 6% of the total cost. Where will the remaining 94% come from?
4. Although VDOT has been active in proposing traffic improvements, the report lacks comments from VDOT regarding the rezoning application.

In summary, the report relies on “solutions” but does not list them.

- \* There is no analysis of how these “solutions” address the conditions of the 1985 proffer.
- \* The report does not provide sufficient information for the Planning Commission to recommend rezoning.

### **Conclusion**

While we understand that the staff may be extremely busy at this time of year, it would be clear to anyone reading this report that it lacks any pertinent information regarding the issues at hand.

We were unable to find any reliable in-depth analysis, thoughtful safety recommendations, or mention as to how the terms of the 1985 proffer might be addressed – and met. In fact, the report seemingly ignores the existence of the 1985 proffer, showing a blatant disregard for the safety of Albemarle County's residents.

The report is totally inadequate and a great disappointment.

Again, we must ask that the Planning Commission dismiss the planning staff report and deny this application until safety improvements are implemented to satisfy the proffer.

