Albemarle County Planning Commission
July 25, 2000

The Albemarle County Planning Commission held a joint meeting with the Charlottesville City Planning Commission on Tuesday, July 25, 2000. Commission members present were Mr. Dennis Rooker, Vice-Chairman; Mr. Rodney Thomas; Ms. Tracey Hopper; Mr. William Rieley; Mr. Pete Craddock; Mr. Jared Loewenstein. Staff members present were: Mr. Wayne Cilimberg, Ms. Elaine Echols.

Charlottesville officials present were: Mr. Blake Caravati, Mayor; Mr. Marshall Slayton, Chairman of the City Planning Commission; Mr. Ron Higgins.

Ms. Echols gave a Power Point presentation which demonstrated current development patterns and DISC-recommended development concepts. She explained that she has been working with DISC for three years, and indicated that the earlier worksession included Planning Commission deliberations on what should be recommended to the Board for Principles #1 and #2. Ms. Echols noted that Neil Payton, who is also working with the city, is the DISC project consultant. She said that DISC came up with the title of "The Neighborhood Model as the Building Block for the Development Areas."

Ms. Echols stated that the Neighborhood Model attempts to plan for growth in Albemarle County, with development areas filled out and rural areas preserved; this is articulated in the Comprehensive Plan. Ms. Echols noted that the Comprehensive Plan talks about facilitating infill development within development areas, and minimizing expansion into the rural areas, providing for more flexible residential land use densities, having a mix of uses, and having the necessary infrastructure in development areas.

Ms. Echols said that the Board asked DISC to make recommendations on how development should occur, in addition to where it should occur. She explained that DISC came up with the Neighborhood Model, that would change the form of development in the development areas of the county and provide a functional, sustainable, high quality of life. Ms. Echols noted that DISC quickly realized that current regulations promote conventional sprawl, with segregated land use and housing, and realized that there are few pedestrian-friendly neighborhoods.

She said that DISC is suggesting neighborhoods with walkers, bike trails, and public transport, with an emphasis on reuse of sites and a clear edge between development areas and rural areas. Ms. Echols presented images of the existing conditions in Pantops area, and a depiction of how the area would look if conventional sprawl development continues. She stated that the Neighborhood Model suggests less horizontal and more vertical buildings, which face the road and have parking behind buildings, using multi-stories rather than large paths of land that extend outward.

Ms. Echols explained that DISC calls this "density by design," which purports that urban density can facilitate pedestrian access, serve a broader population, and allow for efficient delivery of county services. She emphasized that the City of Charlottesville has a vital

community life that could be replicated in the county. Ms. Echols said that there are lots of myths around high density – such as more traffic, higher county expenditures, and increased crime. She emphasized that the Neighborhood Model demonstrates that the 12 DISC principles create a more urban form of development within development areas and provide for a higher quality of life:

- Pedestrian orientation
- Neighborhood friendly streets and paths, with sidewalks and street trees
- Interconnected streets and transportation networks
- Parks and open space
- Neighborhood centers
- Buildings and spaces of human scale
- Relegated parking, behind buildings, with sidewalks leading to entrances
- Mix of housing types and affordability with dignity,
- Mix of uses & integration of residential with retail
- Redevelopment rather than abandonment
- Site planning that respects terrain, more effective use of grades
- Clear edges between development areas and rural areas

Ms. Echols presented slides depicting implementation of the DISC principles. She emphasized that the goal of the Neighborhood Model is to develop more livable development areas, and help preserve undeveloped rural areas.

Mr. Thomas asked about storefronts on streets, with parking behind.

Ms. Echols explained that the Commission felt it was very important with the Airport Road project to get onstreet parking next to the sidewalk, so people could park on the street and go into the offices. With that project, there would also be the ability from building to building for people to walk along sidewalks to enter buildings. "It runs contrary to a lot of current practice about having all your parking in front with your main central door right there in front."

Mr. Thomas noted that it is also contrary to the Downtown Mall.

Ms. Echols responded that there are parking garages there, and also onstreet parking to access buildings.

Mr. Slayton asked if the county has had discussions with developers about establishing this type of neighborhood.

Ms. Echols indicated that developers served on the DISC committee, and there was a lot of discussion on the marketability of the Neighborhood Model. She said that the only concern raised was the possible cost of changing the development style with additional amenities. Ms. Echols said that most members agreed that people will pay for those additional amenities, knowing that it will be of benefit to county in long run. She

indicated that the mixed-use development seems to be an issue with the finance community, which doesn't always favor funding of heavy-duty mixed-use development.

She cited the Crozet Commons development as an example of combination retail and housing with its own parking, adding that there was no hesitation on the person proposing that development that it was saleable. Ms. Echols said that this is being done in other places around the country, noting that Burlington (Vermont) has a similar situation, with an incorporated area surrounded by a rural county.

Ms. Echols commented, "Some people are embracing it, some people are hesitant, and then there are other people that think it is totally going to fail." She noted that some people in the development community feel the market will not support this type of development.

Mr. Slayton asked how many development areas or town centers are envisioned, and asked how the county would zone for it.

Mr. Rooker suggested the master planning process be discussed.

Ms. Echols replied that the fourth chapter of Volume 1 discusses master planning the urban neighborhoods. She said that DISC recommends that the seven urban neighborhoods, three communities, and one village that surround Charlottesville should each have a master plan, with the community coming together and deciding how each neighborhood should look, including density and amenities. Ms. Echols said that if the Neighborhood Model is adopted, and the board appropriates the money for master plans, the first master plan will be done in 2001 and used as a pilot project. She noted that a "transect" – with a high density center and decreasing density outward – would be used as a template for the first development.

Mr. Rooker commented that the Town Center had substantially more residential units, and more retail/office space while allowing significantly more open space under the Neighborhood Model. "There's an incentive for a developer to follow that model."

Mr. Caravati asked, "Why do you think there is a reticence…on the part of the development [and finance] community."

Ms. Echols replied that mixed use is not traditionally financed, and individual sites are easier to get financing on than projects with mixed uses in a speculative arrangement.

Mr. Cilimberg said that it is an accepted fact that a lot of the finance resources are very conservative, and they are used to the models that work, and that make money – such as the traditional suburbanization models. He added that the last issue of the *New Urban News* talked about an evolution occurring with finance sources, which are beginning to better comprehend and understand how these projects make money. Mr. Cilimberg added that the market is so used to responding to what it has seen, it has accepted that as the norm. "But in fact, there are studies now showing that if you take attributes of much

denser mixed-use development, people are saying they want that, and they are moving out to less dense, segregated development to get a little piece of that, rather than having available to them what they really want." He added that there are different socio-economic populations that are prime candidates for supporting these kinds of developments that currently don't have them available.

Mr. Cilimberg added, "It's just an evolution, and nationally, it is an increasing propensity for areas to be looking into this kind of scheme, and I think part of it is evolving out of the anti-sprawl movement."

Mr. Rooker mentioned developments such as Kentlands, Maryland as successful models.

Mr. Higgins noted that it took them a couple rounds to market the Kentlands property, but they have decided to keep it and build it out, with an interested market created by anti-sprawl movement.

Mr. Thomas asked about Columbia, Maryland.

Mr. Higgins said that the problem with neo-traditional developments like Columbia is "we are asking developers to come in and buy land and develop something that we all have longed for, but what we're going back to are communities that have evolved over three or four generations – infrastructure, amenities." He added, "We're asking them to do four generations worth of evolution up front before they can even start making money."

Mr. Cilimberg commented that Maryland's "Smart Growth" legislation is geared to areas that are planning, and the infill concept is the core of that program.

Ms. Echols noted that she has presented the DISC information to CALAC, homebuilders, realty companies, Albemarle Neighborhood Association, etc., and the criticisms have been minimal. She said that there have been a few criticisms about "social engineering," and criticisms about financiers not supporting this. Ms. Echols stated that the other concern has been that with increased density, smaller lots will cause people to want to go back into the rural areas.

Mr. Rooker said that Forest Lakes has been very successful, even with smaller lots. He mentioned that the Kessler Group has been interested in pursuing this development style.

Ms. Echols said that she had received a letter from a realtor who had seen the DISC presentation and who stated that this is a good way to preserve the community.

Mr. Cilimberg emphasized that "this is not for everybody, but people who are interested can make a big difference."

Mr. Slayton thanked the county for their work and the presentation, and apologized for not having a better turnout from the City Planning Commission. He said that this is a

great program for moving forward with better planned development and looks forward to working with the county. Mr. Slayton said this is a "wonderful beginning."

Mr. Rooker explained that this process will take 1 –1 ½ years to complete, and said that along the way, the county would like to get input from the city. He suggested having a future joint session, where perhaps the City could be incorporated into the DISC sessions.

Mr. Slayton said that the City is in the middle of their Comprehensive Plan. He said that the City has set up many neighborhood meetings to elicit comments, with great success and a strong turnout.

Mr. Cilimberg mentioned that the City is using the same consultant for design/land use and business development as the county used for the DISC study.

Mr. Rooker asked how the City has incorporated neighborhood ideas into the current Comprehensive Plan process.

Mr. Slayton said they hosted a kick-off with a high-profile speaker, and had a turnout of 350 people. He said they then broke out into neighborhood groups with a Planning Commissioner assigned to each neighborhood. Each group came up issues – both positive and negative – then analyzed ways of dealing with them. He said that each neighborhood had four meetings, each of which were attended by a neighborhood planner and a Planning Commissioner. Mr. Slayton said that the planners will then draft a plan for each neighborhood and present it to their groups. He said that the Planning Commission will then try to meld the ideas together, noting that each group has raised similar issues and concerns.

Mr. Higgins noted that the format is a workshop facilitation method, and there have been 78 meetings. He said that everything that comes out of the workshops will be included in the Comprehensive Plan.

Mr. Slayton emphasized that the City is planning to use the document as a blueprint with each neighborhood plan.

Mr. Rooker asked if the neighborhood requests will be prioritized.

Mr. Slayton said they would be filtered through the Planning Commission, and would be prioritized by the Commission.

Approval of Minutes – June 27, 2000

Commissioners noted that they did not receive minutes of June 27, 2000 for approval.

Mr. Loewenstein asked if they would be getting packets on Thursday for next week's Commission meeting. Mr. Cilimberg said that they would.

Old Business

Ms. Hopper said that she and Mr. Loewenstein said that had not yet had an opportunity to discuss the Executive Session with Mr. Kamptner and Mr. Cilimberg.

Mr. Cilimberg asked how the Commission felt about the format of the DISC discussions, with advanced copies of two principles, then a worksession to discuss them.

Ms. Hopper said it may be somewhat tiring to have a worksession followed by a long meeting.

Mr. Cilimberg stated that he would like to get the work done as soon as possible, noting that staff is eager to adopt the Neighborhood Model so that there is a guideline in place.

Mr. Loewenstein agreed that it is problematic for applicants, the Commission, and staff not to have something in place.

Mr. Rooker emphasized that although the concepts may be new for the county, they are not at all new planning concepts. He explained that when the Commission considers a rezoning, they often require things by way of proffers and conditions, which incorporate good planning ideas. "Applying some of these concepts that one or more of us may consider to be good planning concepts – whether or not [DISC] is ever adopted – I don't think is inappropriate."

Mr. Cilimberg mentioned that the Town Center concept was proposed as a Comprehensive Plan Amendment. "If you want to introduce every piece of DISC's concepts [that way], you can."

Ms. Hopper mentioned the standard for imposing conditions – a rational nexus.

Mr. Cilimberg said that the current Comprehensive Plan has statements that lead right into what DISC is proposing, emphasizing that DISC is just more precise in the way it describes things.

Mr. Loewenstein said that the degree to which the county can try to bring entire development community along, the sooner it can achieve these goals. "When we see applications, we often end up having to do a tremendous amount of tinkering that might not be necessary if the applicants came in with something a little closer to what the Comprehensive plan already points to in general terms." He commented that having something in place would be very helpful for staff and the Commission.

Mr. Cilimberg commented, "It's always good to have something to hang your hat on."

Didn't want to entertain expansions in development areas.

Ms. Hopper said that it is important to have a rational nexus in the event of a legal challenge. She expressed concern that there could be a misunderstanding about DISC, and cautioned that they not "mobilize the opposition" before DISC is adopted.

Mr. Rooker responded, "You don't have to make reference to DISC to talk about good planning ideas – to talk about sidewalks, street trees, interconnecting pedestrian access. Those are planning ideas that are good planning ideas regardless of whether or not this particular report is ever adopted and put in place."

Mr. Rooker emphasized that there is a difference between a rational nexus from special use permit conditions and proffers given to get a rezoning. "With a rezoning, we have a right to turn it down or accept it."

Mr. Cilimberg cautioned, "We lost a case in court…because it was turned down when it was totally in accord with the Comprehensive Plan."

Mr. Rooker said, "A lot of the rezonings we look at don't necessarily fit into that category."

Ms. Hopper stated that it would be helpful to have information on what the tests are for approving or denying a rezoning.

Mr. Kamptner said that the Board's standard is that the decision has to be based on sound zoning principles. He cited a case from Chesapeake where a palmist wanted to get a special use permit. The staff and Planning Commission recommended approval, but at the Board public hearing, there was a lot of neighborhood opposition. He indicated that the courts found that public outcry was not a sufficient reason for denial, when the proposal met all other criteria. Mr. Kamptner also mentioned a Fairfax case, where the owner wanted to upzone property, and the county denied the request although having a history of approving similar rezonings. The court deemed the denial "arbitrary and capricious."

Mr. Kamptner said the Commission always a staff report and analysis of how the proposal is consistent with the Comprehensive Plan. "You always have something in the record, you always have some basis on which to make a recommendation."

Mr. Rooker said that you can usually find statements in the Comprehensive Plan that support the decision for approval or disapproval as long as it is based on what is in the public interest.

Mr. Kamptner commented that the Commission does a great job of stating reasons for acceptance or denial, and always connects it to the Plan or applicable zoning principles.

Ms. Hopper said that her concerns are specific to the implementation of DISC.

Mr. Loewenstein said that the Commission has long-standing patterns of approval, noting that there are some differences in what DISC purports and what is currently in the Comprehensive Plan. He expressed concern that applicants would point to existing patterns of development.

Ms. Hopper stated that her fear is magnifying the 12 guidelines and having people descend upon them. She indicated that she has already received some negative comments.

Mr. Cilimberg said that staff is trying to lay out various standards in the Comprehensive Plan. He said that the 12 DISC principles haven't been through Comp Plan Amendment yet.

Mr. Kamptner said that the Board has adopted them as a resolution, and the Commission can take them as a land use policy from the Board.

Mr. Rooker noted that the Commission could base its recommendations on that policy.

Mr. Kamptner commented that the Board has asked staff to analyze every application that way. He said that it is a policy of the Board, and it is indicative of the climate under which applications are being processed.

Mr. Rooker stated, "We are recommending to the Board. So to me, it's completely appropriate to look at things that the Board has passed and use them as a partial basis for our decision."

Ms. Hopper said, "I don't think we want to create the inadvertent consequence of making this look like an awful tool….one more thing the Planning Commission can do to trip up applicants."

Mr. Rooker emphasized, "We're just making a recommendation."

Ms. Hopper said she has been hearing some pretty strong feedback, and encouraged Commissioners to "step lightly."

Mr. Rieley commented that within the general framework of the discussions and decisions made over the last several years, there have been these same principles. He cited Crozet projects as examples of plans that were "reshaped" by discussions at the Planning Commission level. "They're the same principles that we're talking about today."

Mr. Thomas stated that it may not be fair to the applicants to incorporate DISC principles before they have been formally adopted. He also mentioned the lack of a decision on the Keswick ZTA because the Rural Areas planning was not complete.

Mr. Rooker emphasized that DISC is just one tool to be used in evaluating proposals, along with all other tools and knowledge Commissioners may bring to the table. "It seems to me it's appropriate what you think is good planning in your decisions."

Mr. Kamptner said that the matters that come before the Commission such as special use permits and Zoning Text Amendments are legislative decisions. He said that the document has seeped into the consciousness of each Commissioner. "It's going to be part of the way you look at every discretionary application now."

Started with the Comprehensive Plan. Urban planning, as opposed to conventional development, could take every one of these,

Ms. Hopper continued to express concern that they might come under fire for referencing the principles.

Ms. Echols emphasized that the 12 principles came from the Comprehensive Plan, and suggested utilizing the existing Comprehensive Plan language.

Commissioners agreed that that would be a good idea.

Mr. Loewenstein said there is a contingent in the community that is going to be very negative about DISC.

Mr. Cilimberg said that staff could incorporate the principles into the standards of the existing Comprehensive Plan

Mr. Rooker stated that if there is negative opinion about DISC, he would like to hear it. "I think you're liable to get a lot more input on DISC by general members of the public out there in neighborhoods where there is a specific proposal coming before us that may affect their neighborhood." He said that there have been 1½ years of meetings in order to get input on the principles as a whole.

Ms. Hopper expressed concern that things may just be misunderstood, such as the Historic Preservation Ordinance.

Mr. Cilimberg replied that the Commission may not be able to control this, adding that 25 years ago, the county implemented rural areas designation for the first time, which eliminated the allowance of dividing properties into as many 2-acre parcels as desired. He stated that there is always going to be a vocal minority of people who don't like what you're doing in planning, and encouraged Commissioners to do what is good for the community.

Mr. Thomas mentioned that he got the neighborhoods of Woodbrook and Carrsbrook to meet with Wendell Wood, who is planning a development in between the two subdivisions. Mr. Thomas stated that he hesitated to give an opinion, and found it better not to take sides.

Mr. Loewenstein emphasized the importance of the Planning Commission's making decisions on behalf of the entire community.

Mr. Cilimberg mentioned the opposition of interconnection of neighborhoods at Spring Ridge, and reminded Commissioners that they made their decision based on the benefit of the entire area.

Ms. Echols mentioned that the biggest changes DISC will bring has to do with making the environment receptive to the density in the Comprehensive Plan, because the built-in environment is receptive to suburban-style development. She said that most of the new residential subdivisions in the county look the same, with rural cross section roads, driveways, and cul-de-sacs. "That's not receiving of the kinds of level of density that the Land Use Plan says you have to have in order to keep our boundaries firm."

Ms. Echols commented, "By making some of those changes in form, you're setting the stage to accept that density, and over time, the greater density will be more acceptable….there's no expectation by DISC that any of this stuff is going to happen overnight."

Mr. Rooker said he does not come at this with a mindset that everything they do should be shaped toward adoption of these principles. "What bothers me is not hearing it along the way, but hearing it all at the end." He cited Creekside as an example of not getting input from the developer along the way.

Mr. Rieley said that DISC gives Commissioners a new tool for evaluating building on sloping sites.

Mr. Cilimberg said that the one thing that is different about DISC from other examples across the country is that Albemarle is actually trying to reconfigure an entire development area along these lines, rather than just project by project. "It's a community planning principle over 37 square miles rather than just a set of regulations being applied to individual developments."

Mr. Cilimberg mentioned that Ms. Echols had received a call from *New Urban News.*

Ms. Echols reported that she has been asked to speak on the DISC model to planners in the Dallas/Fort Worth area.

They noted that the mix of uses is different for what is presently happening in Albemarle.

Mr. Rooker said that the growth is going to occur, and a rural model does not work if the density recommended in the current Comprehensive Plan is going to be achieved.

New Business

Mr. Cilimberg mentioned that the Commissioners have received registration packets for the Certified Planning Commissioners Institute, which will take place in October. Ms. Hopper stated that Mike Chandler is an excellent speaker. Ms. Echols mentioned that Mr. Chandler is a very interesting individual with some progressive planning ideas.

Mr. Thomas mentioned that he would not attend the August 1st Planning Commission meeting.

There being no further business, the meeting adjourned at 8:15 p.m.

V. Wayne Cilimberg
Secretary