Albemarle County Planning Commission
August 26, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 26, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; Bill Edgerton; William Rieley, Chairman; William Finley; Pete Craddock and Bill Edgerton. Absent were Jared Loewenstein and Tracey Hopper, Vice-Chairman. Mr. Edgerton arrived at 6:15 p.m.

Other officials present were David Benish, Chief of Planning & Community Development; Susan Thomas, Senior Planner; Elaine Echols, Principal Planner and Greg Kamptner, Assistant County Attorney.

Call to Order And Establish Quorum

Mr. Rieley called the meeting to order at 6:00 p.m.

Other Matters Not Listed on the Agenda from the Public

Mr. Rieley invited comment from the public on other matters not listed on the agenda.

Charlie Tractor stated that he had a request for this Board. If you look out in the audience you will notice that there are some people missing from out there and that is the School Board. He stated that they keep asking the School Board to come to these types of meetings and the School Board keeps telling us that they will come when you ask them to or when it is necessary. The Commission will be talking about 890 homes tonight and he believes that it is necessary, but they just don't want to come. The School Board has been told that those 890 homes are not coming into the school system until they get approved. He pointed out that most of the people in this room know that number might be changed a little bit, but it is coming. If they were here, we would use less time and trouble in fighting among the different groups if the School Board were here to say wait a minute if you are bringing that many homes in, then we need to change our school system. That way a lot of parents won't be coming in saying that we don't want those homes or later on going to the School Board saying that they are not doing their job. Also, along the same line of thoughts with the Crozet Masterplan, which is something else that you will be talking about tonight, is again the Board of Supervisors tried to force promises on to people without being able to back them up. Most people you find out were against the Crozet Masterplan not because they are against the plan itself, but they are against the plan because the Board of Supervisors is not showing us how they are going to make it work. He asked where the money was coming from. He asked where was the School Board member saying o.k. if we are going to promise those schools, then we are going to make sure that it is. He pointed out that he lived in Rio and if Crozet gets neighborhood schools because of the Crozet Masterplan, he will not be upset. That is because then he will have an anchor so that when they do the next redistricting they know where it will start and where it will finish and it won't be changed. Right now whoever has the loudest voice, that is where the anchor is for the redistricting hearings. The Rio community has been urbanized and continues to be urbanized and yet they receive none of the services that they have asked for and that were promised to us. He pointed out that they do not have a Crozet Masterplan. The Crozet people are coming in to you and are giving you a plan and showing you what it can do. He suggested that they make the Board of Supervisors come here and say we have the money and power to make it work. He asked that they bring in the School Board and say o.k. if that is where you want the schools, then that is where you will get them.

Jerry Daily, resident of Charlottesville, stated that he was a member of a couple of the MPO Committees dealing with transportation. He noted that he was looking at this North Pointe handout, specifically Attachment D. In the fiscal impact it appears that it does not address the public cost to taxpayers that are not in Albemarle County. Specifically, the transportation infrastructure requirements of the North Pointe project and other developments in the area are

supposed to be about one hundred million dollars. Also, the cost of delays that are imposed on travelers can be on the order of millions of dollars per year. For instance, if someone makes $12 per hour, that is a dollar for every five minutes that he is delayed which was $2 a day. If there are 2,000 people delayed, that is $4,000 per day and with 250 working days that is a million dollars. There is a public cost that is imposed by travel delays caused by such a project. He suggested that the impact analysis should include public costs of such items.

Mr. Rieley asked if there was anyone else who would like to address the Commission under the category of other matters not listed on the agenda. There being none, the meeting proceeded.

Consent Agenda

SDP 01-105 Pantops Self-Storage Critical Slopes Waiver - Request to amend the site plan to construct an additional 12,000 S.F. storage building. (Tax Map 79, Parcel 4L) (Yadira Amarante)

Approval of Planning Commission Minutes - June 10, 2003 and July 8, 2003.

Mr. Rieley asked if any Commissioner would like to pull any of the items off of the consent agenda for discussion. There being none, he asked for a motion.

Mr. Thomas moved to approve the consent agenda as presented.

Mr. Finley seconded the motion.

The motion carried unanimously (4:0). (Edgerton, Loewenstein, Hopper – Absent)

Item Requesting Deferral:

SP-03-19 & SUB-03-43 Vineyard Estates Rural Preservation Development Preliminary Plat - Request for special use permit to allow a Rural Preservation Development of 30 development lots, ranging in size from 4.1 to 7.5 acres with one preservation tract of 328.7 acres, in accordance with Sections 10.2.2.28 and 10.2.2.30 of the Zoning Ordinance which allow for divisions of land as provided in section 10.5 and permitted residential uses as provided in section 10.5. The property, described as Tax Map 103 Parcels 3, 7,8,9,10 and 15, contains 510.6 acres, and is located in the Scottsville Magisterial District on Blenheim Road [Route # 727] approximately 0.7 miles from the intersection of Routes 727 and 627. The property is zoned RA Rural Areas and FH Flood Hazard Overlay. The Comprehensive Plan designates this property as Rural Area. (Margaret Doherty) ***APPLICANT REQUESTS DEFERRAL TO OCTOBER 7, 2003.***

Mr. Rieley stated that the applicant requests deferral to October 7, 2003. He opened the public hearing and asked if anybody would like to address this issue. There being none, the requests were brought back before the Commission for possible action.

Mr. Edgerton arrived at 6:15 p.m.

Mr. Finley moved to accept the applicant's request for deferral of SP-03-19 & SUB-03-43, Vineyard Estates Rural Preservation Preliminary Plat to October 7, 2003.

Mr. Edgerton seconded the motion.

The motion carried unanimously (5:0). (Loewenstein, Hopper – Absent)

Mr. Rieley stated that SP-03-19 and SUB-03-43 were deferred to October 7, 2003.

Work Session:

CPA 2003-04 Crozet Master Plan – Work session to review and discuss the Crozet Master Plan. Elements to be addressed at this session include the general organization and format of the Plan, public process used to develop the Plan, and open space/preservation area network. (Susan Thomas)

Ms. Thomas provided an overview of the Crozet Master Plan review process. Staff estimates that the three initial sessions will be needed to discuss and understand the document. Then, the facilitated sessions will follow to develop consensus on the Planning Commission's recommendation to the Board of Supervisors. Over the last 1½ years, the County staff, the public and the consultant have put an incredible amount of hours into working on the masterplan process. The intent tonight is to try to help the Commission get comfortable with the plan. It is a complex document and it looks a little bit different than our current Comprehensive Plan. There are a lot of illustrations and design work in the plan. It also has some elements that we have not seen in our Comprehensive Plan. There are elements talking about people, community participation, community initiatives and a lot of dollars and cents. It is very different and will take a while to get used to. She hoped that they would be able to accomplish that tonight. She pointed out that Ms. Echols and Mr. Benish were present to contribute to the conversation and to help answer questions.

The first three sessions are outlined in one of the handouts that were passed out tonight. Staff envisions this as a getting to know the document session so that when they move on to the facilitated sessions that it would be easier for the Commission to work towards reaching a consensus for their recommendation to the Board. The first three sessions are intended to be informal, informational, clarification oriented and very flexible. Staff is open to any suggested changes because there were a variety of ways to start this review. She asked if anyone had any ideas or requests related to how they go through the document.

She stated that since there were no suggestions, they would just work through the outline as it was presented. Staff distributed two handouts. The first one was the outline and the second was a set of corrected pages related to funding. Next, she would talk a little bit about the organization of the Crozet Masterplan document. The second page is a User Guide, which is a short one-half page explanation that talks about how the document is organized and how different people might use it. Section I is called the Community Guide, which is merely a summary of the document without the maps. The Community Guide does not have the color detail and all of the back up design information, but actually tells you what the document recommends and how the community weighed in. This section could be copied and distributed as a good lay person's guide to the document.

Section II is the Strategies for Development, which includes implementation costs, CIP, business housing, financing, and process strategies. There are a couple of pages of charts that talk about different kinds of implementation issues or mechanisms, which include the following: places, police and fire rescue, water and waste, and trails and transportation. These are all the implementation steps or tasks that would need to happen to make this plan a reality with estimated price tags. Staff will spend a fair amount of time talking about these implementation strategies a little later in the worksessions. The third session on September 30th, they will focus on transportation, downtown and local business and implementation strategies. She suggested that the Commission spend a little time before the various worksessions just on the topics to be covered. There are various strategies organized by topic and by player. The topics include business and community economic development, housing, strategies for financing the infrastructure improvements, recommendations on how they might modify their land use review process to achieve the master plan a little more directly or more quickly.

Section III is where the document becomes a little more complex and is where the Design Guidelines are found. Section III: Process and Form of Development includes framework

(relationship to Comprehensive Plan and Neighborhood Model, place types, fringe areas) and provides a lot to think about. The first map in Section III is the Place, Type and Site Development Guidelines Map and opens out to 11" X 17" on page 46. Page 45 is the first strata or the top layer of interpretation that goes with this map. There are numerous other layers that go into more detail explaining and illustrating the colors and the organization of the map. The top one gives a general description by color that begins to give you a sense of how the neighborhoods, hamlets and downtown area are called out and some of the characteristics that go with them. The first page begins to orient you to what this place, type and site development map is all about. There are four major maps in the plan: Crozet Community Process Summary Map, Built Infrastructure Map (The yellow lines are intended to represent a gridded pattern within new neighborhoods and are not intended to be a specific alignment.), Green Infrastructure Map, and the Place, Type and Site Development Guidelines Map.

Section IV is the appendices. One of the important things that the appendices do for you is to show you the work of the seven small task groups, which were organized in response to a tremendous outpouring of participation by the community. Those small task group reports are of very high quality and a tremendous amount of work was put into them. She pointed out that many of these recommendations ended up in the final draft of the plan. There are also other appendices. Staff will be happy to answer any questions about the overview of the organization of the document.

Staff reviewed the public process summary. The second page of the attachment lists the Guiding Principles of the Crozet Master Plan, which were arrived at after the public input. (See the attached copy.) The key points/major themes are things that came out of the Guiding Principles and from the work that was done at the public meetings. They were ideas that one of the consultants used in one of the presentations to the community and in the early alternatives. She felt that they had a well-diversified group who participated in the process. Mailings were done to every address within the designated development area and the perimeter. The meetings were advertised in the newspaper, posted with flyers, posted on the Internet and a banner posted at the Amoco Station. The email list containing 350 addresses was used. Staff is very pleased with the level of participation during this process. The public process summary is as follows:

- Guiding Principles
- Community Meetings (6)
- Small Task Groups (7 groups, 4 – 6 meetings per group)
- Small Task Group representatives/technical consultants meeting (2)
- Developers Open House
- Design Day (6 tables)
- Master Plan presentation

Mr. Rieley stated that the Commission has two important tasks in front of them. One is to figure out how to utilize this document to its best advantage. The second one is to learn those lessons in figuring out how to apply them for future masterplans.

Ms. Thomas stated that they felt it was so important to figure out what went well that they spent a whole day with twelve people from both consultant shops and our own staff. They analyzed what was strong and what was weak, what they would do again and where to best put their energy. She pointed out that they came up with a template for the next neighborhood, which was just a starting point.

Mr. Rieley stated that it was an ongoing process. He stated that the real test was when the rubber hits the road and we start evaluating applications based on this.

Ms. Thomas stated that the Commission would soon be seeing some of the proposals that several developers have held off on for almost two years for the completion of this masterplan.

She pointed out that those developers participated in the process and attended all of the meetings.

Mr. Finley asked if it was ever suggested that this area be a town.

Ms. Thomas stated that some of the people who have been long time members of the community association have actually investigated that very approach long before this masterplan ever came along. She stated that there were probably some persons who were components of it. It came up in a community meeting before the process was officially underway. She pointed out that she heard quite a bit of skepticism just because of the high degree of support that you have to have for it and the fact that it involves some financial commitment in the form of taxes and support for community services. She noted that the idea did not surface as an idea with a lot of momentum or force behind it during the process.

Ms. Thomas stated that the next issue is open space. The consultants very early on looked carefully at the natural features and the natural systems. They looked at the landscaping and the infrastructure of drainage. There is a system presented as you look at Licking Creek and its tributaries which is the most unique characteristic of the whole community. This interconnective system is sort of the spine of the community. Not only is it beautiful and still in really good condition, but it offers a lot of opportunities that we might not have everywhere, although based on their experience with Crozet we may look at our other development areas a little bit different. They looked at it as a connective landscape and not as isolated hunks of green. They found ways to read the urban pattern into it as opposed to the urban area had to accommodate that sort of natural system versus the natural system being created from the leftovers of what would not be urbanized. It was a very different approach. They quickly staked out the importance of maintaining some upland open space and the plan does that particularly in the preservation of this knoll and also the western park areas. When you have upland open space you can see it and many neighborhoods can enjoy it because it was visible. This is the way that the plan attempts to save a little bit of that rural, historic, agricultural character. It is hard because it is a designated development area and we know that is where we are directing growth.

Mr. Thomas supported doing anything that they could to preserve Lickinghole Creek.

Ms. Thomas stated that the stream corridor preservation is an important feature. But beyond that the way the green space weaves around the existing and new neighborhoods means that almost every one of them has something natural to look at beyond just a pocket park or a tot lot. There is a lot of exposure. It also provides an opportunity to get in between neighborhoods without using roads. Of course, that is the greenway system. She stated that it was a voluntary program, but was something that staff always tries to get on rezonings, special use permits and comp plan amendments.

Mr. Rieley stated that this was one of the most important aspects of this plan. He pointed out that they have talked about the principles of not only preserving the drainage, but knitting together a system that connects not only of these upland park lands with the broader areas of open space and preservation. This also knits directly into these more urban spaces and urban parks so that all three layers form this really wonderful matrix. This has to become a part in the way that we think about merging urban area because that is the way to get it right. Mr. Tractor mentioned the fact that the school board should be in on these meetings. He stated that he agreed with him. He felt that Parks and Recreation should be just as involved in the planning. This should become ingrained in the way that they think about parks, open space, preservation and all the ways that these things are stemming from. He stated that they had paid a lot of money for this plan, but if that principle makes it into everything that they do, then it will be worth every penny of it.

Ms. Thomas stated that she forgot to mention the internal component that they have learned a lot from the Neighborhood Model about how important it was to keep all of the County departments moving with you as you move through any sort of major policy initiative. She pointed out that they

organized an internal stakeholders group pretty early that included the Service Authority, the Police, the Fire people, Parks and Recreation, which was a pretty broad distribution of people. She stated that they had three or four meetings with them. In addition while the small task groups were meeting, there were sometimes more questions than there were directives from the citizen members of these small task groups. Staff wrote down long lists of things that they needed to know in order to make a recommendation in a certain area. Staff then called up the department heads and told them that they needed to have an informational meeting on a certain topic and we would like you to come and answer some questions. There were a lot of water questions and several members of the Service Authority came and participated. She felt that that the internal stakeholders approach worked much better than what they have done in the past.

Mr. Benish stated that this Comp Plan Amendment was essentially going to replace the current profile for Crozet in our Comprehensive Plan. These recommendations are specialized for Crozet. Each plan may have unique recommendations and are built on a theme and are overriding the growth management principles and Neighborhood Model policies. Each area was going to be unique to some degree.

Ms. Thomas stated that the last issue was the concept of fringe areas. There is a designated growth area, but where that designation stops legally or politically is not always where it stops on the ground. Therefore, Crozet influences the broader area around it. As a matter of fact, early on the consultants did a very interesting map that showed that Waynesboro is as close and in as much of the same spirit in the influence of Crozet as Charlottesville is, which is a very different way to think about it. The summary process map is the best one to use for the fringe areas. The key fringe areas are probably the 250 Corridor, 240 Corridor, and the developed part of downtown north of the tracks and maybe to a lesser extent the western edges. The reason she stated to a lesser extent was that during the course of the masterplan, the Old Trail Golf Course came in and went through its review and was approved. Not that it answers all the questions about the western edge, but it certainly ties up and in a sense forms a green hard edge to the development area there. That did not take on the discussion or the urgency of some of the others. The community rather quickly said that they very much wanted Route 250 to remain the scenic historic corridor that it is. She noted that there were tons of challenges there. It is the same for the eastern part of Route 240. There was a real desire to unify the parts of downtown, which quickly took us to the issue of how do we really consider that north part of downtown that lies outside of the Lickinghole drainage area. The consultants, after looking at the southeastern quadrant and the environmental issues there and simply the difficulty of connecting that area to any other part of the community other than using 250 and its distance from downtown. You will see in the major themes that downtown was really considered to be the heart of the community and people were fiercely protective of it. That is the farthest point from downtown and the hardest to get to and it impacts the southeastern quadrant and it impacts the scenic qualities and it is relatively undeveloped. Therefore, one of the recommendations in the final report is to official wrap in the developed areas north of the tracks and to consider removing that southeastern quadrant. That is a balancing mechanism and is pretty close in terms of what it adds or takes away from the capacity of the community. It makes a lot of sense because there are many redevelopment needs and opportunities in that northern part of downtown. There is a way to do some things right in this area. Actually, David Hirschman and staff have talked a lot about a series of enhancements, but it is not the single regional basin that they thought would be necessary to capture the drainage that is already coming from the developed part of downtown and draining right into the Beaver Creek Reservoir. She suggested a couple of wetland projects and some smaller ponds, some of which might be sited on the Crozet Elementary School property. There are some engineering ways in which that drainage could be handled that would allow that area to be officially wrapped in and yet still protect the Beaver Creek water supply. There seems to be strong community support for that simply because downtown Crozet is so constrained and yet there is such a desire to revitalize and diversify it. The public made a comment that years ago there was more commercial diversity in Crozet than they have today. They don't like franchises, but they love local businesses. There are a lot of different reasons to unify the community and ways in which they can mitigate the problems that they already have

with runoff and allow for some future development. The thought was that it would be more redevelopment of the existing developed properties with very moderate new developments.

If the development area were modified along this red line, that property would be captured and would drain to that point. Once again it was a watershed issue that kind of defined how much we would take in. As you go further and further north, your drainage point widens and it is more difficult to do facilities to really mitigate those impacts. That was a pretty key issue and has some far-reaching ramifications that would be very positive to the community.

Mr. Rieley stated that issue seemed to be one to be handled discreetly from the mirage of issues that they were going to be wrestling with in the series of worksessions with the nature of the development proposal and rezonings being what they are. He asked if it made sense to go ahead and deal with that issue as a separate one.

Mr. Benish stated yes that was a viable option. It might be good to get that on the table and off quickly to avoid any unnecessary speculation that might occur one way or the other. He stated that was a good idea.

Mr. Rieley suggested that they deal with that issue quickly.

Ms. Thomas suggested that they end their conversation at this point tonight.

Mr. Rieley thanked Ms. Thomas for a wonderful introduction and overview. He thanked everybody who worked on this project.

Mr. Benish stated that the next two meetings scheduled would be for the continuation of the overview. The Commission would be receiving information and asking some general questions. The next meetings would occur on September 9th and then on September 30th. After that they hope to be ready to go into some facilitated sessions to complete the process where they begin to talk about implementing it.

In summary:
The Planning Commission held a work session on CPA-2003-04, Crozet Master Plan. The Commission addressed the following elements: the general organization and format of the Plan, public process used to develop the Plan, and open space/preservation area network.

The Commission took a ten-minute break at 7:26 p.m.

The meeting reconvened at 7:45 p.m.

ZMA 000-009 North Pointe PD-MC (Sign #97, 98, 99)- Request to rezone 269.4 acres in the Entrance Corridor (EC) zone from RA Rural Areas to PD-MC with special use to allow a mixture of commercial and residential uses with a maximum of 893 residential units, approximately 664,000 square feet of commercial and office space, a 250 room hotel, and approximately 177,000 square feet of public/semi-public uses. The proposed residential density allowed by this rezoning would be approximately 3.31 dwelling units per acre (gross). The property, described as Tax Map 32, Parcels 20, 20a, 20a1, 20a2, 20a3, 22h 22k, 23, 23a, 23b, 23c, 23d, 23e, 23 f, 23g, 23h, 23j and 29i is located in the Rivanna Magisterial District north of Proffit Road, east of Route 29 North, west of Pritchett Lane and south of the Rivanna River. The Comprehensive Plan designates this property as Regional Service, Office Service, Urban Density (6 - 34 dwelling units per acre) and Neighborhood Density (3 - 6 dwelling units per acre) in the Hollymead Community.

AND

SP-O2-072 North Pointe Residential Uses - Request for special use permit to allow residential uses in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for residential uses in a PD-MC Planned Development Mixed Commercial zoning district. (Elaine Echols)

Mr. Rieley stated that the next item was another work session on two applications for North Pointe PD-MC. He noted that the Commission has worked their way through a long list of issues. If the Commission was willing, they could continue to work through the list of questions in the same manner in order to give the applicant a chance to express their views. Mr. Rieley stated that the first question deals with Affordability. The Commission was posed with the following two questions:

- Should a higher percentage than 3% of units be proffered as affordable?
- Should a proffer for affordable units be provided independent of participation in a CDA?

Ms. Echols asked if the Commission wanted to affirm that the statements on the first page were correct or did they want to go right on in to discuss affordability.

Mr. Rieley asked that they work their way through this the same way that they did before. Then, if they could get a summary of the whole thing, then the Commission could look that over.

Ms. Echols stated that affordability is something that has been presented in an affordable housing strategy by the Housing Committee or was going to be presented with in the very near future. Staff has not in the past been as direct about the need for particular numbers of affordable units as we are now as a result of the Housing Committee's work. Staff will be bringing this figure to the Commission with the major rezonings. The applicant did not have the benefit of having a number when he put together his particular proposal, although staff did ask that he spend some time with Ron White, the County's Housing Director, which Mr. Keeney did. Staff feels that there needs to be a higher proportion in keeping with what their housing committee was suggesting. Staff feels that affordable housing should not be based on a Community Development Authority, but should be independent of that because it is such an important issue.

Mr. Rieley asked if the applicant would like to address that.

Mr. Rotgin stated that to his knowledge this is the first rezoning that he could recall that has even addressed the issue of affordable housing. He pointed out that they had addressed that a long time since it was not something that has just come up in the last month or two. It is something that has been on their minds. It is important to point out that if the way that you get affordable housing in a community is by having lower lot prices, then they need to figure that in. In this community for the 27 or 30 units that will make up that 3 percent, the lots will have to be priced somewhere between $10,000 and $20,000 per lot less than normal lot prices, which has a cost. While they feel that it is important to have a mixture of uses and also a mixture of price points, they unfortunately are not operating in a vacuum. They have had a lot of conversations with builders to try to determine what is an appropriate number to include and how to include that. Staff raised an issue that they have not addressed. That issue is once you make the house affordable, then how do you in the future assure that they are going to maintain the affordability and that the person who buys first does not receive a windfall two or three years down the road. Frankly, they have not given any thought to that and they need to. He pointed out that they needed to find ways to make that work. The incurred costs makes it very important that they be able to achieve the benefit of the tax exempt bond status on some of the bonds that are issued to finance the infrastructure. That is reason they made the proffer the way they did. The Community Development Authority has nothing to do with the Affordable Housing proffer, other than they have made the proffer contingent upon a Community Development Authority. He pointed out that the Community Development Authority was not putting up any money to do this. It was purely a reduction in the lot price to help achieve the affordable housing component.

Mr. Rieley stated that the first one, which they heard a great deal about last week, was should a higher percentage than 3 percent of the units be proffered as affordable.

Mr. Finley stated that the Director of Housing acknowledged that they would have incentives to inspire the developer to add more affordable houses, but they could not force them to since this was not a hard and fast rule. He pointed out that there ought to be some incentives since the developer would receive less money from the affordable housing lots.

Mr. Rieley stated that the property was now zoned for 52 houses.

Mr. Edgerton pointed out that it was 51 houses.

Mr. Rieley stated that he did not think that the incentive was the problem. He stated that he did not think by law that they can require a certain number of affordable houses and they could not require investments to be made in public infrastructure or anything in a proffer because they would have to be voluntary. What they were talking about was giving our view about whether there should be more than 3 percent proffered as affordable.

Mr. Finley stated that fifteen percent would be 134 affordable houses.

Mr. Edgerton stated that was correct. He concurred with Mr. Rieley's statement that they could not require this. He felt that it was a fairly significant incentive. It actually it did come up in their presentation about the Affordable Housing Task Group that the only real opportunity to effectively integrate more affordable housing in the community would be through rezonings, which was what they were talking about here. They were going from 51 single-family lots to 893 residences plus a tremendous amount of commercial and business. It would become by right once they rezone the property. He stated the he was particularly impressed with the need by their recent presentation and the fact that the definition of affordability had gotten so incredibly high. He felt that $175,000 for a single-family home did not seem to be terribly affordable. He agreed with staff's position that they should take the recommendation of their housing director of 15 percent. In response to how you keep it affordable in response to Mr. Rotgin's question, there are a number of developers who have found ways of doing that. One way is through the use of land leases so that they can retain some of the control over it. He pointed out that Mr. Thomas and he went up to Burlington and Burlington Land Trust does that. They have actually formed a non-profit group that retains ownership of the land and leases it. They have worked out a very creative structure so that when the property is sold the profits go into funding future subsidies for people to make it affordable for them.

Mr. Rieley pointed out that it was done in proportions.

Mr. Edgerton stated that they keep 25 percent of the profit and the rest goes back. He pointed out that they don't have to pay anything for the land because the land was made available by lease. There are other vehicles. There is another developer outside the Fredericksburg area that has worked out a way by putting a premium or a small fee on the more expensive properties in the development, which then goes to a funding organization that allows for affordability. He felt that they have already reached the point where an awful lot of very important members of our community cannot afford to live here anymore. He felt that they ought to be serious about this and urge affordability in any way that they could in this housing development.

Mr. Thomas felt that it was a good program because it allowed many persons the ability to own a home. He felt that that person could use the program as a stepping stone and could use the 25 percent to purchase another house.

Mr. Edgerton pointed out that this program has worked in the community.

Mr. Thomas pointed out that Mr. White had suggested using 15 percent, but the Commission did not endorse the 15 percent and asked that it go back to the committee.

Mr. Benish stated that as he understood it that the Commission wanted it to go to a focused group discussion so that interested parties would have the opportunity to comment on the comprehensive plan amendment as it moves out of the Housing Committee. The Housing Committee had focused group discussions to get interested party input as they developed. He stated that they were going back now with that result and the idea was to come back to the Commission by the end of September to a work session. He hoped that staff could get this focused group discussion scheduled to move it forward to the Board of Supervisors.

Mr. Thomas stated that their goal was October.

Mr. Rieley stated that the key question was do we feel comfortable supporting a number on the basis of the Housing Committee rather than that number being a conclusion of the Comprehensive Plan. He felt that was a good question. He stated that he was very comfortable that the 3 percent is too low, but he was not sure what that number should be. He felt that the best number was the 15 percent recommended by the Housing Committee.

Mr. Craddock stated that whether the number was 3, 9, 12 or 15, he felt that it was good stewardship to provide affordable housing in a development of this size and nature where you wanted a mixed use. He supported whatever percentage it works out to be. He stated that the second question should not be dependent on being in the CDA either because it was something that you do. He felt that with $175,000 per unit, he did not feel that building 30 or 60 units would hurt too many people.

Mr. Rieley asked if there were other thoughts on the second question. As Mr. Rotgin's said that he was not proposing to use the CDA funds to fund the affordable units, but they were contingent upon them. The question was should they be contingent upon it. Mr. Craddock says no. He asked how the rest of the Commission feels.

Mr. Edgerton stated that since it was being subsidized by the non-profit group whose funds have been allocated for this purpose, he thought that you have to qualify in a certain income bracket to buy it. He pointed out that not just anybody could buy it. He stated that the land was not for sale, but you would be just buying what has been built.

Mr. Rieley asked if the CDA and the affordable units should be connected.

Mr. Edgerton stated that he needed some help in understanding how they were linked.

Mr. Rieley stated that the affordable units do not happen unless there is a CDA.

Mr. Edgerton stated that the affordable units have to be there regardless.

Mr. Rieley stated that the consensus was that 3 percent was not enough. Some of us said that the number could be worked with, but others felt that the best number was the one that came out of the Housing Committee.

Mr. Thomas stated that he would like to hear what comes out of the Housing Committee before the Planning Commission gives a figure.

Mr. Rieley stated that he would feel a lot more comfortable if they were talking about a number that was in the Comprehensive Plan rather than only the recommendation of the Housing Committee. He pointed out that it might not make it to the Comprehensive Plan. But if they were going to ask for something, then that was the best number that they had.

Mr. Rieley stated that next was the internal street character question:
Should the streetscape include street trees? He stated that there was a discussion about the relationship between the curb, gutter and sidewalks and the conflict with utilities in some places.

Ms. Echols stated that staff has gotten some agreements with VDOT about being being able to do more traditional neighborhood type streets for traditional type developments that would allow for the profile that you have expressed a preference for. The applicant is not doing that type of development so our agreement with VDOT does not extend as far as to a conventional development than they do with a traditional neighborhood development. The applicant is not certain if he could do a profile that meets your preference in a conventional type of development. Rather than do that, he said that there will be sidewalks with the street trees being on the backside of the sidewalks and not between the curb and the sidewalk.

Mr. Thomas stated that he liked the sidewalk being on the street with a space between it and the neighborhood. If it were on Route 29, he would prefer the green space being between the highway and the sidewalk.

Ms. Echols added that recently staff has had some difficulties in dealing with some developments that have been approved with the sidewalk adjacent to the street because the Post Office was using the sidewalk to drive on to deliver the mail that was on the other side of the sidewalk. She noted that it got to be a pretty contentious discussion about a particular development in Crozet.

Mr. Rieley stated that he was a big proponent of the street tree, lawn, and sidewalk in our front yard model because it was a time-honored configuration and used in some of the prettiest neighborhoods in America. He felt that was the best mode.

Mr. Rotgin stated that they agreed with that.

Mr. Rieley stated that this general pattern is one that has great value. He stated that they also have to acknowledge that what is being proposed here is not a neighborhood model development. He noted that the things that are missing in this plan, in his perspective, were going to be fixed by getting street trees close to the road and the sidewalks.

Mr. Edgerton stated that he was a little confused and maybe the applicant can clarify this for us in a minute. If he was reading this correctly, first of the entire Comprehensive Plan does suggest the Neighborhood Model and the Neighborhood Model suggests the configuration that staff is recommending. The question seems to be whether VDOT would allow the utilities in the street. He stated that his reading of this was that the applicant was not sure if they would and staff feels pretty sure that they will, and in which case they have a non-issue here.

Mr. Rieley asked for comments from the applicant.

Mr. Keeney stated that was absolutely right because this is an issue of where is the grass strip. They are in favor of street trees and are putting them on the drawings. They are there and it is a question of where do we put them and where does VDOT make us put the utilities. The question is whether they will be in the front yard behind those trees or whether they are out in the street or whatever. But it is an almost non-issue since it is about confirming utilities with VDOT. He stated that they were in favor of the trees.

Mr. Rieley asked if they have made any progress on this issue. He noted that they have had developments with public streets with street trees behind the curb and the sidewalk behind that.

Ms. Echols stated that where they have made progress has to do with where the sewer can be located and whether or not VDOT would allow manholes in the street to make it easier to put in street trees. Staff had some earlier developments that did not incorporate having the manholes in the street that they were able to get street trees in. It was not a very efficient way to deal with all of the utilities under the road, but it did happen. The furthest that they have come with VDOT has to do with Neighborhood Model type of development. They have not really pursued it so much in a conventional type of development because they were promoting a Neighborhood Model type of

development. She felt that it was possible, but it was not easy to allow a conventional development to get street trees in if they could not get the sewer in the street. She pointed out that she did not know if VDOT would allow the sewers in the street.

Mr. Rieley asked what the view of the Commission was. He asked if they should encourage that configuration.

Mr. Edgerton stated that they should encourage the green space with the trees because there is some value in separating them from the pedestrian path.

Mr. Thomas disagreed.

Mr. Edgerton stated that he would encourage it because there was some value in separating the vehicular traffic from the pedestrian traffic by the trees to make more of a pleasant environment and to encourage people to walk to places close by. He stated that it would also provide some opportunity to have some type of shading for cars parked along the street. He stated that he would like to encourage the Neighborhood Model any time that they can.

Mr. Finley asked if he was saying green space with the trees and then the sidewalks. He asked where the utilities would go, behind the sidewalks.

Mr. Rieley stated that to whatever extent it was possible. There are different ways that can be done.

Mr. Finley asked if he was saying that would be contingent on the utilities being in the streets.

Mr. Edgerton stated that they would have to see what VDOT has to say.

Mr. Craddock stated that his first preference would be exactly what Mr. Edgerton, was saying to have the trees right there along the road. But, if VDOT won't allow that, then the trees will have to be moved back behind the sidewalk.

Mr. Thomas asked if there were any fire and safety regulations with the trees and the fire lanes.

Ms. Echols stated that there were some issues with the fire companies because their preference was that nothing be between the street and the house since it was easier to fight fires. She stated that they have not heard that from them as being a reason not to support the street trees.

Mr. Thomas stated that he was not against the other way either. He stated that the safety factors do come into play sometimes.

Mr. Finley asked what was the minimum easement for utilities.

Ms. Echols stated that she did not know, because different utilities have different requirements for separation. The water and sewer lines have certain separation requirements that come into play. She pointed out that how you sewer the property comes into play. She noted that was about all that she could tell them.

Mr. Rieley stated that the next two issues relate to the physical design of the buildings. The questions posed are:

- Do the elevations provided by the applicant appropriately reflect conformity with the Neighborhood Model?
- Should the ARB review the proposal prior to Planning Commission or Board of Supervisor action?

Ms. Echols stated that the elevations that the Commission received were some things that staff provided to the Board of Supervisors quite a while back and they are not proper. This is not about a commitment to a particular design. She stated that they were provided as an illustration to show what the applicant had in mind as far as changes in façade, varying heights and different types of architectural treatments. Where we have some issues that relate to the Neighborhood Model have to do with establishing the pedestrian scale on some of these larger buildings. The long expanse is somewhat a problem because these two features are not broken up. Because they are not out on the table as something that a commitment is being made to and because they have not been through the ARB, it is hard to say anything about them pro or con other than the fact that in some places they don't reflect a very good pedestrian orientation. This is due to the fact that don't break it up into stories, they don't have windows, and they don't have awnings and canopies or those kinds of things that make pedestrians feel they have a relationship to the building.

Mr. Finley stated that if they weigh in and recommend thus and so and then the ARB comes along and says they don't like that, then it will be a problem.

Mr. Rieley asked if the applicant wanted to weigh in on this issue.

Mr. Keeney stated that they have two brief comments. They are fully aware that all of this process will have to go before the ARB. Since they have to have ARB approval it will all be reviewed at that point also. He pointed out that Ms. Echols was correct that they have offered the renderings as an illustrated example of what we expect to put there. They expect to use brick and something reasonably normal for this area. They are under the impression that Ms. Joseph has come before you and somewhat respectfully asked you to not restrict or limit what they do in response, but that you leave some of this to them. He stated that they were sort of caught in between.

Mr. Thomas stated that he was not telling them what to do with their façade, but he had just visited Denver and had seen a Target that had revamped their design by breaking the long frontage into sections. He pointed out that it was very attractive and you could not even tell it was a Target unless you saw the sign. There was a Home Depot that had a larger sign than we allow, but they broke up the front into six sections and used native stone to cover the front of the building, which made the building absolutely beautiful. He suggested that they break up the front of their buildings, which was something the ARB would also suggest. He invited Mr. Keeney to speak.

Mr. Keeney stated that he had taken photographs of the Home Depot, which was in the Outer Banks, where they broke the building up so that even the contractor's entrance had panel white columns for the portico and the drive-through entrance. He pointed out that it could be done, but it was a major issue in itself. It seems to be a fine detail compared to the acreage kinds of things that they were dealing with here.

Mr. Rieley stated that the two questions that need to be address include:

- Do the elevations provided by the applicant appropriately reflect conformity with the Neighborhood Model?
- Should the ARB review the proposal prior to Planning Commission or Board of Supervisor action?

Mr. Finley stated that on the second bullet he would say yes.

Mr. Rieley and Mr. Thomas agreed.

Mr. Craddock stated that if you answer yes to second one, then you don't know if they are conforming or not.

Mr. Rieley stated that they would defer to the ARB on that.

Mr. Edgerton noted from his point of view that they certainly should try to break up the façade. He agreed with staff that it is lacking in the pedestrian scale asked for in the Neighborhood Model. The long expanse is quite overwhelming.

Mr. Rieley agreed.

Mr. Rieley stated that the next series of questions are relative to Route 29/ transportation questions.

- Should the plan be redesigned to make provision for a future connection to Proffit Road other than through Leake Drive?
- Should the applicant proffer to enter into a CDA for other improvements along Route 29?
- Is the contribution of $25,000 towards a traffic study for Route 29 appropriate?
- Should Route 29 contain an urban cross-section for a portion of the property?

Ms. Echols stated that the first question is a gnarely one because when you look at Leake Drive, which comes from Proffit Road, you see an easement that they have asked for verification of the ability to turn that easement into something more than what it is right now. She pointed out that she had just recently received that to look at. VDOT is very concerned about the relationship between where Leake Drive hits Proffit Road and Route 29 because they don't believe that the distance is sufficient to support a signal. There is a meeting that is going to be held this Friday with the Culpeper Office and that is one of the topics to be discussed. VDOT residency has given us comments that they believe that this really is not supportable. She noted that what they would like to see happen is a redesign of the project that allows for the spine road that comes through the development to extend at a further east point or at least a design that would allow for that to happen. They want the road to come into Proffit Road somewhere between 800 to 1000 feet north from the intersection. She pointed out that some of the Commission has been saying from the beginning that this plan needs to be redesigned. Staff has not seen a redesign to date. She stated that to achieve what VDOT is looking for that something is going to have to change. She stated that she could not tell them what the outcome of the meeting on Friday would be and whether or not the statements previously said by VDOT would be affirmed or whether they would be overturned. She stated that there were some major concerns as there have been all along. This is not new information about the difficulties at that intersection. Staff has particular issues with that because what the applicant was trying to do was to set up a parallel road system and not to take the traffic off of Route 29 so much as to support the local traffic. This would allow the Forest Lakes area and the Hollymead area to come to this particular area without having to get onto Route 29. It is gnarely and that is the best that staff can say right now on that particular issue. She stated that if the project was redesigned that the potential could be left there for an extension of that road. It is also possible that the angle in the way that the main spine road goes through North Pointe might be able to be changed so that it would shoot through the adjoining property through Profit Road.

Mr. Finley stated that last time they talked about keeping the parking on this side because of the steep slopes.

Ms. Echols stated that what VDOT had talked to staff about was something coming straight cross or something coming up like this, but not back in here. She stated that there would have to be some future building of a road here to make that happen or a provision would be needed for that kind of thing. They are worried about traffic back up here waiting on the signal. They are also worried about traffic getting through that particular area.

Mr. Thomas asked when they found out that road was a problem with VDOT.

Ms. Echols stated that the comments from VDOT have consistently said that there is an issue at this particular location. They have not come out and said until recent months that they will not

allow a signal there. They have been saying all along that this is a problem that needs some resolution.

Mr. Rieley suggested that they discuss this issue separately. He asked for comments on the three questions.

Mr. Keeney stated that there was some ongoing discussion with VDOT. Their biggest issue was Worth Drive connects from the south at that particular point and it seems awkward for us to design something further out Proffit Road and not connect to Worth Drive. Obviously, they have designed their connection to go through so that you can go straight across into Hollymead. He stated that it was his understanding that VDOT was looking at the issue of perhaps moving that Worth Drive intersection away from Route 29 and by all means they will keep their linking road with that if it gets moved farther east. If they are going to make the connection to the south to make the alternative to Route 29 work, they have to do it at Worth Drive or something else that goes through there. They did not feel that they had a choice other than to connect it at that point.

Mr. Thomas asked if there was another access off of Proffit Road going into where the Forest Lakes if you move Worth Road.

Mr. Keeney stated no because Worth Road was the main connection to Proffit Road at that point. The whole issue in front of VDOT is whether to move that whole intersection.

Mr. Rotgin stated that he was not sure if that was right.

Ms. Echols stated that the first issue is that there needs to be a plan for a road further back if that was the way they were going to be pushing new development. That plan does not exist right now, but is sort of being explored by VDOT by virtue of the fact that there are a lot of questions being asked about that intersection.

Mr. Benish stated that part of VDOT's discussion also relates to the Proffit Road upgrade. At some point in time when Proffit Road is upgraded, that is probably the point in time when they would take action and they would either close the crossing if not before hand or design for a new intersection.

Mr. Rotgin stated that for clarification, their traffic engineer that did the study and worked with VDOT has been saying all along that a signalized intersection would work there. When they met with Ms. Echols ten days ago and found out VDOT's more firm position, obviously what they did was call VDOT and set up a meeting, which was coming up Friday. There are some other alternatives. One of them is a round about which is being studied and the traffic engineers will have that available on Friday for that meeting. As Ms. Echols said and he learned today from his traffic consultants, there is an effort on VDOT's part to take that place and try to have a road come around to relocate Worth Drive. He stated that he was not sure how they would do it. The issue is that they understand what the challenges are and are trying to come up with something that will work. VDOT and the County want us to maintain this access even if the spine road would move up to here. There are businesses up here and you have to get into 84 Lumber and the other properties. They will work on this issue with VDOT.

Mr. Thomas stated that he would say yes to the question.

Mr. Finley stated that they were basically saying to make provisions to Proffit Road. He stated that they were hearing that they have to go further north to get the signal light.

Mr. Rieley stated that there were some different thoughts for interpretation for a redesigned plan. He stated that the next question was: Should the applicant proffer to enter into a CDA for other improvements along Route 29?

Ms. Echols stated that staff has been concerned from the very beginning of this project, as well as the other projects on Route 29, as to what happens when the lanes net down to a four-lane section before they go over the south fork of the Rivanna River. He noted concern over the fact that all of the development on Route 29 that the developers have mostly been dealing with what is right in front of their property. For Hollymead Town Center they worked out some rear access. Staff originally said in their staff report to the Board of Supervisors that there was really a role for a community development authority for all of these particular projects. They need to come up with a regional solution to some of the more global traffic problems that everybody contributes to as well as the public has some responsibility in. Staff was interested in having the applicant proffer participation in a CDA that deals with the more regional aspects of transportation rather than the improvements directly related to this particular development. That would be using the CDA as a financing tool for putting in the improvements in this development.

Mr. Rieley asked if the applicant would like to address this issue.

Mr. Rotgin stated that this issue was like the issue with the affordable housing. They let this cat out of the bag because they were the ones that recommended the CDA form or financing. He stated that they have had a meeting with Larry Davis and will have more to talk about the CDA and how it needs to be structured and what it should pay for. He stated that he sat down the other night and did some calculations and assumed that there was 600,000 square feet of space that would be subjected to the Community Development Authority, which is equal to about what Hollymead was. He figured at $100 a square foot assessed value that works out to 60 million dollars worth of real estate assessment. If you applied the extra 25 cents per 100 tax that would be imposed on that CDA, you only came up to $140,000 to $150,000 a year which would finance maybe a million and one half or two million dollars of improvements. After thinking about it, he realized that the Community Development Authority would not do for the County what a lot of us thought it might do. Our position is that they would rather up front make that extra million and one half or two million dollars worth of improvements and let the CDA remain part of the project and not something that the County would be involved in. The other thing was that this was going to be a long term process and for the County to even get to the point where there might be $140,000 or $150,000 worth of revenue might be ten years in the future or it might never happen. So while the County might be looking at our participation in a global CDA or providing revenue from our CDA to a global entity like the Industrial Development Authority to issue bonds, he did not think that the money that the Count anticipates to be there will be there. He thought the County would be much better off for them to make those improvements up front to Route 29 and to Proffit Road. He pointed out that was not that they don't want to be a part of the regional solution, but he was just concerned that the CDA that they were responsible for bringing up in the first place won't do what they originally thought that it might do. That was the reason that they made the change that they did.

Mr. Rieley asked what the precedent was in Hollymead relative to the use of the CDA funds.

Mr. Benish stated that the general concept, noting Mr. Kamptner had been involved, focused in on the overall regional area and not site specific

Mr. Kamptner stated that the CDA for Hollymead Town Center was intended to address Route 29 related improvement and it was not limited to just Route 29.

Mr. Thomas stated that if the whole area out there was not involved with the CDA, what does it do to the other participants.

Mr. Rieley stated that he knew the Board worked hard to hammer out the provisions of the CDA. It seems that it makes sense to follow through in the same spirit in which that was developed.

Mr. Thomas stated that Mr. Rotgin made the point that they would rather pay than to participate in the regional CDA. He asked if that would accomplish the same thing as belonging to a CDA.

Mr. Rieley stated that the question was if it was then appropriate to use the CDA funds for internal improvements in the project. He stated that his guess was that whether the money comes directly up front or long term through the CDA he did not think that makes much difference. He felt that internalizing the benefits of the CDA for the specific project is an important principle. He agreed with Mr. Rotgin that he thought that they have developed unrealistic expectations for what CDA's are likely to be able to achieve. He pointed out that he had done similar math to what he has on other projects like Albemarle Place and the amount of the money that is going to be generated is going to be a drop in the bucket for what really needs to be there.

Mr. Finley asked if Hollymead did up front improvements and the CDA.

Mr. Kamptner stated yes, particularly Area B that lies along Route 29.

Mr. Edgerton stated that the main improvement was the internal road that they promised to build or bond before.

Mr. Finley asked if the CDA for Hollymead primarily go to Hollymead. He stated that he thought that whatever income there was would be distributed regionally.

Mr. Rieley stated that he understood that the way that one was structured was that the specific improvements directly in front of and 1500 feet down the road that they were paying for that. In addition to that they were participating in the CDA which generates a small amount of funds for longer-term improvements.

Mr. Thomas stated that there was another agreement to bring the road through Route 606.

Mr. Benish stated that was the connection with Dickerson Road, but that was not CDA funded.

Mr. Kamptner pointed out that they proffered that independent of the CDA.

Mr. Rotgin stated that he one thing that he should have mentioned earlier, that he did not in his discussion with Larry Davis, that he will admit that the decision that was made on the Hollymead was made at the very last minute without a lot of thought. He stated that the suggestion that he had on how to handle the CDA is based on everybody getting together to talk about how to put those three sectors together to come up that is worthwhile. He noted that he heard Mr. Benish state that Albemarle Place was going to build 2,000 feet of third lane improvements on Route 29. They have proffered to build 7,000 feet over property that they don't own. They have proffered to fix the vertical curve, which was probably another one million dollars. They have proffered to allow VDOT to build an intersection. The spine road as a public street would be about 8,000 linear feet. That is the reason why the CDA was very important to them. He stated that they would do their fair share.

Mr. Rieley stated that the question is should the applicant proffer to enter into the CDA other improvements along Route 29.

Mr. Edgerton stated that they should.

Mr. Finley agreed as long as it was his fair share.

Mr. Edgerton pointed out that the developments would bring a lot of traffic and congestion into their community with a lot coming from outside our community. That has to be supported somehow. He stated that there should be some effort by the County as a community effort to give a little relief to the community about having to pick up that burden by themselves. The fair share does include some regional improvements. Therefore, he agreed that they should pay their fair share.

Mr. Rieley noted that the cumulative effect of all of the developments was substantial. He stated that he did not think that the CDA was going to make much of an impact, but that the principle was a good one. The contributions will have to go beyond the immediate area. The next question was, Is the contribution of $25,000 towards a traffic study for Route 29 appropriate.

Ms. Echols stated that this proposal came up through the Hollymead Towne Center proposal. Basically before you could know how much it was going to cost to make improvements to Route 29 outside of the general area, you would have to do a traffic study to assess what the impacts are going to be. VDOT estimated that that total cost to do that study would be about a million dollars. Staff felt that the appropriate proportion of the share would be allocated among the three big rezoning proposals that have been in front of us. Hollymead Towne Center proffered about $66,000. She pointed out that there was a public component to be considered and not the whole million dollars. The bottom line was that staff developed some possible proportion of shares among the three big rezoning applicants. Staff is suggesting the North Pointe's equitable share would be about $110,000, which would be the same as Albemarle Place and Hollymead Towne Center as a whole.

Mr. Edgerton asked how they allocated that.

Mr. Benish stated that they tried to break it up evenly based on traffic distribution.

Mr. Rieley asked if the applicant would like to address this issue.

Mr. Rotgin stated that at the end of the day they will do their fair share whatever that might be.

Mr. Rieley stated that they all agreed with Mr. Rotgin that he would pay his own share. He stated that would be continued to be worked on for whatever that might be.

Mr. Keeney pointed out that fair was going to be very complicated when you look into the spine road and the demand that VDOT and UREF have trying to tie all of that together and then start putting dollar values on other things.

Mr. Rieley stated that the next question was, Should Route 29 contain an urban cross-section for a portion of the property.

Ms. Echols stated that this was a very gnarely topic because what has happened with regards to the Hollymead Towne Center plan is that the final plan reflects a rural cross section for Route 29 in front of the project. Staff talked about relegated parking and how it should be provided on this particular project and about a green strip being behind a curve and then a pedestrian path sidewalk and then the stores with parking to the sides in most instances. She pointed out that there was a conflict between this particularly proposal and the Hollymead Towne Center proposal and they need to get that one resolved. She stated that staff felt that it was worth bringing it back to the Commission. She asked if they felt it was appropriate for this to be a rural cross-section and then a sidewalk on the other side of the ditch or how the Commission would like to provide the advice. She asked if they felt that this project was different because potentially the land could be graded much flatter up towards the front and then could support the configuration of an urban section.

Mr. Rieley stated that his understanding was that Hollymead's decision was not based on whether it was appropriate to have an urban section, but completely upon the inability to be able to achieve that. That was why they allowed the grades to come down to the road because typically the ditch takes more room than curb and gutter. That was the justification for leaving the sidewalk out. He pointed out that he liked the general model that they had agreed upon for this area and he did not think that the fact that Hollymead was different necessarily means that this has to be different.

Mr. Edgerton concurred.

Mr. Rieley asked the applicant if he wanted to comment on this.

Mr. Keeney stated that he would like to argue with Ms. Echols about one point. Ms. Echol's initial point was that the people from the two hotels would walk to the shopping centers. What they had been anticipating was that little line was a pedestrian bridge across this existing creek. They were anticipating that the people would walk that way and get on to an established urban pathway around the lake to lead them into the town center that way rather than being out on Route 29. He pointed out that it was a straighter line and it would be more desirable to walk along that lake than directly on Route 29. He suggested that the sidewalks not be put right next to Route 29 because that creates a very dangerous situation for pedestrians.

Mr. Thomas, Mr. Edgerton and Mr. Rieley agreed.

Mr. Rieley asked if the proffers as written appropriately address the impacts generated by the development. If not, what should the proffers reflect generally?

Ms. Echols stated that there were a lot of proffers and she did not know if the Commissioners have read through all of them. She noted that some of them were very straight forward, but some of them are difficult to understand. A new set of proffers has been submitted since this one was evaluated and they are under evaluation right now. Of those new proffers, staff has only glanced at them, but has not gotten in to them. She noted that the new proffers reflect the donation of the school site without the 95 percent clause in it, which is much further than it was with the initial set of proffers. There are probably more, but that was the big one that jumped out in her mind. There are some things that staff pointed out in the last staff report that has been changed. There is now the general adherence to the application plan. The applicant previously did not obligate himself to that plan which set up some conflicts with that particular zoning district. There has been a dedication of the flood plain to the County upon request and a voluntary stream buffer is offered to treat and detain the detention from the mobile home park near the property in destroying the back of Flat Creek. Those are some things that are positive. She pointed out that some of these had to do with design issues and some with the amount of square footage. As of the writing of this report, staff did not have as much information as we needed to be able to assess the appropriateness of some of these proffers. VDOT has provided some additional information. The other issue is the CDA. She asked how the Commission wanted to proceed.

Mr. Finley asked if she said that the proffers have been rewritten and resubmitted.

Ms. Echols stated that was correct.

Mr. Edgerton stated that in the report, staff talks about the applicant wanting to have a public hearing on September 9. He noted that because there is not enough turn around time, the next public hearing would be focused on the proffers and the plan of July 29th which was the previous plan. He asked if that was correct.

Ms. Echols stated that was this plan.

Mr. Rieley stated that there has been one since that we will not be addressing.

Mr. Edgerton asked if there was a new plan in addition to this one.

Ms. Echols stated that there is a new plan and staff can point out the distinctions between this plan and the new plan. There are some minor changes. Staff can also point out the distinctions between the proffers they are looking at tonight and the proffers that staff has received. Staff is

planning on putting something together for the Commission to send out next week in anticipation of that September 9th meeting.

Mr. Edgerton pointed out that he had a lot of problems with discussion proffers of a plan that is not going to be the actual plan. The whole idea of a worksession process is to try to come up with some consensus of something that the Commission is comfortable with before it comes to a public hearing. It is awful hard to talk about proffers when they have already been told that the project is going to change.

Mr. Keeney asked to take exception to that since the change from this to what you might see in two weeks are some minor technicalities. There are a couple of little roadway intersections that have altered and that sort of things, but they were not making sweeping roadway moves and that sort of thing. They are more technical corrections. There are some VDOT issues across there that they have not talked about at all in any of their worksessions that has changed. He stated that he thought it was safe to say that the proffers have been expanded a little bit financially so that if you like what you are looking at that it was getting a little bit sweeter. It is valid to discuss this because the change would not be significant that you would ever see them if he put them up side by side.

Mr. Finley stated that some mention was made that the proffers were not in the proffer legal form. He asked if that has all been taken care of.

Mr. Rotgin stated that Ms. Echols mentions in her staff report that there needs to be some wordsmiting. Again, they have met with Larry Davis and others from the County and Mr. Davis is to get us comments back.

Mr. Kamptner stated that they were working on the proffers. They received the August 19th version of the proffers. They met yesterday and worked out their draft comments and were planning on getting them out by Friday.

Mr. Rotgin stated that the change in the proffers were primarily VDOT oriented. At the time when the July 29th proffers went in they did not have the reports from VDOT. Once they got the reports from VDOT they went in and changed the format substantially and increased what they were willing to do given what VDOT had suggested. Ms. Echols had indicated that they were now agreeing to convey the school site, but it was not just the school site but a pad site. That is a lot different than a school site because it was about double the amount. The site work is probably more expensive than the land. The $500,000 proffer, for instance, was to fix the vertical curb and has gone away. But now they have agreed to fix the vertical curb and the amount has doubled. They have black line versions that they have provided to staff. He suggested that the Planning Commission be provided with black line copies of the August 19th version that easily shows the changes.

Ms. Echols stated that staff appreciates the fact that the applicant submitted the black line versions because it will be easier to assess the changes.

Mr. Rotgin suggested that possibly they could have comments for the Planning Commission before the public hearing. He pointed out that the public hearing on September 9th was important from the timing standpoint. If there are still some outstanding issues that need to be discussed in a worksession or other and the Commission does not feel that they want to make a decision on the 9th and would rather have a worksession on the 16th, 23rd or the 30th, they would be happy to come back and discuss those things. He pointed out that they were being driven by the fact that by this time next year there will not be a single residential lot or possibly only 10 lots available in the growth area of Route 29 North or the Hollymead area. The builders have come to them and said that they really need to have lots available to start building on next fall. Therefore, they would like to get started with some grading in the residential area in the spring. Ms. Echols has forewarned them that there is a lot that needs to be done between now and then. During this

process they have done a lot more work than normal in a rezoning. Therefore, they hope that they can meet this schedule with the Planning Commission public hearing on September 9th and then the Board of Supervisors public hearing in November. He pointed out that they would be happy to do whatever has to be done with the Planning Commission between now and November.

Mr. Rieley stated that it does not make sense to go through the proffers in great detail although they all have looked at the suggestions that staff has made. With the caveat that that he did not know what visual adjustments have been made since these have been done, he would be happy to say that he agreed with the jest of the staff's assessment about the current state of the proffers. He asked if anybody takes issue with that.

Mr. Thomas stated that he agreed with that also, but that there was one that he took issue with. He asked if the school proffer still sunsets in 2009.

Ms. Echols stated that she did not remember, and asked if the sunset was still 2009 in the most recent set of proffers.

Mr. Kampnter stated yes, subject to acceptance on or before December 31, 2009.

Mr. Rotgin stated that it also says that if the if school board does not want it, then the County can have it for parks and recreation.

Mr. Kamptner stated that the clause says that if neither the school board or the County elects to acquire the site by December 31, 2009, then the applicant proffers to contribute $500,000 to the school board for the County to establish an endowment fund to be mutually agreed upon for a purpose related to the proffered site or to the North Pointe community. He pointed out that the County needs to take some kind of action prior to that date.

Mr. Edgerton stated that did not cover 100 percent of the amount.

Mr. Kamptner stated that has changed since to cover 100 percent.

Mr. Rieley stated that they have worked their way through these issues. He asked if anybody wants to add anything else.

Mr. Finley stated that if they needed a worksession after the public hearing that he thought it was a good idea.

Old Business:

Mr. Rieley stated that last week Mr. Loewenstein asked to be relieved of his position on the Mountain Protection Committee. He asked if any other Commissioner was willing to serve on the committee.

Mr. Craddock stated that he would be willing to serve on the Mountain Protection Committee if someone would stand in for him if he had a conflict.

Mr. Rieley asked if there was any other old business. There being none, the meeting proceeded.

New Business:

Mr. Rieley asked if there was any other new business.

Mr. Benish stated that the Commission would begin the review of the Rural Areas Comprehensive Plan at next week's work session that will begin at 4:00 p.m. He pointed out that

tonight the Commission received the final updated replacements entitled, Technology Choices for Water & Wastewater and The Albemarle County Rural Area as a Source of Watershed Ecosystem Services to be inserted in the RA Comprehensive Plan notebooks. He asked that the Commission provide any typos to staff outside of the meeting so that they can focus their time on the hot issues. He stated that staff would forward Joan McDowell's memo to the Commission.

Mr. Edgerton asked if the Commission would receive a new staff report on North Pointe before the September 9th public hearing.

Mr. Benish stated that staff would provide an executive summary with some input on the latest status with some updated comments based on the proffers along with some additional information. He suggested that the Commission keep their staff report on North Pointe for the next meeting.

Mr. Finley asked for a hard copy of the staff report since he could not download his email from the County.

Mr. Rieley asked that all of the Commissioners review Ms. Echols' summary of the previous work sessions on North Pointe and provide any disagreements or corrections by email no later than Friday or early next week.

Adjournment

With no further business, the meeting adjourned at 9:27 p.m. to the next meeting on September 2, 2003 at 4:00 p.m.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)