Albemarle County Planning Commission
February 10, 2004

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, February 10, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Chairman; Calvin Morris, Jo Higgins and Marcia Joseph. Absent were Pete Craddock, Vice-Chairman; and Bill Edgerton.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Joan McDowell, Principal Planner; Michael Barnes, Senior Planner; Rebecca Ragsdale, Planner; Elaine Echols, Principal Planner; and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:00 p.m. and established a quorum. He welcomed Marcia Joseph who was the new Planning Commissioner.

Work Sessions:

Facilitated Work Session – Rural Areas – The purpose of the facilitated work session is for the Commission to arrive at consensus regarding the issues, strategies, and objectives contained within the draft Rural Areas element of the Comprehensive Plan, in order to provide staff direction for any needed revisions to the draft Plan. (Joan McDowell)

Ms. McDowell summarized the staff report.

Lee Catlin, the Facilitator at this work session, stated that the Commission received this document that lays out how they wanted to move through the issues. They were really looking for items of substance and items with underlying concepts. As Ms. McDowell mentioned to you, the Commissioners had a chance last year to give the thumbs up or thumbs down on some of these strategies and thoughts. A lot of that was about bringing it back to the Commission to see what it looks like then. Then they could make the final decision about whether this was a reasonable thing to pursue and leave it in there or whether it was something when they look at it that no longer makes sense or seems viable to us. Therefore, the purpose of the discussion today is to bring this group to consensus as far as possible on the topics where there was no immediate agreement the first time around. So in order to help keep the discussion up on the desired level, they have a couple of things in here that they want to emphasize. First of all there might be topo issues or phraseology issues. She suggested that they provide those issues or concerns to Ms. McDowell in a marked up document or email rather than taking the time of the group. If someone feels that it is a change that really impacts the substance or the meaning of the document that is very much fair game and should be talked about. But if it was something else minor, she would suggest that they take care of those in a different venue so that they don't take the time of the group to do that. As staff mentioned, this is a draft, which will come back to the Commission. Therefore, what staff is really looking for is not so much you saying that this is the sentence that you want to see in here, but rather you as a group giving some direction that staff will then translate into language that will come back to the Commission for consideration. The Commission has already spent a long time discussing the guiding principles and had been accepted by the Planning Commission. Rather than spending time going backwards to that, she stated that really the place in the document that was appropriate to start was on page 11, which starts with Land Use Patterns, Density and Residential Development. She pointed out that the section was immediately after Guiding Principles for the Rural Areas. She stated that under the first section staff has pointed out the items that the Commission was not in agreement with or that she felt were issues that the Commission needs to think through and talk about in the document. The first topic was the Timing of Development Rights (page 18) Strategy 4: Adopt a time-release

program for usage of development rights that would permit a limited number of development right lots to be created in a fixed period of time.

Mr. Rieley suggested that they go through these issues with a caveat that there is a relationship between the timing of development rights and the nature of rural preservation development, which is a critical relationship. He pointed out that his theory on the timing of development rights might vary relative depending on what happens on another one. Therefore, in some way he felt that they should go back and look at how all of these work together before they move on to the next big section.

Ms. Catlin stated that was fine because they don't have to be so linear in the discussion that they can't go backwards.

Ms. Higgins agreed to what Mr. Rieley was saying. She stated that the items were just lettered and she was not assuming that they were in any priority order, but that they were actually in a consecutive order based on the pages. She pointed out that she preferred to go to strategy #f first because it seemed that all of the 8 strategy items were related. She asked if they had to take the items in the letter order.

Mr. Thomas suggested that they take f. first because it might clear up some of the thoughts that they had back in the beginning.

Mr. Catlin stated that since topic f. sets the stage for the other items that it was fine for their discussion to begin there. She pointed out that they would start on page 3 of the handout provided by Ms. McDowell at the strategies for Rural Preservation Developments (page 28). She asked what the Commissioners had to say about the strategies.

Ms. Joseph asked for some clarification on whether the Rural Preservation Development would be considered as clustered development.

Ms. McDowell stated that the cluster development within the rural areas was not quite under the same rules as the cluster development within a development area.

Ms. Joseph pointed out that clustering would be by right as of July 1, 2004. She asked if the Rural Preservation Developments would be by right.

Ms. McDowell stated that the Rural Preservation Developments would be by right.

Mr. Rieley asked to raise an issue, which was not resolved when the Commission went through this previously in Strategy 1. He stated that he certainly supports the idea of making the rural preservation tracts larger and having them relate to percentage of overall land revenue as a single minimum sized parcel, which was what they have had in the past. He asked for some clarification about that it should be a larger of 75% of the total land within the RPD or 50 acres. He asked if those 50 acres would essentially be the minimum instead of the existing 40 acres, and then as the acreage goes up then it would be 75% of the total land within the RPD.

Ms. McDowell stated that it would be the larger of 75% or 50 acres, but if the RPD was less than 50 acres, it would be 75% or whatever percentage the Commission determines.

Ms. Higgins asked what the history was on the proposed 75%.

Ms. McDowell stated that there were a number of reasons. Staff looked at the existing RPD's and other RPD's in other places and 75% seemed not to be the top end, which was 85%. Therefore, staff settled on the 75% as being reasonable for us, but they have heard discussions from people wanting either less or more. Staff liked the change from the flat minimum 40 acres to

a percentage, which seemed to be much more flexible. This issue has been discussed at length with the Focus Group.

Mr. Rieley stated that the Commission has seen a lot of Rural Preservation Developments within the time that he has been on the Commission in which it was just a slightly modified version of an overlying suburban subdivision. Therefore, it really was not accomplishing what he felt was the original intention for rural preservation development lots, which was to get the houses closer together and save some rural land. He supported it, but also felt that it tied in with some of the other provisions.

Ms. McDowell stated that the whole idea was to get the smallest amount of land feasible for the residential leaving the larger piece of land on the conservation part. She pointed out that Ms. Higgins was correct that it all worked together.

Ms. Catlin stated that strategy was looking like it was an appropriate one. She asked as they move through the other strategies if there were other comments on what they see.

Ms. Joseph stated that the last sentence in Strategy 2 stated, "Establish standards for allowing flexibility for larger lots if the 2-acre minimum is not feasible to accommodating a building site." She asked if that includes septic or if they were considering the building site that was 30,000 square feet, etc.

Ms. McDowell stated that was correct. She noted that if the area was all flat land and the topography was not an issue, then this probably would not be in here.

Ms. Higgins stated that by definition the 30,000 square feet was supposed to have the building, the septic and the reserve.

Ms. McDowell stated that was correct. She pointed out that staff added in some flexibility.

Ms. Catlin asked if there was anything else.

Ms. Joseph asked how staff would determine the potential demand and would it be based on Strategy 3.

Ms. McDowell stated that was going to be a large issue and was something that staff has not done a lot of research on, but they know that it needs to be done. The reason for this was that the State was taking away their ability to do special use permits for anything over 20 acres. There was a lot of concern when that number was arrived at that you did not want to have so many houses in one location, especially if they were going to advocate smaller lots. She pointed out that some people own thousands of acres.

Ms. Higgins stated that she had a problem with Strategy 3 because it was talking about something that would be available by right, but that the creation of the 20-acre lots or above was not going to require a special use permit. She stated that the entire list typically was associated with the evaluation of a proposed plat for development, and that staff would go through these different elements and talk about what could be mitigated with the applicant. But, some times you lose sight of what could happen when you subdivide the land in the typical way it was done in the Rural Areas Plan, particularly when there was a catch-22 to actually find out that there was a problem with that potential by right division. She stated that again many people would go back to what they are trying not to allow. In other words, you could do this with 40 lots and find out that there are certain impacts. Then the person decides not to do this and decides to go back and cut it into 50 lots. She questioned what the responsibility ends up being when you call it a strategy. She stated that she was looking for the carrot to make it happen in a way with less impact. But, the truth of it was that there were rural roads that are two-lanes, and based on a lot of activities that are going on in the present day, the sensitivity is out there. She asked how they could relieve

that because you would not go out on a rural road and make it three-lanes because of doing a development. She noted that if the entire infrastructure is there, then they should provide a benefit in that direction also.

Ms. McDowell stated that the State did not take away our right to have standards for RPD's. She felt that this was a detail that would be worked out when they develop the standards, which would be part of an ordinance change.

Mr. Kamptner stated that this strategy would be a long-term comprehensive strategy for dealing with the rural areas. It may be that based on all of the studies that deal with the amount of disturbances for transportation improvements in the Rural Area Plan may later change based upon whatever they find for exercising this strategy. He stated that he did not see it as a site-specific type of strategy, but for individual developments.

Ms. Higgins stated that she agreed, but that it started out saying to establish a residential lot threshold. She noted that you could do up to a number of lots that was the threshold, and then when you get over that number some impact exists so that schools, fire, police and environmental issues are covered. She pointed out that it was the transportation one that she was having trouble with.

Mr. Benish stated that it was just for a cluster. He noted that it was to evaluate at what point in time they not want to encourage a 100-lot cluster. He stated that it was really the direction for them as they develop the ordinance.

Ms. Higgins stated that if 100 were the number in the cluster and it was 120 by right, then again they would have done the same thing. They would have caused a potential property owner to consider the rural preservation with a less incentive to do it. She pointed out that was all that she was worried about.

Mr. Benish stated that if you have 100 - ½ acre lots as opposed to 100 lots with a density difference, there is a potential traffic difference in that smaller area. The idea is if there is a point that you do not want to encourage a level of concentration of development that was different than what they were trying to achieve in the rural area that was massive.

Ms. Higgins suggested that they approach this differently. She asked if there was a way in the strategies that you could compare the Rural Preservation Development to a by right development and if it was less then these issues are not considered. She noted that to establish a lot threshold was clear.

Mr. Rieley stated that he shared her misgivings because it seems that it was a rather nebulous idea that has a very specific set of language attached to it. He asked if it would be better to say something like explore the establishment of a residential lot threshold or something like that to make the statement clearer.

Mr. Kamptner stated that if the strategy is geared towards a cluster development, then it should say that.

Ms. McDowell pointed out that it was under the cluster development strategy under RPD strategies.

Ms. Catlin asked if they were concerned that it was not worded correctly or if they were concerned about the intent.

Ms. Higgins stated that she was concerned about both.

Mr. Morris stated that it was an extremely good intent that they start looking at all of these things and considering them anytime when they are looking at this.

Mr. Rieley stated that he was not sure, but that they are close enough to being able to establish the criteria that would establish a threshold that is going to make sense enough of the time.

Mr. Thomas stated that he was concerned with the wording and liked using the word explore.

Ms. Higgins stated that she liked Mr. Rieley's idea of using the word explore in the first part, but that the only one that she had a problem with when it relates to the Rural Preservation Development is when it says including transportation improvements. She pointed out that there were transportation improvements internal to the clusters, which were the roads that serve these lots that you now have done shorter roads and you have done a certain type of road. But it implies that the transportation improvements could be the road that it now would have the point of access to. Then it opens up the comparison in whether you have done it by right or under the rural preservation development. She pointed out that was a potential sensitive and explosive issue. She suggested that if it was an issue that it not be included in that strategy.

Ms. Catlin stated that at some level that the Commissioners were supportive of it, but it does not say what you feel like you want it to say. Therefore, the Commission would like to see this one get some work and come back to you. She stated that they would move on to Strategy 6 or 7.

Ms. Joseph asked why it would be exempt on Strategy 6 for the phasing of development rights.

Ms. McDowell stated that was if you were developing your infrastructure, putting your lots in, and doing the easements, that it might be more feasible to do them all at once in an RPD.

Mr. Rieley stated that he shared Ms. Joseph's concern flagged in the previous section. He stated that their objective was to preserve rural land. He pointed out that by facilitating the whole objective that it seemed to him that with the timed-release proposal that it would not remove the development rights, but would actually slow down development in the rural areas. If they then make it easy and quick to do Rural Preservation Developments, then it was quite clear that is an incentive to do Rural Preservation Developments. But, he noted that it also would be an incentive to develop in accordance with the Rural Areas.

Ms. Catlin asked if there were other thoughts on that.

Ms. Higgins stated that she looked at it internally as you stated that if she was comparing two possible scenarios with really only looking for the differences. She noted that if you say that you can do 75 percent of it, but you have to hold back on the phasing, that she sees that as a potential decision maker to make Rural Preservation less attractive. She stated that the time release issue is an inequality to the by right development. There is not much that can be put in there as a carrot, but she thought that was a very possible incentive.

Ms. McDowell stated that the easement would need to be dedicated with the initial phase.

Ms. Higgins asked for an example.

Ms. McDowell stated that one example would be the phasing of the homes, so that you could only build so many homes at a time.

Ms. Higgins stated that it says that you are exempt from it. Therefore, if you were not exempt from it, then it applies. She asked what sort of phasing that would leave. She noted that usually phasing was by the property owner that does not want to spend but a certain amount of money to do infrastructure and then phase it according to as they build. She pointed out that it might take ten years for someone to build out depending on the market.

Mr. Rieley stated that in reality that most developments anywhere are not going to be built immediately anyway so what is the necessity to remove all breaks in the Rural Area just because it is a Rural Preservation Development. He asked why they shouldn't look at establishing perhaps an accelerated time release within the Rural Preservation Developments which preserves the incentive that they talked about the people just saying okay let's just go with the by right development.

Ms. Higgins pointed out that was exactly opposite of what he said before. She stated that basically what he was saying was to let the government step in and tell you what your market feasibility was and how you could use it.

Mr. Rieley stated that he was not suggesting that. He pointed out that what he was saying is that approach would be intermediary between not having any time release and having exactly the same time release that all other properties in the Rural Areas have.

Ms. Catlin stated that what she thought Mr. Rieley was saying was that RPD's are a preferred form of development in the Rural Areas. Therefore, they want to do something that lifts them above what you get normally. But you don't want to lift them so far above that you would be able to do all of the lots at one time. But, you want to make enough of a differential there that somebody could decide that there was an incentive to do a RPD because they could move faster than they could under the time release program.

Mr. Benish stated that this phasing was speaking to exempting someone from the time release measures. This was established to create an incentive for Rural Preservation Developments by not requiring someone to model the time release. What he thought he heard Mr. Rieley saying was that was too much of a benefit. He suggested that they restructure that generally by saying that they should investigate ways to create incentives by investigating other ways.

Mr. Rieley suggested that instead of saying exempt the time release requirements that they should say modify the time release requirements, which leaves open the door for exemption and allows us to look at a reduction.

Ms. Catlin summarized that the Commission was comfortable with the fact that they wanted some sort of carrot here by finding some way to provide an incentive for RPD's, but not an exemption necessarily from the time release. She stated that there was a sense of modifying the language. She asked if there were any thoughts on Strategy 7 or 8.

Mr. Thomas asked what were the guiding principles specifically referring to in this section on Strategy 7.

Ms. McDowell stated that it was something that was shown in the plan, which they went over a couple of meetings ago.

Ms. Catlin stated that since there was no further discussion on Strategy 7, and then they would move on to Strategy 8, Central Water and Sewer Systems.

Ms. Joseph stated that she could not support that.

Ms. Higgins agreed with the way that it reads, but that the intent is that you can't do the lots and the cluster concentration that they were talking about unless there was opportunity that says they will consider allowing that. This has been a big issue in the County over the years because there are actually areas where central water and sewer systems might be needed to solve existing problems in small lot developments that come out of the Rural Preservation. It might be absolutely necessary because it was better to have a central system than depending on septic systems as far as environmental concerns.

Ms. Joseph pointed out that there was something called the carrying capacity of the land also and if that land can't carry a lot then it should not have anything built on it.

Mr. Thomas stated that he felt that they should at least consider central water and sewer systems.

Ms. Joseph pointed out that it would be left up to the locality to manage these facilities.

Ms. Higgins suggested that the wording be changed since there were companies out there that would buy into these facilities.

Mr. Rieley agreed with Ms. Joseph. He pointed out that he also agreed with Ms. Higgins that there were certainly situations that you could do a better development if you had this potential available. He stated that the net effect was going to be to increase pressure for suburban development in rural areas that they don't have now. He asked if they have any provision for this now.

Ms. Higgins stated that they have a provision for that now.

Mr. Benish stated that the Comprehensive Plan that we have now discourages central systems in the rural areas, but there are means by which they can be approved. But they have to be approved in a way that assures the County policy is applied – that the lots could otherwise be supported by individual private systems and the central system could be used in lieu of a private system. He stated that he thought that was staff's intent with the recommendation. He noted that he did not have the exact language with him, but it was very clear that the intent here was not to allow more development than the land could carry. For example, it would require proof that 21 lots could be sustained on 21 individual systems. Based on the Watershed Manager's and the Water Resources Committee's recommendation, in it is a more viable and effective and sustainable way to provide service, particularly in a large cluster development. But it was not based on allowing lots that could not otherwise sustain themselves on private systems.

Ms. Catlin stated that this was associated with the Strategy located on page 5 under infrastructure. The water sewage disposal will be considered in the use of central water, particularly in the RPD, to utilize a central system where the site's ground water suggests employing the use of a central system would be the most sustainable approach. She stated that was kind of a restatement of the intent of that strategy.

Mr. Morris stated that this seemed to be allowing for the possibility of it being used. He noted that if they went into smaller lots and clusters that it might be many times that this would be the most logical way out.

Ms. Catlin asked if his thought was that it ought to not be a strong recommendation, but it ought to be a possibility that could be considered in the future.

Mr. Morris stated that the wording was fine as it was because it said consider allowing. Again, as Mr. Benish was saying that you discourage it, but if it was a logical way out, then do it.

Ms. Higgins suggested that the wording should be more consistent with item b) in that a utility district was being created to ensure proper operation and management of a central system. She noted that the rural utility district would also solve the inequity of the urban ring people paying the utilities out in the rural area.

Ms. Catlin asked if they need to have this wording in both places or should it be a strategy in one place or another that is consistent.

Ms. McDowell pointed out that the Board has not adopted central systems yet. She stated that it was up to the Commission on whether they would like to elaborate or delete this strategy.

Mr. Rieley stated that while he was not in favor of this, that he would certainly feel better about it if some of the language that Mr. Benish articulated as a basis for this were included.

Mr. Thomas agreed with that suggestion.

Ms. McDowell asked if they meant that staff should rewrite it and then bring it back.

Mr. Rieley stated that correct.

Ms. Higgins pointed out that they did not want it to be a direction for people to go out and cluster, and then put in a central system.

Mr. Benish stated that it would be the last resort.

Ms. Catlin stated that gets us through the Rural Preservation Development. She asked if they wanted to go back to the timing of the land use patterns or if they feel that they had some of the underlying discussion. She asked if there was another section that they felt was best to discuss next.

Ms. Higgins asked that they continue with the Rural Land and Land Use.

Ms. Joseph asked that they go back and just cover the subdivisions.

Ms. Catlin stated that if they go back that it would get them to the timing of development rights with large lot sizes and family divisions. She stated that under Land Use Patterns with the Timing of Development Rights under Strategy 4 - Adopt a time-release program for usage of development rights that would permit a limited number of development right lots to be created in a fixed period of time.

Ms. Higgins stated that the information on a) and b) was just given to the Commission tonight regarding the different Counties that have the different sizes with what the minimums were with the time releases of other Counties. She felt that this information was very important to digest because a) and b) were related to making those quantitative decisions. She stated that if this discussion was going to be stretched to another work session that she would like to skip over a) and b).

Ms. Joseph stated that she would like to table this until the next work session.

Ms. Catlin stated that if they table a) and b) that it would give the Commissioners time to digest the materials so that they could come back and discuss the issues at the next work session.

Ms. Higgins pointed out that she was going to research some information regarding these issues.

Ms. Joseph pointed out that the Valley Conservation Council had just come out and published a State of the Valley and they had looked at some of this information.

Ms. McDowell pointed out that the information on the other Counties handed out was just strictly data. It did not give any information as to what their policies are towards their rural areas or towards conservation.

Ms. Catlin stated that that they would precede onto c) Critical Resources and Residential Development Impacts. The key strategy here being establishing overlay districts and building site definitions that better protect important resources identified in the Comprehensive Plan and

Critical Resources Inventory. She asked if there were any thoughts on this issue. There being no comment, the next issue was d) Family Divisions.

The Commission held a discussion about family divisions.

Ms. McDowell stated that the kind of tracking that the County has on family divisions does not provide the type of information to make a recommendation from. Therefore, staff has just provided that information to the Commission. From this information, it does not appear that there has been extensive review.

Ms. Catlin stated that this was another one of those leaving the door open kind of recommendations to consider it if it were to be an issue for the Commission at some point in the future and that it was a directive at this point in time.

Ms. McDowell pointed out that staff was hopeful that the new computer system would provide better tracking of these kinds of things.

Mr. Rieley stated that the other way to look at this data was that there have been so few lots transferred out of the family that it clearly would not be a threshold on people if the time limit were increased.

Ms. Catlin stated that in terms of intent that the Commission felt comfortable with leaving open the possibility that at some point they might consider it.

Ms. McDowell pointed out that was part of the Subdivision Ordinance review under way now. She stated that the time limit was still to be determined.

Ms. Catlin stated that the next item was Rural Division - Strategy 20: Revise the Subdivision Ordinance so that rural divisions and two-lot subdivisions are subjected to more comprehensive review and create better designs.

Ms. Higgins suggested that it should state “review for consideration” instead of “revise” so that it could be reviewed first to see if it was appropriate.

Ms. Catlin stated that it was the consensus of the Commission to leave that in but to change the wording to “review for consideration.” She stated that the next section was II. Rural Area Land Uses. She asked if they wanted to discuss this change.

Ms. McDowell stated that she wanted to start with the conservation uses. She pointed out that the strike throughs came from the previous Planning Commission work session. She stated that it was entirely up to the Commission on whether they wanted to take them out or leave them in. She pointed out that these changes were not staff recommended.

Ms. Joseph stated that conservation use can be defined in many different ways and that she felt that this did a narrow job in describing the conservation uses. She pointed out that conservation uses could also include agricultural and forestry and she did not want to discourage anyone from doing those kinds of uses and want to conserve the land for those kinds of uses. She suggested that they delete that language in the strike throughs.

Mr. Rieley pointed out that there was an entire sections devoted to agricultural and forestry. He stated that this is a separate section in order to provide some distinctions. He noted that he supported keeping this language in the document. He pointed out that this does not do anything to diminish farming, and actually goes to great lengths to talk about the fact that they can be mutually supportive.

Ms. Higgins stated that this language made it more consistent with the other, and therefore she felt that the language should stay in.

Mr. Catlin stated that in looking back at Mr. Rieley's point you can see that the third paragraph under conservation uses says, "conservation rights for the agricultural and forestal use of land is one of the most prevalent and important uses. Conservation, agricultural and forestry have a dynamic and mutually supportive relationship . . ." She stated that the thought was that this section crops up agriculture and forestry, but that conservation is in and of itself.

Mr. Rieley stated that this section tried to go to great lengths to say that they are mutually supportive, but also tried to make the distinction that conservation is in and of itself.

Ms. Catlin stated that it was the majority of the Commission that the language would be left as it was prior with the understanding that the document needs to support very strongly these uses. She stated that due to the sensitivity to this issue that the task of the group would be to take the time to go look through the document in its entirety to make sure that they felt that the document supported the intent of this in other ways. She stated that the next section was Rural Commercial, which started with Crossroad Communities.

Mr. Rieley stated that he felt the responsibility to raise an issue for Mr. Finley that was allowance for rural commercial seems to be completely linked to historical communities. He asked if there were situations where the same value would come from allowing a limited commercial use in the rural areas associated with a historical property that would also accrue to a rural commercial use that was not connected to a historical property.

Ms. Higgins stated limiting this to only historical properties was somewhat limiting because there were a few commercial businesses in the rural areas that were not historical properties that are very useful to the community.

Ms. McDowell pointed out that actually there are boundaries in the crossroads communities beyond the historical structures. She stated that they wanted to establish these boundaries because of the suggestions made by Mr. Finley to emphasize the people in the rural areas and to provide some kind of limited services for the people who live in the rural areas. This is a way that they could establish those services with some control and with a relationship to a traditional sort of community. This would be a benefit to the historical preservation to promote the rehab of those types of buildings.

Ms. Catlin stated that Strategy 4 reads, "Establish boundaries, such as boundaries corresponding with parcels that have been identified as historical sites or potential historical sites, to guide decisions on the location of uses in crossroads communities." She pointed out that the way she read this that it did not necessarily have to be tied to historical sites.

Mr. Benish pointed out that what they were saying was that was where they wanted to emphasize our discussion during the process.

Ms. Catlin stated that next was Strategy 6: Adaptive Reuse of Historic Structures should encourage their maintenance and preservation. She stated that it was the general consensus of the Commission that Strategy 6 was fine. She stated that next was Strategy 7: Implement policies in the Zoning Ordinance that promote the character of the Rural Areas and not urban style development; such as, relaxing the required parking standards and requirements for parking lot surfaces, entrance requirements, and landscape requirements. She stated that it was the general consensus of the Commission that Strategy 7 was satisfactory.

Ms. Joseph asked that from the Architectural Review Board connection that there should be some massaging of the language in this section. She stated that this would be helpful so that the

guidelines from the ARB would have something in there about some of these rural commercial activities so that they would not be so stringent in their requirements and review.

Ms. Catlin stated that the Commission would stop at Strategy IV, Infrastructure/Community Services in order to go back and summarize what they have done up to this point.

Ms. Higgins asked if staff could send an email or information to the Commission regarding the Pave in Place and the Rural Rustic Road Program. Since there are comparisons made in the document that she would like to see what the programs consist of. She requested that staff provide a comparison of the two programs if possible.

Mr. Rieley stated that he had quoted Gerald Fischer on this point in the plan and he wanted to say it again and give Mr. Fischer an opportunity to correct him. That is that Mr. Fischer was the Secondary Road Engineer for the Commonwealth for many years and they had a conversation about the most effective way to spend taxpayer's money to pave roads. He pointed out that Mr. Fischer actually asked for statistics on this and actually found that the best way to spend money on most roads to make them safer was to improve the shoulders. He had pointed out that one of the worst things that you could do is simply pave a roadway without fixing the geometry that goes along with it and that in fact increases the safety problems. He asked Mr. Fischer if he has been quoting him properly.

Mr. Gerald Fischer stated that he had been quoting him correctly, but the department has now changed their mind. He pointed out that he had seen the papers on the program and seen the projects in Augusta County. The program supports, under certain conditions, putting a pavement on it without disturbing anything outside of the 30-foot prescriptive right-of-way. It does not require acquiring rights of way or it cannot be done. It has to be limited to very low volume roads and the County must pledge its faith to prevent development, which would cause the traffic to increase. If you have a road that has 30 to 40 vehicles per day in an area where no development is likely to occur that it probably could meet the standards.

Ms. Higgins stated that somewhere in the document it referred to pave in Place being more expensive than the Rustic Roads Program. She pointed out they would be reconstructing the road to Rustic Roads Standards.

Mr. Benish stated that it would be much more expensive for the Pave in Place program. He stated that staff would obtain the information for the Commission's next meeting for further discussion.

Ms. Catlin stated that they would start going back real quickly to make sure that they were real clear on the Commission's direction to staff up to this point.

I: Land Use Patterns, Density, and Residential Development

a) Timing of Development Rights (page 18)
Strategy 4: Adopt a time-release program for usage of development rights that would permit a limited number of development right lots to be created in a fixed period of time.

b) Large Lot Sizes (page 19)
Strategy 3: Increase the minimum parcel size for by-right divisions from 21 acres to 50 acres.

- **It was the consensus of the Commission to table the Timing of Development Rights and Large Lot Sizes, listed under a) and b) until the Commission has had time to review the material.**

c) Critical Resources and Residential Development Impacts (page 23)

Strategy 5: Establish overlay districts (for example, a combined stream buffer and habitat corridor district) and building site definitions that better protect important resources identified in the Comprehensive Plan and Critical Resources Inventory from the impacts of residential development.

d) Family Divisions (page 26)
Strategy 19: Continue to permit family divisions, but consider revising time requirements for family ownership both before and after a division.
Please see Attachment A: Family Division Research

- **It was the consensus of the Commission to agree with Strategy 5 and 19 listed under c) and d).**

e) Rural Divisions (page 26)
Strategy 20: Revise the Subdivision Ordinance so that rural divisions and two-lot subdivisions are subjected to more comprehensive review and create better designs.

- **It was the consensus of the Commission regarding Strategy 20 listed under e), that the language needs to be massaged a little bit to be more along the lines of a review or to consider revisions or something like that so that it was not such a strong revise word there.**

f) Rural Preservation Developments (page 28)

Strategy 1: Maximize to the extent possible the rural preservation parcel, in terms of size and benefit to the natural environment, scenic resources, historic resources, agricultural and forestal soils and uses by requiring that the preservation parcel be contiguous and with a minimum percentage of the total acres of the RPD. The percentage should ensure the parcel's ability to provide agriculture, silviculture, horticulture, viniculture, and the preservation of natural resources, scenic resources, and/or historic resources. The rural preservation parcel should be the largest of 75% of the total land within the RPD or 50 acres, based on the available land.
Strategy 2: Reduce the impact of the development parcels by minimizing to the greatest amount feasible the acreage used for residential parcels within the Rural Preservation Development. Establish a maximum residential lot size of no larger than the current minimum residential lot size of 2-acres for each residential parcel. Establish standards for allowing flexibility for larger lots if the 2-acre maximum is not feasible to accommodating a building site.

- **It was the consensus of the Commission that Strategy 1 and 2 listed under f) did not need to be changed.**

Strategy 3: Establish a residential lot threshold based on a potential demand for services, including transportation improvements, schools, police and fire, as well as environmental impacts, impacts on water and septic systems, and their ability to enhance the rural character.

- The Commission wanted to make that something along the lines of exploring the possibility of a threshold or something that did not seem so directive that was established there. There was an issue about the transportation improvements.

Ms. Higgins pointed out that she had written down to do over that strategy.

- **It was the consensus of the Commission regarding the do over on this, that the Commission wanted to not have establish be quite so strong there and that it was more of a general or future approach and not a site specific threshold that was being advocated. A suggestion was made to change the word explore. Regarding transportation improvements, there was one Commissioner who felt very strongly**

about that coming out. But, the consensus of the group was that the transportation improvements should stay in.

Strategy 6: Exempt Rural Preservation Developments from any requirements for phasing of development rights.

- **The suggestion made on Strategy 6 was that the Commission liked the idea about Rural Preservation Developments, but that it needs to provide some sort of incentives in terms of the phasing of development and time release. The Commission requested staff to bring back language that reflected that, but not to the extent of exemption.**

Strategy 7: Adopt standards and restrictions for all residential subdivisions in the Rural Areas that are consistent with the policies of the Comprehensive Plan and of the Guiding Principles and that comply with State law by July 1, 2004. All performance standards to preserve, protect, and conserve land for agricultural, silviculture, horticulture, viniculture, natural, scenic, and historic resources should be consistently applied to all subdivisions within the Rural Areas.

- **It was the consensus of the Commission that Strategy 7 did not need to be changed.**

Strategy 8: Consider allowing central water and sewer systems that are managed by a local authority.

- **The Commission wants to see additional language in this strategy that explains what the intent was there. The Commission asked that staff work on rewriting Strategy 8 using the language articulated by Mr. Benish previously as shown below.**

Mr. Benish stated that the Comprehensive Plan that we have now discourages central systems in the rural areas, but there are means by which they can be approved. But they have to be approved in a way that assures the County policy is applied – that the lots could otherwise be supported by individual private systems and the central system could be used in lieu of a private system. He stated that he thought that was staff's intent with the recommendation. He noted that he did not have the exact language with him, but it was very clear that the intent here was not to allow more development than the land could carry. For example, it would require proof that 21 lots could be sustained on 21 individual systems. Based on the Watershed Manager's and the Water Resources Committee's recommendation, it is a more viable and effective and sustainable way to provide service, particularly in a large cluster development. But it was not based on allowing lots that could not otherwise sustain themselves on private systems.

II: Rural Area Land Uses

Conservation Uses (page 39)
Suggested changes from the previous work session: Change the wording of paragraph four and the second objective on page 40, as follows:

Land in long-term conservation use can buffer agricultural & commercial forestry operations from less intensive use of land or particularly sensitive ones; can provide recreational opportunities; and can provide a greater level of protection for natural resources than land dedicated to either agriculture or forestry alone.
OBJECTIVE: Support rural land owners whose main objective is the conservation of rural land not necessarily in agricultural or commercial forestal production.

- **It was the consensus of the Commission that the language would be left as it was prior, but that the Commissioners and staff would take the time to go through the text to make sure that they felt that the document supported the intent of this in other ways.**

III. Rural Commercial

Crossroads Communities (page 42)

Strategy 4: Establish boundaries, such as boundaries corresponding with parcels that have been identified as historical sites or potential historical sites, to guide decisions on the location of uses in crossroads communities.

- **It was the consensus of the Commission that Strategy 4 did not need to change.**

Strategy 6: Re-adaptive uses of historic structures should encourage their maintenance and preservation.

- **It was the consensus of the Commission that Strategy 6 did not need to change.**

Strategy 7: Implement policies in the Zoning Ordinance that promote the character of the Rural Areas and not urban style development such as relaxing the required parking standards and requirements for parking lot surfaces, entrance requirements, and landscape requirements.

- **It was the consensus of the Commission that Strategy 7 did not need to change.**

Ms. Catlin stated that would bring them to where they would start next time after they do a) and b) for number 1. The other task that they have not done is work through the strategies that were brought to their attention. The Commission also realized that there might be some strategies that did not get highlighted by staff that the Commission wants to bring to the table. Also, there might be something that the Commission thinks might have totally been missed and they want them to have the opportunity to bring those forth also. She pointed out that they would deal with that next time to finish working through staff's work and then open the floor up to things that you saw and did not get to discuss or what you did not see at all and feel needs some attention paid to it.

Mr. Thomas asked if staff has scheduled the next meeting.

Ms. McDowell stated that staff would advise the Commission of the next scheduled hearing date.

Ms. Higgins asked to mention one thing that she did not know if it was a strategy or where it would fit in, which she had given a lot of thought to as they were looking at the Rural Preservation potentials. She asked if there was a way to provide a strategy to give some benefit to contiguous rural preservation parcels. She suggested that it could create a large volume of designated land.

Ms. Catlin stated that staff would make a note of that as something appropriate to bring forward next time land under the Rural Planning Development. She thanked everyone for their participation.

In summary, the Albemarle County Planning Commission held a facilitated work session on the Rural Areas to arrive at consensus regarding the issues, strategies, and objectives contained within the draft Rural Areas element of the Comprehensive Plan. Lee Catlin facilitated the work session and assisted the Commission in their review of the topics within the draft Plan that may not have received immediate agreement from the members of the Commission. The Commission reviewed and discussed staff's outline of the issues/strategies most likely needing discussion. The Planning Commission as a group provided direction to staff concerning the issues/strategies that they felt needed further thought and consideration. Staff would then take their comments and suggestions to work on those sections and translate their concerns into proposed language for the draft. Staff will make the changes and bring it back to the Commission for review in about two weeks.

Mr. Thomas stated that before the Commission moves on to the Belvedere Preliminary Rezoning Review that he would like to take the time to welcome our new Planning Commissioner, Marcia Joseph.

Ms. McDowell introduced Rebecca Ragsdale who was a new planner who took Steven Biel's place.

Belvedere Preliminary Rezoning Review - The purpose of this work session is to review staff's summary of the Commission's comments from the first work session. The applicant, Stonehaus Development, proposes a 240 acres development with a mixture of single-family homes, townhouses, apartments and a commercial area. The proposal area, known as the Belvedere Tract, is situated north of Rio Road between the Norfolk Southern Railroad and the Dunlora Subdivision in Neighborhood 2. While the applicant has not formally submitted a rezoning request, it is expected that they will request a rezoning from R-4 (Residential) to PUD (Planned Unit Development). (Michael Barnes)

Mr. Barnes asked the Commission to provide comments regarding the accuracy of the work session follow-up from the previous meeting.

Work Session Follow-up

"A staff report, presented to the Planning Commission at a January 13, 2004 work session, asked the several questions pertaining to the Belvedere proposal. This document provides a summary of the Commission's discussion on those questions. Please review the entire text to confirm that staff has captured accurately the Planning Commission's comments.

Staff's questions were grouped into three topic areas: 1) Meadow Creek Parkway Phase II; 2) the upcoming Master Plan; and 3) basic design issues including interconnections to adjacent properties.

Meadow Creek Parkway Phase II

With respect to the Meadow Creek Parkway, Phase II, staff's questions focused on: 1) Does the need for a Meadow Creek Parkway Phase II still exist? 2) Moreover, if it does, how should the applicant accommodate the road?

The Commission agreed that the need for Phase II (or a road performing a similar function) remains a priority. Furthermore, the Commission recognized that the Belvedere track remains the best corridor for this north/ south connection. However, there was considerable discussion on the character and alignment of the road. On a broader scale, the Commission questioned the State's and/or County's ability funded a four-lane road and some Commissioners questioned the desirability of a four-lane section verses a smaller, lower-speed two-lane section. The Commission's consensus suggested that constructing a two-lane, limited access road in a right of way that would accommodate a four-lane road at some point in the future was probably the most prudent concept for the County to pursue.

On the more specific questions of road character and alignment within the Belvedere track, the Commission's discussion was divided into three parts depending on the location within the property. In the portion of the road between Rio Road and Free State Road, the Commission concurred with staff that the applicant's desire to align the main entry into Belvedere along the route proposed in the proposed Free State Connector Road alignment was acceptable. This alignment, which would start on Rio Road adjacent to eastern boundary of the Convent Church of God and then immediately swing behind the church and run along the Norfolk Southern Railroad, preserves the opportunity for Phase II to connect directly with Phase I of the Parkway. The Commission also agreed with the applicant that multiple points of access could be allowed along this section of the road, but that the access should be designed to minimize the conflict between

regional traffic and the local traffic's turning movements. In the second portion of the road, an area between Free State Road and the northern portion of Belvedere, the Commission agreed with staff that the applicant's proposal to dedicate land for Phase II along the railroad track made the most sense. Aligning the road adjacent to the tracks allows the developer to create the residential neighborhood of Belvedere without a major road running through it. There was not a clear distinction as to whether or not the applicant should build a part of Phase II in this portion of Belvedere. The Commission did agree that the road's character in this section should be more controlled perhaps by having only a single access point between Free State Road and the Rivanna River. Finally, in the northern portion within Belvedere, there are two possible alignments for Phase II. The preferred alignment is unclear because of topography, floodplain, wetland, and other constraints. While the ambiguity over the alignment could be resolved with an Environmental Impact Study, it could be years until this study would be undertaken. Therefore, the County is unable at this time to advise the applicant on how to proceed in the northern portion of their development and maintain the most suitable right of way alignment. The Commission suggested that a compromise could be worked out in the rezoning process that would preserve both alignment options for an extended time period while allowing the applicant to move forward with the remainder of the Belvedere development.

Master Plan

The upcoming Master Plan will focus on transportation solutions and neighborhood center identification for the northern portion of the Development Area. Staff asked the Commission whether or not an approval of a Belvedere rezoning request would adversely impact the Master Plan's ability to plan for either future transportation solution or neighborhood centers.

The Commission acknowledged that Belvedere's existing by-right potential (it is zoned R-4) allows the applicant to develop a significant project without the need to rezone or wait for the completion of the Master Plan.

The Commission indicated that any Belvedere proposal that accommodated Meadow Creek Parkway Phase II (or similar type road) could most likely be approved in advance of the Master Plan's completion. The Commission also indicated that the Belvedere development would likely not significantly impact the right of way required for any of the Eastern Connector alignments currently being proposed by the CHART committee.

As to the question of neighborhood centers, the applicant argued that it is unlikely that enough dwelling units would exist in Belvedere and Dunlora to support a center in the northern portion of the Belvedere track. Thus, any "northern" center would rely on traffic volumes associated with Phase II of the Parkway. Since it is unlikely that that Phase II will be built in the near-term, it is unlikely that Master Plan will indicate the necessity for a "northern" neighborhood center. The Commission agreed with the applicant's logic. However, the Commission did support staff's notion that the area surrounding Rio Road and the railroad tracks has potential to be developed as a neighborhood center. Furthermore the Commission agreed that if the applicant moved forward with development in this area, they could potentially have an adverse effect on the outcome of any center proposed in this location by the Master Plan and therefore the applicant should delay implementation of development in the southern portion of the Belvedere track until the completion of the Master Plan.

Other Design Issues

The staff report mentioned several design issues that would be of importance with any rezoning of the Belvedere Track. These issues were interparcel connections, mixtures of housing types, affordable housing, open space, greenway trails, protection of environmentally sensitive features, and implementation of the Neighborhood Model Principles. Individual Commissioners added archaeological resources, traffic concerns, school impacts, and capital improvement needs as additional issues of concern.

The issue of interparcel connections was one design issue of particular concern to staff. The Commission supported the two interconnections to Dunlora proposed by staff as well as providing for an interconnection between the northern part the Belvedere track and Carrsbrook Drive. The Commission stated that maintaining a vehicle connection to the Northfields subdivision at the Free State Bridge was important. Finally, the Commission expressed an interest in pursuing the applicant's suggestion that a new interconnection between Belvedere and the existing signalize intersection of Rio Road and Greenbrier Drive."

Mr. Barnes stated that the purpose of this work session is to review staff's summary of the Commission's comments from the first work session of January 13, 2004. Secondly, several Commissioners suggested that an additional work session was necessary so that they might provide additional direction on this proposal. He pointed out that the main purpose of the document that the Commission had before them tonight labeled for the January 27th meeting was to provide a summary of the discussion of that meeting. Staff tried to be as concise and to the point as possible in the discussion. The first purpose of this work session is for the Commission to make any changes to the summary that is needed. The second purpose was that at the conclusion of the last meeting that the Commission wanted to have more time to discuss the issues that were not fully flushed out. This time is available to the Commission to do that. Finally, there were a couple of items that came up such as the archeological resources, which was brought up by Mr. Craddock. The applicant has provided something regarding a preliminary study of that. Staff will be investigating that as part of the rezoning if that is submitted. Ms. Higgins had brought up several questions concerning the traffic concerns. Staff spoke with Mr. Proctor, of VDOT, about that and he pointed out that a traffic study was probably something that VDOT would be looking for them to do as part of a rezoning. Principally that would include the impacts that he saw at that time. They would be studying the impacts of the project at Rio Road off from CATEC, which would include both directions up and down Rio Road for a little ways. There would be a different impact between the by right development and the rezoning, which would limit the scope of the traffic studies somewhat. The second point was that the Meadow Creek Parkway Phase II, which was referred to as Northern Free State Road, was discussed concerning the nature and character of the road about the two-lanes versus the four-lanes and limited access versus more of a whole access. Without a traffic study, VDOT was unable to make any concrete statements either one way or the other. But with some of the projected traffic numbers on this proposed stretch of road and some of the numbers that came out of the Phase I study, this road could potentially need to become a four-lane facility to handle that type of traffic. But, again that would be without a traffic study and without the regional context.

Mr. Thomas asked if he was saying that the entire road would have to be four-lanes, and Mr. Barnes stated that it would need to be four-lanes at least north of Rio Road for the relatively enlarged spacing for the access points.

Mr. Rieley stated that presumed the crossing of the river.

Mr. Barnes stated that was the connection of Phase II with the connection between Rio Road and some point north on Route 29. It is basically the regional road, which was obviously a road that terminates before you get to the river and becomes a severing to the development itself.

Mr. Thomas pointed out that the discussion was about the options for the road to be able to be a major highway rather than for 4-lanes. That would not be immediately, but just in order to leave the area open for the road to go through.

Mr. Barnes stated that he would need to back up a little bit because Mr. Procter did not have a traffic study, and therefore was not making any definitive statements. The second point is if you do look at some of the numbers from the CHART study and some of the numbers from Phase I of the Meadow Creek Parkway Study, there is a lot of traffic coming in this direction. Therefore, there is a need to leave this option open for a connection across the river. If that type of connection could be there, then it was his opinion that there would be the need to necessitate the

need for a larger road than a two-lane section. There was another question about school impacts. The applicant did not provide information on the number and types of units that they would provide. He pointed out that he talked with Lisa Glass about what the schools needs are in this area. She in turn asked what the applicant was proposing. He pointed out that he pulled some numbers completely out of the air such as 300 single-family dwellings, 200 townhouses, and 200 apartments, which he did not know if that was correct. Ms. Glass pointed out if they were talking about those types of numbers that the school systems around here might not be adequate. Her qualifications were that it would sort of depend upon what happens to North Pointe.

Mr. Benish pointed out that when staff looks at a rezoning they look at whether there has been a defined need in this area already. Staff would review the proposal to make sure that the public facilities proposed in the plan are adequate.

Mr. Barnes pointed out that staff has not done an in depth analysis of what the applicant has potentially by right. Last time they discussed that there were some constraints on the property that included the floodplain, which he was not sure of the exact acreage involved at this time.

Ms. Joseph asked that staff give a little bit of background.

Mr. Barnes stated that he could give an overview of the whole thing. Basically the applicant has R-4 zoning for the whole area and the district that they were talking about was the PUD. The applicant has proposed basically three sections of the development being Free State Road Bridge and everything south of it were in this pod of higher residential type of development with a smaller pod of commercial office retail, which was unclear at this time. Then above Free State there is a mixture of single-family lots with smaller single-family lots and townhouses. Staff proposed two questions that were related to the proposal itself and the transportation ones which were the Meadow Creek Parkway, and to a lesser extent the Eastern Connector which was not clear on how it would fall at this point in time. The other question was that that there was a Master Plan process coming up soon and how does that affects this property. There was some discussion about the Master Plan and that one of the purposes was to identify the centers within this property. Where are there possibilities in this property for centers? The Jones and Jones Report that came out of Phase I identified this area. There could be a northern site which could be a center for this entire Neighborhood and possibly another one in another area. The conversation revolved around the railroad tracks acting as a barrier with the number of rooftops in here to support the center, which size would be limited especially without the traffic flow of the Parkway coming through here. That was the applicant's argument, but staff took a neutral stance on that on how that would impact potentially with the Master Plan. The Commission agreed more or less with that logic as far as the northern center and the possibility of something in the southern part especially if the connection that the applicant is proposing is there. It does give a potential of a connection between Rio Road and this center across the railroad tracks. He pointed out that the potential of a connection between Rio Road/Greenbrier Drive and this center across the railroad tracks might or might not be something that affects the Master Plan. From last time he got the sense that in that area the developer might want to phase or put off until the Master Plan achieves the lay of that land. The primary purpose of the work session was that the Master Plan is coming so let's just wait until the Master Plan comes to get the transportation center. Regarding the transportation aspect of it, there were basically three sections of it with the southern portion running from the road this way, another section running from Northern Free State Road and then the northern portion with the two options to cross the Rivanna River.

Mr. Benish stated that the way that staff proposed this experimental process was the idea that your comments with the applicant and staff are then documented and copied to the Board of Supervisors so that the Board understands your direction. The information provided in this process will help them understand where the comments are going with the rezoning. The purpose of this is to help provide for some guidance on some preliminary issues so that they can be finalized and submitted with the rezoning. Staff is still experimenting with the best way to do

that. That is why it is very important for everybody to understand and be able to agreed to and articulate what we are providing at this time.

Mr. Thomas stated that they had actually talked about leaving the connection road option open.

Mr. Barnes pointed out that was contained in the last paragraph. "The Commission supported the two interconnections to Dunlora proposed by staff as well as providing for an interconnection between the northern part of the Belvedere track and Carrsbrook Drive."

Ms. Joseph asked what does staff see going in the center.

Mr. Barnes stated that the center was a "mixed use" area providing some kind of office/retail services and provides an attraction point. That is one type. Another one is you could have center schools, churches, or open or green space. Another would be a commercial center that would need to have commercial services up in the northern part of the site.

Ms. Joseph asked if the concept is that center serves this site specifically or serves a regional area because staff stated that he did not know if they had enough rooftops to support this. If the concept is that when you look at the transportation does it serve places surrounding it or just this site?

Mr. Barnes stated that it was a possibility that the Master Plan could say that this should have more of a mixed use component some place here in the northern part of the development, and the developer should wait until the Master Plan comes through and weighs in one way or the other that this should not be a center. The developer is asking us if they can move forward with the development at this time in advance of that plan.

Ms. Joseph asked what the time line was on the Master Plan.

Mr. Benish stated that it would probably be two years since the Master Plan will probably not get started until this summer.

Ms. Higgins stated that they talked about with the river, the railroad tracks, and the known development and how linear this all is and the potential of a center being gravitating more towards Rio Road was not objectionable. She asked if that was correct that it was not objectionable, and not that the Master Plan would not come to the same conclusion with that kind of thought. She pointed out that there has been a meeting with the people on the other side of the railroad tracks and she thought the term was not that they were thinking about it, but more hostile. But then there was the idea of having Neighborhood Service up there. There will be a lot of children in that neighborhood and do you entice them to walk across the railroad tracks. Realistically the interconnectivity with a physical obstruction like a railroad track that was in use, somehow raises the safety issue.

Mr. Barnes stated that the discussions were about the Free State Bridge and maintaining that to the greatest extent possible for vehicles and pedestrians. He assumed that the bridge would be designed to accommodate multi-modes. He assumed if they built a bridge in this area that it would be the same and would be the part that would tie this all together. The discussion focused on the likelihood of that, the costs of doing it and the possibility of it happening now. A use center would be viable in this area if something happened regarding the Parkway which involved more traffic volume or trips.

Mr. Rieley stated that he thought that was the real key in this. As they talked before, if the likelihood that this connection to the north of Northern Free State Road was likely to be made across the river anytime in the foreseeable future, that he would take a different attitude about this. He pointed out that he would advocate strongly for a use center in this part if that connection were made because it would connect up in both directions. But the fact of the matter was that

was just not going to happen. There is no money to make it happen. That being the case, he felt that Ms. Higgins described this correctly as a peninsula because it is not going to connect to the north. In that context, the commercial activity closer to Rio Road residential would make more sense. He stated that he could not see how they could insist on something based on a phantom of a connection that is not going to happen.

Mr. Barnes stated that staff was trying to use this document to transmit to the Board as your overall consensus to the extent that the Commission can mark this up or say that this is what you agreed to last time. Staff is trying to help the Commission catch up with the discussion of last time because it was very important.

Frank Stoner stated that in some cases the report was very consistent with our understanding, but in other cases it became inconsistent with the impression that they came out of the last meeting with. He stated that it would be very helpful for the Commission to clarify those issues.

Mr. Thomas suggested that the Commission allow Mr. Stoner to speak.

Mr. Stoner stated that regarding the issue of the town center that the impression that he came out of the last meeting with was that the commercial center closer to Rio Road was more viable if a connection could be made to Greenbrier. There is an existing commercial center there. He agreed that this area was a peninsula. There is no time line for ever making a connection across the river. Therefore, a town center in the northern portion of the property doesn't make sense. He noted that was what he came away from the last meeting with. He also arrived at that conclusion, which is consistent with the conclusion that the Commission arrived at. If that is the case, then that is the direction that they will take with a master plan. The result would be more similar to what you are seeing in this plan as opposed to reserving a commercial area in the northern end of the property.

Mr. Barnes stated that in writing the work session follow up, the complex discussion lends itself to easy bullets that you could go down and check off.

Don Skelly stated that they were trying to acquire the parcels across the railroad tracks directly on Rio Road. He pointed out that it would be difficult to set aside that area because they have to build the infrastructure to come through those areas in order to access the properties.

Ms. Higgins pointed out that they discussed this issue and thought the Commission reached consensus that it does not make sense to hold this up for the Master plan for various reasons. She noted that they might get more benefit out of the rezoning than if it goes in by right. Realistically your company is going to try to do things to make this more viable as a town center like trying to make a connection to Greenbrier and get over the railroad tracks, which is a monumental thing both physically, administratively and cost wise. If you can do it, then you will have a more viable town center. She pointed out that the Commission had discussed the possibility of holding up the back one-third of the development to see what was going to happen with the interconnections with Rio Road.

Mr. Morris agreed with Ms. Higgins.

Mr. Barnes pointed out that would be from the transportation standpoint.

Ms. Higgins stated that subsequent to that there has been meetings and discussions about Meadow Creek Parkway that all lead us to believe that it is going to be downgraded from its earlier goals and that there is no time line. Then in conjunction to that under a by-right development the County would not get the opportunity to reserve along the railroad tracks for possibly adding a lower grade road and two more lanes later even for a different section of it. If you don't go through the rezoning, you don't get that dedication. She felt that they agreed that they would look at that transportation corridor as the slice between the railroad track and the

road, and the Commission was generally in consensus with that. Staff tried to take everything from the beginning of the conversation to the end and make it all work in a few sentences, and that is impossible to do.

Mr. Barnes stated hopefully he has captured what they talked about. Transportation issues are discussed in the first page and a half. Basically it says that the Commission wants two lanes initially with the right-of-way for four lanes. The Commission had no problem with the alignment, but you had some problems with some of the entrances. From what he understood, the Commission thought that in the northern two-thirds of the development that you wanted more controlled access. The northern third of the development would be the widest open unknown and that during the rezoning process a Commissioner had suggested negotiating and working this out somehow, which could be part of the rezoning process.

Mr. Rieley stated that Mr. Barnes had summarized it very accurately.

Mr. Barnes pointed out that hopefully that is what this says up to the point on the second page where it states master plan.

Mr. Rieley stated that one of the things that they discussed in general terms, which he had not satisfied himself that they had resolved the issue, was how far north that the Northern Free State Road should be constructed. It is implied in this that it only passes the town center and then turns into an internal street center, and yet there is an awful lot of development north of that which is right next to the right-of-way of Northern Free State Road. The question is should that actually be constructed so that there is a dual set of roadways that go in there now to relive the neighborhood traffic and to be the possible long term connection.

Ms. Higgins pointed out that they had discussed possibly putting the roads in on one side versus in the middle and that two lanes could be added later, or if there a cross section that could be worked out.

Mr. Barnes pointed out that was talked about, but he was not sure how all that worked out with respect to the swim club.

Mr. Stoner asked if they were suggesting that they would build a portion of the future Free State Road North to be built as part of their proposed community.

Ms. Higgins stated yes and that it would feed off at some number of points, but that would offer the opportunity between the railroad track and maybe the two-lane road that you would build that and another two lanes could be added which would not disrupt your community. The way that you have it is that there would have to be another parallel road or the road to your community would have to be upgraded. She pointed out that they knew that would not be successful to plan that in the future because as the community develops it would be another Forest Lakes.

Mr. Stoner stated that if it was demonstrated that they had traffic overload on the primary streets that are serving that northern phase that it might be realistic to build another parallel roadway next to the railroad tracks. He pointed out that he would hate to be obligated to build a parallel roadway.

Ms. Higgins pointed out that she was saying that the road should be parallel.

Mr. Barnes interjected that she said that they would just be shifting the new development.

Mr. Stoner stated that they still would have to have an internal network of roads inside the community.

Mr. Rieley suggested that if they took a cross section through the middle of that upper residential cluster that there are seven parallel roads up there now. He suggested that there be eight and that the eighth one is the future North Free State Road. Those parallel roads would connect in at various places just as they connect in at various spaces below. But in doing that, he felt that Ms. Higgins was exactly right, that if you don't put that kind of structure in place to begin with it is going to be almost impossible to get that through later.

Ms. Higgins pointed out if they reserved a path for a road and you wanted to do it along the railroad tracks that it would be in a bunch of backyards.

Mr. Stoner pointed out that if he built the parallel road today that he would not front any houses on it because it might be the future main thoroughfare and would be in everybody's back yard anyway. He stated that he would not front a single lot on that road because it was a transportation corridor.

Bob Hauser stated that it was perfectly understandable why the County would feel that the applicant building that road was a good idea, but yet it might not be a good idea from the developer's standpoint. They may agree that our interests are not completely in line all of the time. He pointed out that part of their interest here in rezoning to a Neighborhood Model District was to create some character along their main street, which they think would add some value. That could accomplish some of the Commission's goals, but he was not sure if they could accomplish all of their goals.

Mr. Stoner stated that looking at the cost of that road; they would not be getting any development effectively out of the road since it would purely be an access road.

Mr. Benish pointed out that at this point in time without having an actual plan before us, we would just be taking this information and going back to see how your proposal may evolve. He asked if he was correct in stating that what the Commission was trying to do was to have the applicant recognize that there was an opportunity to use this reserved area for a road that might be part of the development's road system. They need to be aware that is an opportunity that the Planning Commission would like the applicant to consider. They are not trying to say whether it will work or not, but just try to give the applicant the understanding of what might be a desired outcome here. Then they would be able to address whether that is feasible or not.

Mr. Rieley stated that was a good way to leave it.

Mr. Stoner stated that they would explore those options with the planners.

Mr. Thomas asked that the Commission discuss the notes that Mr. Barnes has presented to see if they could come to an agreement on what they want to be sent to the Board of Supervisors.

Mr. Barnes stated that the point that they have had a discussion on right now starts in the sentence on the third line down, which says, "There is no clear distinction as to whether the applicant should or should not build Phase 2 in this portion of Belvedere." The portion that he was referring to was in this middle of the third section. He pointed out that they had discussed that in large part about getting that section.

Ms. Higgins stated that it was more to do with having a neighborhood capable with reservation of a right-of-way and not to build Meadow Creek Parkway.

Mr. Rieley stated that he did not remember getting to that level of detail. He pointed out that he would be happy if there were a right-of-way with pavement down that you could drive on so it was established to the final standard of the highway going to the bridge.

Ms. Higgins asked if there were any inconsistencies.

Mr. Stoner stated that they were not in agreement in where they should put a town center.

Mr. Barnes stated that he wanted to go over the first section to make sure that he was clear on what the Commission said. The Commission suggested defining the road with a two-lane section in the development leaving the right-of-way for four-lanes. The actual type of access that the road would have was discussed. The Commission was willing to allow them to have multiple pointes of access. The Comprehensive Plan recommends only one point of access between Rio Road and the Route 29 section. It was noted that the roadways were changing daily. Therefore, the direction that they were setting forth would allow them to have multiple access points. In this one section they wanted to limit the amount of access points that they would plan for in this area.
Then the next questions were can they build the road and what kind of alignment would we like. Also, will they make room to let us respect the master plan? That was basically saying that in this southern one-third, the Comprehensive Plan calls for it to generally be over here, and the applicant was shifting it even further and putting it right next to the railroad tracks. He pointed out that the consensus from the last meeting was that the Commission felt that was fine. Then they discussed the last one tonight and he did not think there was any conflict. The conflict starts with these two potential routes. What staff did in that latter section was to discuss the pros and cons so that the direction that you all took in these three sections and hopefully he has captured those.

Mr. Rieley stated that there was one caveat to make sure that they are clear. They have been talking about the southern section of this up to Free State Road as being built as a real roadway with curb and gutter, but he felt that they were talking about establishing the use of the road and building a road at a lower standard for the part north of the swim club.

Mr. Barnes stated that what he was saying was that the southern third with curb and gutter is being designed. There were two prongs for discussion there. There was one where they could have an access point that would be one of the city street types of thing. There was another part of the discussion which said maybe we can allow them multiple points of access in this section, but that it should be designed in such a way as to not impede regional traffic. He noted that he tried to capture that in here, but he was not quite sure how they would do that. He suggested that they give it to the transportation engineer and see what they come up with. That should hopefully cover the transportation aspect that they were talking about. Their discussion tonight has sort of been going around in circles, which was basically the mixed use centers. The question was where they should be and would they infringe on the upcoming Master Plan. He asked if they wanted to tell the applicant not to submit the proposal at this time because it was going to impede the goal of the upcoming Master Plan. He stated that what he heard the discussion being was that yes it might be possible, but it was probably not likely. But it was the difference between a by-right proposal that goes forward while waiting for the Master plan before you come in with a rezoning that does not have a mixed use center in here, and it seemed likely that would not be necessary.

Mr. Rieley stated that his large issue was that he felt that a center there only works with a connection to the north, and that is not in the foreseeable future.

Mr. Stoner stated that they had wrestled with the economic viability of a center in any location. The closer they could get that center to Rio Road, the more viable it becomes.

Mr. Barnes stated that staff would work with the applicant in exploring their alternatives.

Mr. Benish stated that staff will would make the changes to the summary and send the revised document to the Commission in their next packet for review. If there are any changes, please let staff know. Otherwise, the week after next the document will be officially delivered to the applicant and the Board of Supervisors.

Mr. Barnes pointed out that the Board could make comments if they so chose. If there were no comments, the applicant has the framework in which to submit his rezoning request.

Mr. Benish pointed out that this information was not a binding decision, but just for guidance. He pointed out that centers depending on how you use it could mean a lot of things. In this instance, it is providing an amenity to a community when they speak to providing center areas. When they talk about not having a desire to have centers as part of our development, staff was not speaking to the lack of the need to provide for amenities.

Mr. Rieley pointed out that they were talking about the mixed use.

Discussion was held about affordable housing and how it would be viewed during the rezoning process since it has not been implemented by the County.

Mr. Stoner asked if there are any other proffers that come to mind that staff would be expecting as part of this rezoning.

Mr. Benish pointed out that staff did not have the opportunity in this evaluation process to address that, but that he was concerned about the school issue. With schools there is a recreation component tied to it. Therefore, they would have to work with Parks and Recreation to make sure that adequate recreation facilities were available for this growth area not only for this development but also for the general public.

Discussion was held about what would be required under the Neighborhood Model District for schools, which includes recreational needs for both the school's and the general public's needs.

Mr. Barnes pointed out that regarding the proffers that they might find that they have more opportunity down here that they have not talked about tonight with the floodplain, greenway trails, etc. He noted that they have covered a lot of the big issues, which he felt would help speed the process up.

Mr. Thomas thanked the applicant for bring this request before the Commission

In summary, the Planning Commission held the second work session on the Belvedere Preliminary Rezoning Request to review the Commission's comments from the first work session and to discuss any additional issues. Staff presented a summary of the Commission's previous discussion and asked for feedback on any corrections that need to be made. The Commission discussed and provided some changes to the proposed summary. Staff will make the corrections to the document and bring it back for the Commission's review before forwarding the summary to the Board of Supervisors. The Commission held a discussion with staff and the applicant on any concerns and questions raised that the applicant should be considering when they come back for the rezoning request. Within the next two weeks staff will schedule another work session in order to follow up on the areas of concern.

Old Business:

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

New Business:

Mr. Thomas asked if there was any new business. He stated that the Commission needs to update their list of Commissioner's serving on various committees.

Mr. Benish stated that the Mountaintop Overlay Committee was going to start meeting in the near future. He asked if Mr. Loewenstein was the last Commissioner who was serving on that committee.

Mr. Rieley pointed out that the Planning Commission had appointed Pete Craddock to serve on that committee.

There being no other new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:20 p.m. to the February 17, 2004 meeting.

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V. Wayne Cilimberg, Secretary

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