Albemarle County Planning Commission
April 6, 2004

The Albemarle County Planning Commission held a work session on Tuesday, April 6, 2004 at 4:00 p.m., at the County Office Building, Room 235, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Chairman; Calvin Morris, Marcia Joseph, Jo Higgins and Pete Craddock, Vice-Chairman. Absent was Bill Edgerton. Ms. Higgins arrived at 5:00 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Scott Clark, Senior Planner; Lee Catlin, Facilitator; Joan McDowell, Principal Planner; Jack Kelsey, Chief of Engineering and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the meeting to order at 4:12 p.m. and established a quorum.

Work Session:

Rural Areas - The Planning Commission will conduct a work session to continue their consideration of the draft Rural Areas element of the Comprehensive Plan. (Joan McDowell)

- In summary, the Albemarle County Planning Commission held a facilitated work session to continue their discussion of the draft Rural Areas element of the Comprehensive Plan. Staff's presentation on the information requested previously by the Commission on the two outstanding issues was tabled until the end of the meeting so that all Commissioners would be present for the discussion. The changes the Commission determined should be made to the draft plan are as follows:

    - Under Strategy VI, Land Use Patterns on page 4, the language should be changed from just simply to "modify" to "explore modification."
    - Under Section IV, Infrastructure/Community Services section b. delete the sentence beginning "a Rural utility district . . ."
    - Under Section IV, Fiscal and Tax Tools, work on the language in the long sentence by breaking it into two separate sentences and make it more readable. In addition review #2 to make sure that it is legal.
    - On page 5, take the sentence in verbatim form from page 7 and fix in both places for consistency.

The Planning Commission continued the work session to the end of the regular meeting in order that all Commissioners could be present.

Mr. Cilimberg stated that a monthly listing of the upcoming tentative agendas will be provided to the Commission, which will indicate any meetings that forecast a 4:00 p.m. work session. If staff finds that the work session is not needed, then the Commissioners will be able to take it off of their calendars.

Work Session:

CPA-04-03 Community Facilities Plan – To review the update of the Community Facilities Plan component of the Comprehensive Plan for police, fire/rescue, and libraries. (David Benish)

Mr. Benish reviewed the update of the Community Facilities Plan component of the Comprehensive Plan for police, fire/rescue and libraries with the Planning Commission. He pointed out that the Commission reviewed the Introduction, Overall Facilities Objectives and

Neighborhood Model sessions over a year ago. The school's section is tentatively scheduled for review by the Commission later in April (4-20-04). Staff is still working on this section with Al Reasor to try to work with the schools to clearly articulate what our expectations are. They will discuss various issues such as how to fit schools into the Neighborhood Model principles and address issues such as size of the site, security issues, recreational needs, parking needs, the possibility of multi-story buildings, using schools after hours for Parks and Recreational facilities, etc. The sections on Parks and Recreation, Solid Waste and Administrative Offices are scheduled for the fall/winter of 2004 due to ongoing related consultant studies or other related planning processes.

The Planning Commission offered the following comments and suggestions concerning the draft document:

- On page 1, work on the language of the introduction to make it more consistent with the Rural Area section.

- The overall facility objective that the community facilities should meet the same standards of development as expected of private developers warrants emphasis.

- Emphasize the point for having larger school sites in order to use the facilities for multiple uses.

- On page 12, add language to the fifth bullet, "Do not locate a facility directly on heavily traveled roads that are frequently congested due to difficulties with entering traffic flow." indicating that "it not be done without addressing appropriate controlled signalization at the nearest intersection." The point was raised that having a remote in the facility to lock controlled intersections on a main street would be better than getting access off of a side street since they would have to wait until all the cars go by.

- On page 13, bullet 9 under meeting room add "minimum" to the serving 50-100 persons.

- Qualify meeting room facility needs in firehouses and remove if for pedestrian activities. If in a location where the need for meeting space is pertinent, then it should be allowed.

- Under the public library section add a sentence that says all of these standards or these library analyses do not include the individual libraries that may be located in the individual public school system buildings or the Piedmont Community College.

- Add a reference that these facilities may be utilized for those activities that support cultural arts and then specify some examples of these activities.

In summary, the Albemarle County Planning Commission held a work session to review the update of the Community Facilities Plan component of the Comprehensive Plan for police, fire/rescue, and libraries. Staff reviewed the document with the Commission and explained the changes that have been made pertaining to police, fire/rescue, and the libraries. The Planning Commission provided comments and suggestions to staff for changes to be made to the Community Facilities Plan.

The meeting adjourned at 5:42 p.m. for a dinner break.

The meeting reconvened at 6:12 p.m. in Room #241 at 6:00 p.m.

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 6, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas,

Chairman; Calvin Morris, Jo Higgins, Marcia Joseph; Bill Edgerton and Pete Craddock, Vice-Chairman. Mr. Edgerton arrived at 6:00 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Margaret Doherty, Principal Planner; Elaine Echols, Principal Planner; Francis MacCall, Planner; David Benish, Chief of Planning & Community Development; Jack Kelsey, Chief of Engineering and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:12 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Thomas invited comment from the public on other matters not listed on the agenda. There being none, the meeting preceded to the consent agenda.

Consent Agenda:

Approval of Planning Commission Minutes - February 3, 2004

Mr. Thomas asked if any Commissioner would like to pull the item from the consent agenda. There being none, he asked for a motion.

Mr. Edgerton moved to approve the consent agenda as submitted.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Item Requesting Deferral:

ZMA-03-12 Stillfried Lane Townhouses (Sign #21, 51) - Request to rezone 6.53 acres from R-1, Residential to PRD, Planned Residential District to allow up to 25 dwelling units. The property, described as Tax Map 60, Parcels 32, 33, and 34, is located in the Jack Jouett Magisterial District on Stillfried Lane off Rt. 250W (Ivy Road) behind the Kluge Children's Rehab Center. The Comprehensive Plan designates this property as Office Service in Neighborhood 6. (Margaret Doherty) ***DEFERRED FROM THE MARCH 2, 2004 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO MAY 4, 2004.***

Mr. Thomas stated that the applicant has requested deferral on ZMA-03-12, Stillfried Land Townhouses. He opened the public hearing and asked if there was anyone present who would like to come forward and speak on this request. There being none, the request was brought back before the Commission for discussion and action.

Ms. Higgins moved to defer ZMA-03-12, Stillfried Lane Townhouses, as per the applicant's request to May 4, 2004.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Mr. Thomas stated that ZMA-03-12 had been deferred to May 4th.

STA 01-08 - Comprehensive Revision of the Subdivision Ordinance - Amend Chapter 14, Subdivision of Land, of the Albemarle County Code, to comprehensively revise the subdivision

regulations by amending most existing regulations, repealing or adding other regulations, and reorganizing Chapter 14 and renumbering many existing regulations. The regulations being amended and added pertain to general provisions (including but not limited to the purposes of Chapter 14 and its applicability; prohibited acts; and definitions); administration and procedure (including but not limited to application requirements for various types of land divisions, boundary line adjustments and easement plats; procedures for reviewing such plats; conditions of approval for family divisions; periods of validity of approved plats; and when and how private streets may be authorized and considerations relevant thereto); plat requirements and required documents (including but not limited to the form, style and content of plats; and the documents required to be submitted therewith including groundwater assessment information); and onsite improvements and design (including but not limited to lots and blocks, including appropriate lot location to allow access from lots onto streets or shared driveways; the coordination of streets; street standards; water, sewer and other improvements including sidewalks, planting strips and pedestrian walkways; dedications and reservations; and surety in lieu of completion of improvements). The proposed amendment will also impose a ninety-five dollar ($95.00) fee for the review of plats for family divisions, resubdivisions, easements and boundary line adjustments. The purpose of this fee is to reimburse the County for its services in reviewing the plats. This is the same fee presently imposed for the review of plats for rural divisions. The proposed imposition of this fee is authorized by Virginia Code § 15.2-2241(9). (Margaret Doherty). ***DEFERRED FROM THE FEBRUARY 17, 2004 PLANNING COMMISSION MEETING.***

Ms. Doherty summarized the staff report. She stated that the Planning Commission held a public hearing on the Subdivision Text Amendment on February 17th and decided to continue the discussion to tonight. Staff took the comments received at the public hearing, in writing and from the discussion of the Planning Commission and incorporated those changes into a new Subdivision Text Amendment. Also, staff added the attachments that the Commission received tonight. She pointed out that a two-page staff report had been provided outlining those changes along with the page numbers. The significant items follow the comments that staff heard from the public and the Planning Commission. Staff created specific criteria for waivers that could be administratively approved by the agent. Staff reviewed all of the standard sections of Chapter 14 and outlined which of those standards could be waived by the agent or the Planning Commission and then wrote the criteria. The other noted items have previously been seen by the Commission. The overlot grading has been reworked by the Engineering Department and includes performance standards and an agent waiver as an alternative. Staff had enough time to actually work these changes into the revised ordinance. Therefore, staff requests the Commission to recommend the adoption of the amended draft to the Board of Supervisors. Staff received a letter yesterday from the Free Enterprise Forum and provided a copy to each Commissioner tonight. She pointed out that Mr. Kamptner, from the County Attorney's Office, would like to comment on that letter. She noted that she would be happy to answer any questions.

Mr. Thomas asked Mr. Kamptner to comment on the letter.

Mr. Kamptner stated that around mid-day he received a copy of the letter from the Free Enterprise Forum. He made the following comments:

- Regarding number one dealing with the condominium regime, he pointed out that the ordinance does not attempt to pre-empt the Virginia Code dealing with condominiums. The two schemes exist in such a way that they are able to co-exist and there is no pre-emption. The Site Plan Ordinance recognizes that condominiums can be created by site plan. Therefore, there is no conflict.
- Number two, regarding the time periods for review, Mr. Theobald seems to be generally satisfied. He pointed out that he would go through his comments on the specific items later.
- Regarding number three dealing with family subdivisions, he noted that since Albemarle County is a high growth County it is enabled to create its own family division regulations or to not allow them at all. The regulations have been set up as the Board has directed in the past and staff has recommended some minor revisions. The specific limitations and

factors applied to determine whether the owner is attempting to circumvent the subdivision ordinance are all pulled from Attorney General opinions from the last twenty years or so. The Attorney General was instructing localities that they can inquire into the motives of applicants for family division to determine that they are seeking a family division within the purposes of the law.

- Regarding number four pertaining to Section 14-213b, he noted that staff agrees with Mr. Theobald on the health, safety and welfare issue. That clause has been carried through since the original Zoning Ordinance and the early Subdivision Ordinance. Because plat review and approval is a ministerial function, this provision incorporates a level of discretion that should not otherwise be there. The health, safety and welfare issue should be addressed through all of the other requirements of the Subdivision Ordinance. He pointed out that he had already discussed this issue regarding the waivers.
- Regarding number five dealing with the provision for the pre-app conference, he noted that the Subdivision enabling authority allows the County to provide for the administration of the ordinance. This is one of the provisions in the Subdivision Ordinance that staff sees as being part of this administration ensuring that the process begins in a productive manner.
- Number six regarding Section 14-216 deals with when an application is deemed to be complete to start the clock. Albemarle County and a number of other localities have moved to this kind of approach. Again, staff sees that this falls under the administration of the ordinance. The problem is that the County does not want the clock to start running when a patently deficient plat is submitted. It puts a burden on staff that is unfair and unreasonable. This ordinance establishes minimum requirements that a plat must meet in order to begin the process. Staff feels that it is a reasonable administrative requirement.
- Regarding number seven dealing with waivers, he noted that this ordinance uses the term “waivers” and the State enabling authority uses “variations” or “exceptions.” The County moved to the term waivers to consolidate all the different types of actions, waivers, modifications, variations and substitutions. Currently the County is using just the one word, waiver, and has created criteria. The criterion that has been established for each form of waiver exists to implement the State enabling authority. There is nothing that requires the County to allow waivers. It is an optional provision under the enabling authority. As Mr. Theobald notes, generally waivers are for the benefit of the applicant because it allow for some flexibility. The law allows for discretion even in these types of things to be delegated. The State has said so in this case, but also required that there are specific reasonable objective criteria that can be applied. Therefore, staff feels the provision is reasonable.
- Regarding number eight dealing with Section 14-231, the extension of the validity of plats, he noted that the extensions are enabled. The one comment that Mr. Theobald makes with which he would agree is that the ordinance reference to the Comprehensive Plan in considering the granting of the extension. State law refers to laws, statutes or regulations.
- For number nine regarding the overlot grading plan, he would ask Mr. Kelsey to comment on that.

Jack Kelsey, Chief of Engineering, stated that he would respond to Mr. Theobald’s letter in which he mentions that he was not sure if the overlot grading plan is consistent with how development actually occurs. He admitted that it might not be the way that they were used to doing development now, but it was something needed due to the growing development activity. He pointed out that if you were dealing with a large lot that usually there were a lot of places to put the house, but a homeowner or builder would want their architect to look at the land, the topography and the design of the house in order to fit the house site on the land. When dealing with small lots in high density developments there is not that much flexibility in creating a unique house for a particular site. These lots are so close together that the grading has to be done comprehensively to make any sense. He stated that if they were going to follow the purpose of the Subdivision Ordinance to assure that developments are built in some comprehensive

harmonious organized fashion that the only way to do it is to assure that there is some comprehensive grading plan that can be followed.

Mr. Kamptner stated that he would move on to comment on item number 10.

- Number 10, dealing with Section 14-411, was the authority to require curb, gutter, sidewalks and planting strips. He noted that the County isenabled to determine the extent to which streets shall be graveled, graded or otherwise improved. Another section allows for the dedication or required construction of curbs, gutters, and sidewalks. The other thing out there are the planting strips. The interesting thing is how the State defines what a street is. When you look at streets and right-of-ways, the State is really talking about more than just where the cars are going since it extends beyond that. The State Code recognizes curbs, gutters and sidewalks. There is nothing that requires the sidewalks to be adjacent to the curbs and gutters. Therefore, a reasonable right-of-way includes some space between the curb, gutters and sidewalks to protect the pedestrians using the sidewalks. Staff feels that a reasonable planting strip with the curb, gutters and sidewalks is enabled.
- Number 11 deals with the improvement of existing public streets if located under Section 14-413. He noted that particular section is really talking about existing streets that are either internal to that subdivision or providing the entrance to the subdivision as the principle access or directly abutting that. This section was really talking about on-site improvements for the subdivision and ensuring that if the roads are already there, that they be adequate to serve the subdivision. This would be much in the same way that a new road proposed for a subdivision is going to be sized to serve that subdivision. If it is already there, the County wants to be certain that it will be resized to serve the subdivision. He pointed out that the regulations go on to say that the need for the off-site improvements have to be substantially generated by this development.
- Regarding number 12, Section 14-426, and number 13, Section 14-427, he noted that both sections deal with the dedication or reservation of land for public use. This is dealing with on-site improvements that might be required. These are also limited by the provision that the need for these improvements have to be substantially generated by the project just like for open space for parks. The Zoning Ordinance addresses the requirement for open space for development and some of the required improvements substantially generated by the project.

Ms. Higgins pointed out that the conversation at the last meeting had to do with the reservation of right-of-way to the next abutting property for public utility extensions to the next property. This ties back to that which would not have anything to do with it being substantially generated by the project.

Mr. Kamptner pointed out that there was separate enabling authority for determining and establishing the extent of the road. He pointed out that Section 14-429 has been deleted in the draft before the Commission because it was deemed to be unnecessary by staff.

Ms. Doherty pointed out that on page 87 of the ordinance that the old Section 14-07 was the new Section 14-429.

Mr. Kamptner pointed out that issue was addressed in one of the road sections, which deals with it in a different way. That section deals with the extent of the public road that will be required as part of the plat and either be built or dedicated.

Ms. Higgins asked if someone did a by-right subdivision and it happens that a piece of a planned road cuts across the corner or passes through the lane could a reservation of right-of-way be dedicated? Secondly, would it have to be put in without being compensated if one was not going through a rezoning? She pointed out that it read that it must be dedicated and that no compensation would be received.

Mr. Kamptner stated that if the project was creating the need for the improvement, then no compensation was needed. If it was something that the Couny wants but it was not being substantially generated by the project, then yes, the County would compensate.

Ms. Higgins pointed out that those items are in there, but it does not say if.

Mr. Rieley stated that Section 14-429 seemed to be the section that she was addressing.

Ms. Echols stated that Section 14-429 was getting at the issue of coordination of streets and extending to adjoining properties, which was located on page 74. She pointed out that Section 14-429 had been deleted. She stated that Section 14-409 on page 74 is similar to that question, which talks about the coordination. She pointed out that none of that would be the way it has been operating with regards to a road that is shown on a plan. For example, staff has had several subdivision plats in the area for the Meadow Creek Parkway where a sub divider did not want to reserve that area on the plat. Therefore, they were given the option of either reserving it or putting a note on the plat that says that the Meadow Creek Parkway may come through here some day. She noted that they were certainly not changing that practice.

Mr. Kamptner continued his comments on the letter with item number 15.

- Regarding number 15 dealing with Section 14-434, he noted that Section 14-434 needs to be read together with Section 14-435. Section 434 simply says that improvements need to be completed before final plat approval. Section 14-435 allows the developer to bond those improvements in lieu of completing them before final plat approval.

Ms. Higgins asked in summary if he was saying that #4 which was the health, safety and welfare that would result in a change in the ordinance before the Commission tonight, and Mr. Kamptner stated yes.

Ms. Higgins stated that she was unclear on #6 because Mr. Theobald had talked about how they were reviewing it and that it should be changed from 10 to 15 days. She felt that was going in the opposite direction of getting a more streamlined process to consolidate portions of the process to reduce the time required.

Mr. Edgerton pointed out that refers to an insufficient submittal and therefore the clock would not start. He pointed out that the application would go to the next submittal deadline after it was complete.

Ms. Higgins asked if they have to make a conscious decision about the application going to the next submittal deadline to be considered complete.

Mr. Kamptner pointed out that part of the ordinance was not being changed because when an application was resubmitted, it was given the date of the next submittal deadline as the date that it was officially submitted.

Mr. Edgerton pointed out that Mr. Theobald was suggesting that the clock starts on the date the application is submitted.

Mr. Kamptner stated that the State enabling laws allow the County to administer the Subdivision Ordinance and they were doing this as a reasonable way of administering the ordinance.

Mr. Higgins suggested that #7 might be discussed further because it was more than just a legal question. She noted that he was saying that #8 needs to be revised because of the Comprehensive Plan reference.

Mr. Kamptner agreed that they could delete that.

Ms. Higgins questioned the use of the words "substantially generated" in #11 since it was subjective wording.

Mr. Kamptner pointed out that the criteria was in one of the Code sections, which actually was about a 5 or 6 part test that is applied to determine that. The criteria were pulled from the cases.

Ms. Echols pointed out that was something that VDOT has been doing. If there is a need for some kind of change to the road that they can require that as well, which was what had actually happened in Parkside Subdivision. VDOT required the expansion of that pavement width because the need was substantially generated by the development, but it was their call.

Ms. Higgins questioned the insertion of the waiver process for overlot grading based on curb, gutter and sidewalks. The zoning text amendment has been revised to allow for waivers. The way that #7 reads, which she somewhat agreed with, was that they were pushing the envelope and then making it a subjective and discretionary call based on requesting a waiver instead of clearly spelling out in the cases where it would be and would not be appropriate. Instead of making it a ministerial one as required by Code, they were going the subjective way. This again could bring someone down a road that could be somewhat misleading. She felt that the revised language did not respond to all of their previous discussion and they were just throwing in a waiver process for that particular issue.

Mr. Rieley pointed out that his recollection was that the way that this had revolved was that a good many of the provisions for waivers came as a result of requests from the development community for additional flexibility.

Ms. Higgins stated that was because they objected to the premise of making it a requirement for all subdivisions.

Mr. Edgerton stated that previously they had requested staff to provide some language in the text for the provision of waivers when it was appropriate. He pointed out that the only other alternative was to not have any waivers.

Ms. Joseph stated that she would presume that when somebody comes before staff with a subdivision that sometimes it was a family division and they really don't know very much. But a lot of times they come with a professional who one would assume would understand the waiver process and be able to read the ordinance. She felt that Section 14-225.1 where it talks about waivers of certain requirements by the Commission that it gives some lead way, which would allow a professional to think about the different issues that are specific to that site and then be able to construct a waiver request. She pointed out that she liked the waiver request aspect because every site is different. She supported allowing the opportunity for design professionals to come in and say that they could make a case for this and do it rather than just checking off items 1 through 4 because she favored allowing some creativity. She stated that within the waiver request that they would allow for that creativity.

Ms. Higgins asked why the waiver provisions could not be more clearly stated. She felt that the language was too subjective and discretionary and could cause inconsistencies in its application. She stated that this circles back to the issue of if they will mandate the Neighborhood Model because it says curb, gutter and sidewalks and are they requiring it in all instances. If someone has a subdivision that might be of a rural character and does not come in for a rezoning, which becomes voluntary, are they going to mandate it? She pointed out that curb, gutter and sidewalk is a function of drainage and density, but not of looks. She pointed out if they were doing lots that were 150 foot wide where the density was below that requirement.

Mr. Thomas asked if she was talking about the designated development area.

Ms. Higgins asked if the Commission wants every road in the development areas to be curb, gutter, sidewalk and planting strip.

Mr. Thomas stated that they did if it ever was going to be urbanized.

Mr. Rieley stated yes, because that was the pattern and the ordinance was clearly written that way. If there was a good reason to deflect from that pattern, then the applicant can make a case for it and then they could get it because there are lots of provisions to do that. He noted that it was a denser pattern and they were changing the model, which was the nature of this entire exercise. The other side of that is that one of the effects of having this be the basis on which they start is that it encourages more efficient use of the development areas. They have to start off with curb, gutter and an urban section anticipating a more dense level of development. This encourages that density because that is the way that you pay for it.

Ms. Higgins suggested that some language be incorporated so that the applicant could make the choice and not be subjected to that.

Mr. Edgerton pointed out that they could take the waiver option out and it would be crystal clear what would be required. He noted that this was allowing some flexibility.

Ms. Higgins stated that she did not think that they needed to achieve that kind of density in all designated growth areas. She pointed out that they were imposing this on Crozet and on the growth area in the central part of the County and she did not agree with the premise that you have to come in and ask permission when there is certain cases that they could clearly allow it.

Ms. Joseph questioned why some of the zoning in the development area was not as dense as one would expect.

Ms. Echols stated that there was some development area land that has zoning on it that does not reflect development area zoning. Staff stated that the Subdivision Ordinance up to this time has been a one size fits all, but that is not the way our County is any longer. Staff is trying to create clear goals for the Rural Areas that are very, very different than our goals for the development areas. Rather than deal with the confusion of a RA parcel in the development areas that would be developing that way or even R-1 zoning, staff wants to move it more towards achieving the overall goals. They would hope that in their efforts to provide for more efficient usage of our development areas that the developers who own R-1 or RA zoned land and looking to develop it would develop it in accordance with what our Comprehensive Plan says so that they could make better use of those areas. It is all about the goals.

Ms. Joseph pointed out that she just wanted to make sure that it was legal to do something like that.

Ms. Echols stated that the goals that they have for density in the development areas are generally reflected on the Land Use Plan. That Land Use Plan is not the same as what the zoning is on the ground. Therefore, what they were trying to do was to get to what the Land Use Plan shows.

Ms. Higgins pointed out that they were clearly not relieving pressure on the Rural Areas to not allow some of these potential sites to develop less dense than the goals. She felt that they were sticking their heads in the sand because the additional costs that gets factored into all of this in making it discretionary or subjective, which involves a more untenable process, is putting more and more pressure on the Rural Areas. Many developers will go out and buy the acreage in the Rural Areas and use the five division rights and create subdivisions. She pointed out that on her road that it has happened five times within the last two years. She noted that they could talk about waivers and allowing it under certain circumstances, but they were generally making it less likely that someone will use that land in some way. She stated that there was no carrot here.

Mr. Rieley stated that they have had in the growth area in the past years policies that would allow the development of subdivisions that were rural cross-sections with ½ acre lots. That kind of subdivision has gobbled up an enormous acreage in the southern growth area. He pointed out that many people say that there is no land left in the growth area and part of it is because it has been developed at a suburban level and not at a level that is dense enough to create a pedestrian environment and also with no mixed uses. He noted that they have lost big chunks of the growth area by doing exactly what they were trying not to do. Growth in the development areas cannot continue this way without expanding them enormously.

Ms. Higgins pointed out that they were going to mandate costs on land that has already been zoned for a particular use. She stated that previously the Commission had a discussion regarding page 74 with Mark Graham. Since Mr. Graham was not present, perhaps Jack Kelsey could answer this question. She stated that under Section 14-427 they had talked about all public streets within subdivisions coordinated as to location and there was a list of 3 things. The third thing she thought the Commission had agreed to not agree to involved requiring the physical construction of public streets to the abutting property line to provide vehicular, pedestrian interconnections. The Commission had agreed about coordinating planned streets and doing reservations, dedications and that sort of thing, but they had a conversation about sections of road that were built to abut properties that maybe would not be developed in that way. They brought up that there were sections of pavement that are not eligible to be accepted by VDOT, which just sit out there. There is a cost that is involved with those for the current subdivision plus you are building a road to serve somebody on an adjacent property and have no way of recovering the costs with the potential for maintenance. It is a place for people to park. She pointed out that in Section b) there was a waiver provision that talks about the possibility of not having to do that, but it was clearly one of the items in Section a). She disagreed that you have to build the public road because you can't build a public road that dead ends. That road would have to have a cul-de-sac or it would not be acceptable to VDOT. They talked about doing a reservation of both the right-of-way itself and any necessary grading easements. This also ties back into the overlot grading plan because in an overlot grading plan you would go potentially to the back of where a house would be built and grade it so that it would be more acceptable so that there is not an excuse that the topography is too steep or whatever. She pointed out that she had met separately with Mark Graham since their last meeting and tried to tie all of these together. She noted that she did not think that this would have come back in this form, but it basically says that you must build it.

Ms. Doherty pointed out that Section b) sets out the waiver criteria and this was staff's attempt in addressing that. It says that the public street would be constructed past the point of which the primary structure on the adjoining lot would rely on the finished grade and so on. Then the sub divider would dedicate the right-of-way and that there would be a sign at the end of the stub out. The direction to staff was to create a waiver provision for a stub out instead and staff attempted to write that in.

Ms. Higgins stated that they had agreed to put a sign on the stub out, but it was not by waiver. The waiver criteria talks about needing off-site easements, which obviously would not because it might be on your property. It says to the next abutting property. It primarily would not disturb a stream buffer or would not otherwise serve a public interest purpose in building a road past your development to the next person's development. It is an equity issue, too. She felt that with Mr. Graham's discussion about having unmarked pavement sitting out there for a place to attract hazards, which could not get accepted into the State system, was something that they were going to take off the table.

Mr. Edgerton stated that his recollection was that if they did not put in the provision for at least the dedication of this that the interconnection would never happen because the neighborhood once it was developed would actually fight that extension. Therefore, the extension had to be dedicated clearly in the plan. He noted that the waiver provision allows for the issues that Ms. Higgins was talking about regarding reducing the expense, but leaving no uncertainty about whether there

would be an intended connection at a later date if the adjacent property would be developed. There would be no argument five years down the road about whether that road could be continued.

Ms. Higgins felt that they had fell short of actually building it since previously they had said that it does not have to be built. She stated that under #3 it should say 30 feet beyond the end of the curb line should be built and not do away with #4. She pointed out that they could be talking about 30 feet or 300 feet and someone would not come in and say that they don't want to build it because it costs too much or because they don't know what he standards will be because they don't know what the next development will be. Unused pavement that is not accepted by VDOT becomes a responsibility of the home owner's association. She preferred if #3 says that, "the public street constructed past the point … of the finished grade, but that no less than 30 feet beyond the curb line or the ditch line …" She felt that was the criteria that would be under Section a). She pointed out that was a big thing in the wording for water, sewer and streets. She pointed out that the Service Authority for the past 10 years has always required easements to the next abutting property owner.

Mr. Kamptner pointed out that one reason this is structured this way is because Section a) sets out the rule and the County recognizes that there will be circumstances where we know that the adjoining property is going to be developed. They might reach the point where they have a plan that shows where their street network is going to be. Therefore, by stating the rule up front they could require the construction all the way to the property line. The exception is that they could come in and show that it is not going to otherwise serve a present public purpose and that empty lot next door has no plans for development or for a traffic network, and then you hold back the construction to 30 feet past the property line. He stated that it was important if they were going to have the interconnectivity that they want, provision in the appropriate circumstances the road infrastructure go all the way to the property line.

Mr. Rieley stated that the question was the issue of requiring a cul-de-sac. He asked if staff was anticipating that.

Ms. Doherty stated no, that in the subdivision text amendment staff actually removed the word cul-de-sac because it was changed to turn around because VDOT now approves many different forms of turnarounds.

Ms. Higgins pointed out that VDOT would not take a section of road to a property line.

Ms. Echols stated that occasionally there was an exception to that rule with VDOT if there was some reason why that road has a system that works for something like drainage. Recently they had that happen in Wayland Grants going over to the adjoining property because the stub out to the property line has the curbing and drainage that worked with the whole system. She noted that they did from time to time, but it was not their rule.

Ms. Higgins suggested that they make that the exception in places that it was needed for the integrity of the system. She felt that they would be putting today's financial responsibility on one development in today's dollars to build something that might end up, very frankly, in having to be torn out or having to be redone, which would be a waste of money. In addition, the stub out would be a nuisance since people park on them and dump trash on them and nobody maintains them.

Mr. Rieley pointed out that the clear mechanism to avoid that was the waiver process.

Mr. Thomas stated that he liked the wording in that it provides options. He felt that if they don't set the rules and guidelines now for the urban area to be developed in this fashion that it was never going to happen.

Ms. Higgins stated that in Section 14-231.d that it refers to the Commission and should state agent.

Ms. Echols stated that staff would make that correction.

Ms. Higgins stated that under Section 14-231.a that it talks about the period of validity of an approved preliminary plat. This changes the requirement from 5 days to 10 days prior to the expiration of the plat. She stated that she did not disagree because 5 days puts it down to the wire. Then there were issues about running around and getting the right person involved. She totally supported staff making the applicant come to the table a lot earlier than the eleventh hour. Then she disagreed in Section 14-216 with the submittal of the preliminary plat in Section b), which talks about a preliminary plat omitting any information required in Section 14-302.a, which can be disapproved and staff has changed the time from 10 to 15 days.

Ms. Doherty stated that staff would be happy to change the standard operation procedure that back to 10 days.

It was the consensus of the Commission that Section 14-302.a be changed back to 10 days.

Ms. Higgins questioned the wording of Section 14-316 in that it states the principle means of access for each lot onto any public street. She pointed out that they don't get looked at and are not built and just reference a standard. Actually those roads are not in the State system yet. The only approval you receive is a design approval and it does not apply to any lot on any public street.

Mr. Rieley suggested that on page 69, that they add the words "existing or proposed" before public street, put a period after "standard" and delete the remaining language.

Mr. Cilimberg noted that the concern that he was hearing is that there is a potential public street within the subdivision in that every entrance would have to have evidence of meeting VDOT requirements. He pointed out that they do not do that, but they require evidence for entry onto existing public streets. He noted that was the difference here and that it basically needs to be reworded. He stated that staff would do some wording changes to take care of that.

Ms. Higgins suggested that they add the words any existing or proposed public street and then after standards add a period. She asked that in Section 412.a.2.b.ii on page 77, that staff needs to reword that to be clearer. She stated that in 1982 or '83 the LURC report talks about a Design Standards Manual, which was referenced in many places. Then in establishing this other criteria they went back and started inserting 20 foot basic curb, 20 percentage grades and 150 foot lot width back in the ordinance. She felt they have a mixture of some that reference a Design Standards Manual, which is actually in formulation in the Engineering Department and then an ordinance that is filled with engineering design criteria. The general question is whether they have gone through this for consistency and not gone back and disregarded the goal. She pointed out that now she had been appointed to the Design Standards Committee that she questioned it. She noted that in some places it says Design Manual and others design specifications by the County Engineer.

Mr. Rieley suggested that they only say it once in the appropriate place, which he felt should be in the ordinance.

Ms. Higgins asked if that undermines the Design Standards Manual.

Mr. Cilimberg pointed out that the Subdivision Ordinance would become very thick if they did that. The Design Standards Manual is intended to give people the guidance for the design that they need to do. What they have done here is pointed out that rules under which they could get an exception or waiver of that.

Ms. Higgins pointed out that the text includes K factors, etc. and if the Design Manual changed that they would have to change the text of the ordinance.

Mr. Cilimberg stated that issue deals with the heart of the Design Manual and suggested that Jack Kelsey address this issue.

Mr. Kelsey stated that actually in the original versions of the Design Manual the plan was to actually take all of these road standards and take them out of the ordinance and put them in the manual. But in conversations with the County Attorney's Office in determining what is the standard and what is the department policy guideline, it was determined that street standards, parking lot standards are things that have to be in the Code and they could not be in the Design Manual. Those are strict standards. The Design Manual could be those items that include department policies or requirements that each department has generated in order to implement the Code.

Mr. Kamptner stated that the goal was to make a clear distinction between the minimum requirements that are either required by State law or by the Board of Supervisors and, therefore, need to be in the ordinance. How you do things or the various approaches to deal with particular design issues are dealt with in the Design Manual.

Mr. Kelsey pointed out that pedestrian paths or trails was something that the County establishes their own criteria for.

Mr. Kamptner stated that he did not have an answer on the K Factors because that was a very recent addition to the Subdivision Ordinance.

Mr. Cilimberg pointed out that Mr. Kamptner gave the real explanation that a requirement has to be in here and a guideline or a standard that you want to achieve is in the Design Manual.

Ms. Joseph asked if any consideration had been given about addressing low impact development, and Mr. Kelsey suggested the possibility of including a section on how you would deal with a low impact development in this County in the Design Standards Manual.

Mr. Morris suggested that on page 58 under #7 for preliminary plats, that staff adds the word "approximate" and then check with Roger Ray to make sure that would meets surveyor standards.

Ms. Doherty asked if the public hearing was going to be opened.

Mr. Kamptner pointed out that the public hearing was actually closed at the last meeting and would not be reopened.

Mr. Thomas asked Mr. Williamson if he wanted to address the Commission.

Neil Williamson, of the Free Enterprise Forum, stated that he just wanted to advise the Commission that he received this information on Monday and provided it to the staff on Monday and he appreciated the quick turn that staff made on this. He pointed out that he appreciates the comments and he would consider it along with the Commission's comments. He felt that this moves the dialogue forward and that he appreciates the consideration of something received on Monday on Tuesday evening.

Mr. Thomas asked if there was anyone else present in the audience who would like to speak on this. There being none, he asked if any of the Commissioners had any questions on Ms. Doherty's list. He asked Ms. Doherty if she had anything else for the Commission at this time.

Ms. Doherty summarized the Planning Commission's comments and suggestions:

- From the Free Enterprise Forum's letter under item #4, the Commission agrees about the health, safety and welfare being inappropriate and requested staff to make that change.
- Under #8 delete the reference to the Comprehensive Plan.
- On page 45, staff had changed all references to agent, but missed one. Staff needs to spot check for consistency throughout the document.
- In Section 216.b on page 33, change the wording back to 10 days rather than 15 days.
- On page 69, add the words "existing or proposed" before public street, put a period after "standard" and delete the remaining language.
- In Section 412.a.2.b.ii on page 77, staff needs to reword that to be clearer.
- Staff to look through the ordinance for the off-site access surveyor issues raised by Roger Ray to make sure the document captures that.
- On page 58 under #7 for preliminary plats, add the word "approximate" and then check with Roger Ray to make sure that would meet surveyor standards.

The Commission was in general consensus with Ms. Doherty's summary.

Ms. Higgins stated that she would not agree to the standard of requiring road waivers and making them be the more tedious way than being clearer about when it would be allowed so that they will not be subjective and discretionary.

Mr. Rieley moved to recommend approval of STA-01-08, Comprehensive Revision of the Subdivision Ordinance, to the Board of Supervisors with the amendments made by the Planning Commission as articulated by Ms. Doherty.

Mr. Edgerton seconded the motion.

Ms. Higgins stated that there were a couple of issues discussed that she felt were very important and should be brought to the Board's attention and written that the Commission did not agree upon. Those issues include the following:

- The extension of road as it was currently written and making it the more tedious way in the process.
- On the top of page 80 under a), that the same thing applies to sewer systems. There has been a good provision for the Service Authority handling sewer system extensions and they have been handled very appropriately. There have never been any issues about interconnectivity and they have added that provision to extend sewer systems to the property line. She pointed out that it unfairly burdens an existing development in today's dollars, but it all equates to dollars to homes within a subdivision. She pointed out that she was going to be tenacious about how they are sensitive to affordable housing since they are just putting it just one more step beyond the reach of people in the urban area. She pointed out that if she voted against this it was only because of some of those provisions. She asked that the action make that clear.

Mr. Edgerton requested a chance to respond to that. He asked to clearly state a concern that the perception that Ms. Higgins was presenting equates affordable housing to inexpensive cheap housing. He noted that he was not sure that was necessarily the appropriate way to do affordable housing. He pointed out that he had spent a lot of time on this and that cheap or inexpensive was not necessarily affordable when you start factoring the life cycle costs and the durability of the housing. By just reducing the first cost you are not necessarily creating affordable housing. He noted that he was concerned about continuing that perception.

Ms. Joseph stated that she was just taking a leap of faith between the staff and the community that they are going to submit things for waivers and that staff is going to respond appropriately so that they will get some good designs that will make sense on the specific site that they are working on.

Mr. Thomas stated that regarding affordable housing, he had heard the statement today that the cost of land and the market demand dictates what affordable housing can and cannot be in Albemarle County.

The motion carried by a vote of (6:1). (Higgins - No)

Mr. Thomas stated that the motion carried and STA-08-08 would go to the Board for a work session on May 4.

Regular Item:

SUB 2004-00042 Shifflett Farms - Request for preliminary plat approval to create 43 lots on 25.8 acres. The properties are zoned R-4 and R-6, Residential. The properties, described as Tax Map 56, Parcels 46, 48 part of, 53 and Tax Map 56D, Parcel E-7, and Tax Map 56F, Parcel 1 are located in the White Hall Magisterial District on Rt. 1204 (Park Road), at the intersection of Park Road and Brookwood Road and approximately .25 miles from the intersection of Park Road and Claudius Drive. The Comprehensive Plan designates this property as Neighborhood Density (3-6 dwellings per acre) in the Community of Crozet. (Francis MacCall)

Mr. MacCall summarized the staff report. The applicant is requesting subdivision to create 43 lots. The application is before the Commission for approval of open space and a private road. Staff recommends approval for both the open space and private road request. Staff has a few more items to work out for administrative approval, and there should be no problem in doing so if this request is approved. This request is not being heard under the consent agenda because the request for the original property had been proposed for a townhouse subdivision. Staff felt that having the Commission's and public comment on this matter would be appropriate at this point of time. The applicant is present to answer any questions.

Mr. Thomas asked if any Commissioner had any questions for staff.

Mr. Rieley stated that one of the key criteria here is whether the open space criteria has been met and apparently the plan is for trails that tie in with the greenways system and yet no trails are shown or located on the plan. He asked why that is.

Mr. MacCall stated that he not quite sure specifically why the trails were not shown. Staff did not ask for that information initially. With the approval process staff felt that they could outline those with a condition of the approval of the open space outlining the actual locations of them with the final plat. Prior to the approval of the final plat those locations could be appropriately identified according to the first condition of approval.

Ms. Higgins asked staff to explain what the 10 foot gravel temporary emergency secondary access. She asked how that fits in.

Mr. MacCall stated that private road was on Maple Dale Court and serves lots 5 and 6. The applicant originally proposed public road to serve those two lots and VDOT and staff felt it would not be appropriate in that location. Adequate road frontage would be necessary on either a public or private road.

Ms. Higgins stated that an almost adjacent property owner, Mr. Cross, called her today who is very interested in the future East Side Connectors viability into the future. He pointed out and wanted her to bring it to the attention of the Planning Commission that the road that goes up to lots 1 and 2 that it looks like the definition or the outline of the road right-of-way stops short of the future East Side Connector. She stated that it was on this parcel and called future development. She asked if this was exactly the appropriate case where the road does not need to be built, but the reservation of that connector down to the future East Side Connector should be made.

Mr. MacCall pointed out that not knowing the exact location of that connector road that it is hard to determine exactly where that reservation would go. Staff could further discuss that with the applicant as far as extending that reservation.

Ms. Higgins pointed out that it would mean dedicated to public use because that would create a reservation so that no lot would be between it and if the future East Side Connector's location is not definitive that it should be referenced somehow.

Mr. MacCall stated that with the final plat they could work out a future reservation.

Ms. Higgins stated that there was a lot 53/56 where a pond was being bisected that states future development. She asked if that was the case. It shows the East Side Connector bisecting that parcel. She pointed out that it was unclear as to which were parcel lines and which were proposed. She stated that this was a perfect opportunity to at least get clarity on the drawing.

Mr. Edgerton concurred with Ms. Higgins. He asked if the future development parcel was owned by the same owner.

Mr. MacCall stated that the applicant was not the owner of the parcel for future development.

Mr. Edgerton asked if they had any information on what the future development means.

Mr. MacCall stated that staff does not have an application on that proposal.

Mr. Thomas asked if there were any more questions for staff. There being none, he opened the public hearing and asked the applicant to address the Commission.

Bob Pringry spoke on behalf of Stonehaus Development on this particular development. Regarding the reservation of the connector he pointed out that they have shown a future east side connector and it is their intent to have a reservation for future dedication for that. Having a reference to that effect would be appropriate and it would clarify it for you. He pointed out that they would be happy to do so. The other is whether this is bisecting two separate parcels or one parcel. That is one parcel of which they own. The parcel that has future development on one side and the pond on the other side is to be subdivided. There will be a separate tax parcel where it says future development. He pointed out that they own all of this in its entirety. He noted that they would make that subdivision as the owner of that property. He stated that currently it was all one parcel.

Mr. MacCall stated that whether the lines could be depicted accurately that he did not know. The Master Plan is for the exact location.

Mr. Thomas asked if the lot in the rear have to be labeled as future development.

Mr. Pringry stated that as part of the transaction and the development of the property one of the ownership entities is to be deeded for the property that is below that bold line. Therefore, to extend the East Side Connector reservation it could be moved because there is no designated right-of-way for that. Therefore, they could really not align it on the site as it stands. In terms of subdivision of land from just a transaction standpoint with our partners in this particular project where the bold line is was where there was an agreed subdivision of property for partnership interest. It appears that also is a good location for the connector because if you go further to the east the pond would be a significant obstacle to the connector.

Ms. Higgins asked if they had any problem with where your plan says future connection in the very corner of lot 1 with at least putting a dashed reserved strip there. She pointed out that would be consistent with their discussion to at least reserve it.

Mr. Pringry stated that they see that connector as a critical component of the overall development and that they could do that.

Mr. Edgerton asked if there was any reason that he could not share with the Commission the lay out of the future development.

Mr. Pringry stated that it was currently zoned R-1 and the Master Plan has a desire for this to be of higher density, which would be their desire as well for some point in the future. He pointed out that they don't want to subdivide that at R-1 density and would anticipate that at some point that would be a rezoning. He pointed out that as far as working with Planning that this was a tough site. He asked if the County would like to buy this property.

Mr. Edgerton stated that it was hard for him to look at this and make a rational decision about what they were looking at with a strange shaped parcel that says future development.

Mr. MacCall stated that it was not necessary for that to be on the plat.

Mr. Pringry stated that he would take that off if necessary.

Ms. Higgins stated that they were talking about Maple Dale Court being approved as a 30 foot right-of-way private road to serve lots 5 and 6. She pointed out that it looked like they were anticipating that lots 5 and 6 were actually going to be double sided lots with a private road on one side and an area reserved for a future right-of-way on the other side.

Mr. Pringry stated that was in anticipation or consideration that the County would want connectivity with an extension of the road that you see that is part of the trailer park. It is located on Claude Lane, which is a give me for connectivity at a later date.

Ms. Higgins asked why they were not getting access off Maple Dale Court since it ends right at the property.

Mr. Pringry stated that it appears to be an access into the trailer park and beyond that they would be providing an additional 20 foot access for connectivity back to Park Road if it was ever extended to Claude Court.

Mr. MacCall pointed out that was part of this application. He stated that the owner of the trailer park is signing the plats approving the access easement. He pointed out that he did not remember why they wanted to come off nor needed the setback to come off of the private road as far as to serve two lots. He stated that he thought that they were going with the two lots so that they would not have to get into too much of the actual design of the road because essentially it would be a driveway. It appears that the driveway would be 14 foot wide.

Mr. Craddock pointed out that the applicant took some of the tip of the trailer park.

Mr. Pringry stated yes that they did have an agreement to acquire a couple of trailers in order to get an extension of Park Road, which was a difficult extension there.

Mr. Edgerton stated that he only saw 30 lots and asked where the 48 lots were located.

Mr. Pringry pointed out that they only showed 30 lots and that the additional 18 lots were for Phase 2 of the project.

Mr. Rieley stated that the Commission's action tonight was ministerial and they only have a couple of areas in which they have authority. One of those areas was the open space. He asked why they were not showing the trail system on the plan at this stage of the game.

Mr. Pringry stated that this was a preliminary plat and he was working with Mr. MacCall in Planning. At the time they did not take the time to focus on where those trails should go. It was something that they talked about that they would work on as part of the final plat. One of the things that Mr. MacCall suggested is that the open space that they were showing adjoining the connector that really has the potential of being a point where there would potentially be some parking available to the public for access to a trail to Lickinghole Creek Greenway. There is some merit to that in whether they could comply with the open space criteria. The idea is to have a trail that would tie into that open space that is adjoining the connector.

Mr. Rieley pointed out that this seems to such a central issue to the open space requirement that it would be worked out before the Commission was asked to act on the application.

Mr. Edgerton asked where the parking would possibly be particularly because of the critical slopes everywhere it touches the greenway.

Mr. Pringry stated that they have not had a chance to work with the greenway folks and identify where they think best place for that trail access to access the greenway.

Ms. Higgins assumed that on the final plat that the greenway system would be shown. She asked who would build it and which phase would it be proposed to be committed.

Mr. Pringry stated that it would be in Phase 2. He stated that he was available if the Commission had any further questions.

Mr. Thomas asked if there were any further questions for the applicant. There being none, he opened the public hearing and asked if there was anyone else present to speak for the application.

Ellen Roth stated that she was an adjacent property owner on two remaining parcels that are not presently being shown as schematically for a drawing or use. She noted that she did not realize how important the green space and open space was to this project. She pointed out that it was difficult to access the property. She stated that she would like to see what the developer wanted to do. She noted that she would like to see what he intends to do for the other two sections of property, which was less than 100 acres. She pointed out that she did not know where the property was actually located. She asked to see how the proposed developer would relate to the existing topography.

Mr. Thomas asked if there was anyone else in the public who wished to speak regarding this application. There being none, he closed the public hearing to bring the matter back before the Commission for possible action. He pointed out that he would like to know at this time what development the applicant proposes.

Mr. Kamptner stated that they would not know at this time because the applicant said that they plan to rezone the property to be consistent with the Master Plan.

Mr. Pringry stated that the comment about the rezoning was possibly for that rectangular area only. The balance of the property that Ms. Roth was referring to as being absolutely gorgeous property is currently zoned R-1 and at this point they have no plans other than for an R-1 development for it. They have no idea when they would spend the money to actually design those plans at this point in time. The property that Stonehaus Development has to develop is what you are looking at right now. They don't have the balance of the property as their entity since there is another company that is being formed that would be involved with that project. Until that is done it is premature to design and do that. He pointed out that it was very likely that it would be developed into R-1 residential neighborhood.

Ms. Higgins pointed out that there was an error in that the area shown was 56F-1 and says Cory Farm Homeowner Association, Inc. She stated that it was very likely that was not owned by a homeowner association for Corey Farms. She felt that the two parcels had been switched and that Sam's Enterprises was on one side of the creek and the homeowner's association was on the other one. She suggested that staff make that note and have that corrected.

Mr. Rieley stated that as our criteria for open space requires that the open space be assessed as follows: The proposed open space shall meet the Comprehensive Plan's objectives by requiring an active association for protection of areas sensitive to development buffering between similar uses and the preservation of agricultural activity. The trail system is not only in my view the standard of construction, but also the location in extent of the trail system is essential to whether or not this land rises to that level. At a very minimum he suggested that they change under the conditions of approval on # 1 the provision of pedestrian paths to access the greenway the standards, and then insert the location extent and standards for construction to be subject to the approval of the . The second sentence of condition #1 should read the location, extent and the standards for construction will be submitted for approval of the County Engineer that will open up the access of the greenway.

It was the consensus of the Commission to agree with the revised condition as Mr. Rieley stated.

Mr. Edgerton asked why they would defer that decision to the County Engineer rather than to bring it back to the Commission before they approve it. He pointed out that he was very disappointed with the plan. The two issues that they were allowed to comment on tonight was the open space, which appears to be in the floodplain and all the undevelopable land and was just what was left over. There was no real intent to provide any benefit to the community. As far as the private road that was involved that if the applicant has the opportunity to adjust the trailer as it appears they do with the removal of four or five trailers that he was not comfortable approving a private road in the configuration shown. It would make more sense to come in on the existing private road that runs to the west of the existing trailer park. It appears that it will be used for future development because they were reserving an access easement behind lots 5 and 6. He stated that he was going to vote against the request.

Ms. Joseph stated that the 20 foot access easement was coming up on the back side. She tends to agree that this is what happens to their open space in that it was always the left over area. It is going to be a challenge to get some short of connection to that existing greenway that is across the creek and she would like to see how the applicant could accomplish that.

Ms. Higgins stated that she did not disagree because she has been down behind Cory Farms to the last cul-de-sac and actually this flood plain behind Cory Farms has had hay made off of it before. It can be walked on and it was similar to the other side of the creek. She felt that in all cases, including Cory Farms, the transition between the building lots and the flood plain usually involves critical slopes and typically minor disturbances as oppose to major disturbances. It appears and it is actually a fact that you put the houses on the developable land and this is the land that you can't develop. But it is the more natural and more environmentally sensitive. It provides more protection for the stream than a typical stream buffer because it is over and above the stream buffer area. From that perspective she was glad that the designation was there. It was also consistent with the Crozet Master Plan in how it was aligned in this area. Staff has looked at that. With respect to serving lots 5 and 6, she did not intend to point out a dummy whammy here because she felt there was an intent and it was pretty clear that if the developer gets control of more land by going with a private road access that they can potentially put these lots on a public road and they are trying to do the best that they can with what they have control of now. Again, she respected that. The last thing was that by adding the condition that Dan Mahon could look at the physical dimensions and allocations and see how it fits into the system. She felt that there was a clear way to handle that and staff was capable of handling that. She stated that she did not have that many problems with it.

Mr. Morris stated that personally he felt that the paths located on those critical slopes was he ideal place, but that he would like to see where they would go before they actually approve this preliminary plot. He felt that this was the location where these paths should be located on the left over area. He stated that he would like the application to come back before the Commission once it has been done.

Mr. Thomas stated that he would like to see the applicant remove the future development off of the plat.

Mr. Rieley asked what the status was of the Master Plan itself.

Mr. Cilimberg stated that it was going to begin review at the Board level tomorrow. Tomorrow's review would really focus on the process that the Board is going to go through.

Mr. Rieley asked that as soon as the Master Plan had been approved that for all of the requests within the Master Plan area that they should have a map of the Master Plan on the wall and in their packet for a frame of reference.

Mr. Rieley stated that before they took an action that he felt that they should offer the applicant an option of taking a deferral so that he could take care of those shortcomings on the plan.

Mr. Pringry asked what the time frame would be on a deferment.

Mr. Cilimberg pointed out that the Commission was looking for the location of the pathways, which he believed would involve working with Dan Mahon.

Mr. Pringry asked to consult with Mr. MacCall about that. He pointed out that his concern was the length of time it would take to get back on the Commission's agenda. He felt that he did not have a choice in this matter and that he would accept the deferral in order to work with the appropriate staff.

Mr. Cilimberg pointed out that since there was no advertising requirements that they could put the request back on the agenda as soon as the information was obtained and a staff report was completed. He pointed out that the Commission did not need to defer to a specific date.

Mr. Rieley moved to accept the applicant's request for deferral of SUB-2004-00042, Shifflett Farms, so that the applicant could work on the location of the trails and pathways to access the greenway and come back with that information.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Mr. Thomas stated that the motion carried for the indefinite deferral of SUB-2004-00042, Shifflett Farms. Upon receipt of the requested information, staff will place the item back on the Commission's agenda.

The meeting adjourned at 8:41 p.m. to room #235 after a ten-minute break.

The meeting reconvened at 8:50 p.m.

Mr. Thomas called the meeting back to order at 8:50 p.m. to continue the 4:00 p.m. work session on the Rural Areas.

Rural Areas - The Planning Commission will conduct a work session to continue their consideration of the draft Rural Areas element of the Comprehensive Plan. (Joan McDowell)

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 that may not have received immediate agreement, in order to provide staff direction for any needed revisions to the draft Plan.

Ms. McDowell stated that the two outstanding issues that the Commission has not reached consensus on include the timing of development rights and large lot sizes. These issues were tabled to the end of the meeting so that all Commissioners would be present for the discussion. She passed out several handouts which included several development scenarios.

Scott Clark, Senior Planner, reviewed and explained the maps of various development scenarios with the Commission.

The Planning Commission discussed the various development scenarios with staff and the numerous options available.

Ms. McDowell stated that staff needs some consensus from the Commission.

Mr. Kamptner pointed out that staff needs to study and explore that. He stated that there are so many possibilities, but once you get to the smaller parent parcels with less than the full compliment of development rights.

Mr. Cilimberg stated that what he heard them saying was that you want to establish a basic level of policy that says this is how you want to reinvent, so to speak, the Rural Area subdivision. The basis that he heard them say would be what they have today, but the form in which it occurs would be clustering. Any exceptions to that are going to be less than the full compliment that they have today of rights to develop land. He pointed out that there might not be consensus on this. The particulars of what that ends up being in terms of what the lot size and number will be is not going to be decided tonight.

Ms. Higgins pointed out that they have until the first of July, but that the strategy is clear.

Mr. Cilimberg stated that the other thing that they have not gotten to tonight, which is also on the table, was whether they feel the need to have those lots that we do create phased in. He asked if they want to just say that or have it based on some base.

Mr. Rieley suggested that they not do that tonight.

Ms. Higgins stated that if you actually go with the clustering that the whole common sense that you make on the infrastructure and everything precludes doing any kind of time release phasing because you cannot put a package plan out for ten lots that will serve twenty.

Mr. Rieley pointed out that they don't need incentives for doing clustering anymore because it was now the only thing that you could do. The only incentive that you are creating by not having a time release is for somebody to go in and develop the rural areas. He pointed out that he did not see that as advisable. They need to figure out a way to do it in a way that is over time and that you have to be reasonable about putting that pattern in. He pointed out that they were not trying to make it easy to develop in the Rural Areas.

Ms. McDowell stated that what she heard was that the Commission was giving staff some general ideas to write some policies. Therefore, staff will draft some general idea policies and bring it back to the Commission.

Mr. Rieley suggested that she write what Mr. Cilimberg said because what he said was exactly what the Commission had said.

Ms. McDowell stated that staff would bring that information back to the Commission in another work session. After the work session, the Commission will be done with it and then they could go to public hearing in order to hear what everybody else has to say about it.

Mr. Thomas asked staff to provide different ideas on the 42 acres and how that would be broken up along with some other examples on how they could do that. Then, the Commission could provide staff more information on the 21 acres or 50 acres and possibly come to a consensus. He asked Mr. Kamptner what his previous suggestion was on that.

Mr. Kamptner stated that in trying to address the 42 acres with the development right scenario that it created hundreds and thousands of possibilities of other scenarios. The 27-acre parcel with 2 development rights and how that would fit into a cluster development with a number of development rights could be addressed.

Ms. McDowell stated that staff would write something up on time release.

Mr. Cilimberg stated that there are tools that can be used, but that there will be a separate work session on that.

In summary, the Albemarle County Planning Commission continued the work session on the Rural Areas from the 4:00 p.m. work session to arrive at consensus regarding the issues, strategies, and objectives contained within the draft Rural Areas element of the Comprehensive Plan on the two outstanding issues. A presentation was given by staff of the information previously requested by the Planning Commission. Staff provided handouts containing various development scenarios with clustered and conventional development using various acreages. Maps were provided for each scenario and staff reviewed and explained how each circumstance related to the proposed regulations in the draft plan. The Commission provided general comments and asked staff to draft some language for policies. In addition, the Commission asked staff to provide additional examples regarding the lot sizes. Staff will set up another work session to bring this information back to the Commission.

Old Business:

Mr. Thomas asked if there was any old business.

Mr. Craddock advised the Commission that the first Mountaintop meeting was held yesterday. He pointed out that most of the time was taken up with getting consensus on what consensus means. It was felt that the committee was more tilted to environmentally friendly folks than builders or developers. He pointed out that was his interpretation of the meeting. There is a whole year of these meetings planned and it was discussed where this would be going at the end of the year. He invited any other Commissioner to attend these meetings and substitute for him if he had to miss a meeting.

There being no further old business, the meeting proceeded.

New Business:

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

Adjournment

With no further items, the meeting adjourned at 10:20 p.m. to the next meeting on April 20, 2004.

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V. Wayne Cilimberg, Secretary

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