Albemarle County Planning Commission
May 18, 2004

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 18, 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, Marcia Joseph, Bill Edgerton and Pete Craddock, Vice-Chairman. Absent from the meeting was Jo Higgins.

Other officials present were David Benish, Chief of Planning and Community Development; Margaret Doherty, Senior Planner; Yadira Amarante, Planner and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:10 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 proceeded.

Consent Agenda:

Approval of Planning Commission Minutes - March 9, 2004

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

Mr. Morris moved for approval of the consent agenda as presented.

Mr. Edgerton seconded the motion, which carried by a vote of (5:0). (Higgins, Rieley - Absent)

Deferred Items:

SUB-2004-00058 Orchard Estates - Request for preliminary plat approval to create 17 lots on 229.96 acres. The property is zoned RA, Rural Area. The property, described as Tax Map 103, Parcels 7, 8, 9, 10 and 15 is located in the Scottsville Magisterial District on Rt. 795 (President Road), approximately 2 miles south of the President Road and Rt. 620 (Rolling Road) intersection. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Yadira Amarante) DEFERRED FROM THE APRIL 20, 2004 PLANNING COMMISSION MEETING.

Ms. Joseph stated that she would recluse herself from this item and left the meeting room.

Ms. Amarante summarized the staff report. This project was last before the Commission on February 3 of this year. At that time, the applicant was requesting the same subdivision with 17 lots located on public roads. VDOT had required at that time that they obtain a sight distance easement for the entrance. The Department of Engineering concurred that they needed that easement before the County could approve the preliminary plat. Since that time, the applicant has acquired that easement and it has been recorded. VDOT and the Engineering Department have reviewed and approved it. Staff is now recommending approval of SUB-2004-00058 for Orchard Estates preliminary plat with the conditions listed in the staff report.

Mr. Thomas asked if any Commissioner had any questions for Ms. Amarante.

Mr. Craddock asked how much of the proposed subdivision was in the agricultural/forestal district.

Ms. Amarante stated that she did not have the acreages listed. There is a design showing all of the parcels in question of the plat on the top of sheet 3 of Attachment B. The parcels located in the agricultural/forestal district are outlined in dots. There are approximately 100 acres out of the 229 acres of this particular project in the agricultural/forestal district.

Mr. Thomas asked if there were any other questions for Ms. Amarante. There being none, he opened the public hearing and asked the applicant to come forward and address the Commission.

Mr. Rieley arrived at 6:13 p.m.

Steve Blaine, representative for the applicant, stated that the staff report sets forth the basis for approval and supports the subdivision in accordance with the ordinance. He pointed out if there were any questions that he would be happy to answer them. As Ms. Amarante stated, they were here back in February when this item was deferred because of the sight distance issue, but now that has been resolved to both VDOT's and Engineering's satisfaction. Therefore, the matter is appropriately before the Commission.

Mr. Thomas asked if there were any questions for the applicant.

Mr. Craddock asked if they bought the easement, and Mr. Blaine stated that they purchased the easement, but did not buy it in fee simple.

Mr. Thomas asked if there was any one present who would like to come forward to speak on this application. There being no one, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Craddock stated that he would vote against the request because it compromises and goes against the spirit of the agricultural/forestal district.

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

Mr. Rieley stated that he was sympathetic to Mr. Craddock's sentiment, but felt that this was a ministerial action since the Commission has the responsibility to pass along a subdivision that meets the requirements of the ordinance. He moved for approval of SUB-2004-058 Orchard Estates with the conditions as outlined in the staff report.

The Planning Department shall not accept submittal of the final subdivision plat for signature until tentative final approval for the following conditions have been obtained. The final subdivision plat shall not be signed until the following conditions have been met:

1. On Sheet 5 of 9, please show the property boundary lines. [14-303(C)]
2. An erosion control plan, narrative and computations. [14-311, 17-203]
3. A storm water management/BMP plan and computations. Computations must include water quality and detention routings for the 2yr and 10yr storms. [17-304]
4. A mitigation plan for stream buffer disturbance. [17-322]
5. A completed storm water management facilities maintenance agreement and fee. [17-323]
6. Road plans, pavement design sheets, and drainage computations. [14-512, 14-304, Policy]
7. All improvements are to be bonded or built before final plat approval. Bond estimate and construction schedule forms can be obtained from the Engineering office. [14-413]
8. Health Department approval of all drain field locations. [14-309, 14-518]

9. State the acreage that is being transferred from Parcel 10 to Lot 17. In your response letter, you stated that 0.63 acres are being transferred, but that is the acreage being transferred from Lot 17 to Parcel 10. There is a larger piece being transferred from 103-10 to Lot 17, in between the road and the original parcel boundary of Lot 17. [14-302(M)]
10. On Sheet 4 of 9, the note on Lots 16 and 17 should be revised to state that each lot retains 3 development rights. On Sheet 4 of 9, notes #5 & #6, delete the aggregate acreage stuff. These types of notes are only necessary when the original acreage of the property is over 31 acres. On Sheet 4 of 9, note #7, state that Lots16 and 17 retain 3 development rights each. [14-302(O)]

Mr. Morris seconded the motion, which carried by a vote of (5:1). (Craddock - Nay) (Higgins - Absent)

Ms. Joseph returned to the meeting.

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 MAY 4, 2004 PLANNING COMMISSION MEETING.*

Ms. Doherty summarized the staff report. She apologized for the inaccuracies contained in the staff report. This staff report was written by Michael Barnes before he left and the plan changed between the time he wrote the report and when it was sent out. She passed out a proffer form. (See Attachment B) She passed out a letter from John Matthews, an adjoining property owner, in support of the change of zoning assuming the run-off problems from "U" Heights development that has occurred in the past and from the new development are addressed so that the run-off in all cases will be retained on site and will be released in controlled amounts after any rain event. (Attachment A) The changes include that the applicant plans to keep the old house and to put in four new town homes. She pointed out that information was referenced throughout the staff report. Weatherhill Homes is proposing a rezoning of 6.6 acres from R-1 to PRD to accommodate a 26-unit townhouse project at the end of Stillfried Lane. The applicant is also requesting a critical slopes waiver in the establishment of internal setback, which has to be approved by the Board. The site is situated behind the Kluge Rehabilitation Center on Lewis Mountain, which gradually slopes up from Route 250. The front portion of the site is an open lawn with numerous large trees. The applicant's plan seeks to conserve as many of these trees as possible. The rear of the property is heavily wooded and rises steeply. The applicant's proposal limits grading and construction in the rear of the site and the applicant has proffered to preserve the larger trees found in this area. The applicant has proposed what they feel provides for a high quality relatively high-density project that does not affect the site's natural resources. The applicant is also designing several of the townhouses to be smaller than the others, which will be offered at a reduced price, and thus be available to a wider market. Staff finds that the application meets most of the applicable principles of the Neighborhood Model and that they have provided cash to assist in the County's Capital Improvement Program. Their proposal ensures building massing and architecture that meets the County's goals for the development areas. Therefore, staff recommends approval of the rezoning, critical slopes waiver and the internal setback modification. The remaining issue as always is the proffers. The applicant has provided a revised proffer form which staff handed out to the Commission tonight, which has been reviewed and approved by the County Attorney's Office and the Zoning Administrator. The proffers provide a $1,000 per dwelling unit towards pedestrian improvements in Neighborhood V. One of the issues that staff just started working on this afternoon was that neither the proffers nor the application plan addresses the County's recently adopted goal of providing 15 percent of affordable units. Hopefully, what the Commission could do tonight is address any issues about the application plan and then get into a good discussion about proffers in order to get clear direction on how staff and

the applicant could work towards the completion of the proffers. The proffers could be changed between now and the Board date, which was June 9. She pointed out that this project has been deferred many times and they were running behind schedule. If the Commission has any questions, she would be happy to answer them.

Mr. Thomas asked if any Commissioner had any questions for Ms. Doherty. Other than the confusion from going from one plan to the other and getting lost in the shuffle, he asked if the 15 percent of affordable housing was the only thing overlooked.

Ms. Doherty stated that staff worked with the applicant for many months on this project and feel like they have gotten towards a very high quality development. The off-site improvements that they were looking for were accomplished. Also, they worked towards a resolution with the proffers. The applicant is providing for a strategy towards affordable housing by providing different types of unit styles. But, this project is not what staff would consider affordable. The applicant has said that this is more of a high-end project and they do not anticipate that any of the units would meet our affordability requirements. She pointed out that Nick Michaels may be able to answer this better about what conversations were held between Michael Barnes and the applicant before he left on whether they would be willing to provide 15 percent of affordable housing.

Mr. Thomas suggested that they have the applicant address that issue first. There being no more questions for staff, he opened the public hearing and asked if the applicant would like to come forward and address the Commission.

Nick Michaels, representative of Weatherhill Homes, stated that he had not prepared anything, but would be happy to answer any questions.

Mr. Thomas asked if he could comment on the affordable housing issue.

Mr. Michaels stated that from the very beginning Vito Cetta was on a number of the AHIP affordable housing committees and has been working for a number of years trying to move this issue forward. There are 26 townhouses that are 25 feet wide. There are 4 townhouses that are included as small units to attempt to get into the affordable range, which is somewhat of a moving target. He pointed out that he was not sure where that target is right now because it goes up and down depending on the interest rates and many other things. He noted that they had understood that it would be around $175,000 at the time they started the project and included the four units hoping that they could deliver them at that price or very close to that price. With the site costs it is not an easy site to work with. They are going to have to go all the way down to Route 250 for water. It is about 600 feet to the property and then another 200 feet to the nearest unit that the 8" water line will have to be run. They will have to go off site for the sewer connection because the closest line is one property removed at University Heights. With the development costs per lot up because of the site improvements, and short of losing money on providing affordable housing, the closest they think they can come is in that $200,000 to $225,000 range. Again, as they get further into the design they will be able to refine that. But at this stage that is a realistic target. He pointed out that they were trying to get closer to the affordable range.

Mr. Edgerton asked how much the non-affordable units would be going for.

Mr. Michaels stated that the others would probably be in the $350,000 to $400,000 range, but that at this point that was their closest guess. They had made an effort to meet the guidelines of providing varied surfaces and mixed materials. The first display on the left is a typical unit where the car would enter into a garage. There will be two parking spaces in each of the wider units on the inside and then two more on the apron for a total of four spaces per unit. The 16-foot units, as currently designed, have parking for two cars inside and one on the apron. He pointed out that would more than meet the requirements for guest parking and per unit parking. There are three buildings as you look at the site plan. The two at the top of the hill are slightly different and

actually are not illustrated with an elevation, but they are very similar in feel. There is some guest parking provided along the road and the owner's parking is provided underneath the unit. Therefore, there are only seven surface spaces and the rest are all inside. The other item that they have addressed with the Engineering Department is the storm water runoff. There was a concern in this area because there is a storm water bottle neck at the base of Stillfried Lane that the Engineering Department has studied. It was found that it would be too expensive to undo the bottleneck, which is due to the unrestricted water flow from University Heights. At the time that University Heights was built there was no adequate detention requirements. Therefore, when it rains the water comes down and funnels through one property, which is the John Matthews property. What they have managed to do is take the line share and bring the water around the upper part of the site and around the other side of Kluge where there is no bottleneck. All of the storm water system involves retaining the water in underground storage conduits and releasing the water slowly after the rain event.

Mr. Thomas asked if the water was being released to the west.

Mr. Michaels stated that they have not done any calculations, but estimate that about 90 percent of the runoff will go around to that side. He pointed out that when they added the extra four units they were able to lower that part of the site and now there is a good chance that even less of the water will come around the eastern side. He stated that they have not had a chance to complete the engineering there, but will once they were in the site plan process.

Ms. Joseph asked if all four stories of the building closest to Route 250 would be visible from the road.

Mr. Michaels stated that the buildings would be two stories on one side and four stories on the other. He pointed out that right now if you drove past it that he did not think they would be able to see anything because there was many leaves blocking the view. He pointed out that they had gone to some expensive efforts to save some of the trees at the very bottom of the site to the right of the little building. Specifically, there is a 52-inch Tulip Poplar and a 48 inch Tulip Poplar. There are many trees close to that size growing up the hill also. It is actually a magnificent site as you look up the hills. There are some pines trees around the houses. There has been some effort to save trees right at the entrance. Regarding the review from Route 250, there is a three-tiered retaining wall, with each wall being no higher than 6 feet. The intention is to plant the walls with shrubs and ivy. The proposed retaining wall is heavily rusticated and concrete, which looks like cut stone. He stated that VDOT was requiring a 150-foot deceleration lane to be added on Route 250.

Mr. Craddock asked if there was enough traffic to justify a traffic light.

Mr. Michaels stated that they have determined that it is not.

Mr. Thomas asked if there was anyone else in the audience who would like to speak on this application. There being none, he closed the public hearing to bring the application back to the Commission for discussion and possible action.

Mr. Morris stated that when the Board of Supervisors took action on the fifteen percent affordable housing that he recalled that they stated that it would be a goal. He asked Mr. Kamptner if that was correct.

Mr. Kamptner stated that the requirement to provide fifteen percent of affordable housing was part of the Comprehensive Plan and was a goal to strive for.

Mr. Benish stated that was correct and pointed out that there is also flexibility to consider other means by which to achieve that. He stated that it was not necessarily a flat number. There was

discussion about making sure that the language had some flexibility to achieve it other than having to literally provide 15 percent of the units.

Mr. Morris asked how that could be done here.

Mr. Benish stated that there were all sorts of ways that you could do it. There could be cash contributions equivalent to a housing program. He stated that they could do less than fifteen percent, but it would have to be consistent with the character of the development. One of the things that were discussed with the Housing Committee was whether there was going to be a minimum set. For many affordable housing standards there is a minimum because at a certain threshold of development it is more impact to provide that affordable housing. The Housing Committee did not want to set a minimum because they wanted to set that strong goal but still have some flexibility within that goal. He stated that there was an understanding that you might get less than 15 percent in certain developments and in others you might get more.

Mr. Rieley stated that in an associated question the applicant seemed to indicate that there was some softness in the calculation of the number. He asked if there was a formula.

Mr. Benish stated that there is a determination of what is affordable. The Housing Office determines that and there is a method to determine what that is. What happens depends on interest rates and other financial conditions that will fluctuate from time to time. He noted that they could figure out what that is at any time.

Mr. Rieley asked to the best of his knowledge what percentage of this development meets that standard. He asked how many units out of the 26.

Mr. Benish stated that he could only go by what the applicant just said because he heard them say that they wanted to have four units and keep the house, which was close to that. He noted that they were not sure if they will be able to achieve any units at the $175,000 or $180,000. He noted that they were striving to bring it as close to that as possible.

Mr. Michaels stated that they were aiming at 4 units, but that so far they would not meet the $175,000 threshold.

Mr. Edgerton pointed out that currently there were no affordable units proposed in this development because they cannot meet the threshold for $175,000 units. He stated that there were no affordable units being proposed. The other issue that he was struggling with was that the fiscal impact study noted that it was going to cost between $15,000 and $25,000 a year of lost revenue to allow this project to go through.

Mr. Michaels stated that they had talked with the staff person who prepared that about how he arrived at his numbers. For instance, in the property taxes generated he is showing $23,000, which is some sort of an average they use on these impacts. He pointed out that if they were selling the houses for what he mentioned before that the property tax generated would be probably be two to three times what he has stated there. He noted that it was called an unofficial tabulation versus an official tabulation based on what property taxes would be thrown off. He pointed out that he used $1,000 per unit and it would be more than that.

Mr. Rieley stated that he was concerned about the layout and scale of the buildings on that site, which was a point that Ms. Joseph had raised.

Ms. Joseph stated that it was a massive project and would not be reviewed by ARB.

Mr. Benish stated that based on the goal the figure would be around four units. One option is to get back with the Housing Office to see what kind of suggestions they might have. They have been talking recently about some condemnations of locking in fewer homes at a certain price and

dedicating some lots to AHIP for them to build homes. There are some new ideas that the Housing Office is thinking about with the Chief of Housing. He stated that he did not know how much discussion has transpired recently, but that was one option. The Commission can act on the request and then in the intervening period for the Board of Supervisors that the applicant can address that too if it is the Commission's and applicant's goal to move it forward.

Mr. Rieley stated that the Commission's action is obviously as advisory to the Board of Supervisors, and therefore could go in several directions after it leaves here.

Mr. Craddock asked to make a comment about the affordable housing. He stated that he had been the one who talked a lot about it at North Pointe and they were talking about a few hundred or so houses. He wondered at this location how affordable is something going to be right in that location. He suggested that the owner take the other 42 units up in price and bring the other 4 down in price.

Mr. Edgerton pointed out that they would lose their opportunity if they did not take advantage of this opportunity because this was high end housing.

Mr. Thomas stated that the biggest problem is the price of the land. He pointed out that unless the density is increased there that there would not be any affordable housing in that area.

Mr. Rieley stated that this was a rezoning from R-1 to R-6 and that affordable housing should be a part of that.

Mr. Benish stated that one thing that would be useful for the Commission to clarify with whatever action they take is the two questions that have been raised concerning the affordable housing and the density of the development. If there is a clear direction and that is the sentiment that the Commission wants staff to address for at least the impact of the development on the site. He stated that if the Commission could clarify that issue that it would be very helpful.

Mr. Rieley stated that there were individual Commissioners that expressed concerns about design and density issues, but he thought that the overwhelming issue for everybody is the affordable housing.

Mr. Rieley made a motion to recommend of denial of ZMA-2003-12, Stillfried Lane Townhouses.

Mr. Morris seconded the motion, which carried by a vote of (6:0). (Higgins – Absent)

Mr. Kamptner asked if any of the Commissioners had any comments about the proffers. He noted that there was a comment about the adequacy of the cash contribution proffer number 5 as being insufficient to address the CIP impacts. He pointed out that he had some minor typographical changes that he would pass on to Ms. Doherty.

Mr. Rieley stated that from the general perspective of the magnitude of the project that the provisions for affordable housing looked extremely low. He suggested that between now and the Board hearing that it would be useful if staff could make the comparison between this and the residential units at Hollymead Town Center and the residential units at North Pointe so that they were looking at things on equal terms.

Mr. Thomas stated that the recommendation for denial of ZMA-2003-12, Stillfried Lane Townhouses, would be forwarded to the Board of Supervisors. The Board will hear this request on June 9.

Public Hearing Item:

Community Facilities Plan – Proposal to amend the Community Facilities Plan, a component of the Comprehensive Plan, including sections on overall service objectives, and sections pertaining to Police, Fire/Rescue, Schools and Library facilities. (David Benish)

Mr. Benish stated that this is the public hearing on the Community Facilities Plan for the overall service objectives for the Police, Fire/Rescue, Schools and Library sections. The Commission has had three work sessions. This is the Commission's opportunity to receive any public comment. He stated that the updated school section correcting the errors and adding the changes had not been completed. He stated that he had several discussions with Al Reasor and there were a couple of changes that he is suggesting that will probably come back to the Commission in a work session. In the high school section specifically there was a standard for high school parking of five spaces per student. Mr. Reasor's preference would be to have it more as a general statement that they use in elementary and middle schools, which is really to suggest that it needs to be based on the study. It should reference the need for students, teachers, and teacher assistants instead of setting one set number. Staff has no problem with his suggestion. The other thing for this public hearing piece that the Commission can act on today coming out of last week's section on schools, they had discussed adding an overall facilities' objective which would go into page 4, which would be to have a new objective that encouraged the environmentally sound design and construction of buildings. Staff has not created that language yet.

Mr. Edgerton pointed out that he had promised to provide that language, but had not been able to do so. He apologized and noted that he would get that done.

Mr. Benish stated that if the Commission were to take action on this that they could do so pending that language being added. Staff would get that done before it went to the Board of Supervisors.

Ms. Joseph pointed out that they had talked about adding that language to the other pieces of this, too.

Mr. Benish stated that staff would add that language to the other previously discussed sections for emphasis. That is really the update from last week when they most recently discussed parts of this. He stated that the Commission could take this opportunity to discuss this more. He asked that the Commission not take action on the school section because they are scheduled to go to the School Board on May 27. Staff will be presenting that section to them and then coming back to the Commission with their comments and concerns.

Mr. Rieley stated that if they take action on this that it would be without the school's section, and they should specifically eliminate that.

Mr. Benish presumed that they would condition it with the inclusion of the environmentally sound design language being included.

Mr. Thomas asked if any Commissioner had anything else to bring up.

Ms. Joseph pointed out that she preferred taking out the actual numbers for parking. Since that was also in the library service section, she suggested that it also be changed to be less specific.

Mr. Benish stated that they could go either way with it. One of the values of this section is that when they are looking at sites they can look at some factors that would give you some measurement of whether a site is a good site or not. But, similarly it is not essential because it could be figured out by using common construction and site ratios. He pointed out that it was not absolutely essential. It is the one thing that you do lose when you go out and look at a site because they can kind of factor in these various square footages that they put into place. He noted that it was not that important. For consistency he felt that they made a good point.

Mr. Morris questioned whether it was wise to put in a two-acre minimum for the size of the site for a library.

Mr. Benish stated that the language could be taken out. In the last sentence it states that, "Smaller sites may be appropriate depending on the character. " That sentence was supposed to build in some flexibility. The idea of the two acres was to help staff in the site selection. He stated that instead of a minimum for a desirable site it should be feasible site.

Mr. Edgerton asked why two acres was picked since it seems very big.

Mr. Benish stated that it includes the parking and would build in some expandability. He noted that they wanted to find a site that could be retained and expanded in the future.

Mr. Benish stated that in order not to send a mixed message that he would take out minimum and replace it with desirable in the library section.

Mr. Edgerton suggested adding the words "to allow for future expansion."

Mr. Benish stated that a couple of Commissioners had questioned why there would be square footage sizes for the schools. After talking with Mr. Reasor, he agreed that it would probably be best not to put the square footages in. Therefore, staff will take those specific numbers out.

Mr. Morris asked that the following corrections be made on page 3:

1. "The County's population for 2000 was . . ."
2. Change the sentence after Distribution of Population to read, "As of July 2003, there is a total of …"

Mr. Thomas asked if there were any other questions for David.

Mr. Rieley asked if there was a logistical advantage for the Commission to pass this along without the education piece or would it make sense to wait and pass it all on together. He asked what staff's preference was.

Mr. Benish stated that there was so much going to the Board this summer that it would not matter if the Commission wanted to wait and pass it all along at once. He noted that staff previously had suggested that the Commission pass this part on without the education section. The School Board will hear this on May 27. He stated that the safest thing to do would be for the Commission to pass this piece along and then staff would just hold forwarding it to the Board until after the School Board hears the education section.

Mr. Rieley stated that if that was more convenient for staff that he had no problem doing it that way.

Mr. Thomas opened the public hearing and asked if there was anyone in the audience who wanted to come forward and speak on this application. Since there was no one, he closed the public hearing to bring the matter back to the Commission for discussion and a possible action.

Mr. Rieley moved to send the Community Facilities Plan to the Board of Supervisors with a recommendation for approval, holding out the school section for the time being, with the following changes which includes the additional environmental language and the editorial changes as discussed.

Mr. Craddock seconded the motion, which carried by a vote of (6:0). (Higgins – Absent)

Mr. Rieley asked that Mr. Benish and Mr. Edgerton work on developing the proposed environmental language.

Mr. Benish stated that he thought that this was scheduled to be heard by the Board sometime in July and that staff is hopeful that the school section would catch up with this.

Old Business:

Mr. Thomas asked if there was any old business.

Mr. Edgerton stated that he received an electronic version of the Belvedere rezoning from Susan Thomas and asked if this rezoning was coming up soon.

Mr. Benish stated that the way the new process for the preliminary work session was suppose to occur was that the Commission would approve the final statements for the direction the rezoning was going. The Commission looked at an earlier draft at one time, but then it came back for another work session and was discussed further. That document had some of the clean ups to that meeting which staff did not send out to receive an approval on. Therefore, that is why that email was sent to the Commission. Therefore, if the Commission has any problems with them, please let staff know. If the Commission feels the changes are significant enough, then they can bring it back under old business.

Mr. Edgerton asked if they should put this on the agenda as an item to discuss.

Mr. Benish stated that they could if the Commission feels that it is worth doing. The Commission discussed it once and if you think that staff captured it well enough, then he did not think they needed to discuss it any further. But, the Commission could plan to go over it next week under old business.

Mr. Edgerton suggested that they follow Mr. Benish's suggestion and discuss it under old business next week. He noted that when he read it that he remembered what he had said, but he was just not sure what they needed to be doing with it.

Ms. Joseph noted that if the item is put on the agenda that it was likely that the applicant will be here to hear what is said if there are any changes.

Mr. Edgerton pointed out that if they did that then they would have to provide public notice.

Mr. Thomas suggested that they get their comments back to staff and then wait until the public hearing to give comments.

Mr. Benish stated that the request was being submitted and worked on. Therefore, they would be having an end zoning review work session coming up in the near future and what they are working from is our advice based on this language right now. Therefore, in some ways they are kind of behind the game since this should have been done about a month ago.

Mr. Benish stated that he hoped that it was reflective of what they went over before.

Mr. Thomas suggested that all of the Commissioners read this and send comments back to staff, and then next week they can bring this issue up again.

Ms. Joseph asked if they would be hearing The Rocks again next week.

Mr. Kamptner stated that was correct because there was an error in the advertising. He pointed out that essentially it was the same application, but that it needs to come back. He noted that two of the four key changes to the application plan were not advertised.

There being no other old business, the meeting proceeded to new business.

New Business

Mr. Thomas asked if there was any new business.

Mr. Morris stated that he had a question about the Commission's procedure. He suggested that they lay out their individual vacation schedules so that they could ensure that there is a quorum as the vacation season comes about.

Mr. Thomas stated that was a good idea and suggested that they discuss vacation schedules next week.

Mr. Thomas stated that if any Commissioner had any comments on how the staff reports were being presented to them or any suggestions for improvements that they email that information to Mr. Cilimberg. There are many changes going on in the department, and staff is working diligently to get it to work for staff, the applicant and the Commission.

Ms. Joseph asked if that includes the Commission getting the staff reports a week before the meeting.

Mr. Thomas pointed out that he had discussed that with Mr. Cilimberg and that the packets for next week should be distributed tonight. But, due to one of the applicant's showing up this morning with additional changes, the staff reports for next week were not ready to be distributed tonight.

Ms. Joseph pointed out that it was not only important for the Commission, but the applicant needs to receive the staff report in a timely manner, too. She pointed out that it is really tough to receive the staff report two days before the meeting.

Mr. Thomas noted that the Planning Department's goal is for the Commissioners to have the packets this week for next week's meeting. He noted that there would be a work session next week at 4:00 p.m. in Meeting Room 235 and that they need to bring their Rural Areas notebooks.

Mr. Benish summarized the actions taken by the Board of Supervisors on May 12th

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:25 p.m. to the next meeting on May 25, 2004 at 4:00 p.m.

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V. Wayne Cilimberg, Secretary

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