Albemarle County Planning Commission
February 8, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, February 8, 2005 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, Calvin Morris, Jo Higgins, Pete Craddock and Bill Edgerton, Chairman. Absent were David J. Neuman, FAIA, Architect for University of Virginia and Marcia Joseph, Vice-Chair.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Stephen Waller, Senior Planner; Alan Schuck, Engineer; Bill Fritz, Chief of Current Development; Elaine Echols, Senior Planner and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, he stated that the meeting would move on to the review of the Board of Supervisors meeting.

Review of Board of Supervisors Meeting – February 2, 2005.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on February 2, 2005.

Deferred Items:

SP 2004-00054 Subway at Forest Lakes: Request for special use permit to allow a drive-in window to serve a fast food restaurant in accordance with Section 24.2.2.13 of the Zoning Ordinance, which allows for drive-in windows serving or associated with permitted uses.

AND

SP 2004-00058 Dairy Queen at Forest Lakes: Request for special use permit to allow a drive-in window to serve a fast food restaurant in accordance with Section 24.2.2.13 of the Zoning Ordinance, which allows for drive-in windows serving or associated with permitted uses. (Site plan SDP-2004-89 is currently under review for this proposed development.) The property, described as Tax Map 32, Parcel 42H, contains 2 acres and is located in the Rivanna Magisterial District on Seminole Trail (Route 29 North), just south of the McDonald's at Worth Crossing (Route 1722). The property is zoned HC, Highway Commercial. The Comprehensive Plan designates this property as Community Service in the Hollymead Community. (Stephen Waller) ***DEFERRED FROM THE JANUARY 25, 2005 PLANNING COMMISSION MEETING.***

Mr. Edgerton asked Mr. Kamptner if the two special use permits needed to be done separately.

Mr. Kamptner stated that the Commission could have one public hearing that applies to both of the special use permits.

Mr. Waller summarized the staff report. This is a request for two special use permits that would allow the construction of two fast food restaurants with drive-through windows. In accordance with Section 22.2.2(10) of the Zoning Ordinance, which allow for drive-through windows serving or associated with by-right uses allowed in the C-1 zoning district. The Architectural Review Board has reviewed the latest revisions to the site plan. They actually granted approval subject to administrative issuance of a Certificate of Appropriateness. One of the conditions related to ARB approval has already been satisfied. The issuance of the Certificate of Appropriateness is the only outstanding condition for ARB approval. Current Development's review of this request has been coordinated with a related preliminary site plan, which is posted on the board. That site plan has been determined to be in compliance with all of the

relevant preliminary site plan requirements. This includes standards for safe and convenient one-way access, such as the provision of adequate stacking links for the cars that would be lined up in the two drive-through windows and also a 16 foot width that would allow the by pass of traffic that would need to get out of one of those lanes. Staff's review has also focused on the existence of the proffer that limits the number of trips per acre that are allowed to the site each day. In the staff report staff has provided some traffic estimates from the Seventh Edition of the *Institute of Transportation Engineers (ITE), Trip Generation Manual*. The applicant has also provided some alternative numbers and an analysis that they would like for the Commission to consider as well. There was a follow-up memo from the applicant that was passed out at the last Planning Commission meeting. The applicant requested that the memo be used for their consideration of the numbers also. Staff has reviewed this proposal for compliance with section 31.2.4.1 of the Zoning Ordinance and for consistency with the Comprehensive Plan and recommends approval of both special use permits with the condition that basically states that if the Commission sticks strictly to the ITE trip generation standards that the applicant shall gain some sort of mechanism of finding a way to spread the trips throughout the site for all proposed and future uses on the site. That is similar to what was done at Forest Lakes where for each use that came in there was a trip generation schedule provided and each time more trips are added to all of the parcels that came from that parent parcel that was rezoned with this condition. All of the trips would have to add up until they maxed out on the trips. However, if the Commission feels that that applicant's numbers for trip generation are acceptable, then that condition can be eliminated. That is condition 2 listed in the staff report. Staff's final statement below each set of recommended conditions originally stated that condition 4 could be eliminated from this action, but it should have been that condition 2 could be eliminated. Condition 2 is the one that deals with the trip generation. Again, if the applicant's numbers are acceptable, then that condition is the one that can be removed. He pointed out that there was another clerical error made in the staff report where the engineering's traffic estimates were placed into the staff report twice. The first time it is in the correct place under engineering and traffic estimates and then secondly it was again under the applicant's traffic estimates. On page 4, aside from the opening and closing statements in the applicant's traffic estimates, the information that should have been included in there should be the same information provided in one of the memos that the applicant's engineer had provided. When you look at page 4 the most important thing to have in mind is that the trip generations in the chart are correct, although the information from staff's estimates were provided in duplicate under the part where the applicant's estimates should have been included. Staff recommends approval with conditions that are based mainly on the requirements from the special use permit section, which deals with the impacts to the character of the area and impacts to the adjacent properties. The only other thing from staff's point of view that needs to be resolved is whether or not the impact from the proffer regarding the trip generation information is still the same as it was intended to be at the time of the rezoning. Also, whether or not the *ITE Manual* is what the decision would be based on or whether or not the applicant's information would also be used. If the Commission has any further questions, the applicant and his representatives are present.

Mr. Edgerton stated that he had one question for staff. His reading of ZMA-91-10, which was granted back in 1989 by the Board of Supervisors, says that it restricts the site to 430 vehicle trips per day per acre for any uses allowed on the property. If the entire 6.75 acres of the property, which he assumed included the area referred to as phase 2, was calculated that the proposed use was not going to exceed that amount regardless of whose numbers are used.

Mr. Waller stated if you look at the site where the two restaurants are being proposed that you have to keep in mind that this is only a two acre parcel that comes out of the parent parcel, which was the original 6.75 acres.

Mr. Edgerton stated that down the road any additional traffic count that may occur at a future date on the remaining 4.75 acres is going to have to be covered by the original limitation.

Mr. Waller stated yes it would without any future changes to the zoning.

Mr. Edgerton asked if staff had any additional history of why that restriction was put on the property.

Mr. Waller stated that his understanding was that this was done to keep it consistent with what was going on at Forest Lakes and that Forest Lakes had direct access to Route 29. At the time that this was rezoned there was anticipation that this site would also have direct access to Route 29 and there was a lot of concern with the number of trips that were going to be accessing Route 29 in that area.

Mr. Fritz stated that at the time that Forest Lakes and this property was rezoned that the goal was whenever property was changing from a noncommercial to a commercial designation was to minimize its traffic by limiting the total volume of traffic. The number 430 was developed after working with the Virginia Department of Transportation and our own Transportation Planner as an average vehicle trip count for commercial uses. The concern was that if all high traffic generating uses would go in there that it would overwhelm Route 29. This was before there were any plans to upgrade Route 29. The idea was that there should be 430 vehicle trips per acre. Some uses would be higher and some uses would be lower, but it would average out to 430 vehicle trips per acres. The County does not do that anymore. But, that is how the proffer was developed. It was to minimize the total volume of traffic coming off of the site.

Mr. Thomas asked what the major difference was between how the staff has reported on the average trips per day and what the applicant's numbers are.

Mr. Schuck stated that the main difference is when they consider site generation to a particular site they use the typical engineering standards which are approved by VDOT. Within those standards the most recent addition is the *2005 VDOT Street Subdivision Ordinance*. There are two main resources that they use. One is an actual traffic study that is used to go out for an independent study. They actually take physical counts of the traffic coming to the proposed site. A study is done and an analysis is done. Then the information is given based on an actual independent traffic study. The other method that is recognized and used is the *Institute of Transportation Engineers (ITE) Manual*. They use a chart that takes an average for a particular site usage, but not for any particular brand names. They don't do anything specific. They use specific idealized site comparisons. That information is obtained from the outside public and then they do some fiscal analysis on it. The average of the vehicle trips per day based on that use is then given. The applicant's numbers were based on actual receipts from participating Dairy Queen and Subway owners and distributors throughout the State of Virginia. They correlated that with the number of receipts per month per day and translated that into vehicle trips per day. That is how they came up with the analysis of their numbers. The difference of the two is basically the generality of the *ITE Manual* as opposed to the specifics that were submitted by the applicant in this case.

Ms. Higgins asked if staff knew of any case where under a specific analysis that VDOT would not accept an actual traffic study in place of the general ITE standards that are presented.

Mr. Schuck stated that he did not know of any specific case. But, for this one he had spoken with Mr. Proctor of VDOT and they have given their analysis on their thoughts with letters and emails. Usually it is tied to specific requests. In this case it is with the drive-through windows. As far as any specific instances, he did not know of any.

Ms. Higgins asked if he knew of any case that VDOT has rejected it.

Mr. Schuck stated that he could not.

Ms. Higgins asked if VDOT would normally accept it.

Mr. Schuck stated that VDOT would take that into consideration in their analysis. But, usually their preferred two methods are a physical traffic independent study or the *ITE Manual*. In their manual they say that they do take the information from engineers or other professionals into consideration with whatever decision they make. Therefore, they would take it into consideration. It is not their direct basis, but they would consider that as part of an applicant's application for a site plan.

Mr. Fritz stated that usually when a specialized study has been done is when ITE has not been direct to the particular type of use. For example, an office in ITE is this number and the applicant thinks that it is this number. It is when it is a peculiar kind of office or a peculiar type of mix of development that ITE

does not specifically address. The applicant would have a special kind of use. He pointed out that ITE information is based on drive-through restaurants.

Mr. Rieley stated that if he read the staff report correctly, the applicant did not submit a traffic study. The applicant submitted an estimate based on businesses of these brands.

Mr. Fritz stated that was correct.

Mr. Waller stated that in Mr. Proctor indicated in his email that he did not know where the 860 came from in looking at this as a two acre parcel with 430 trips per acre. He also indicated that at this time with the two uses being proposed, he does not see that as being an issue. He felt that VDOT is more in tune to the fact that they are accessing the site from a parallel road to Route 29 as opposed to attempting to utilize their right to have direct access to Route 29 and also granting the right-of-way to the site. (Attachment – Email dated January 29, 2005 to Allan Schuck from Charles C. Proctor, III, Assistant Resident Engineer in reference to trip generation report.doc for Subway and Dairy Queen)

Mr. Fritz stated that was a very important distinction. If it were not for this vehicle trip proffer, they would not be having this conversation. Staff would have simply recommended approval based on the comments by the Department of Transportation. The issue that confuses this particular one is this proffer limitation that has 430 vehicle trips. He clarified that staff has used ITE and the applicant has submitted their own study.

Mr. Rieley stated that in the event that they were to accept the applicant's numbers and recommend approval without any condition relative to the overall traffic generation, and then when it comes time for the next applicant of the adjacent property to bring in their proposal, then it is similarly constrained by these proffers. By then they will have real numbers that are coming from both of these businesses. He asked if that would then get subtracted from the next parcel.

Mr. Waller stated that under the current circumstances that is the only way that staff can really see this fitting without the applicant approaching the Board again and telling them that these are pretty much outdated and the proffer is no longer as valid as it was at that time because Route 29 has been improved.

Mr. Fritz stated that in the past when the next project came in Forest Lakes staff did not go back and do an actual count, but simply used ITE and assumed that it was correct. If the Planning Commission approves this request using the applicant's numbers, those would be the numbers that staff would use from this point forward that says how many trips are available. Historically, staff has not done that unless specifically directed by the Commission to do so.

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

Donna Deloria, of Payne & Hodous, attorney for the applicant Ganapati, LC stated that also present for the applicant are Sid and Adrian Tripathi, their engineer, Brian Smith and their architect Doug Dobbinson, They are present in case there are questions that they can address. Staff has indicated that the proposed use meets all the necessary criteria and the only impediment or potential concern with this is the technical language of that zoning proffer regarding the traffic, which are 430 vehicle trips per acre. As staff indicated, the parcel that they are involved with is 2.003 acres out of an original 6.75 acre parcel. The balance of that 6.75 acre parcel is under separate ownership. The parcel that they are dealing with would have allocated to it not less than 861 vehicle trips per day based on its individual acreage. Initially, as has already been noted, the zoning proffer is arguably inapplicable to the current application due to the change in the circumstances of this property over time. When the proffer was established the access to this property would have been from Route 29 and in the 16 years since then substantial additional roads have been installed. It has been recognized by VDOT and the staff that it is more than adequate to handle any traffic generated by the proposed use. There is no factual concern about the traffic burden here. It is merely a matter of the actual technical numbers. This project will not access Route 29, but will rather have its access from Worth Crossing by a public road as it has been indicated as VDOT's intent here. However, it is not necessary for the Commission to determine that the zoning proffer no longer

applies because the projected traffic generation of these uses is well below the amount permitted by the proffer based on the applicant's numbers that have been submitted. Mr. Waller indicated that Brian Smith's memo had been handed out to the Commission and she wanted to make sure that was his letter of February 1. The staff is correct that the *ITE Trip Generation Manual* is an accepted method of determining the amount of traffic generated by a particular use. But there are inherent limitations in the *ITE Manual* which are particularly highlighted by this case and make those figure unrealistic in their application to this project. The category for fast food restaurant with drive-through window is the category listed in the staff report that has been applied, and the *ITE Manual* specifically mentions that this was based on studies of major name brand restaurants such as McDonald's, Burger King and Taco Bell. Also, the physical sizes of the restaurants studied by ITE are generally greater in area and number of seats than those proposed here. The volume of business done by the restaurants studied by ITE is much greater than the restaurants proposed by the applicant. A 2004 report, a copy which is attached to the February 2 letter of Mr. Smith, reflects that the average McDonald's does more than twice the business of the average Subway and Dairy Queen combined. Then finally the ITE figures come from a very small number of samples and at least in the Fifth Edition were based on eight samples that are remote in time and location from us. The *Institute of Traffic Engineer's Manual* specifically acknowledges that such limitations exist and encourages the adaptation of this data in particular circumstances. However, in this case the staff does not recognize our engineer's application of that aspect of the *ITE Manual* nor the independent traffic analysis that has been conducted. Obviously, a traffic study at this location would not be sensible and they have not gone out and sat by a Dairy Queen somewhere else in Virginia and counted the number of cars. They have not submitted that kind of a traffic study. But, they have conducted an independent analysis of the expected traffic on this property based on customer counts that have been provided by the applicant by the corporate authorities for Dairy Queen and Subway. Those figures are particularly convincing in that they are actual customer counts and based on number of receipts and not based on guesses. It is based on the amount of dollar business. The actual customer counts were gathered in 2004 in Virginia from similar restaurants. The figures are inflated to include figures for only the largest stores. Those are the figures that they asked for in what they have used here. Mr. Smith has analyzed the traffic to be generated by the site in three different ways as seen in Attachment E to the staff report and the memo that was handed out later. First, in his letter of January 15, which is the second letter to Attachment E to the staff report, he in fact applied the traffic counts from the *Fifth Edition of the ITE Manual*, which was slightly higher than those in the seventh edition that was used by staff. As outlined in Mr. Smith's letter, he believed that ITE's fast food with drive-through studies did not accurately reflect what could be expected from restaurants selling primarily sandwiches and ice cream. Accordingly, he exercised his professional judgment to combine categories to reach a more realistic conclusion and he details that in that letter and results with a projected vehicle trip per day count of 715. The second analysis is set out in his letter of January 24, which is the first letter of Attachment E to the staff report. He calculated a grossly inflated figure for demonstration based on the highest volume for the highest producing Dairy Queens in Virginia. That resulted in a vehicle trip per day count of 823. Finally, as set out in his letter of February 1, which he mailed to each Commissioner separately and which Mr. Waller handed out, he calculated those figures again for both Dairy Queen and Subway based on actual customer counts from Virginia for both of those stores using a more conservative analysis consistent with what staff had asked us to do and ITE methods. Even that figure is probably still inflated as it is also based on the customer counts for the highest producing stores. That resulted in 694 vehicle trips per day. The calculations based on the actual customer counts directly supported the accuracy of Mr. Smith's initial professional judgment based on the *ITE Manual*. Most importantly, all three methods disclosed projected traffic counts for these restaurants well below the maximum permitted by the technical language of that 1991 zoning proffer. As both staff and VDOT have indicated, as a factual matter the amount of traffic to be generated by this use is not of concern. Therefore, an inflexible application of the *ITE Manual* is particularly inappropriate in this case. The applicant has provided an ample reasonable and reliable basis in Mr. Smith's calculations for concluding that the traffic to be generated would be within the amount of the zoning proffer. Accordingly, the applicant asks that the Commission recommend in favor of these special use permits except for condition 2 in each case. Their further suggestion would be that if there is any lingering concern about the impact of this use on Route 29 that could be addressed by a condition that the site is to be accessed only by Worth Crossing with no direct access to US Route 29. If there are any questions, she would be happy to answer them.

Mr. Edgerton asked if there were any members of the public who would like to address the Commission on this application. There being none, he closed the public hearing to bring the matter back before the Commission.

Mr. Rieley asked staff their reaction to the applicant's assertion that the proffer is effectively obsolete because of the improvements that have been made to Route 29.

Mr. Schuck stated that he could not speak on the obsoleteness of the proffer. But, in his opinion the numbers that they have given are great for specific sites, but there is nothing that holds us with the special use permit application to prevent it from being a McDonald's or a Burger King in the future as opposed to being proposed now as a Subway or a Dairy Queen. This is a special use permit for drive-through windows and based on that they see where the proffer is tied in as a use and not tied to a specific franchise or a specific item.

Ms. Higgins stated that the site plan is a proffered site plan and one of the conditions is if the buildings are going to change size. For example, to be expanded to be the size of McDonald's they would have to come back before the Planning Commission under a special use permit if the plan is part of a condition.

Mr. Rieley stated that a McDonald's generates a lot more business per square foot than a Dairy Queen does. He pointed that was an issue even it the building stayed the same size.

Mr. Schuck stated that was correct and that the applicant has proven that with the numbers that they have given in the information. Specific uses do have specific gross amounts of sales and they have tied that into their traffic studies. In this particular case, the special use permit being tied to the drive-through windows is why staff is recommending the ITE as the reference that staff has used in their analysis of the traffic study going to the site. As specified, the engineering review and the VDOT review feels that the infrastructure is in place, the site distances are fine, the adequacy of the existing roads are fine and it is just a matter of the wording of the proffer and the limitations of the vehicles to the site.

Mr. Edgerton stated that if this site plan is part of the application and proffer and it specifically references Dairy Queen and Subway and if it changes later that does force the request to come back.

Mr. Waller stated that if the applicant went to a difference franchise of the same square footage the only thing that they would be required to do is to come to the Zoning Department and get a zoning compliance clearance.

Mr. Kamptner stated that Zoning would look at the parking and the traffic generation.

Mr. Fritz stated that if the Commission approved it that they might be able to do that by saying that they were approving it for these particular users based upon a specific study. He felt that they could do that.

Mr. Rieley asked if there was any reason that they could not approve it conditional upon actual counts of the usage of these windows. There is a dramatic difference between the ITE figures and these.

Mr. Fritz stated that part of the problem with doing the actual counts is that staff has agreed through some past interruptions of the proffers to allow a percentage of pass by capture traffic to do actual counts to capture higher or lower amounts. But, they have agreed through some decisions of the Zoning Administrator that the capture is not going to be considered against the 430.

Ms. Higgins stated that this has been challenged before, too. The 36 percent that has been allowed with 12 percent for internal traffic coming out of Forest Lakes and 24 percent for by pass traffic. It could be argued that people on the south end of town don't drive to Forest Lakes to go to a Subway there and that it really is potentially more pass by traffic of people who were already in that vicinity. There are more restaurants available on other corridors other than Route 29.

Mr. Fritz stated that the reason they did that was that the intent of the proffer was its impact on Route 29 and not on the people who may live in Forest Lakes who use this. It is already on Route 29 because they have lived in Forest Lakes and they were not counting them twice.

Mr. Rieley stated that it would be 861 vehicle trips per day plus whatever the capture traffic is.

Mr. Fritz stated that was correct and was the reason they had used the 36 percent number. They agreed on that with past action. He pointed out that it was an estimate.

Mr. Waller stated that in response to whether or not it was staff's opinion that the proffer is obsolete that. The basic statement is that at the time that the proffer was applied to this particular property that some of the concerns have been addressed because improvements have been made to Route 29 and the subject parcel will access through Worth Crossing and not directly onto Route 29. Staff can say that those things were not on the table at the time the property was rezoned.

Ms. Higgins pointed out that they were not talking now about Route 29 and Worth Crossing being a T intersection. Now, Timberwood Boulevard will be on the other side and the traffic can now go in two directions.

Mr. Rieley stated that what he was trying to sort out is whether staff's recommendation is that there is a proffer on this property and they have to acknowledge that. The best tool that they have to evaluate that is the ITE estimates. That is the basis of the recommendation. He stated that he was trying to determine whether they feel comfortable going through the steps in doing that or whether you feel subjectively there is a real difference to this property in whether or not this generation of traffic takes into account all of the changes that have been made. That is really a subjective issue. Part of what he was hearing was this is what we did and these are the numbers that we came up with. He stated that he was trying to find out how much conviction staff has in the method that they used.

Mr. Fritz stated that the method that they were using was that it was unusual for them to give this much information. Staff gave the Commission everything the applicant submitted. Staff is presenting it without saying that they don't agree with it because they are only providing it to the Commission. The reason that they are using ITE versus with just going with what the applicant submitted is that historically they have done so because they are dealing with a legislative act. Staff wanted to maintain consistency by using ITE. Staff does not believe that if the Commission uses the applicant's numbers and if they impose a condition that staff does not believe that there is going to be an adverse impact on Route 29, then they do not believe that they violated the proffer.

Mr. Kamptner stated that if the use did change they would have to go through a zoning compliance review. The new occupants would have to show that they comply with all the requirements of the Zoning Ordinance, which incorporates all of the proffers that apply. It would essentially be the same review that they were doing right now with respect to vehicle trips. They will look at adequate parking and things like that.

Ms. Higgins stated that if the new use had a drive-through window that there would not be a change.
Mr. Rieley stated that he felt very certain that if they approve this based on the analysis that they have and leave out number 2 that after the property next door develops, his guess is that they will have exceeded 860 vehicle trips per day. What he was trying to get to the bottom of was whether that makes any difference. There is nothing in the proffer that suggests that they even have to deal with this proportionally because it is the total site. You are reviewing it as it has to be done proportionally, but they could put 90 percent of the traffic on this site and leave the other one for an old folk's home.

Mr. Waller stated that was how staff would approach it.

Mr. Rieley suggested that condition 2 be substituted if they move ahead with this. He noted that he would rely on Mr. Kamptner to make sure it is worded correctly. The intention is that instead of condition 2 that it state that when any future portion of this property comes in for a special use permit for a drive-through window that the calculations for the use on this site will be based upon actual counts of the vehicles going

through the drive-through windows on the site and not on hypothetical numbers that were used for this application. Also, that the allowance for capture be used consistently for the way they use those numbers for other projects.

Mr. Edgerton stated that what would be allowed for vehicle trips per day would be subtracted from the total count.

Mr. Rieley stated that the 860 figure for the total remains in place.

Mr. Kamptner stated that condition would not bind the owners of the rest of parcel 42G. It would only apply to this 2.003 acre parcel. The Commission may want to have it only be direction to staff to book mark the future development of parcel 42G. He noted that the southern end of this parcel is reserved for future development. Therefore, it does not bind the other part of the 6.75 acres of the parent parcel.

Mr. Morris suggested that it be book marked for staff.

Mr. Kamptner stated that he thought that was what their direction was. Therefore, when this entire 6.75 acre parcel is developed it will have been evaluated using actual traffic counts.

Mr. Rieley stated that secondly he would like to accept the applicant's suggestion to include a condition that stipulates that the access will be limited to Worth Crossing. He stated that he would move for approval with those caveats.

Mr. Edgerton stated that the substitution for condition 2 would apply to both special use permits.

Mr. Rieley moved for approval of SP-2004-00054, Subway at Forest Lakes, with the conditions as amended.

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Subway/Dairy Queen at Forest Lakes", last revised October 22, 2004 and November 11, 2004.
2. For all future uses on the property, the traffic calculations for each use shall be based upon actual traffic counts for the specific use proposed and not on traffic estimates applicable to general use classifications. The traffic calculations also shall use a methodology consistently applied by County staff to allow for traffic capture.
3. The applicant shall make arrangements for dedication of the fifty (50) foot section of right-of-way providing interconnections from roads within the Forest Lake development to public use and acceptance into the state roads system, as shown on the plan.
4. The applicant shall provide hedge planting in the vicinity of the drive-through window, with the species to be determined subject to the Architectural Review Board approval of the final site plan. All such plantings shall be allowed to grow up to minimum mature heights of at least 5 feet.
5. The access will be limited to Worth Crossing

Mr. Thomas seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Morris moved for approval of SP-2004-00058, Dairy Queen at Forest Lakes, with the same conditions as amended.

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Subway/Dairy Queen at Forest Lakes", last revised October 22, 2004 and November 11, 2004.
2. For all future uses on the property, the traffic calculations for each use shall be based upon actual traffic counts for the specific use proposed and not on traffic estimates applicable to general use classifications. The traffic calculations also shall use a methodology consistently applied by County staff to allow for traffic capture.
3. The applicant shall make arrangements for dedication of the fifty (50) foot section of right-of-way

providing interconnections from roads within the Forest Lake development to public use and acceptance into the state roads system, as shown on the plan.
4. The applicant shall provide hedge planting in the vicinity of the drive-through window, with the species to be determined subject to the Architectural Review Board approval of the final site plan. All such plantings shall be allowed to grow up to minimum mature heights of at least 5 feet.
5. The access will be limited to Worth Crossing

Mr. Rieley seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Edgerton stated that both special use permits were approved and would go before the Board of Supervisors with a recommendation for approval on March 2.

Public Hearing Items:

SDP 2004-00108 Crutchfield: Request for approval of a major site plan amendment to allow an 18,150 gross square foot office addition in an existing Crutchfield business complex. The property, described as Tax Map 32, Parcel 9C, contains approximately 52.244 acres, zoned Light Industrial (LI). This site lies within the Rio Magisterial District and is located on Quiet Acres Lane, approximately 220 feet east of Dickerson Road (Route 606), across from the Charlottesville-Albemarle regional Airport. The Comprehensive Plan designates this property as Industrial Service in the Hollymead Community. (Stephen Waller)

Mr. Waller summarized the staff report. The Site Review Committee has reviewed the site plan and found that staff could grant administrative approval once all of the outstanding comments have been addressed satisfactorily. However, an adjacent property owner has submitted a written request for Planning Commission review of the proposed site plan amendment citing specific concerns for the following issues:
1. The proximity of the building addition to the residence on an adjoining parcel.
2. The location of the dumpster pad related to a shared access easement.
3. The future status of rights to an existing access easement that serves as the sole point of access to her property.
4. The effect of the property improvements on the proximity of her property line.
5. The relationship of the proposed screening trees to an existing water line that runs between the two parcels.
6. The overall impact of this development upon the water line.

Staff has attempted to address those concerns within the staff report in the same order. The most significant concern that staff has found that there is a need for the applicant in the proposal to provide an alternative route for her access easement that would be phased during the construction that would allow continuous access to her property. As of right now there is no plan in place that shows how her access would be handled during the construction. That is again the main point of concern because if there is ever a need for an emergency vehicle to access her property they were going to need to have someone to go and inspect the site from time to time to make sure that access is being kept in place. In order to address that concern staff has recommended approval of the plan based on meeting all of the requirements of Section 32 related to amending an existing final site plan with an additional condition that states that the travel way within the easement shall remain unobstructed during all phases of construction or an alternative route shall be provided and shown on the plan. That alternative route would be subject to the Fire Official's approval. This is one of seven recommended conditions of approval. Most of the other conditions of approval are just standard conditions of approval that would be applied to this site even if it were not called up for review. If there were any questions, he would be happy to answer them.

Mr. Edgerton asked if there were any questions for staff from the Commission. There being no further questions for staff, Mr. Edgerton opened up the public hearing and asked the applicant to come forward to address the Commission.

Eric Woolley, engineer with Cox Company, stated that they have been working with Mr. Waller on the site plan amendment process. They have reviewed his recommendations to amend the plan and are in agreement to work with him to provide the amended plan to satisfy the Review Committee.

Ms. Higgins asked if he had looked at all alternatives to locate the dumpster. The dumpster's current location is at the very end towards the residential side. Since this was a very large site she wondered if they have evaluated any alternative locations since it was a point of contention.

Mr. Woolley stated that the location that they have chosen in this plan is the most screened from Dickerson Road. It is also better screened from her property by the use of the landscaping buffer that they have shown between the properties. When they submitted the first iteration the dumpster was closer to the building, which was what the owner had expressed a desire for so that the employees did not have as far to walk. But, the Review Committee decided that it impaired the use of the traffic circulation to the extent that they asked us to look at a new location. That is why they chose this location.

Ms. Higgins asked if it was a double dumpster pad so that it would have cardboard recycling and garbage. She asked what the dumpster would be used for.

Mr. Woolley stated that it was his understanding that it was a single dumpster.

Ms. Higgins stated that Crutchfield probably has a lot of cardboard and this was a wonderful opportunity for recycling.

Peter Sheeran, architect, stated that the recycling happens on the other side relative to the warehouse.

Ms. Higgins asked if both dumpsters could be consolidated into one location.

Mr. Sheeran pointed out that this was an office area use. When the site plan was sent out to adjacent property owners the dumpster was located right at the circle. He felt that one of the concerns of the adjacent property owner was that as she would drive through her right-of-way that she would be riding by that dumpster. It has been moved away from that point 300 feet down to the very top of the parking lot.

Mr. Waller pointed out that was done in response to a site review comment before the applicant had a chance to see the plan. Therefore, the adjacent owner was not aware that it has been relocated.

Mr. Woolley stated that the only other concern that really jumped out was the fact that the adjacent owner was concerned about the landscape screening being too close to the water line. One thing that they did not show on the landscape plan was the easement, and they intend to revise the plan to show that easement. He pointed out that the landscaping is outside of the easement.

Ms. Higgins stated that by the rules of the Albemarle County Service Authority or Rivanna, they can't plant the trees on top of the water line anyway.

Mr. Woolley pointed out that they can't plant trees in the easement either.

Mr. Edgerton asked if there were any other questions for the applicant. There being no further questions for the applicant, Mr. Edgerton invited comment from other members of the public. He pointed out that Faye Branham was signed up to speak on behalf of Lucille Miller. He asked Ms. Branham to come forward and address the Commission.

Faye Branham, daughter of Lucille Miller, stated that they purchased this property back in 1952 before they ever saw an airport, Crutchfield or any kind of surrounding business. This is a beautiful ranch style home with a very open wooded area out in front that has been cleared so that you can see 100 yards in front of it. Their major concern was the dumpster. Even with moving the dumpster 240 feet, it was still facing their property. Their property and house is only about 180 feet from the back of this building. The whole length of the back of this building faces our back yard, and they are not too happy about having a dumpster on either end of the building in the back. There will be a noise issue when they come in and

empty these dumpsters whether at 3 o'clock in the morning or whenever. They just don't know when these dumpsters would be emptied. They will not like the smell from the dumpster, or the flies, the mosquitoes, etc. Even if they moved the dumpsters all the way to the back it was still parallel and in close proximity to their home. They did not like it at the original site because it was literally right at the beginning of their property where they come into their property. They owned all of this easement for years and sold it to Mr. Crutchfield never thinking that they would have these types of issues to deal with at that time. Therefore, they were very concerned. There is a dumpster at the front of the building and they don't understand why it can't be somewhere on the front side of that building or down all the way on the north side of that building near the car rental property. There is plenty of room for a dumpster in that area. Another location for the dumpster that would be completely out of site of their home was off of Dickerson Road just as you turn off of the main road and turn right up into the parking lot. There is nobody on Dickerson Road to worry about the dumpster. There is nobody across the road to complain about a dumpster being up in that corner of his property. She pointed out that they don't understand why they have not considered those two locations since he currently has a dumpster on the front. That dumpster has been located there for many years. The other issue that they were concerned with was the easement right-of-way. It was suppose to be an exclusive right-of-way so if he at a later time sells the property or they sell to someone else that this right-of-way is suppose to remain there forever. They want to make sure that it is in there so that they would be protected from that if he was to sell his building at some point in time so the new owner recognized that there is a right-of-way easement into their property. She pointed out that her mother was 85 years old, which made her very concerned if they block this easement right-of-way into this property during construction. She pointed out that the family comes in and out of that property three or four times a day to see her. That entrance cannot be blocked for fire trucks or emergency vehicles of any kind in case an emergency came up. Regarding the water line, she called the Authority who said that they could not have the water line blocked in any way in the 20 foot easement. Therefore, they just don't want the trees over the top of that easement.

Mr. Edgerton asked if there was anyone else present to speak on this request. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Mr. Thomas stated that it sounds like the applicant is trying to do the right things to be a good neighbor. He stated that there might be a few more things that the applicant could apply to this to be even a better neighbor. He felt that the issues raised by Ms. Branham might be able to be addressed.

Mr. Edgerton stated that the dumpster was the only issue with any long term concern because staff has recommended the inclusion of a condition keeping access open at all times. He asked Mr. Kamptner if the easement, regardless of who owns the property, would be honored.

Mr. Kamptner stated that he had not looked at it, but it probably is. But, it could be a personal easement that is to a specific person since he had not looked at it yet.

Ms. Higgins stated that there was a deed book and page number reference on the easement. She pointed out that it was the access to the parcel.

Mr. Higgins stated that the water line had been taken care of since the Service Authority will govern that.

Mr. Edgerton stated that the issue was the dumpster and whether there was some alternative.

Mr. Craddock asked if the access had to be maintained to an existing condition.

Mr. Waller stated that he was sure that for fire trucks there would be a level of stone that would be required for the alternative access. The final product of the parking lot would be an upgrade of the existing circumstances. The big issue is what will be in place during the construction. The applicant has to have a phasing plan that is going to be acceptable. He pointed out that the applicant will not be able to have just a mud lot for their parking either because it would be in violation of the erosion and sedimentation control regulations. That is something that the engineering department would not allow. The phasing would have to cover the access to the other parcel that has the easement through it as well

as the phasing that is required by number 2 as far as having adequate parking that meets the parking standards and regulations.

Ms. Higgins stated that they were down to whether the applicant will voluntarily consider an alternate location to the dumpster because it appears to meet setback requirements. It appears to not be a convenient location for the building itself. There will probably be some other alternatives if the applicant was willing to consider them. Since the dumpster meets the applicable setback she did not think the Commission could dictate that.

Mr. Thomas suggested that there be some mitigation between the applicant and the neighbor to come up with a place that the applicant can place the dumpster.

Mr. Edgerton stated that it was a great idea, but he did not know how they could proceed with that.

Mr. Rieley asked to touch on sort of an associated issue and that is that of the screening because it seems to be connected to the whole objection to where the dumpster is located. The proposed plantings are Leyland Cyprus to planted 15 feet on center if you measure square. That means that it would be 21 feet on center if you measure on the angle. He asked how big those trees are.

Mr. Fritz stated that the trees are proposed to be 5 or 6 feet.

Mr. Waller stated that the planting height is listed on the site plan.

Ms. Higgins pointed out that was a foot more than what was required.

Mr. Rieley stated that if the applicant wanted to work with the adjacent property owner to make that substantially better that he felt that somewhat larger trees in a different species planted closer together would not be a very large expense and would make a very big difference to the owner. He realized that the Commission could not require that, but he just wanted to point it out. Also, for the benefit of the applicant that the trees that are specified, the Leyland Cyprus, are dying in droves all over the place because of the disease that is getting the Leyland Cyprus. Therefore, there will be no screening at all, which was not going to be good for anybody. He strongly recommended a different species, planted closer together with bigger trees.

Mr. Thomas and Mr. Craddock agreed with Mr. Rieley's suggestion.

Mr. Rieley stated that Red Cedars could be placed in there at twice the size and with 50 percent more trees and it would not cost any more. He stated that he did not think they could condition that, and he made it just as an observation.

Ms. Higgins suggested that they ask the applicant if they would voluntarily do it. She suggested that they find another location for the dumpster.

Mr. Edgerton invited the applicant to come forward to answer the Commission's question.

Mr. Sheeran stated that Mr. Rieley's idea of intensifying the planting around the dumpster is a good one. He stated that they were certainly open to looking at other species and trees. The Leyland Cyprus was initially selected because of its fast growing nature. Those trees grow about three feet per year. But if you compare it with something like a White Pine it is much denser foliage. Coming back to the Commission's earlier question of alternative locations for the dumpsters, if you move to the left side of the drawing on the other side of the building the grades drop off significantly down to the lower loading dock area. That is why they dismissed that area as a possible location. Frankly, Mr. Crutchfield was very unhappy about having to move the dumpster all the way back to where they had to put it. But, they felt that it was as far as possible out of the way to still have access to it and to allow a truck to have adequate turn around distance for backing up. That entails having a completely different paving section for those 243 feet of parking lot just to accommodate the truck. They would be willing to work with staff on species and planting spacing, especially in the area that would provide adequate screening for the neighbor.

Mr. Thomas moved for approval of SDP-2004-00108, Crutchfield, with the conditions recommended in the staff report. He stated that he appreciated the applicant agreeing to their suggestion.

1. *[32.5.6(b)]* Revise the parking schedule to identify the number of required spaces and the total number of spaces that are being provided. The required parking for administrative/office uses are based upon the square footage of the net floor area (1 space per 200 s.f.), and the warehousing use is based on the number of employees. In accordance with Section 4.12.4.a, the number of spaces provided cannot exceed the required number of spaces by more that twenty percent (20%).

2. *[32.5.6(c)]* The construction shall be phased with proposed timing that coordinates the building addition and the elimination of parking spaces to make room for the new parking area in order to ensure that the amount of spaces provided for the operations within the existing building are adequate during construction. These phasing details shall be provided graphically on the amended site plan.

3. *[32.5.6(c)]* The travel way within the easement shall remain unobstructed during all phases of construction or a temporary, alternative route shall be provided and shown on the plan, subject to the Fire Official approval.

4. *[32.5.6(c)]* Provide additional wording to label the location of the existing access easement that is currently identified as D.B 913 Page 340 on the site plan.

5. Service Authority approval of all water and sewer utility construction plans.

6. *[32.7.9.8.a]* Either the Service Authority shall grant approval of the proposed row of evergreen screening trees (species to be determined) that is shown within the existing waterline easement, or width of the planting area between the parking lot and the property line shall be increased in order to provide adequate area for the required screening strip. Note: The applicant volunteered to work with staff on using a different species and planting spacing using larger trees (not Leyland Cypress), especially in the area that would provide adequate screening for the neighbor.

7. Engineering review coordinator approval of erosion and sediment control plans and storm water management facilities serving this development.

Mr. Morris seconded the motion.

The motion carried by a vote of (6:0) (Joseph – Absent).

Work Sessions:

Setbacks: Work session on proposed amendment to the zoning regulations related to front yard setbacks in residential, commercial, and industrial districts, requirements related to accessory structures in front yards, and adoption of a resolution of intent to amend the zoning ordinance. (Elaine Echols)

Ms. Echols summarized the staff report. She stated that basically she wanted to give a brief power point presentation that illustrates what it is that they are talking about with this zoning text amendment. (Attachment – See Staff Report) The Commission last saw the subdivision text amendment a long time ago. In the staff report she described where it has been and where the Board is with it. Basically, as they went through the subdivision text amendment with DISC II they became very much aware of the importance of reducing the setbacks in order to help create the streetscape that they want. This is true not only in the residential districts, but the commercial and industrial districts. The handout that was distributed describes what they have existing right now and what they would like to at least put out there as a proposal to begin with to reduce those front setbacks. The power point presentation included some of the analysis that DISC II saw in trying to help the Commission understand what setbacks actually look

like out in the field. The existing setback requirements in the residential district are 25 feet. Staff is just talking about the front setback right now because they think they can manage that quickly. The side setbacks get into fire issues and they would rather bring those to the Commission at a later date. But, right now as far as the streetscape goes the front setback are the ones that are important. She presented the power point presentation. The minimum setback needs to be reduced from the road particularly in light of the Neighborhood Model. One of the things that staff is worried about is if the existing neighborhoods has a vacate lots. She asked how they would make a distinction between those old neighborhoods that have a fairly set setback and you really don't want to have a 25 foot setback for everybody and then a 10 foot setback for the new house. That would just mess it up. Staff thought that the deciding factor could be whether or not there is a sidewalk there because in most of the older neighborhoods in the County you don't have sidewalks. If you do have sidewalks there area probably not very many infill lots available at all. On the newer neighborhoods that they would be talking about in the conventional zoning districts if there was a side walk proposed or if it was already built, then you could get that reduced setback to help bring those buildings up closer to the road. Staff was not proposing any changes on the limitations on projections into required yards. Those would stay the same.

Two of the really unfortunate things before them she felt in terms of trying to create developments that meet the Neighborhood Model more are really large setbacks for commercial and industrial districts. Right now the minimum setback from the street is 30 feet in a commercial district and the parking can be setback 10 feet. So it is no wonder that the parking would always be in the front yard. That is what our minimum standard is and staff would like to at least get those to be at parity. That would be a recommendation of 10 feet. In industrial districts the setback for buildings is 50 feet and 10 feet for the parking. Again, staff would like to bring those closer together. Staff has also discovered that they inadvertently removed a section from the ordinance when they did some modifications a few years ago about where accessory structures can be located. The Zoning Ordinance previously said that you can't have a stand alone garage or a shed sitting out in the front yard. Staff would like to bring that back into the Zoning Ordinance so that they have not changed what they have always done. Those are the things that are in the particularly proposed zoning text amendment. The staff report is fairly general and staff would like to find out what the Commission thinks about this, whether or not they support it and what changes they would like for staff to consider. Staff will put together the language. Staff would like to have a focused discussion with the development community who to date has really been the one requesting this. Staff is hopeful that this really will meet the needs that they have expressed with the ultimate goal to get it down a path quickly that catches up with the Subdivision Text Amendments so that they could be adopted very close to the same time. Mr. Rieley and Mr. Edgerton were part of the discussions in DISC II that took place with regard to the Subdivision Text Amendment and also with regards to at least getting this to where it is now. They could probably answer questions about what they went through to get to this. If there are any questions, she would be happy to answer them. She recommended that the Commission adopt the resolution of intent so that they can move forward on this.

Mr. Thomas stated that he supported the commercial and industrial district setbacks being reduced to bring the buildings closer to the road.

Mr. Rieley stated that in the committee meetings this was the most uncontroversial subject because everybody was in agreement that this was very sensible. Everybody thought it was sensible to move it forward quickly. One thing that was discussed was about the requirement that there was only a two foot difference in the R-2 and R-4 districts between how close the porch could come and how close the building itself can come. His recollection was that it was thought that there was a minimum distance to get people down off the porch and gathered before they get onto the sidewalk.

Ms. Echols stated that staff trying to make sure that there is a landing at the bottom of a set of stairs before you get onto the sidewalk.

Ms. Higgins stated that sidewalks need to be flexible because sometimes there would be pathways which would need to be considered with the sidewalks. The other thing is how you would deal with what is existing or proposed because someone could just say that they would just put a sidewalk in to get their setback reduced. She asked how to make it consistent when you apply it to old subdivisions and new

subdivisions. That might need some careful thought as to its wording. Generally, she felt that it was clear, but suggested that staff take some test cases.

Ms. Echols stated that staff wanted to make sure that it was clear and did not have any unintended consequences. During the focused discussion meeting with the development community, staff hopes to get the input they need for the practical application of it to make sure it is right.

Ms. Higgins stated that when staff uses the words on the street to which the units face that she felt it was a more generalized statement. Zoning has a front interpretation when that happens in a significant development. That probably needs to be tied down because on corner units does that mean the front door or the front porch. She felt that the garage would probably have to tie that down with some understanding and clear cut words.

Ms. Echols stated that Ms. Higgins was absolutely right because she did not want to use fronting on there because she wanted it to be clear. She stated that the front of the house was where the front door faces. But, for corner lots staff wants to make sure that they have that part clear as well.

Ms. Higgins stated that the only thing about the minimums on the little drawings that was somewhat troubling was on the one that shows the entrance and it says commercial proposed parking and building. On that drawing it says minimum setbacks. But, when you get a commercial building up close to an entrance she was just wondering how that was going to be perceived because you sometimes have site distance issues and noting that some how minimum setbacks cannot be exclusive of site distance easements. You could go with a preliminary plan and not catch it until later and then have an issue where the automobile coming out of the entrance is looking through the porch. There are instances like that in the city. She suggested that was something as staff works through this that they ought to note.

Ms. Echols agreed because even with residential buildings on corners the site distance requirements still need to be meet.

Ms. Higgins stated that those should be recognized early on and then modified when the house goes to construction because the site distance easement will already be recorded and that so of thing. But, on commercial sites she could see where it would slip through and everything would revolve around it.

Mr. Rieley stated that site distance is taken from 9 feet back from the edge of the road and the setback is 10 feet. He felt that it was unlikely that it would happen. It does not negate any other requirement because it is a minimum.

Ms. Higgins asked if in the commercial or industrial districts if there was any porch intrusion allowed. If there was a porch on the front of the building they would be looking through the porch.

Ms. Echols felt that the existing limitation on projections in required yards applies throughout.

In summary, the Planning Commission held a work session on the proposed amendment to the zoning regulations relate to front yard setbacks in residential, commercial, and industrial districts, requirements related to accessory structures in front yards, and adoption of a resolution of intent to amend the zoning ordinance. Staff presented a power point presentation to demonstrate to the Commission what the proposal means out in the field. Staff reviewed and discussed the proposed changes. The Commission provided comments and suggestions and took action on the resolution of intent as follows.

Mr. Rieley moved for approval of the resolution of intent regarding ZTA-2004-01 Setbacks.

RESOLUTION OF INTENT

WHEREAS, setback and yard regulations in the Zoning Ordinance establish the minimum distances from lot lines and street lines to structures;

WHEREAS, it is desired to amend the setback and yard regulations for many zoning districts (Zoning Ordinance § 14.3, 15.3, 16.3, 17.3, 18.3, 21.7, 26.10) by reducing the minimum front yard requirements within those districts, to have different yard requirements if sidewalks are present, and to have minimum yard requirements if there is a front-loaded garage on the lot; and

WHEREAS, it also is desired to clarify that the requirements of Zoning Ordinance § 4.6.3 do not apply if public or private streets provide access from the rear of the lot, and to amend Zoning Ordinance § 4.11.2.1 to expressly prohibit locating accessory structures in front yards.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance §§ 4.6.3, 4.11.2, 14.3, 15.3, 16.3, 17.3, 18.3, 21.7, 26.10 and any other regulations, including district regulations, of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

* * * * *

Ms. Higgins seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Capital Improvements Plan: Review of FY 2005/06 – FY 2009/10 recommended Capital Improvements Plan. (Chris Bever)

In summary, Chris Bever and Melvin Breeden, of the Office of Management and Budget, presented a brief summary and answered the Commission's questions about the General Government FY 2005/06 – FY 2009/2010 Revised Capital Improvements Program and the FY 2010/11 – 2014/15 Revised Capital Needs Assessment. (Attachments) The Commission discussed the proposal and took the following action to move the Capital Improvements Plan on to the Board with comments.

Mr. Thomas made a motion to forward the Capital Improvements Plan to the Board of Supervisors with the following comments:

- Increase the funding for the ACE Program and the infrastructure development within the development area. (Neighborhood Plan Implementation Program, Sidewalk Construction Program, Transportation Improvement Program, Roadway Landscaping Program) as these are critical to the implementation of the Comprehensive Plan.

Mr. Morris seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Old Business:

Mr. Edgerton asked if there was any old business. Regarding the ongoing planning for the retreat, he distributed information for the Commissioners to review and make comments on at next week's meeting. The list has been pared down to those that need to be addressed with suggested time frames. He pointed out that the retreat would not be a decision making experience, but just an opportunity for discussion on important issues. He asked that each Commissioner look at the compiled list of items for discussion with the goal of hopefully at the end of the discussion of one of these issues that they would come to some sort of consensus that it should be pursued and that they need to go into it in more detail or not. It will be a learning process. The time element is a concern. It will be helpful if everyone prepares themselves for these sessions so that they can focus on each issue and get through the list. Lee Catlin will facilitate the meeting to keep the Commission on track.

Mr. Morris suggested that someone be appointed as a time keeper. When it comes to the end of the first item, then they should decide whether to stop or if it is a decision point and they should continue on.

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

New Business:

Mr. Edgerton asked if there was any new business. There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:10 p.m. to the February 15, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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