Albemarle County Planning Commission
August 2, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 2, 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 Marcia Joseph, Vice-Chair. Absent was Bill Edgerton, Chairman and David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were David Benish, Chief of Planning; Claudette Grant, Senior Planner; Elaine Echols, Principal Planner; Mark Graham, Director of Community Development and Larry Davis, County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph 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:

Ms. Joseph invited comment from the public on other matters not listed on the agenda.

Jeff Werner, representative for Piedmont Environmental Council, asked to bring an issue to the attention of the Commission that will be discussed tomorrow by the Board of Supervisors, which is the DEQ Permit Renewal for the Moores Creek Water Treatment. He distributed an email dated 8/2/2005 from Jeff Werner to Albemarle County Board of Supervisors in reference to Moores Creek VPDES Permit Renewal. (Attachment One) He asked to preface his comments by referring to the County's Comprehensive Plan which states, Albemarle shares the State water concern for the water quality of the Chesapeake Bay and the County's Water Resource Program, which includes Chesapeake Bay protection. For tomorrow's meeting the RWSA circulated a "fact sheet" which raises the following issues of concern to the local environmental community.

1. "Treated water from the Moores Creek WWTP has ZERO affect on the quality of the main stem of the Chesapeake Bay."
2. "Several much larger WWTP dischargers in the Richmond area (and, etc.) and several industrial facilities discharge much larger volumes of nutrients (compared with Moores Creek WWTP) in the "tidal fresh" sections of the James River with little or no attenuation."
3. The RWSA is "committed to doing what is fair and equitable."

Mr. Werner continued that they expect the RWSA to do what is right and not defer to a lesser standard. It has been reported that the Virginia Association of Municipal Wastewater Agencies is expected to challenge the DEW on these discharge regulations. In essence, suggesting: The state has not proven where the pollution is coming from. How can they assign responsibility for mitigation? It is disappointing to see their expected argument alluded to in the RWSA's fact sheet. The County needs to tell the RWSA that they will not accept any direct or indirect legal efforts to delay or defeat the full implementation of the pending regulations. The RSWA is essentially arguing the County Comprehensive Plan is in error in linking local decision to the stewardship of the Bay. If the Comp Plan is dismissed here – and for this specious claim – how will it ever again have validity? He hoped that the Board would require stewardship from the RWSA and refuse to accept a legal argument clearly manufactured to legitimize a cost savings outcome. So tonight he asked that the Planning Commission join in demanding that the RSWA pursue an outcome that is responsive to the County's commitment to environmental stewardship.

There being no further public comment, the meeting moved on to the review of the consent agenda.

Consent Agenda:

Approval of Planning Commission Minutes – April 12, 2005 & May 24, 2005.

Ms. Joseph asked if any Commissioner would like to pull this item off of the consent agenda for discussion or if there was a motion.

Motion: Ms. Higgins moved, Mr. Morris seconded, that the consent agenda be approved.

The motion that the consent agenda be approved passed by a vote of 6:0. Commissioner Edgerton was absent.

Items Being Deferred:

ZMA 2004-024 Old Trail Village (Signs #56,65,82,90) - Request to rezone approximately 257.4+ acres from Rural Area, and Residential - RA, R1, and R6 zoning districts, to Neighborhood Model District - NMD for a combination of residential and commercial uses. This development includes approximately 500 single family units, 350 townhouse/rowhouse units, 800 apartment units, and approximately 250,000 square feet of commercial/office/recreational space in the village center. The property, described as Tax Map 55E-1-A1 (previously identified in legal ads as Tax Map 55 Parcel(s) 55E Part 1 and 55E Part 2 and Tax Map 56 Parcel(s) 55E Part 1 and 55E Part 2) is located in the White Hall Magisterial District on the north side of Route 250 West, approximately 2,000+ feet east of the intersection of Miller School Rd. and Route 250. The Crozet Master Plan of the Comprehensive Plan designates this property as District, CT5, CT4, CT3 (Edge and General) and Development Area Reserve (CT2) and Preserve (CT1) in the Crozet area. General usage for District is warehouses and light manufacturing in center zones. Airports, research/office parks, regional parks and preserves at outer edge zones, and is recommended as employment center which may be single use or mixed use area. If single use, typically no more than 20 percent of the neighborhood or downtown area. General usage for CT5 is mixed residential and commercial uses. Residential density is 12 dwelling units per acre; 18 dwelling units per acre in a mixed use setting. General usage for CT4 is mixed residential and commercial uses. Residential density is 4.5 dwelling units per acre; 12 dwelling units per acre for townhouses and apartments; 18 dwelling units per acre in mixed use setting. General usage for CT3 (edge) is primarily single family detached houses at 3.5-4.5 units per acre. (6.5 units per acre if accessory apartments are added for 50 percent of the residential stock.) General usage for CT3 (general) is it supports the center with predominately residential uses, especially single-family detached and is recommended for 3.5-4.5 units per acre. General usage for CT1 and CT2 is development area open space preserve or reserve with very low residential density, and is recommended for very low residential density no greater than 1 unit per 20 acres. General usage of the proposed amendment (rezoning request) is residential, and commercial. The density of the proposed amendment is 4.5 dwelling units per acre for the CT3 blocks, 4.5 dwelling units per acre for single family, 11 units per acre for multi-family, and 15 units per acre for mixed use in the CT4 blocks, and 12 units per acre for multi-family, and 18 units per acre for mixed use in the CT5 blocks. This property is also zoned Entrance Corridor. (Claudette Grant)
DEFERRED FROM THE JULY 26, 2005 PLANNING COMMISSION MEETING.
TO ALLOW FOR ADEQUATE PUBLIC NOTIFICATION, STAFF REQUESTS THIS PUBLIC HEARING BE DEFERRED TO THE AUGUST 23, 2005 PLANNING COMMISSION MEETING.

Ms. Joseph pointed out that staff is requesting that ZMA-2004-024, Old Trail Village, be deferred to the August 23 Planning Commission meeting. She acknowledged that there were many members of the public present tonight to speak on this request. Therefore, the Commission will open the public hearing tonight just to receive public comment and take action to defer the request to August 23. At that time there will be another opportunity for public comment. She pointed out that first the public hearing will be opened to hear from any members of the public who care to discuss or provide comments on this request. Next, the Commission will ask staff to provide a little presentation. After that the Commission will ask the applicant to give a presentation of the points they feel are most important for us to hear about. The Commission will then discuss the list of items provided by staff. After that discussion, the Commission will ask the applicant to come up one more time if there is a rebuttal or if they would like to clarify anything. Then the Commission will ask staff if there are any other questions or items to discuss. There may be tangential items that come up that may be related to this, which the Commission will also discuss. She opened the public hearing for ZMA-2004-023, Old Trail Village, and invited the first person listed on the sign up sheet, Tom Loach, to come forward and address the Commission.

Tom Loach, resident of Crozet, stated that in going through the data with Ms. Grant prior to the meeting he just wanted to bring up the fact according to the CIP Model that the annual expense for the development would be 1.97 million dollars per year. The total proffers are $875,000 based on $1,000 per

single-family, $500 for townhouses and $250 for multi-family. Essentially, there is not a lot of money left or actually a deficient now going into the fund for Crozet for the infrastructure that they will need to support the additional citizens. This would include their sidewalk systems and other things that they have asked for in the downtown area. He asked why a traffic study has not been done because they will be adding on to Jarman's Gap Road. He pointed out that Ms. Grant had indicated that the traffic study used was the one done for the Master Plan, and he questioned why another traffic study had not been done specifically for this project. There was nothing in the staff report that was specific to the traffic study. His question was if it was staff's position that the traffic on Jarman's Gap Road will be able to handle the amount of traffic that this development will bring to it. If one goes back and looks at Wayland's Grant when it first went before the Board it was a 3:3 tie. Our Board of Supervisor's member, Walter Perkins, turned it down at that time because he felt that 85 homes would bring too much traffic to Jarman's Gap Road. Since then Barterman Park has been added, and now they are talking about putting additional traffic from over 1,000 new homes onto this country road. He asked why there was no traffic study done for this development and if staff feels that the traffic will be able to be handled by that road. He asked if the decision is predicated on the traffic improvements that were suppose to occur in 2003 that have not occurred, but may occur some time in the future. The bottom line is that they are going to judge this as a community based on the Master Plan, which calls for concurrency of infrastructure. If these criteria cannot be met, then the community's position is that they cannot support any rezonings higher than by-right development where there is no concurrent infrastructure. Concurrent infrastructure is called for in the DISC Model because he helped write the language. They certainly did not see concurrent infrastructure last week on the Model for 240. When they looked at the infrastructure costs after the proffers and start up costs it was about $8,000 or $9,000 over and above what would be available for infrastructure costs. If they look at this as a community he could not start to see any pluses as far as the Master Plan that they agreed to.

Fred Williamson, local citizen of Sugar Hollow, stated that he moved to the area in 1988. Since he had a Crozet address he considered it to be his little town. Three or four years ago when they heard about the imminent growth of Crozet he became concerned and got active in the Master Plan process. Just about every member of the group was somewhat distressed and wanted to know what they could do "to save Crozet's rural small town character as much as possible." They were told during that time that Crozet was going to grow from about 4,000 to 14,000, which was 10,000 more people moving into the area. Their main focus then was what they could do to keep downtown the center of Crozet and "keep it as vital as possible and not just become a scattered bedroom community for Charlottesville." If there are 1,600 units in this plan, then 4,800 people would be the proposed growth in this development. He reiterated Tom Loach's comments that they really need to have good roads, good sidewalks, libraries, schools and things that are commensurate to this growth. He asked that the Commission please address that to make sure that something with this big of a scope is not approved automatically without considering the overall community's best interest.

Craig Maupin, resident of Crozet, stated that he opposed this rezoning because it was an air pollution creator. He felt that sending more commuters through rural areas is shoddy environmental policy. This development is the first of its kind in that it will be constructed in the watershed of Charlottesville's water supply. He suggested that the Commission consider that tonight before they go forward. Another issue that really concerns him is that during the master planning process the planners repeatedly assured citizens that the Master Plan would take the by right growth down from 12,500 and that the rezoning would take growth down. This became the main selling point during master planning for the plan. Tonight Crozet is receiving the largest rezoning, in his opinion, in the history of that area and possibly in the history of Albemarle County. He did not understand how 3,000 new residents would level Crozet's population. He asked if this was a new arithmetic. He asked if anyone could explain that. He challenged the County's planning staff tonight with a serious question. He asked if they put a plan on the table that claimed to lower the population of Crozet when there was no intention of doing so. This massive rezoning seems to suggest that you may have done just that. Tonight's vote is about two things. The first is integrity. It was wrong to represent this rezoning as part of a plan that claimed to lower the population of Crozet. Had the residents of this area known that, they would not have supported the Master Plan. The very creditability of this condition is raising the balance tonight. He hoped that the Commission would ask tough questions about this variation. This vote is also about courage. He believed that they were all under a lot of peer pressure to approve this rezoning. Therefore, he asked that the Commission to step back from that tonight because he felt that every resident in Crozet views the growth of the infrastructure

as the most important thing to our community. There are logical reasons why each Commissioner should reconsider commuter driven policies. He asked that the Commissioners vote no tonight.

Mary Rice, resident of Crozet who lived in White Hall, encouraged the Commission as they go forward to take the Crozet Master Plan out and look at it again. The primacy of downtown Crozet was just echoed over and over in that plan. She stated that she was floored that in Saturday's newspaper that it made it sound like Old Trail was being built as a new village. That is exactly what those of us that worked on the Master Plan were the most scared that was going to happen. They have got to remember that economic vitality of Crozet is important. She stated that if they don't shut off major areas of economic development outside of Crozet, then they were never going to get people to invest in downtown. If they can go and build a new shopping center in the middle of Old Trail, the people are going to do it. It is much easier to do that than to revitalize a small downtown area. She asked as the Commission sees the presentation tonight that they think of that. She stated that placing a huge development on the southwest edge would impair the ability to revitalize downtown. She encouraged the Commissioners to come out and drive on Jarman's Gap Road if they have not done so recently. She pointed out that they would see school aged children still walking down Jarman's Gap Road with no sidewalks. The citizens of Crozet have been talking about this for the past fifteen years. The fact that the County was even considering this dense rezoning and the County has not come forward with improvements on Jarman's Gap Road for sidewalks is just ludicrous.

Karen Maupin, a long time Crozet resident, stated that the rezoning would ultimately hurt the people of Crozet, Ivy and all the districts of Albemarle County. Therefore, she was against the rezoning for two reasons. First, the rezoning will hurt western Albemarle's environment. Second, the revised Master Plan will implement major modifications from original adopted plan to send more commuters to Crozet. To send additional residents to Crozet is not a good environmental policy. Once more commuters start to turn more air pollution, western Albemarle will have an influx of stagnant unmoving air. Regardless if the additional commuters head towards Route 250, Garth Road or Interstate 64 the long term consequences cannot be reversed. In addition, this development is upstream from Charlottesville's water supply. She stated that it is sad to think about the Charlottesville residents having to consume the runoff from this development. She asked if the Albemarle planners were honest in their representation of the Master Plan. The Crozet Master Plan was adopted to significantly decrease its population. As a resident, she feels that they were misled. Originally, Old Trail Development was approved for 600 development units. This rezoning request is to increase this amount to 2,000 development units. Will the Albemarle Planning Commission set a precedent tonight? If you vote yes, Crozet and adjoining communities will reap added environmental pollution. If you vote yes, you are also setting a precedent to allow future increases in population in any given district of Albemarle County, including Scottsville. When will the discrepancies stop? She stated that individuals will stand up for consistent policies for all districts because promises need to be kept. She asked that the Commission say no to the Old Trail rezoning.

Barbara Westbrook stated that she was born in Crozet a little over 50 years ago. She pointed out that the average person in Crozet that she has talked with and known for 40 to 50 years honestly feels like what is the use in coming to the Planning meetings because the County is going to do what they want to do. This is true especially if someone with a lot of money is involved and the County can make money off of them. Most of the people in Crozet want to keep the rural beauty of our area, which is the reason a lot of people move to Crozet. She felt that they were destroying the very thing that is so great.

Kathleen Jump, resident of Crozet, pointed out that the Crozet Master Plan had some very important goals and ideals, such as they would be able to plan for the development that is hitting Crozet along side of what is needed to support that development. She thought that they were looking for some quality development so that future development could be better after seeing so many examples of development occurring in the wrong way. The developments have continued to come to Crozet since the Crozet Master Plan was adopted. But, there has not been a single improvement that she could point to while driving daily through Crozet. There are still no sidewalks in downtown Crozet. There are still no roadways that people can walk on. The roads are still unsafe, but the developments continue to be built. Connectivity to downtown is needed, but there are no sidewalks or walkable streets. This item did arise again and again in the Master Planning meetings. The first guiding principle says that the physical design of Crozet is built upon distinct neighborhoods, a historic downtown area and other smaller centers, which are appropriate in scale and type to the planned growth patterns. If you consider that downtown is the heart of Crozet,

then things need to be built around to support that heart. She felt that the heart should support the centers that are built, too. She felt that setting up a competing commercial district of the size and scale that is on the books here could only pose a threat to downtown Crozet. She felt that the proposed plan is not in keeping with the intent of the Crozet Master Plan. Therefore, she opposed the rezoning because it poses a threat to downtown Crozet.

George Mickey, resident of Crozet, reiterated Ms. Jump's and Ms. Rice's comments about the primacy of downtown and the importance of that to the Crozet residents who were a part of this process and poured a lot of hours into the master planning process. The citizens broke into seven different groups to study different facets of the Master Plan as it was being developed, which was one of the interesting parts of the process. Those seven groups worked independently of each other to come together with recommendations. The #1 item on each of the 7 lists was that Crozet had to remain the commercial center of western Albemarle. The creation of these separate villages really undermines the heart and sole of what the master planning process was suppose to be about, which was finding out what the citizens want. Granted that they were not the only voice that mattered, but it seems that if the master planning process is to have any meaning whatsoever they ought to at least get their #1 request. Also, they ought to consider whether the Neighborhood Model, which this is supposed to be a perfect example of, ought to be glued onto an existing community. He questioned whether this development would be more appropriate in an area like Forest Lakes. He pointed out that there were a lot of areas undergoing the master planning process right now, and he felt that everyone was paying close attention to what happens here. Many hours were spent working on this document. If it turns out that nothing that they put into it is going to go into public policy, then he would say that they wasted their time.

Ms. Joseph asked if there was anyone else present to speak on this application. There being none, she closed the public hearing. She asked legal counsel if the public hearing needs to be reopened when the applicant speaks.

Larry Davis, County Attorney, stated that the public hearing did not need to be reopened because it was a work session and the request would be readvertised.

Ms. Joseph asked Ms. Grant to give the Commission an overview.

Ms. Grant summarized the staff report.

- Beights Development Corporation has requested a rezoning of approximately 257 acres located between Route 250 west and Jarman's Gap Road from Rural Area – RA, R1 and R6 zoning districts to Neighborhood Model District. With this rezoning the applicant is requesting approval of approximately 1,600 to 2,200 residential units varying from single-family units, townhouse/rowhouse units, apartments and approximately 50,000 to 250,000 square feet of commercial office and/or recreational space in the Village Center.

- The applicant has worked hard and done a good job developing a project that is appropriate at this location and demonstrates many of the characteristics desired by the Neighborhood Model and the Crozet Master Plan. Although several issues were pointed out in the staff report, the applicant and staff have been working diligently, particularly during the last week, to correct discrepancies in the Code of Development and on the application plan.

- Staff has met with the applicant four times since the staff report was completed. The staff report describes several issues some of which have been resolved or are being worked on. Staff feels the list of major issues is now approximately five. The resolved issues are:

    - The number of proposed units has been clarified.
    - The applicant has agreed to commit to an increased number of square feet of non-residential uses in the employment center and will be working with staff on the details of this.
    - Staff and the applicant are working on issues relating to stream buffers and the park. There are park improvements shown in the floodplain and stream buffers. If mitigation cannot occur to the stream buffers in the park, the improvements would need to be

relocated out of the buffer. One question to consider is should the improvements be relocated possibly decreasing the density of the project. Another question to consider is if mitigation can occur, should the park improvements be located in the floodplain.

- There are a few issues that staff and the applicant cannot agree on. She asked the Commission to focus on these items because staff needs their input and guidance. Old Trail's substantive issues are as follows:
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    - Uses on 250 – There is a question about the permitted uses versus what the applicant would like the uses to be.
    - Housing density in relation to location on Master Plan – The location of the density is not quite consistent with the Crozet Master Plan.
    - Park size and characteristics relative to Master Plan – The park location is slightly different than shown in the Crozet Master Plan.
    - Park improvements in floodplain if stream buffer issues can be overcome - Park improvements are shown in the floodplain. The question is if the stream buffer can be affected, do they want the improvements in the floodplain.
    - Affordable housing – 5 percent vs. 15percent - The 5percent commitment to affordable housing is not consistent with the recommended 15percent, which is the County policy.

Ms. Joseph asked if there were any questions for staff.

Mr. Rieley stated that Attachment G was an excellent graphic because it has an overlay of this area relative to the Master Plan. He asked if it was color coded in the same way. Obviously, one map is more intense than the other, but does purple equate to purple, etc. on both maps.

Ms. Grant stated the colors were the same on both maps.

Ms. Higgins pointed out that some of the colors were faded, which made it difficult to read.

Mr. Thomas asked staff for clarification on some of the statements made by the public. One of the comments made was that the Master Plan was not designed to increase the growth, but to reduce the population. He asked for some input on why this question was being asked.

Ms. Grant deferred the question to Ms. Echols.

Ms. Echols, Principal Planner, stated that when staff was working with the consultants to prepare the Crozet Master Plan she did not believe that there was any goal that the population would be reduced. She thought that the agreement sort of with the community at the time was that the population that was projected given the existing zoning on the property would not be changed. Therefore, it was anticipation that there would be 12,000 people there as there had been before, but it was just that the form that the development would take would be different. She apologized that there was a miscommunication there because that was not a statement that was committed to by anyone at that time that she was aware, and she was a part of the process.

Mr. Rieley stated that the overall Master Plan, as presented to the Commission, was to achieve a more or less evened out development as to what was required, as Ms. Echols said of what would be possible under the existing zoning. He asked if staff has made an analysis of the general level of development for this specific piece of property relative to what was projected to in the Master Plan.

Ms. Grant stated that a table is in the Commission's packet that shows what the density could be if they were to develop the site based on the uses. She pointed out that the density could be a little different if the applicant mixes or matches any of the uses. But, the overall density is about 2,200 units that could possibly happen based on the Crozet Master Plan. The table contains a comparison of what the applicant has proposed in terms of units.

Ms. Higgins asked staff to clarify what was meant by the uses on 250 and if that implies that the use would front directly on 250.

Ms. Grant stated that on the Crozet Master Plan the uses that are adjacent to 250 include a preservation area adjacent to 250. But, beyond that it gets into areas of possible development. The question relates to the proposed density to the right-hand side of Old Trail Boulevard, which is showing a slightly higher density on the proposed plan than on the Crozet Master Plan. Specifically, the applicant is considering a bed and breakfast to be located at that area. Staff does not feel that is quite consistent with the use as shown in the Crozet Master Plan. Therefore, that is the issue.

Ms. Joseph asked staff to point out the exact area she was referring to.

Ms. Grant pointed out the location that was the urban edge in the CT3 area, which is a lesser density than what is actually shown on the applicant's plan as CT4. She noted that in the list of uses proposed for this area it included a bed and breakfast or a hotel.

Ms. Echols pointed out that also on the left hand side of the road they also may be showing an area potentially for an inn. Staff is requesting the Commission to provide some input on that. The Code of Development allows for a variety of commercial uses at that location. She stated that what the applicant has described to staff is something akin to the Ivy Inn, which was something of a smaller scale than what their Code describes. She asked if something of that scale was appropriate at this location. The Crozet Master Plan clearly suggested that it should be an edge condition or a low residential condition. Therefore, there is a difference there that staff wanted to point out to the Commission.

Mr. Craddock asked if the school division has seen any parts of this proposal about a hotel being located right behind the school.

Ms. Grant stated that she has not had any conversations with the schools.

There being no further questions for staff, Ms. Joseph asked the Mr. Beights, the applicant, if he would like to come forward and give a presentation.

Gaylon Beights, representative of Beights Development, thanked the Commission for allowing them to make this presentation. He pointed out that they have been working on this project for quite a while. He asked to clear up the last issue. What Ms. Grant had pointed to was the proposed apartments/condominiums. On the left hand side of the street is a proposed bed and breakfast. He stated that there are two consultants present who will assist in the presentation of Old Trails. He introduced their architect for the project, Kathleen Galvan, who would present a slide presentation.

Kathleen Galvin stated that they believe that the Old Trails Village is allowed by the Neighborhood Model principals. It is being called a village because it is surrounded by open space with a golf course on one side and an interconnected network all around it. But, it is still essentially the structure of a neighborhood. They are providing the following: interconnecting streets linked to trails and destinations; there are a variety of destinations from shops, offices and restaurants within walking and biking distances to residences; relegated parking; architecture of a human scale; lifelong housing options; employment opportunities; health engaged active living; and a sense of community and place. She presented a power point presentation of a walk through of Old Trails Village that demonstrates these principles. Old Trail Village is structured in accordance with three zoning types that are also a part of the Neighborhood Model structure being: the center, CT-4 zone and the edge. She explained and provided examples of each of the zoning types.

Dave Anderson, principal with Timmons Group, stated that at the beginning of this two-year process that they have undertaken, they have aligned themselves in total consistency with the Crozet Master Plan in what it has yielded from the people and from what they want. They have provided an important connection between Jarman's Gap Road and Route 250 to reduce the transportation difficulties already known in the area. Over 1.5 miles of major collector road has already been constructed in keeping with the Master Plan's goal of improving the transportation network. They have provided a large public park that will serve not only Old Trail residents, but anyone who wants to enjoy it. They have prevented unwanted strip development from taking place on 250 in prohibiting commercial uses along the road. They have further added buffer to prevent the opportunity for people to come out directly on 250. They

have provided business and employment opportunities that will provide many in Crozet the opportunity to work without a commute. They have provided preservation of vital environmental resources. There has been a lot said tonight about the need for walkable streets in Crozet. They have provided a meaningful pedestrian trail system comprised of both formal sidewalks along the street as well as trails connecting places such as parks and schools. Every street is walkable into Crozet. They believe that the build out of Old Trails Village will represent a positive is consistent with the Master Plan. He stated that the build out would be positive financial position to the County since they are including monies proffered for the County to spend on additional services as it sees fit.

Ms. Joseph asked if the Commission has any questions for the applicant.

Ms. Higgins suggested that the Commission have Mr. Beights come back up to answer several questions about the bed and breakfast. She asked if the proposed bed and breakfast incorporates a restaurant and what would be its level of use. She asked if the bed and breakfast would be limited in size or if it would be more like a hotel.

Mr. Beights stated that the idea of the bread and breakfast is a 20 room Victorian brick house. The bed and breakfast would not be accessible directly off of 250. It will include a restaurant for the inn for a use of a 20-bedroom scale. He pointed out that in the CT4 zone they feel they have the ability to create the greatest array of housing and pricing in order to try to meet the affordable housing.

Ms. Joseph stated that the Commission has been asked to address staff's list of questions.

The Planning Commission discussed the proposal in a work session format to provide the applicant some feedback on the development proposal.

Mr. Rieley asked if he could ask Craig Maupin a question first.

Ms. Joseph invited Craig Maupin to come forward to answer Mr. Rieley's question.

Mr. Rieley stated that Mr. Craig had something that he wanted to bring to the Commission's attention and he wanted to give him the opportunity to do so.

Craig Maupin pointed out that the Crozet Master Plan projected the population to total around 11,200 to 12,000 in a 20-year build out. This number compares with the current population of 3,000 within the Crozet development area and to a by-right population build out of under current zoning of 12,500. He stated that this proposed rezoning would send thousands of people to Crozet, and he could show the Commission the possibility for more on the map. The question that he asked the Planning staff was whether they gave that number with the intention of selling the Master Plan with the intention of not keeping that as part of the bargain.

Ms. Joseph stated that the first Old Trail substantive issue that staff asked the Commission to address was Uses on 250. She asked if staff was referring to the bed and breakfast or the multi-family housing.

Ms. Grant stated that staff was referring more to the commercial aspect of the bed and breakfast.

Mr. Rieley stated that in looking at the relationship between the Master Plan and the current proposal that one of the things that he was most struck by is the orange colored section and the much higher density located right on 250. He stated that his understanding was that was one pretty fundamental tenant of the Master Plan, and he would have to hear some mighty convincing arguments to be able to support a jump up in the density in that area from what was clearly shown in the Master Plan as an edge condition. He stated that he was much more concerned about the high density development than the bed and breakfast use.

Ms. Grant stated that for clarification the use on 250 is specifically to the bed and breakfast. The next item has density in relationship to location on the Master Plan and addresses more of Mr. Rieley's concern.

Ms. Higgins asked if there were other areas that staff wants to point out about the housing density in relation to the location on the Master Plan.

Ms. Joseph stated that the first issue involves the bed and breakfast. She asked if anyone else wanted to weigh in on that issue.

Mr. Craddock stated that there was 150 feet of buffer between 250 and the edge of the property where the bed and breakfast was going to be located, but not the actual building.

Ms. Grant stated that she believed that was correct.

Mr. Thomas pointed out that Mr. Beights had stated that the bed and breakfast would not be accessed directly off of 250.

Mr. Rieley asked if it was clear in the development standards that the bed and breakfast use would be restricted to 20 rooms and that it would be restricted for the kitchen to only serve the occupants of the bed and breakfast.

Ms. Grant stated that originally staff thought that it was going to be a smaller bed and breakfast and their understanding was that it would be a restaurant that would not just be for the occupants.

Ms. Higgins assumed that those issues could be clarified. She pointed out that the use would be subject to Architectural Review Board review. There are other houses along 250 that have 20 rooms and this proposal would not displace what other residential uses are already out there. She questioned if anyone has done that comparative calculation. But, having it all in a bed and breakfast of a style that would be introductory to Old Trail she did not see it as that significant of an issue.

Mr. Rieley stated that unless there is information that he has not seen, it seems that this lacks specificity. If there is going to be a bed and breakfast, it needs to be clear that it is a bed and breakfast and not a small hotel. If there is to be an eating establishment, it needs to be clear that it is a place that prepares food for the guests of the inn and not a commercial restaurant on 250. He felt that there was a pretty significant difference.

Mr. Morris felt that input was really needed from the school system for all of these uses along 250.

Ms. Higgins pointed out that there was a meeting with the school system to review the road system with the Meadows project, and children could walk to school.

Mr. Craddock stated that on the old plan the development was going right up to 250 with no buffer.

Ms. Grant pointed out that it was hard to see, but there was a buffer on the plan.

Ms. Echols asked if the Commission has any distinctions in what they would support. She asked if the Commission supports a 20-room hotel with a restaurant that could be open to the public. Or, does the Commission support a small bed and breakfast with a restaurant that relates only to the guests.
Mr. Rieley supported categorically the small bed and breakfast use with a restaurant that relates only to the guests. He felt that would be an appropriate use for this property, but that the 20 guest facility was too high. He asked to see more specifics about it.

Mr. Thomas asked Mr. Rieley if he thought that it was a fear of downtown Crozet being sort of buried with all of this outlying commercial development. He stated that our goal was to revitalize and to improve downtown Crozet to make it the center.

Mr. Rieley and Mr. Craddock agreed with Mr. Thomas.

Ms. Higgins stated that she was struggling with that because that was her biggest concern during the Crozet Master Plan in that these centers, which is not going to be just one because there is potentially going to be one on the east side of the old downtown Crozet as shown on the plan. She pointed out that

to take away from a center at this location is not consistent with the plan that was adopted. Therefore, she would like to know more about #2 as it relates to this because she was not sure about the overall density. She suggested that they look at this more broadly because they have seen a lot of relationships within the areas.

Ms. Joseph asked for the Commission's consensus on item #1 and whether they would mind having a restaurant that is opened to the public.

Ms. Higgins supported allowing the 20-room bed and breakfast. She stated that she did not have a problem with the restaurant being opened to the public if it fits with the scale of that setting.

Mr. Thomas agreed with Ms. Higgins because it was not accessed directly off of 250.

Mr. Morris and Mr. Craddock preferred allowing the bed and breakfast to serve only its guests.

Ms. Joseph preferred that the restaurant be restricted to the guests.

It was the consensus of the Commission to urge that a proposed 20-room bed and breakfast near Route 250 be limited to that size and include a restaurant for occupants only.

Ms. Joseph stated that the second issue related to housing density in relation to the location on the Master Plan. She asked for comments from the Commission.

Mr. Rieley stated that there was too much orange creeping down to 250. One of the guiding points of the Master Plan was to keep the density more of a rural character adjacent to 250. The Master Plan actually went through a change in that regard, which was done in part because of their direction. He agreed that it was not a good idea to put a lot of people right by the highway, which was an Entrance Corridor. He felt that the buffer was inadequate to deal with the conflict between the highway and that high density.

Ms. Higgins asked staff to explain how these locations are different.

Ms. Joseph asked what staff's concerns are and what they needed help with.

Ms. Grant stated that one concern deals with the area shown on the Master Plan as CT3 on the edge and the proposed plan has it shown as a CT4 general area. She pointed to another area, Block 32, which was shown as a CT4. She stated that it depends on how you look at this. When staff looks at the Crozet Master Plan there is a lot more yellow versus the application plan having a lot more orange in certain areas.

Mr. Rieley pointed out that there was also a lot more purple shown on the application plan.

Ms. Higgins asked if staff has a comparison regarding differences of the acreages in the different categories as it compares to the plan. She asked if the applicant has prepared that. She felt that they have because even when this was done, particularly in the road grid, it was admitted that this was a guide and that if it was planned correctly that the form would dictate some of that. She stated that these were pretty arbitrary areas.

Ms. Grant stated that when you look at the overall density it is in keeping with the Crozet Master Plan. But, the question involves the location and she did not know how tied into location that the Commission was. She stated that this plan represents 2,200 units, and the Crozet Master Plan had the same.

Ms. Echols pointed out that part of the applicant's rationale for wanting to have more of the orange was that area was currently zoned R-6, and so he was trying to utilize both his existing zoning for that area as well as incorporate it into the Master Plan. Whether or not that is appropriate is the Commission's judgment call. She stated that CT4 allows for less density than the R-6 zone.

Mr. Rieley stated that the difficulty with that argument is that there is a big blotch of downtown in the middle of the RA zone. There is no relationship between what is there and what should be there as a part

of the center. To weigh in on the general issue of location, he felt that the important things are the underlying principles that were driving the Master Plan. It is for that reason that the high density development close to 250 is a concern. The relatively small yellow area that Ms. Grant pointed out has washed out into this orange area that is back off of the highway is the kind of thing that they would expect to see when something goes to a Master Plan to a development proposal. Therefore, he was supportive of that area. Actually, there might be some other areas that he could support at a higher density. But, the principle of keeping that lower density edge condition adjacent to 250 is an important one. He felt that they should not scrutinize the internal parts of this for the exact location of everything and the configuration. There are things about the internal configuration of this plan that he thought were superior to the Master Plan. Therefore, he felt that there were adjustments that are always made when something gets to a greater level of specificity and detail.

Mr. Morris agreed with Mr. Rieley that the density should be kept away from the roadway or 250.

Ms. Higgins pointed out that based on the drawing that would be the Block 19 area.

Mr. Craddock agreed that the condo area on the right side would be better if that area was yellow and set back from 250. He suggested that if it had to remain as the salmon color that the unit be eliminated closest to 250 or be located at least 300 feet from 250.

Ms. Higgins agreed that the same buffer or band be used from 250.

Mr. Thomas agreed with Mr. Craddock.

Mr. Morris agreed that the main concern was the distance from the road.

Ms. Joseph invited Mr. Beights back up to respond to this question.

Mr. Beights stated that this piece of property was currently zoned R-6.

Mr. Rieley stated that he felt that it was irrelevant to what the property is zoned now because it was being rezoned.

Ms. Joseph stated that the overall density is fine, and the interior looks like it is fine. The only real questionable piece is right on 250 and maybe that should be reduced and be more in conformance with the edge as shown on the Master Plan. The next issue is the park size and characteristics relative to the Master Plan.

Ms. Grant pointed out that the gray area was the park on the applicant's plan and the dotted green area is the boundary as per the Master Plan.

Ms. Echols stated that there is a recommendation in the Master Plan about a need for some public area. The applicant is working with the Parks staff and Water Protection staff to see if they can get everything that the Parks staff wants in the floodplain. Staff has some unanswered stream buffer questions, particularly about the wetlands located in that area. One of the questions has to do with the floodplain itself. There are some structures on the plan shown in the floodplain, which would also include some parking that would require a special use permit. She pointed out that during the Master Plan process that new FEMA maps were adopted. It is s possible that they might be able to do that pending the buffer conditions. She asked if the Commission felt that there ought to be more land that is devoted to the park because of the Crozet Master Plan recommendation. She felt that it was a good question because what that illustrates from the Master Plan is that there was an idea that there was going to be more than just the low lands that was involved in this. It is a question of density versus the park.

Ms. Higgins suggested that the 200-acre public golf course's open green space should be considered in this issue.

Mr. Rieley stated that the other points were valid relative to the specific facilities, but that he felt that there was a broader issue that was addressed in the Master Plan. While this network of open space that knits

this community together is the arbitrator of this community and is built around the drainage systems, he felt that the parks should not be the left-over space after all of the developable land has been used up. That is why it is such an important principle to include open space and that the park land should not be left-over space was enormously important. He stated that the presence of open green space is critical. He stated that the land to be donated for the park uses should not be unbuildable land in a flood plain.

Ms. Joseph stated that the open green space was not necessarily for any sort of activity other than preserving the green space for people to enjoy as just green space.

Mr. Craddock, Mr. Morris and Mr. Thomas agreed with Mr. Rieley.

Ms. Higgins supported allowing the park improvements to be located in the floodplain if the needs could be met for Parks and Recreation for the kinds of uses, activities and types of parking needed and that they can address the stream buffer issues to incorporate those features. She felt that taking 20 acres of the prime developable land into a park system is not as important since there is a 200-acre golf course on the property that has open green space. She felt that the Master Plan did not envision a 200-acre golf course as a recreational use that is an amenity that is available to the public and to this whole western side.

Ms. Joseph stated that the general consensus of the Commission was that there needs to be something other than left-over space designated for the park land and that the park does not have to be located in that exact location. She pointed out that the next issue, parking improvements in the floodplain if the stream buffer issues can be overcome, had already been discussed. The next issue was the affordable housing – 5 percent versus 15 percent. She pointed out that the applicant has offered 5 percent affordable housing, but it does not conform to what the Comprehensive Plan says and what the Commission has been asking for from other applicants.

Mr. Thomas stated that the 15 percent was a goal in the Comprehensive Plan.

After discussing the affordable housing issue, the Commission supported the percentage of affordable housing units be increased from 5 percent to 15 percent to meet the County's goal.

Ms. Joseph asked if there were any questions.

Mr. Thomas asked if there were any roads already designed to go through that area.

Ms. Higgins asked staff what the status was of the Jarman's Gap Road improvements. She pointed out that this issue was brought up time after time and the concurrency of that is really important.

Mr. Benish stated that the date was now based on manpower issues and was not a budget issue. VDOT has Jarman's Gap Road scheduled for early 2009 from the summer of 2008. Therefore, there is another 6 month shift from VDOT.

Ms. Higgins asked at the very least if it was possible with this kind of an application that the Planning Commission can make a strong appeal to the Board of Supervisors that particular project be brought out into the forefront as an absolute. She asked how they could solve the manpower issue. She asked if VDOT could contact outside since it was a manpower issue. She stated that if the money was there that it was possible to have it done.

Mr. Benish stated that the Board of Supervisors is aware of this. He pointed out that there was a committee underway working with the City that is focusing on regional and local projects in trying to find what the highest priority projects are ways to fund them. Jarman's Gap Road is already the highest priority project that is not being worked on. There is one other similar project, which is Profit Road that has been delayed even further. They need to find a way to not have VDOT delay it any further.

Ms. Higgins stated that the County has built roads before if the money is there.

Mr. Benish stated that the County has tried to do that on Airport Road and it did not work. It is something that the County needs to do whatever they can do to make it quicker. The County has its own internal manpower issues to deal with. He pointed out that the road ends up back in the VDOT process for approval because it has to be accepted and still has time delays.

Ms. Higgins questioned whether the 2009 date was going to work with what will happen. She felt that it lags behind in an unacceptable number of years. Therefore, she suggested that the Commission forward that message very strongly to the Board of Supervisors.

Mr. Benish stated that he would relay that message to the Board at their meeting, but that they were very concerned about the delays of the projects on the Road Priority List.

Ms. Joseph suggested that the Commission think about crafting some language relative to phasing on this issue before this project comes before them again. She stated that the Commission could stress to the Board on important they think that issue is.

Mr. Benish stated that there was one thing that the Commission should not lose track of was that they do have a north/south connector with this development. Perhaps while this development will add traffic, it does provide an alternate conduit to 240 and it is closer to the I-64 Interchange.

Ms. Higgins pointed out that the project for the north/south connector has been on VDOT's books since 1984/1985.

Mr. Benish stated that it is relative to the review of this plan. But, it certainly does not answer the question for all of the other improvements on Jarman's Gap Road. He felt that it factors into the overall network of improvements that are important. He reiterated that he would discuss this issue during the next transportation session with the Board.

Mr. Rieley stated that the applicant deserves a lot of credit for a careful and thoughtful design. He felt that it follows most of the principles of the Neighborhood Model. He acknowledged the degree to which this is a successful plan and that there are some minor issues to work out.

Ms. Joseph invited the applicant to come forward for his rebuttal.

Gaylon Beights thanked the Timmons Group for their assistance during the past eighteen months. He pointed out that they have worked long and hard and it was nice to be well received. He pointed out that he had a couple of comments, but felt that he could work those out with the staff. He invited any one or all of the Commissioners to join him to look at the property. But, most importantly the park land as left-open land because it is the floodplain is an idea that he would like the Commission to take a look at. He pointed out that this was a special low land area of the entire farm. They have plans for boardwalks and wetlands recreation. He felt that it was a very special piece of property. Lastly, they do embrace the affordability. He stated that he could not build a village with upper end housing because they must have housing for everybody in the County. From day one, they have embraced the concept of a housing component to meet the entire spectrum of our County. Therefore, they will get back with the Commission regarding that issue.

Mr. Davis asked if staff intended to readvertise and send notices again on this item.

Ms. Joseph pointed out that staff had already indicated that would be done.

Mr. Loach asked if the Planning Commission could say a couple of words on the overall effect of 3,000 more homes on the existing infrastructure in the community and not just on Jarman's Gap Road community per say.

Mr. Rieley asked to respond to Mr. Loach's question since he felt that it was a legitimate question that he had asked earlier in the meeting that the Commission did not address. He felt that there are two elements that have to be taken into consideration. One is whether they are talking about 12,500 versus 12,000 ultimate build out and whether that 500 is indeed a significant decrease in population or not. He

stated that he did not think that was represented to the Commission that way in the master planning process. But, the difference in 12,500 and 12,000 is not enormously significant when you look at the potential growth in that area now. The County needs better infrastructure. The County is not keeping up with the infrastructure anywhere in the County. This growth area is no different than our other growth areas. What is different is that this growth area has the potential to grow in a more orderly and organized ways than a lot of the other growth areas do. On the other hand there is a point that argues Mr. Loach's case very compellingly. That is that the rate of development is greater involved in this area. The people who live in Crozet can see it every day and it is tangible. The relationship between houses going up at a fast rate all around and still no sidewalks downtown is unacceptable. He stated that it was obviously not right. Therefore, he would like to see the Commission make a couple of resolutions at the conclusion either tonight or at the public hearing on this on the 23rd. That is to make a general appeal for a much more concerted effort to raise the bar in the growth areas, particularly the ones that are getting the most immediate pressure right now to get the things done that need to be done. Secondly, that they put all of the pressure possible on VDOT, the Board and anybody else who will or won't listen to get Jarman's Gap Road on the front runner.

Ms. Higgins felt that all of the Commissioners agreed with that.

Ms. Joseph agreed with Mr. Rieley. She stated that the other issue that was brought up was the concern about the downtown area of Crozet and what type of competition does this center is going to have with the downtown. The County has hired a new economic person. She asked if it was possible to get some sort of comments from her as to maybe what is going on in other parts of Crozet such as the ConAgra Building, whatever, to see how this might relate. She acknowledged that they did not want to hurt downtown Crozet, and they want to make sure that is being protected also.

Motion: Ms. Higgins moved, Mr. Craddock seconded, to defer ZMA-2004-023 Old Trail Village to the August 23, 2005 meeting.

The motion passed unanimously by a vote of 6:0. Commissioner Edgerton was absent.

Ms. Joseph stated that the Planning Commission deferred the request to August 23, 2005. She invited the members of the public present to return on August 23 for the public hearing.

Ms. Higgins left the meeting at 7:54 p.m.

The Commission took a ten minutes break at 7:54 p.m.

The meeting reconvened at 8:09 p.m.

***Work session**:*

Affordable Housing Implementation Recommendations - Work session to review and discuss affordable housing implementation recommendations and provide direction to staff. (Mr. Ron White)

Ron White, Housing Director, summarized the executive summary. (See Attachment – Affordable Housing Implementation Recommendations Executive Summary dated August 2, 2005 Agenda Date)

- Prior to February 2004 the Planning Commission took action on recommending the adoption of an affordable housing policy as a part of the Comprehensive Plan. The Board adopted that in February, 2004. With the discussion at the time of adoption it was acknowledged that there was a lot more staff work to be done in order to get to the point of how to implement this policy. Particularly, how do we get to the goals of creating opportunities for affordable housing to be developed and/or proffers to be provided in lieu of affordable housing? An Affordable Housing Policy Advisory Committee was formed to make recommendations for implementation of the policy. The Advisory Committee submitted a report to the Board of Supervisors in May with three major recommendations. Following that report the Advisory Committee went back to the Board

with resolutions of intent to amend the Zoning Ordinance to affect one of the recommendations and to amend the Comprehensive Plan to effect two of the recommendations. At this point, they are back before the Planning Commission to talk about these recommendations in order to obtain feedback and guidance on some of the outstanding issues and to move forward with the public hearing process for these amendments.

- There were two major areas that the Advisory Committee agreed on.

    1. Amend the zoning ordinance to provide for density bonuses when affordable housing is proposed. The density bonuses have existed since the mid-1980's and have not been used except for special type projects on a couple occasions. The current density bonus allows up to a 30 percent, but requires 100 percent of that density to be affordable housing. Therefore, there tends to be no incentive for people to use the current density bonus. The proposal is to revise the density bonus provisions to allow for up to 100 percent density bonus capped at 18 dwelling units an acre. The Board questioned whether the 18 dwelling units was a reasonable amount or whether it was too high. There will be more discussion about. Through a density bonus the County would be allowing additional density by right. By taking it out of the rezoning process the County could lose the opportunity to get some of the necessary infrastructure that may be needed with the development.
    2. The second recommendation is to develop some type of criteria to calculate the amount/percentage of affordable units to be produced based on additional units available with approval of the rezoning or based on development size (staff alternative) to meet the 15 percent goal of affordable units. Additional units are those exceeding zoning district allowances by right. There was a lot of discussion about phasing affordable units. One of the questions raised was whether there was a certain size development that is too small to provide affordable housing. Staff proposed that they calculate the number of affordable units based on the development's size. Anything under 12 units would not be required to have an affordable housing component. Then 4 – 11 units would have 25%; 12 – 20 units would have 30%, etc. (See listing proposed in staff report.) The Advisory Committee reviewed staff's proposal and recommended that any affordable units in the case of rezoning should be calculated on the additional units created by the rezoning and not the size of the development. No solution of how to calculate the additional business of commercial property was found. This is an area that the Advisory Committee would ask for guidance on because of the difference between the committee's and staff's proposal.
    3. The third recommendation is to develop a cash proffer system. Amend the Comprehensive Plan to stipulate $1725 as the cash or equivalent proffer for all units proposed in a rezoning when no affordable housing will be built. The amendment would also include a method for changing the dollar amount based on changes in one or more elements of the formula with an annual increase not to exceed a recognized index such as the Cost of Living. Staff does not know if using this type of formula proposed would be something that they could do. Proffers are generally based on calculating an impact cost versus doing what they did in using the median price of a new home sale less the affordability and then taking a percentage of that, which would represent a sharing of the profit that the developer may have by not doing the affordable unit. That is how they came up with the $1725 by using that formula. The cash proffers could potentially assist homebuyers with down payment assistance under the current Homebuyer Assistance Program.

       There was also discussion about cash equivalent proffers such as donated land. This land could be used by a non-profit organization, such as Habitat, to build affordable housing on, which is something that the County could consider in lieu of as cash.

       The problem that is recognized with this proffer system is that this is one component of a whole lot of proffers that the County may ask for. Other proffers include infrastructure, capital improvements, schools, etc. The consensus from the committee was to use some set cash proffer for affordable housing while working on a more structured formalized cash proffer system for everything that the County might want cash proffers on. This is

an area that Mark Graham's report to the Board on several rezoning issues brought up the idea of a cash proffer system. This would be recommended as an initial approach, but that a more comprehensive proffer system probably needs to be considered and developed for all impacts related to rezoning. The next important thing on this list is tying the cash proffers back to a Housing Trust Fund.

Ms. Joseph asked if there were any questions for Mr. White.

Mr. Thomas stated that normally the public does not want higher density built around them. He asked what it is about this density bonus that the public would allow this higher density.

Mr. White stated that at that point it would be by right.

Mr. Craddock asked why staff did not use the cost of the houses in the development as the median price instead of the median price of homes in Albemarle County.

Mr. White stated that it is doubtful that formula is something that they can use. During the rezoning process they don't know the exact number of units or what the actual figures will be. Definitely at the time that proffers are being done nobody knows what that figure will be.

Ms. Joseph asked if Mr. Davis had any comments.

Mr. Davis stated that the one of the challenges is figuring out how residential development impacts the demand for the affordable housing supply. Basing a proffer on something that is dependent on profit sharing is a non-traditional approach to say the least. Certainly anyone can proffer voluntarily any amount they want to, but when the County is developing a guide for this type of proffer system he felt that it needs to be land use impact related. He felt that they have not quite gotten there yet. They are still at a point that they need to come up with a concept that relates new development to the demand for affordable housing and the costs that are associated with that.

Mr. White stated that if they put the money into a fund to buy houses that they would have to buy them in Albemarle County. If the people cannot find the stock in Albemarle County, then the program does not work.

Ms. Joseph suggested that the program promote a huge mix of different people and economic status so that better mixed communities are created.

Mr. Rieley questioned whether increasing the density bonus would make it more appealing. If they were offering something that people don't want, he felt that making it larger was not going to make it more appealing. He stated that it would be enormously appealing if someone could dispense with the affordable housing responsibilities for $1725 because that is what everybody is going to do. The question is whether that is a good thing because it would certainly increase the demand for affordable housing in Albemarle County and reduce the supply. He supported staff's formula because it was a lot closer to being fair and workable. He stated that the one caution is that they certainly don't want to discourage small neighborhood development rezoning, which are being done for form rather than for additional density. They don't want to put a disincentive on that type of project. He acknowledged that it was a tough issue.

Mr. White stated that the proposal on the density bonus certainly is an increase. But, the current density bonus gives no incentive for the developer to seek it with the exception of several nonconforming situations. He stated that the 100 percent density bonus was an area that was up to discussion. Staff could do some analysis on how much property that is zoned urban density on the other Comp Plan and what is the underlying zoning district for that and come up with what they are looking at. It might be that a lesser amount than 100 percent is more useful. The biggest difference between the two is that under our proposal there is an incentive because in our case the units could possibly be doubled with only one-half of that amount being affordable. He pointed out that the other thing about the current density bonus is that it does not require them to sale or rent the property to somebody who is low or moderate income. It just requires them to produce the unit. Therefore, anybody could move into the unit. What they would have

under the density bonus is similar to what they have seen in some of the proffers that have come in for the for sale units. There would be a definition of who those units have to be occupied by based on income. The 100 percent increase might be more than is desired and they can work with those numbers with some directions.

Mr. Rieley stated that he did not have any direction to give. Therefore, he would like to see some comparable communities that have struggled with this same issue within the legal constraints that they are under.

Mr. Benish stated that as the County emerges into redevelopment of our urban areas he felt that this density bonus may be beneficial, particularly for smaller lots, and would get used more. It is a way to increase the density without going through a zoning process to avoid the issues related to applying proffers or the legislative discretion on those smaller properties. He felt that there may be a value to the development community. But, what they have to weigh is the potential to receive those affordable housing units by losing the discretion on those smaller sites. He stated that he was not sure that those bonuses help as much on the bigger tracts of land because of the large number of other requirements. They might be able to find more interest in those marginal increases of density that people are looking. An example would be on Rio Road as they develop sites zoned R-4 and want to get more development. But, they could do that under a by-right process and avoid the legislative process of a rezoning. The principle is based on what is in the Comprehensive Plan as the implied ultimate density, but there are certain ways that someone could get to that without going through a legislative process.

Mr. Rieley asked to what degree it would make this less appealing to have a guideline and treat it the way they do special use permits so that there is a legislative element to it. There would be a target to work to and a routine density that one could come up against, but there is an opportunity for the public to come in and comment on it in the process.

Mr. White stated that the subdivision process allows the public to come in and make comments if they make a written request to do so. He stated that the adjacent owners would not get notice, but they could make a written request for a hearing.

Mr. Rieley pointed out that it was still by right and the Commission just listens after hearing the adjacent owner's complaint.

Mr. Benish stated that supplementary type of mandates could be used with those bonus provisions. The bonus provisions currently have to meet certain thresholds of performance to get credit for that bonus. But, he did not know how far they could go because they would have to be very clear in articulating what those expectations are. He felt that they could not be open ended as to their discretion on a case by case basis. He felt that meeting the principals of the Neighborhood Model or requiring certain interconnectivity is something that could be applied.

Mr. Davis stated that they could have supplemental regulations, but they would have to be definite enough so that someone could apply them.

Ms. Joseph asked if they could link supplemental regulations to the Comprehensive Plan. She questioned if they had looked at the Comp Plan to see if allowing the density to be doubled in these areas makes sense.

Mr. Benish stated that the premise is that the land use is based on what is in the Comprehensive Plan. It would be the other design to build in infrastructure expectations that would be needed.

Mr. White pointed out that the density bonus could not exceed the higher allowance under the Comp Plan. Therefore, he had stated that it could not exceed the 18 dwelling units, which was the cap. But, it also could not exceed the higher allowance under the Comp Plan. If you had a property CT3, which allows 4.5 dwelling units per acres, that was zoned R-4, then only another one-half a unit an acre could be obtained under this density bonus proposal.

Mr. Davis stated that they would have to assume that the Comp Plan is correct as to what you want the

density to be.

Ms. Joseph pointed out that the Comp Plan is something that they plan for in the future. It does not mean that this entire infrastructure exists at this particular point in time. They wait until a rezoning occurs when all of that stuff is in place.

Mr. Benish stated that the Comp Plan allows you to look at all of those other aspects.

Mr. Davis stated that the Comp Plan is a guide for rezonings generally. So this is putting additional importance on the Comp Plan in a non-traditional approach.

Mr. Rieley stated that one of the things that the Commission has been talking about for a number of years is the nexus between higher density and better design. He felt that they were seeing tangible examples of that. He voiced concern about something allowing double density without connection to its form and no public forum to even discuss it.

The other Planning Commissioners agreed with Mr. Rieley on this issue.

Mr. Rieley stated that he did not have any answers to this question. He asked if the County could actually ask for the proffer of $1725 per unit as suggested.

Mr. Davis stated that there were lots of localities now in Virginia that have what is called the "cash proffer" system in place. Generally how that is done is that their Comprehensive Plan sets out a study that determines what the impact of each residential unit is on various forms of infrastructure and places a price on how each dwelling unit could address that infrastructure under a cash proffer system. Then developers who are knowledgeable of the Comp Plan that come in for rezoning know that is the impact of each dwelling unit that they have and they voluntarily proffer that amount to address the impacts of their development. If they can address the impacts of the developments either through providing infrastructure or providing cash proffers, then typically those developments would be denied. By the developers knowing that at the first of the process, there is an expectation of how much each development unit translates into a cash proffer. He noted that Albemarle County has not gotten to that point yet. Mark Graham is just now introducing this to the Board again as to whether or not they want to go in that direction. It is certainly something that the Planning Commission is going to have to weigh in on pretty heavily because there are pluses and minuses to it. Albemarle County has not chosen to go in that direction in the past because there are other impacts from cash proffers in how development occurs under our philosophy. The County is accepting more cash proffers without a study in place. As they see more and more developments coming forward where cash proffers are on the table, he felt that staff is struggling as to how to analyze whether or not that cash proffer is appropriate, sufficient, and adequate on a case by case basis. Therefore, a study in that respect would be very helpful to know what the impact is and what the expectation could be. Would affordable housing be a component of this? He pointed out that in the other localities where they have looked at this; he has not seen affordable housing being a component of the cash proffer system. Therefore, they might be on the cutting edge of that analysis. He felt that the challenge is determining what the impact is on adding a new unit into the housing mix on affordable housing projects. That connection needs to be made in the Comp Plan study.

Ms. Joseph stated that she was having a lot of problems with the bonus density because it was such an unknown. She agreed with Mr. Rieley's comment on the cash proffers. Therefore, she could not support either of those concepts.

Mr. Benish asked if it was the concept for the total costs or the concept of trying to establish some standard for it.

Ms. Joseph felt that they need to be more responsible about the affordable housing. She stated instead of asking for a cash proffer that the County needs to provide the housing itself.

Mr. Morris agreed with Ms. Joseph.

Ms. Joseph felt that the land was more valuable after being rezoned to Neighborhood Model. That form

made a huge difference in that the developers were able to do things differently than under the standard zoning.

Mr. Rieley asked if she was saying that there should not necessarily be relief given, and Ms. Joseph agreed.

Mr. Morris pointed out that the Neighborhood Model creates a community.

Ms. Joseph agreed and noted that part of the community should be the affordable housing component.

Mr. Thomas agreed with Mr. Rieley that the by right development might open up a door that they don't want opened if it took away the design from this.

Mr. Rieley noted that it was a 100 percent increase, which was dramatic without even having a public hearing.

Mr. Morris questioned what the County would gain through cash proffers for affordable housing for an individual that needs it.

Ms. Joseph asked what kind of action staff was requesting of the Planning Commission.

Mr. White stated that the resolutions attached to the executive summary were already approved by the Board of Supervisors.

Mr. Davis pointed out that the resolutions did not specifically endorse what had been presented, but was more of a concept. He stated that it was a starting point for the discussion by the Planning Commission to develop a proposal that would address both the bonus density in the Zoning Ordinances and an amendment of the Comp Plan to address what would be proposed as part of a rezoning for affordable housing in fine tuning the 15 percent, which is currently in the Comp Plan.

Ms. Joseph stated that she did not think that they talked about the issue of looking at the amount of units that are more than what the zoning on the ground right now provides and using that as the 15 percent.

Mr. White felt that they had done that when Mr. Rieley stated that he preferred staff's proposal over the committee proposal, which was how they would calculate those units based on development size rather than the number of additional units. He stated that it sounded like she had concurred with what Mr. Rieley had said which referred to the breakdown on the last page.

Mr. Rieley stated that he preferred staff's proposal over the committee's with all of his other reservations notwithstanding regarding the comparison between the two tables.

Mr. White stated that the only other guidance they would request was whether they were at a point where they would want to proceed or request staff to prepare one or more of the proposed amendments to bring back to a public hearing or whether there is more work that the Commission would recommend. He pointed out that he had heard the Commission's concerns about cash proffers. He noted that several of the Committee and Board members share that opinion.

Mr. Rieley stated that he would like to see a proposal that significantly increases the bonus provisions along the lines that staff recommended, but with some legislative component to the process so that there is an opportunity for the public to weigh in. Also, that there is an opportunity to evaluate each proposal based on the specific piece of property and the specific circumstances.

Ms. Joseph suggested that they look at not requiring the 100 percent.

Mr. Benish reiterated that the Commission wanted staff to evaluate the bonus provisions with more discretion based on those principals. He stated that he was not sure that it could be a legislative act and a density bonus. But, what he thought the Commission was referring to was some discretion to approve or deny or require.

Mr. Rieley stated that was exactly what he was talking about.

Mr. Benish stated that what he was hearing from the Commission was a concern about cash proffers and their lack of production. He stated that cash proffers could be funneled in a way that worked towards production.

Mr. Rieley pointed out that Ms. Joseph's concern was about the concentration of affordable housing.

Mr. White stated that could include a donated lot to perhaps Habitat, which would relate directly to some production.

The Planning Commission agreed with that concept.

Ms. Joseph asked that staff set up another interim work session in order to bring back some additional information to the Commission prior to the public hearings being scheduled.

Mr. Morris asked that staff provide any examples that they could find.

Mr. Davis stated that they were ahead of most localities in dealing with this problem. He stated that Prince Williams has a committee process that mirrors what Mr. White has described. Their concepts looked a lot like those our Housing Committee came up with. He felt that they were struggling with the same issues. He pointed out that he has not seen anyone come up with a magic bullet yet to address this issue. It is a very difficult area and a real challenge.

In summary:
The Planning Commission held a work session to review and discuss affordable housing implementation recommendations and provide direction to staff. Ron White, the Housing Director, presented the affordable housing implementation recommendations that the Housing Committee has been working on and asked for guidance from the Commission. The Commission discussed the recommendations, provided comments and suggestions and requested staff to set up another work session prior to scheduling public hearings.

Old Business:

Ms. Joseph asked if there was any old business. There being none, the meeting proceeded.

New Business:

Ms. Joseph asked if there was any new business. There being none, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:10 p.m. to the August 9, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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