Albemarle County Planning Commission
January 10, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 10, 2006, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Eric Strucko, Jon Cannon, Calvin Morris, Jo Higgins, Pete Craddock and Marcia Joseph. Julia Monteith, Senior Land Use Planner for the University of Virginia, represented David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Planning Director; Bill Fritz, Development Review Manager; David Pennock, Senior Planner; Steve Tugwell, Planner; Amelia McCulley, Zoning and Current Development Director/Zoning Administrator; Glenn Brooks, Senior Engineer; Judy Wiegand, Senior Planner; Mark Graham, Director of Community Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Cilimberg called the regular meeting to order at 6:00 p.m. and established a quorum. He pointed out that if anyone was present for the Biscuit Run rezoning, now known as Foxridge, that item will not be heard tonight, but is tentatively scheduled for a work session by the Planning Commission on February 7, 2006.

Election of Officers: Chairman and Vice-Chairman:

Mr. Cilimberg opened up for nominations for the election of Chairman of the Planning Commission for the upcoming year.

Ms. Higgins nominated Mr. Edgerton as the temporary Chairman for tonight's meeting and to defer the election of officers to next Tuesday night. This is because there are two new Commissioners who apparently just got their package yesterday and have not been involved with the Planning Commission before.

Mr. Strucko seconded the nomination. Although he was new to the Planning Commission, he feels that he has to participate in that vote and he wanted to be an informed voter of it. He asked to hear a discussion among the group as to rationale for nominating a Chair and a Vice-Chair. Therefore, he felt that he could not participate unless he has some basis for making the vote.

Mr. Edgerton stated that he was going to vote against this motion because he felt strongly that they should follow our rules, which state that tonight is their annual meeting when they have the election.

Mr. Craddock requested that the vote be taken tonight.

Ms. Joseph stated that when she first sat on the Commission the vote had already occurred before she took her seat three years ago.

Ms. Higgins stated that there have been several occasions over the years where a temporary Chairman was elected at the beginning of the year until a full involvement of the Planning Commission appointees. That is why she made the motion for Mr. Strucko and Mr. Cannon to have at least this week and make the appointment next week.

Mr. Morris stated that as he recalled when they first came on the Planning Commission that Ms. Joseph was not on it as of that time. But, simply because of the rules it was moved forward at that particular time.

The motion failed by a vote of (2:5). (Commissioners Higgins, Strucko – Aye) (Commissioners Edgerton, Joseph, Craddock, Morris, Cannon – Nay)

Mr. Edgerton nominated Marcia Joseph to be Chairman of the Planning Commission for the upcoming year.

Mr. Morris seconded the nomination.

Mr. Cilimberg asked Mr. Kamptner if they were following the proper procedures at this point.

Mr. Kamptner stated that they could accept any other nominations.

Mr. Cilimberg asked if there were any other nominations. There being none, he asked for a role call.

Ms. Higgins asked if they could have discussion in an executive session before making an election.

Mr. Kamptner stated that they could not.

The motion carried by a vote of (5:1). (Commissioner Joseph – Abstain) (Commissioner Higgins – Nay)

Mr. Cilimberg turned the meeting over to Ms. Joseph, the new Chairman.

Ms. Joseph asked for nominations for Vice-Chairman of the Planning Commission for the upcoming year.

Mr. Edgerton nominated Calvin Morris to be Vice-Chair of the Planning Commission for the upcoming year.

Ms. Higgins seconded the motion.

Ms. Joseph asked if there were any other nominations. There being none, she asked for a role call.

The motion carried by a vote of (6:0). (Commissioner Morris – Abstain)

Set Meeting Time, Day, and Location for 2006:

Mr. Morris moved that the Planning Commission's meeting time; day and location for 2006 remain the same for every Tuesday of the month at 6:00 p.m., in meeting room #241, County Office Building.

Mr. Craddock seconded the motion.

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

Adoption of Rules of Procedure:

Mr. Morris made a motion to adopt the Rules of Procedure for the Planning Commission.

Mr. Edgerton seconded the motion.

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

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. There being none, the meeting moved on to the next item.

Review of the Board of Supervisors Meeting – January 4, 2006

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on January 4, 2006.

Regarding the built out for Crozet, Ms. Joseph request to ask a question. She stated that when staff was doing the calculation that there usually is a range between the land use designation and how many units per acres. She asked if staff looked at the upper end or the mid-range.

Mr. Cilimberg stated that staff looked at the minimum to maximum actually based on the designations that were approved as part of the Master Plan. So they looked at a range. The low end range was actually very close to the 12,000 population or the resulting population. The upper end was over 20,000. The difference now in the Master Plan as compared to your prior Comprehensive Plans is the Master Plan actually has density ranges that are based on net areas rather than gross area. Whereas, in the prior Crozet Comp Plan as an example, it had two density ranges. That would be applied to the gross area of any development to determine whether or not that development was complying with the Comprehensive Plan. In applying the net densities they have to factor out some of the area that would not be part of what would be developed in a project. As example, the environmental areas, the roads, infrastructure, open space and that type of thing. So they had to put a factor in for that. That will be different in each development condition and part of what will drive the ultimate dwelling units in projects like in Old Trail where there is a range that is possible is the market. What they have found is that to date at least in most rezoning in the County they are in the mid to 60 percent or so of actual zoned allowances in what gets built. That is tended to be more the upper end of most of the larger developments ultimately when they build out. South Forest Lakes is an example where its actual build out has been at about 62 percent of what zoning would have allowed there.

Ms. Higgins requested that a copy of the report on the Crozet Master Plan calculations be emailed to the Commissioners. She asked if they considered doing an inventory of what is being developed by right.

Mr. Cilimberg stated that part of their analysis was to look at what is currently developed, what was part of the Old Trail rezoning and then what is also being developed by right at Old Trail. They considered those features. Anything that was in place or part of Old Trail approvals were factored in. Other by right development that might be occurring now or in the approval stream they did not include. They used the Master Plan Land Use ranges in those cases if it was undeveloped. He stated that he would forward an email copy to the Commission. He pointed out that one correction had been done to the study this week because they had used only third quarter rather than the cumulative first, second and third quarters, which was an oversight.

Consent Agenda:

a. **SDP 2004-055 Pantops Place Preliminary Site Plan**: Request preliminary approval for a 18,271 square foot office building on 1.3266 acres zoned HC & EC [Highway Commercial & Entrance Corridor]. (Francis MacCall)

b. **Approval of Planning Commission Minutes**: October 25, 2005 and November 15, 2005.

Ms. Joseph recused herself from participation due to a personal interest in SDP-2004-055, Pantops Place Preliminary Site Plan. She left the room at 6:26 p.m. (Attachment – State and Local Government Conflict of Interest Act Transitional Disclosure Statement by Marcia Joseph dated January 10, 2006 regarding SDP-2004-055 Pantops Place Preliminary Site Plan)

Mr. Morris, Vice-Chairman, asked if any Commissioner wanted to pull either of the items from the consent agenda for further review.

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

The motion passed by a vote of 6:0. (Commissioner Joseph – Abstain)

Mr. Morris stated that the consent agenda has been approved.

Ms. Joseph returned at 6:30 p.m.

Item Requesting Deferral:

SP 2005-029 PRO Distribution (Sign #9)
PROPOSED: Retail tire sales/service.

ZONING CATEGORY/GENERAL USAGE: LI - Light Industrial - industrial, office, and limited commercial uses (no residential use).
SECTION: 18.27.2.2.13 Subordinate retail sales exceeding 15% of floor area of the main use.
COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan designates CT1 Development Area preservation of open space, CT3 Urban Edge: single family residential(3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses, and CT4 Urban General: residential (4.5 units/acre single family, 12 units/acre townhouses/apartments, 18 units/acre mixed use) with supporting uses such as religious institutions and schools and mixed uses including retail/office.
ENTRANCE CORRIDOR: Yes.
LOCATION: Tax Map 56, Parcel 87, located at 5155 Three Notched Road/Route 240.
MAGISTERIAL DISTRICT: White Hall.
STAFF PERSON: Rebecca Ragsdale.
APPLICANT REQUESTING DEFERRAL TO FEBRUARY 14, 2006.

Ms. Joseph stated that the applicant has requested deferral to February 14, 2006. She opened the hearing and invited public comment. There being none, she closed the hearing to bring the matter before the Commission for action.

Motion: Mr. Morris moved, Mr. Craddock seconded, to approve the applicant's request for deferral of SP-2005-029, PRO Distribution, to February 14, 2006.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-029 was deferred to February 14, 2006.

***Deferred Item**:*

ZMA 2005-002 County Fire Station at UVA Research Park (Signs #22,23,24,44,70)
PROPOSAL: Rezone 1.16 acres from RA - Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PDIP (with proffers) - Planned Development Industrial Park - industrial and ancillary commercial and service uses (no residential use), and rezone 477.67 acres from PDIP to PDIP (with amended proffers). The 1.16 acre piece of land would be added to the UVA Research Park. The property is also located in the EC Entrance Corridor which is an overlay zone to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre).
LOCATION: The lands proposed for rezoning are a portion of Tax Map and Parcel 32-18 and Tax Map and Parcel 32-6A located on the north side of Airport Road (Route 649) approx. one half mile west of the intersection of Airport Road and Route 29 North, and more particularly described as follows: (1) the lands to be rezoned from RA to PDIP are a portion of Tax Map 32 Parcel 18 comprised of a 1.16 acre triangular-shaped piece of land beginning at a point along Tax Map 32 Parcel 18's shared boundary with Tax Map 32 Parcel 6A at a point that is 888 feet north of Tax Map 32 Parcel 18's southern boundary line at Airport Road, thence 168 feet N 59º 48' 41" W, thence 600 feet N 30º 11' 19" E, thence 623.1 feet S 07º 52' 53" W, back to the starting point (hereinafter "Parcel A"); (2) the lands to be rezoned from PDIP to PDIP (with amended proffers) are Tax Map 32 Parcel 6A, a 477.67 acre piece of land, a portion of which abuts and is east of Parcel A.
MAGISTERIAL DISTRICT: Rio
STAFF PERSON: Elaine Echols
DEFERRED FROM THE DECEMBER 20, 2005 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO JANUARY 17, 2006.

Ms. Joseph stated that the applicant has requested deferral to January 17, 2006. She opened the hearing and invited public comment. There being none, she closed the hearing to bring the matter before the Commission for action.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the applicant's request for deferral of ZMA-2005-002, County Fire Station at UVA Research Park, to January 17, 2006.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA 2005-002, County Fire Station at UVA Research Park, was deferred to January 17, 2006.

***Regular Items**:*

SDP 2005-123 The Woodlands: Request for preliminary site plan approval for 303 multi-family condominium units on 24 acres zoned R-15, Residential. The property, described as Tax Map 76 Parcels 46C, 46C2 and 46C3 is located in the Scottsville Magisterial District on east side of Sunset Avenue Extended [Route # 781] between I-64 and Redfields Road. The Comprehensive Plan designates this property as Urban Density in Urban Area 5. (Bill Fritz)

Mr. Fritz summarized the staff report.

- This is an application for a preliminary site plan for a 294 multi-family residential development. It is located on the east side of Sunset Avenue Extended between I-64 and Redfields Development.
- Mountainwood Road will be extended. Many years ago there was a plat recorded that had a reservation of an extension of the road which came through approximately in this location. VDOT has approved this as an acceptable alignment.
- This item has been reviewed by the Site Review Committee and can be approved administratively subject to the approval by the Planning Commission of a modification to allow disturbance of critical slopes. The item also has been appealed by abutting property owners in this area. The critical slopes on the property are shown in light gray, which includes various isolated bands in the recreational area, the recreational-open space areas and a small area along Sunset Avenue.
- The Architectural Review Board has also reviewed this request. They have some concerns about the design of the site and the visibility from I-64, which is an Entrance Corridor District. They have some concerns about the location of retaining walls, lights, layout of parking, building designs and the like. It cannot be said that the presence of critical slopes or the development of critical slopes is in any way significantly impacting the visibility on I-64. It is the overall development of the site. Even if the applicant did not develop on these critical slopes they would still have those kinds of concerns because of topographical relief to the property.
- Critical slopes are shown in the Comprehensive Plan on the inventory map, but they are not shown on the Composite Map. It is the Composite Map that they use to determine whether or not there are significant resources on the property. It is staff's opinion that these slopes do not represent a critical resource based on the Open Space Plan. There was a discussion about the difference in the road here versus in this other area. It impacts very minor critical slopes. Staff's recommendation is that either of these two alignments is no greater or lesser on impact on critical slopes. It is negligible either way. So there is no difference in the road alignment either way.
- If this request for critical slopes were denied it would result in either a lower density on the property or a significantly altered design of the property. It is unknown what that design would be and unknown what the potential impacts might be on the Entrance Corridor District. Our analysis of the critical slopes recommendation is that the technical requirements, runoff, siltation and things like that can be adequately addressed. The findings on the other critical slopes waiver have resulted in mixed findings. Overall, staff is recommending approval of the site plan.
- Staff would like to note that there is one condition, which was a mistake on his part that needs to be modified, which is condition 1d. There is no existing sidewalk on Mountain wood Road. So the condition should be changed to read, "Provision of a sidewalk extending from the end of the north side of the existing Mountain wood Road connecting to the internal sidewalk to the club house." In essence, it would extend from the existing sidewalk. He had picked this up as being a sidewalk and it was, in fact, a concrete ditch.

Ms. Joseph asked if the applicant was proposing a sidewalk along the new road, and Mr. Fritz replied that was condition 1e.

Mr. Edgerton asked staff to highlight the retaining walls.

Mr. Fritz stated that the darker lines on the plan are the retaining walls. He pointed out that at the highest point the retaining walls were about 20 feet tall. There are retaining walls that run almost the whole length on Sunset. There is also a tier wall in another location. Landscaping is being required along any retaining walls taller than 6 feet tall to the adjacent road or development. Landscaping is not being required along the interior retaining walls.

Mr. Strucko asked how extensive is the critical slopes disturbance and how it impact of the design and layout of this development.

Mr. Fritz stated that if they would develop this property without modification of critical slopes they would not be able to grade or disturb at all on critical slopes. It would effectively make this area very difficult to do any sort of development on. It would also render other portions of the site where they would not be able to do any development on. The road would have to be changed. It is unknown if they would be able to get any density at all on portions of the site. They would be looking at a much different unit design than this. They would probably be looking at structured parking and taller buildings if they were trying to achieve the same density. The concern there if they were trying to do higher building that they would have a potential greater impact on I-64. It may be inconsistent with the character of the area with the single-family development with the multi-family around it. But, it is of a different scale. This is more in keeping with the scale of residential development here. The taller buildings would be very different.

Ms. Higgins stated that staff did make the statement that this was not represented on the resources plan as far as the critical slopes that are important on the overall plan.

Mr. Fritz stated that it was on the inventory map, but it is not on the composite map. It is the composite map that staff uses to determine whether it is a significant resource.

Mr. Edgerton asked how the height of the buildings.

Mr. Fritz stated that the buildings are 45 feet in some locations. One thing that has resulted from that increased height is that there are increased setbacks from the adjacent properties in a number of locations. He pointed out staff's recommendation was that the critical slopes are not identified as a significant resource in the open space plan. He noted that there are critical slopes located on the open space on this property and recreation is one of the things located in the areas of critical slopes. As shown on the plan there is a small stage that is impacted by critical slopes as well as some trails. Therefore, critical slopes are impacting the open space.

Ms. Joseph asked if there were any flat areas on the site.

Mr. Fritz stated that the applicant would be grading the entire site. It is a difficult site. It is not a flat site and is going to require some significant grading in order to achieve this density. It is about 12 to 12 ½ units per acre. It is on property zoned R-15. So it is in keeping with the zoning and the Comprehensive Plan designation for the area.

Mr. Edgerton asked if the site was wooded.

Mr. Fritz replied that the entire site was wooded.

Mr. Strucko asked if the critical slope issue impact the relocation of that road.

Mr. Fritz stated no, that critical slopes are really not an issue with the road design. The real issue behind the road design was the location of the entrance gates to provide security for the community.

Ms. Higgins stated that there was also a big difference in elevation to make the grades work at that location.

Mr. Fritz stated that it may be more difficult to get the road down here. It may require substantially more grading.

Ms. Higgins noted that in other words it was less grading to put the road there, and Mr. Fritz agreed that it probably would, but that staff did not do the analysis that way. Their primary purpose was just to move over so that they could have a more controlled entrance into their own development.

Ms. Higgins stated that one of staff's conditions has to do with ARB approval. She asked if the ARB has seen this plan.

Mr. Fritz noted that the ARB has seen this request in a work session and provided comments. The applicant is trying to address the ARB's comments. He talked with their landscape architect and he is trying to do some work to address some of the ARB's comments. The applicant still has to go back to the ARB to get their Certificate of Appropriateness.

Ms. Higgins asked if the ARB had reviewed this in regards to the critical slopes waiver.

Mr. Fritz stated that the ARB did not speak directly to the critical slopes. But, disturbance or non-disturbance of critical slopes in this case does not have a substantial impact on its visibility. It is going to have visibility from I-64 whether they disturb the critical slopes or not.

Ms. Joseph asked if there were any other questions for Mr. Fritz. There being none, she opened the public hearing and invited the applicant to address the Commission.

Frank Cox, of the Cox Company, stated that they were representing Dovetail Development, an Athens, Georgia firm that purchased this property over the past year. They have engaged the Cox Company to do the site engineering and urban planning for the project. The owner's project manager, Bob Landers, is here as is Valerie Long, who is the real estate attorney for the project. He commented that they have reviewed the staff report and have had discussions with Mr. Fritz about the conditions of approval. They find those acceptable. They are willing to abide by them. After their meeting with the Architectural Review Board two weeks ago, they offered a number of very positive suggestions relative to reducing the retaining walls within the site quarters from Interstate 64. They are well on their way to solving those issues by developing some dual walls and doing some additional grading work that will help reduce the impact of those. Relative to the extensive of Mattwood Road, there is quite a bit of history to that. The alignment on the plat of acquisition for this property was established many, many years ago when the owner of the property had the notion that it should be divided into two or three parcels. He felt that the County in its wisdom made sure that there was a reservation line agreed to on that property that would allow for the extension of Mattwood through the property. Unfortunately, relative to the concept that they are presenting the line did not work. They were forced to take an already existing extremely difficult piece of land and chopping up into three separate tracts. The purpose of this project is one that is intended to be a gated community. It is going to be entirely a for sale product. The density of 12.5 units an acre allows for us to do a type of townhouse residential unit that will be marketed exclusively to University of Virginia students and graduate students. This is a project that has been tested and proven in a number of university communities around the country, including two at the University of Georgia and one at Princeton University. One is now going in at the University of Texas in Austin. This firm has a great track record. They have worked with a lot of organizations that do residential development. Having visited their projects he could attest to the fact that they do landscaping better than any residential developer that they have worked with. In fact, they sold him on it because his son bought one of their units. The actual architectural representation can be seen at woodlands@athens.com. They are moving ahead with some work with the Architectural Review Board. They think that they satisfy them. They are happy with that. Relative to the issue of critical slopes, there is always going to be attention in the urban area between critical slopes on properties that come before you and some of the principles that were promulgated with the advancement of the Neighborhood Model and the adoption of many of the DISC principles. The tension exists because within the urban there is just not much left to develop that is not extremely difficult. The real bread basket of this property in the vicinity of the clubhouse and the major recreation areas is

that the areas that contains the majority of the project's critical slopes the slopes as they exist now are covered with cracked up pine trees and are highly eroded. They are proposing to feather those slopes out as they grade the property and to bring in new landscaping to try to treat that area in a way that it can be revitalized from an environmental standpoint to reduce the grade of the critical slopes. Also, they would bring in some recreational amenities that will have some value to the overall community. So they believe that the disturbance of the critical slope when measured against some of the design principles that they were trying to achieve that followed on to the goals and recommendations for traditional neighborhood development kind of ran head long into each other and compromises is what resulted. They have tried ten different alternative plans for this project. This is the one that they arrived at. Although it is not totally satisfactory to the developer, the density is 12.5 units per acre. Zoning permits 15 units per acre. The Area B plan that is going to be before the Commission in the coming months is recommending a density of 16 to 24 units per acre in this area. This is one of two properties that are left to do something with. The existing zoning is one that we struggled with because they could not get the density that the developer wanted to achieve, but at the same time they had certain desires to do the best that they could by the land that they have. He pointed out that homeowners from Sherwood Manor were here and they were going to have some real interesting things to say. He pointed out that their group had met with their homeowner's association president on several occasions with their homeowner property manager and on one occasion with their Board of Directors. Sherwood Manor has some engineering deficiencies. In the downstream area right immediately below their property directly to the east is a drainage nightmare. It was not designed properly in the first place. Over the last month they worked with the property manager and the homeowner association's president. They have developed a schematic plan that would introduce drainage structures behind some of the units that are experiencing soggy backyards and actually some basement and lower level flooding.

Ms. Joseph asked if these were off site improvements that they were suggesting.

Mr. Cox stated that these would be off site improvements. They just got the cost estimate on it this week. There is about $220,000 worth of work that the owners of the Dovetail Development, owners of the Woodlands, are willing to do at their sole expense. There would be no expense to the Sherwood Manor property owners to improve the down stream drainage situation. As mentioned, he does have a concept plan for that. It was not presented as a part of this preliminary plan packet because that issue was not on the table at the time that this was submitted. They have gotten the homeowner's association president and a member of the HOA Board together today with the owner of the project who pledged to work with them over the coming months to make those down stream improvements and to try to take a pretty rough situation that is there now and improve it. Our client is certainly willing to make any approval of the final site plan conditioned upon a satisfactory solution to the drainage situation, which should be a major concern of the Sherwood Manor property owners.

Ms. Joseph asked if any Commissioner had any questions for Mr. Cox.

Mr. Edgerton asked if any analysis been performed on the potential traffic impact that this project will have on Sunset coming into the city.

Mr. Cox stated that the Area B Study has quite a volume on traffic. Four years ago they did a regional traffic impact analysis in conjunction with a CPA on the Granger property, which was withdrawn. The extension of Mattwood is going to be helpful to the cause. Ultimately, Sunset is going to have to be expanded. The plans for Area B call for the extension of Sunset through to Fontaine for an alignment that runs along the northerly property line of the Granger property.

Ms. Joseph pointed out that the proposal is a by right development, and Mr. Cox agreed.

Mr. Craddock asked if the units were for sale and what was the price range.

Mr. Cox stated that the units would be for sale at $200,000 and below based on what the owner had told him.

Mr. Strucko asked if they had looked at the utility services for this new development and how that would impact the existing neighborhoods. He asked if there was adequate water flow.

Mr. Cox noted that there was adequate water supply and adequate sewer capacity. They are working with the Sherwood Manor property owners to acquire an easement of a couple hundred feet for the extension of the sanitary sewer through their property. They chatted with the Service Authority and they are geared up to work with us to make sure that easement can be implemented.

Ms. Joseph stated that Mr. Cox had stated that the recreational amenities will be available to the entire community.

Mr. Cox replied that it would be for the self contained community. They have agreed to work with the Sherwood Manor folks in the area where they have some of their recreational amenities to do some enhanced landscaping and screening on their property to hopefully sway any concerns that they might have as far as views into our property. Our land is 30 to 40 feet up the hill elevation wise from their most highly situated home.

Ms. Joseph invited comment from other persons present that wanted to speak regarding the request. She asked that the first person on the sign up sheet, Gary Leavel, to come forward and address the Commission.

Gary Leavel, board member of the Sherwood Homeowner's Association, stated that they have had several meetings with Mr. Cox. They had one meeting with Mr. Landers of Dovetail. Mr. Fritz has been very helpful in keeping them up to speed about what is going on. As far as communications, they have been getting along very well. Some of the items that were mentioned before he would say again and some others following will probably repeat some of it, but if you have ever been to Sherwood Manor off of Old Lynchburg Road you know that you keep going uphill until you hit the top of the ridge. On the other side you go down to Redfields. So they have always had water problems coming down off of Scarborough Place rolling off of the hill. Therefore, they were very concerned about storm water and storm water management. In their meeting today with Mr. Cox and Mr. Landers they indicated their great concern about that and have worked on some alternative plans to help solve that basic fear that they have. Even in the report that came from the Planning Commission, it said that there was a sufficient increase in the water flow off of that ridge. But, others behind him will tell the Commission basically the same thing. Every time there is a big storm they see water problems. Their biggest concern about this project is the storm water and storm water management. The second concern is the visual impact or the aesthetic resources. The report talks about the resources from I-64 and how it looks from I-64. Of course, they are concerned about how it looks from their neighborhood. If you look at it from Scarborough Place they know they will be seeing a lot of building. They hope that over a period of time that landscaping plans will be able to cover that up to the best that it possibly can. The third concern is the lighting along the southern edge with the parking lots. All of this is above their properties. He questioned whether these lights would be toned down enough so that even around the recreational areas that these lights will not be seen very much at night.

Elizabeth Poarch, resident of Sherwood Manor, stated that she wanted to address her concerns regarding the proposed development The Woodlands on the hill side adjacent to her home. Hopefully, you are aware that Sherwood Manor was built approximately 33 years ago. As far as she was aware the drawings provided by the developer do not provide the true sense of the impact of this project on the adjacent downhill properties in Sherwood Manor. The back property line points a dagger at the heart of Sherwood Manor. But, since the drawings provided to you contain an outline of the Manor grounds the full impact is not obvious. She asked that the Commission give careful consideration to the following in reviewing this plan. Sherwood Manor properties already suffer from the considerable runoff during rain storms. She has had to install drainage at the front of her home to repair water damage and rot of the foundation caused by water run off experienced down Scarborough Place. Her new concern is in regards to the two stream beds which carry the run off from both the east and west sides of the property lines of the Woodland. One stream flows directly behind my home at 132 Scarborough. The second stream connects with it. Both streams flow into the storm sewers. The connection is just below my property. She has open space beside me. The house below me is where the two come together. She did not see those streams on the plans and was concerned that her neighbors below me would be inundated during a heavy storm. Para theoretically she remembers seeing Azalea Park below us completely under water and is very aware of the flooding problems of the properties adjacent to Moore's Creek. Hopefully this issue

will be dealt with an extremely cautious manner. In your packet she also noted the letter to Todd Gordon of the Cox Company dated December 29 from Brent Nelson, Landscape Planner, Planning Commission. It is littered with references toward protection of the Entrance Corridor along Interstate 64. There are no notes related to the impact of the lighting and landscape development on the wooded hillsides, which will be in full view from the homes in Sherwood Manor. Surely our viewscapes are as important as that along an interstate highway.

Roma Marling, member of the Homeowner's Association Board, stated that they met with Mr. Cox this afternoon. She asked to reiterate what Mr. Leavel and the report says about our extreme concern on the run off situation and the aesthetic views that they now have of that slope, which will be destroyed. We have been in discussion as of this afternoon and are very optimistic that it will all work out to the betterment of all of us involved. The other issue, which has been mentioned, is the traffic. So basically those are the three issues that she is presenting again.

Steve Koleszar stated that his main concern is the storm water run off. The thing that particularly concerns him is that currently the run off from that area goes towards Redfields. It goes to the southern part and there are several different areas that storm water run off takes place. His understanding from the plan is that they are going to take all of the additional water from the nonpervious surfaces and put it into this pond. So there is going to be a whole lot more water going into that pond and eventually coming down on just the one side that currently comes down both sides of that hill. His understanding is that requirement is that pond only is built to withstand a ten year flood. He was very concerned if they have a 25-year, 50-year flood or 100-year flood that the homes in Sherwood Manor directly below that pond, which includes his home, will get washed away. His biggest concern is that pond or the drainage be able to withstand an eventual flood that will happen in this area whether it happens in 10, 25 or 100 years.

Kathy Cassidy, member of the Board of Redfields Association, stated that there were several Board members present that would like to speak to the Commission. They have several concerns about this project. First, on a larger scale there has been a lot of development in our area and there is no master plan in place for it. They have had Eagles Landings built at the end of Sunset Avenue Extended in the last two years as well as Jefferson Ridge. These were also designed for graduate students. Eagles Landings has not sold very well. In fact, they have been really bending over backwards to get those units sold and filled. They have had to go to rental. So personally she did not believe that this is as marketable as the developer would think. Therefore, she was very concerned about that they are going to build this entire project and then it is not going to be sold and then will change character entirely. Redfields currently has 431 units. She did not know the amount of units on Eagles Landings and Jefferson Ridge. But, she would guess about 200 units each. She did not know the amount of units on the Meadows. The Woodlands would have 300 units. Then there is potential for further development in Redfields. That would total 1,531 units feeding onto Sunset Avenue Extended, which is already a very unsafe road. They are currently experiencing at our entrance, which is just to the left of the proposed entrance of this project, poor visibility. There is a rise in the road and the graduate students tend to drive very fast. Then there is a very steep pitch down to a three way stop, which has accidents on it every winter due to icing conditions. It is quite unsafe. There are no plans that she has seen for improving this for this kind of added units on that road. It just seems to be very unsafe. They are quite concerned about that. They are also concerned about how all of this affects school districts. She did not see any plans in the master plan for that. That is not to mention if Biscuit Run get developed with 2,500 units. They have aesthetic concerns about his project. First, visually they will see it from our neighborhood. They have two entrances onto Sunset Avenue. Many of our homes the way the land slopes will overlook these homes. There will be a lot of asphalt and lights. If these units are 45 feet high they are already quite a bit higher than their homes. So she did not see where this matches the character that is present there at all. Also, they are already experiencing increased noise from I-64 from other developments. This looks like not a tree would be left standing to buffer noise.

Eric Frantzen stated that he was also on the Redfields Board. The concerns that he wanted to raise had already been raised. But, he just wanted to reiterate them to demonstrate his feelings on the subject. He felt that there is going to be an aesthetic impact here and it was going to be an eyesore from I-64. As Mr. Leavel mentioned from Sherwood Manor and thought also from Redfields they have 45 foot buildings on top of 20 foot retaining walls. He felt that it would be a monumental eyesore on top of our mountain. There were mixed reviews. In the review he read Mr. Fritz said that with the significant development it

would open up a lot of engineering type of concerns. But, his main concern is the infrastructure. He felt that the roads, even though they are going to build that other road, is going to change the density in the area and is going to be a major impact on Sunset Avenue. Sunset Avenue was a rural road for a long time and he did not think it was made to support that kind of traffic. There is a three way stop down at the bottom. Last year there was an accident there that blocked traffic to all of those developments. He questioned how emergency vehicles could get to those areas during accident. He felt that there was going to be a problem with the water. There have been problems in Redfields with water pressure, especially during the drought. He definitely was sympathetic to the Sherwood Manor residents who are worried about the drainage problems. He felt that was a significant issue in that area.

Sandy Lambert, President of Redfields Board of Directors, stated that they came tonight to learn and to express feelings. He was very definitely glad that he lived upstream from this development and not downstream. The thing that caught there eye was the language about the 20 foot retaining walls and the appearance from I-64. The question was what else might be the visual impact. He hoped that there would be adequate screening and landscaping between Sunset Avenue. He sees a road that takes some of the load off of Sunset Avenue, but it is a subject of some soreness because its protected improvements are pretty far down the road and any transportation planning. Eventually that road will go through to Fontaine Avenue if they can come up with enough money to figure out how to get there. There is a lot going on here. He was in agreement with the development of the urban ring and was pleased to live in Redfields, but have learned that some of the things that get approved on a piece of paper turn out to be long term problems for the property owners. He pointed out that they have some very steep banks that were approved with waivers in some cases so that they could be steeper. They will probably have to pay to maintain those. They could sit there and say that with just a few less units on that piece of property there may be some amenities gained and people can pay a little bit more for the house. On the plus side they have graduate students living in Redfields and the neighborhood will just move one step closer to the University because they are transit in nature and less concerned about the upkeep of the property.

Valerie Long stated that she was present for the applicant, Dovetail Development. She wanted to wait and make sure all of the other members of the public have had an opportunity to speak. She wanted to speak briefly to the criteria contained in the zoning ordinance for the granting of the critical slopes waiver since that is one issue that is obviously on the table. There has not been any discussion of it so far. There was some discussion in the staff report about it and she wanted to just try and persuade the Commission as to the reasons why they felt in reading the criteria for the granting the waiver why they think this project would support that. She quickly wanted to respond to some of the comments made by the public to clarify some things. Mr. Cox asked that she clarify that the comment that was made about the storm water draining all into a single pond is not technically accurate. Page 6 of 9 in your packet shows the storm water management plan. There is a line through the middle of the property and one-half of the water drains to the top or your page and the rest of the property drains to the bottom. So Mr. Cox tells me that actually less water will drain down the hill towards Sherwood Manor if this project is put into place than it does now. If there are any further questions on storm water, she would like to call on Mr. Cox and his associate to help clarify it. But, she did want to clarify that issue. In addition, response to some of the comments about the traffic on Sunset, the extension to Sunset along the so called new road that Dovetail is proposing to build is a connection that the applicant is happy to make, but it is not something that its necessarily dead set on or so desires all that much. It is a request of the County and it is highly desired by the County throughout the planning process. So that is why that road is there. It is not that the project depends upon access to Sunset or even necessarily desires it all that much. It works well. She just wanted to mention that for the benefit for those members of the public who expressed concerns about it. Turning again to the provisions of the zoning ordinance that speak to the waiver, as the staff report points out there are sort of three paragraphs or three findings that the Planning Commission needs to make. In the first there are three categories where the Commission might make a finding. It reads you need to make either a finding of a, b or c in order to grant the requested waiver. The first one is that the strict application of Section 4.2 would not forward the purposes of this chapter or otherwise serve the public safety or welfare. They would argue that the strict application of the critical slopes waiver in this instance would not forward the purposes of the chapter, which is the zoning ordinance, because the project as designed will help address some of those drainage problems that do exist already on Sherwood Manor. The drainage problems are not caused by this project since they already exist. The applicant is proposing, as Mr. Cox mentioned, to make some very expensive off-site improvements to address that situation and work with those neighbors. They also think that this design of

the project will forward the goals of the Comprehensive Plan among other things in terms of the Neighborhood Model.

Ms. Joseph pointed out that she had not heard discussion about the critical slopes yet.

Ms. Long stated that the some of the areas where the critical slopes are being disturbed are necessary to permit the internal road that runs horizontally through the project. If they were to remove that road in order to avoid having to disturb the largest area of critical slopes then it would be very difficult to access the other portions of the project as Mr. Fritz was mentioning earlier. That would have a significant impact on the density levels there. As he indicated they were trying very hard to comply with the density designations that are called for on the property in the Comprehensive Plan, which are 51 units per acre. In the current draft of the Area B Study calls for 18 to 24 dwelling units per acre. They tried to strike a nice balance between maximizing density and complying with the Comprehensive Plan, but also to respect the terrain and using the property in a way that is appropriate. As shown on the plan, the larger areas of critical slope in the middle of the property are not only going to be essentially preserved, but they are going to be improved as a result of this project. Again, she would defer to the Cox Company experts to talk more on that. But, they will stabilize those slopes. They will feather them back a little bit and make them less steep. They will improve their appearance and re- vegetate them in a way that will make them more stable as well as more attractive from the Sherwood Manor area. She felt that this project meets and satisfies the criteria for granting a critical slopes waiver.

Mr. Edgerton stated that early in her comments she mentioned something about a road and he was not sure which road she was talking about. He asked if it was the proposed new road going onto Sunset Avenue.

Ms. Long stated that was correct.

Mr. Edgerton asked if they were doing that to comply with the interconnectivity that the County is asking for. Also, if they did away with that how would this property be accessed?

Ms. Long replied that they were doing that to comply with the interconnectivity requested. If they did away with it she was told that the access it would be along Mountainwood Road.

Mr. Edgerton asked if the developer would be happy sending all of the traffic down to Mountainwood Road, and Ms. Long replied that was her understanding on how that would work.

There being no further public comment, Ms. Joseph closed the public hearing to bring the matter back before the Commission for discussion.

Ms. Joseph asked Mr. Brooks, the County's Senior Engineer, if he had any knowledge of this pond. A lot of what they were hearing dealt with drainage issues. She asked if he could address that.

Glenn Brooks felt that a lot of Mr. Koleszar's comments were very astute. Our regulations will extenuate the impacts, but will not negate them. When he was talking about the 10-year and the 2-year target release rates that is what they regulate. They also have a very vague state regulation that is called MS-19, which has to do with adequate channels downstream. So obviously they don't have them in this case. So then the regulation does not necessarily mean that they can make a person do off-site improvements. Sometimes they will enhance the basin on site to try to hold back more water and have less of an impact downstream. The other comment he made was about the development changing the landscaping such that more water comes back towards their property. The engineering professional lingo is honoring the existing drainage device. They have not regulation that speaks to that. People often concentrate water in areas that were not concentrated previously and vice-versa and disperse it also. It is in inevitable that when you put in a lot of impervious areas that you will have more water. They regulate how fast it is released and over what period of time. So you will get more water. You change the drainage divides such that you may send more towards Sunset Avenue and less towards Sherwood Manor. But, he would doubt very seriously that you would have less water going to Sherwood Manor. That is his professional opinion. He asked if that gives the Commission a clear picture.

Ms. Joseph asked if there were any questions.

Mr. Cannon asked if the modifications to the critical slopes that are requested here change the quantity or the direction of the run off.

Mr. Brooks stated that it possibly would. It is hard to say because if they did not approve the modification to critical slopes they would have to redesign the property such that they may have less hard scape. It may have less development on that side of the ridge because that is where the critical slopes are. So the change in design is what would change the nature of the run off and not necessarily the critical slopes themselves.

Mr. Cannon stated that he heard representation that changes to the critical slopes would have a beneficial effect in terms of bettering some of the slopes and providing vegetation that is not currently there. That the activity under this critical slopes waiver would in fact be beneficial in terms of slowing run off or increasing the absorption capacity of the land. He asked if he had a view on that.

Mr. Brooks stated that it would be hard to say because as an engineer or professionally he likes to talk in quantities and measurements. When they say feather slopes or respect terrain it does not really much. So it sounds good, but he would have to go back to his earlier statement that he seriously doubts that there will be less water going towards Sherwood Manor in any particular design unless you had to send it somewhere else and send more water in another direction.

Mr. Cannon stated that the real question was what you do with that water on its way and when it gets there.

Mr. Brooks stated that was right. If you look at the design of the plan typically what you end up with is steeper slopes than when you started. That is probably graded 3 to 1 or 4: 1. A critical slope is a 4:1 slope. So whether we're going steep or not the feathering is shallower or flatter.

Ms. Higgins stated that obviously one of the people who spoke said that they had been there 33 years. What they have found historically in the County is that a development approved long ago does not even meet the current standards.

Mr. Brooks stated that is correct.

Ms. Higgins stated that now they were going to capture an area that has been potentially let erode and deteriorate over time that is above and draining to these areas, which could be making their problem worse. At least with a controlled release of that water at the rate per the regulations, which she recognizes does not meet every storm, it could with off-site improvements alleviate if not eradicate some of those problems. She asked if that would be the goal during the review process to look at that and make sure that the problem is not worse and that the problem is alleviated to the extent possible.

Mr. Brooks stated yes and that it helps that the Sherwood Manor folks are willing to let them come on to their property and do off-site improvements. That is what would make the most significant difference. The on site itineration she was talking about or the holding back of water will have mixed results.

Ms. Higgins stated that the down stream channel improvements, as referred to by Mr. Cox, if the homeowners are willing to let them do that on their property and to grant the easements necessary to the County, that is a positive thing.

Mr. Brooks stated that it is a positive thing.

Mr. Edgerton noted that the Commission was reviewing the critical slopes tonight. It is the only vehicle that they have in a by right development to participate in the decision. If by granting the waiver of the critical slopes they are allowing greater density on the property than the property can support as far as run off, and then he has some problems with that. One of the things that he heard recently on another project, which Mr. Graham explained, that there was a lot of concern on 29 North in the Forest Lakes South area of some of the run off that was coming across into some of the ponds and lakes and filling

them with a lot of sediment. A gentleman brought in photographs. They were sort of agonizing about what could or could not be done. Mr. Graham's explanation at that time was that there were extreme limitations to what control they can put on the amount of surface run off. It is a little bit like the gentleman's comments about the 10-year flood versus the 100-year flood that the regulations are limiting our ability to control that off site run off. Granted working with the neighbors that will help. Is there any way to adjust that? Can they increase the engineering requirements? Can they ask the developer to voluntarily do that?

Mr. Brooks stated that those were ideas that could be explored. He felt that what Mr. Graham was speaking to mostly was the construction phase and the erosion and sediment control measures and how much sediment you can control getting off of the site.

Mr. Edgerton noted that is going to be a huge issue here.

Mr. Brooks stated that it is limited both in the technological respects in that as much as they do with silt basins and filters and those kinds of things they can only capture so much and some of it gets away. That is a technological limit. The other is the regulation limit. The state only allows us to do so much. There are certain things that you can do to go above and beyond the regulations.

Ms. Joseph pointed out that the applicant is asking for a critical slopes waiver at this point in time and there are ways that they could mitigate the effects of grading within those critical slopes.

Mr. Brooks stated that was certainly correct.

Mr. Edgerton stated that unless he misheard it the entire site is going to be graded.

Ms. Joseph noted that there are only little bits that are not going to be graded.

Ms. Higgins stated that was a side effect of achieving a model in the infill. When you are really getting to the junk land that was not developed and you are trying to meet a density requirement the end result is that it all gets graded. On the other side of the coin is that there will be a bond posted and an enforcement of what goes on. But, there are limitations to the regulations that apply.

Mr. Brooks stated that typically more land will be disturbed than you see on the plan, especially in a case like this where they are bounded by retaining walls. They really need to put the erosion control measures further out than the retaining walls and it disturbs the site even more.

Ms. Joseph asked Mr. Fritz to talk a little bit about our current lighting standards because that seemed to be an issue.

Mr. Fritz stated that the applicant would have to meet our current lighting provisions with full shield cut off and limited spillover. That is one of the conditions. It is listed as condition 1b. He will be reviewing the portion of the site that is not visible from the Entrance Corridor. Then he and the Architectural Review Board will be reviewing that portion that is visible from the Entrance Corridor and the potential impacts. So the lighting will be looked at across the site for both the spill over and design.

Ms. Joseph stated that staff would be receiving a photometric plan, which shows all of the lighting levels on the site. Also, they will receive specifications that show that these lights are shielded so that the lights will not spill out into the adjacent properties.

Mr. Fritz stated that the lights will have to be directed downward. It is not that there is no spillover onto adjacent properties.

Mr. Edgerton stated that the properties at lower elevation will not be shielded.

Mr. Fritz stated that that they would be able to see the light, yes.

Ms. Joseph asked if that was something that staff could take a look at and work with the applicant.

Mr. Fritz stated yes, that he could work with the applicant to the extent possible. If in those areas where there is development on critical slopes he felt that you could potentially have a condition. But, he did not know how to word it. But, that a condition that would address lighting in the areas related to the critical slopes so that there is a connection there. He agreed to work with the applicant on lighting.

Ms. Joseph asked Mr. Fritz to explain by right zoning.

Mr. Fritz stated that this property was zoned R-15. It has not proffers, which means it has no limitations on it. It is just a straight R-15 zoning that allows 15 dwelling units per acre. There are limitations on the building heights. There are landscaping and lighting requirements that they have to meet. There are parking and recreational requirements that they have to meet as well storm water and the like. You cannot place any additional conditions on the property except those which are specifically permitted by the zoning ordinance.

Ms. Joseph stated that in other words if someone comes in and does a by right development that what she was getting at was the traffic counts.

Mr. Fritz stated that if they meet the requirements of the ordinance the County will approve the plan. If VDOT or the County has not determined that particular improvements need to be made, then they cannot be required. In this case one requirement does have to be made and that is based on the requirement in the zoning ordinance as well as a requirement from prior action, they must extend Mountainwood Road as a public road from the end of existing state maintenance is to Sunset.

Mr. Strucko asked what the height limitation was.

Mr. Fritz stated that it was a split height limit. It is 35 feet, but, they could increase it to 65 feet, but for every foot you increase you building height above 35 feet you increase your setback by 2 feet.

Mr. Edgerton asked conceptually if the applicant wanted to avoid dealing with critical slopes they could achieve the exact same density or even greater density, then they could get up to the 15 with a higher building and less site disturbance. But, that would not address any of the traffic issues, but would address some of the drainage.

Mr. Fritz stated that potentially that was correct, but it would probably require the use of structured parking and buildings near the 65 foot height limit.

Mr. Strucko pointed out that he was looking at the proposed critical slopes waiver and he was thinking what was best for the adjacent community in granting or not granting it. He was leaning in favor of granting it for the sake that he thought that potentially it is the lesser evil because it enables the applicant to work with the run off issue. He was sensing that there was a run off problem regardless of whether this activity happens or not.

Mr. Edgerton stated that he was struggling with the same decision. Certainly this is a by right development. It is hard to ignore the fact that this property is heavily forested and some of that run off is being absorbed into the ground right now. If you look at the drawing and all of the black, unless he was mistaken, they were going to have a huge amount of hard surfaces that is going to be contributing significant amounts to the run off situation. His read of the staff report is a reluctant at best endorsement of this plan. Oversimplification of what they go through as a Commission when they are reviewing a waiver is that they are asking us to ignore a condition of the ordinance that prohibits them from doing work that they are proposing on critical slopes. It is hard to know what would come back to the Commission if they deny this. He was of the opinion that it could only get better. Therefore, he was leaning the other way. He felt that either with less density or density configured in such a way that it is more respectful of the existing site they will at least be able to address better than they can right now the run off issues. He felt that they were kind of stuck on the traffic issue. But, he was very concerned about adding this much traffic to Sunset Road. He felt that the City was going to be unhappy about this as well.

Mr. Morris stated that right now, particularly in Sherwood Manor, they have a significant run off problem.

The development is proposing a plan that will address that and really assist them. It seems that the situation could get a lot better if they grant the critical slopes request.

Mr. Cannon stated that he was inclined to go Mr. Strucko's way. But, he was looking at this as a high density area that would be marketed that way in order to serve this broad plan. It is going to be a highly engineered environment however you look at it. It is not going to be a natural environment. Whether you disturb steep slopes or not a lot of that site is going to be occupied and it is going to have a lot of mass on it with lights and will generate traffic. If they were to grant the waiver would that do anything to the incentives that the developer has to continue discussions with the neighboring community to make sure that those problems are ultimately and satisfactorily resolved.

Mr. Edgerton felt that it would not.

Ms. Higgins suggested that they condition it in some way. She felt that there are not a high percentage of critical slopes on this area although it is an infill piece. They have seen ones that are much worse. Typical in the vicinity of the storm water management area is where the critical slopes exist. To a large extent because it is not like the slopes are flattened to the housing units or the parking lots there is the one interconnection road that is in the very top edge of the critical slopes. It is a very necessary and integral part. Sometimes when you don't allow the critical slopes to be granted it could result in higher retaining walls because you can avoid slopes by stopping the grade and changing the grade abruptly. The other area is near the clubhouse, which is a very minimal area. Then up along Sunset Avenue she did not think that was disturbed. To a great extent the area that was disturbed is actually not under pavement and will be in a controlled environment. She felt that they have pretty good regulations about how to stabilize and to what grade that they are left. Special plantings would be required on steep grades and then there would be a maintenance bond for that purpose. Now they are down to the critical slopes waiver and she felt that they were getting a road connection. If they can condition this in some way she would much rather see what tends to be an accelerating deteriorating situation with drainage. In other words, once it finds it path the path gets deeper and wider, and that sort of thing. Really if they have concerns about the storm water they need to be talking about changing the regulations because it was a standard that was not applied 30 years ago. They have a very strong ordinance, not that it can not be improved upon. But, that is where they should focus. But, there is probably no downstream basin to this because the development before is not retaining its water. It is the older developments that actually tend to have those problems. So what it is worth, she felt yes that they could see a redesign, but it would be to go more vertical and they could not control that. Actually this does not respond to our density requirements for the urban development. So narrowing it down to a critical slope waiver she would much rather see it controlled with some downstream improvements that might help the Sherwood Court.

Mr. Edgerton stated that he could be persuaded to go that direction if they could some way legally link the downstream improvements. He felt that would be a fair trade off, but he did not know if they were allow to do that. He asked Mr. Kamptner if they would be allowed to do that.

Mr. Kamptner felt that in this case that they have the agreement or the consent of the owners to such a condition. He would recommend that the County impose a very non-technical kind of condition. He suggested that condition 9 read that prior to final site plan approval submittal of documentation signed by the owner and the President of the Sherwood Manor Homeowners Association evidencing an agreement between the parties addressing the drainage issues within Sherwood Manor Subdivision. The County needs to have something in the files showing that they have been able to work it out.

Mr. Cox stated that was something that they would be agreeable to. Further it is our commitment to the Sherwood Manor property owners that they were going to try to exceed the minimum requirements of the County. He noted that Glenn was proper in saying that the current County regulations deal with the retention of the 10-year storm. When you have a larger rainfall event you don't necessarily get the same positive results downstream. The area in which they have the majority of the critical slopes is the area which they are intending to do storm water management. Our concept plan that they have been working with the down stream property owners also calls for two smaller basin type of structures that would serve as kind of large check dams that would provide an extra level of both management and water quality extenuation. In addition to that the concept plan calls for installing storm drainage pipes and roughly 7 or 8 different drop yard inlets in the areas on the Sherwood Manor property where they are experiencing

current drainage difficulties. That is not to say that when a 100-year storm comes along that there still won't be problems. But, he felt that they could commit to certainly exceed the minimum County regulations as they exist right now.

Ms. Joseph stated that she could not really on the plan what is happening in this area. She asked Mr. Cox if they were thinking of reforesting.

Mr. Cox stated that one exhibit that he discussed with Bill today that did not get in their package dealt with reforestation. Today they presented this exhibit to the President of the Sherwood Manor Homeowners Association. The intent is to come back in only on the disturbed slopes in the eastern segment of the property on our side of the property upon completion of grading and reforesting that area using different kinds of hills than you currently have now. A little bit of difficulties that the homeowners anticipated was relative to lighting. The concern was that being 30 or 40 feet down the hill they are going to look up into shielded lamps. What they agreed to do as a part of their overall planning commitment to them as a part of the off-site improvements is to work with the individual property owners and if need be to enhance screening and buffering to put in coniferous materials to their satisfaction in locations in their open space to enhance some of the deteriorating landscape that they have now. But, also to do the same closer to the individual units because that is where you really gain the impact when you have a home that is situated below.

Ms. Joseph asked if there was a note on this which reflects what he was saying now. That they were willing to work with the individual units and that part of this is dealing with the lighting aspect and part of it is slowing down the water as it comes down the hill. Is there anything on there that the Commission can reference?

Mr. Cox stated what they assumed would be a condition of approval if the Commission elected to approve this is that they would have a plan that would be satisfactory to the Homeowners Association and would relate to storm drainage and landscape enhancements. That would be a condition of the final site plan approval.

Mr. Edgerton asked if that would include shielded lighting, and Mr. Cox replied yes that it would.

Ms. Higgins stated that this was directly related to the critical slopes and the disturbed areas.

Mr. Morris stated that was absolutely correct.

Ms. Joseph asked Mr. Kamptner if there was a modification on that condition that they could include.

Mr. Kamptner suggested that a clause be added that would say address the drainage, landscaping, screening and outdoor lighting issues within the Sherwood Manor Subdivision.

Mr. Morris asked if that would be condition 9, and Mr. Kamptner agreed.

Motion: Mr. Morris moved, Mr. Craddock seconded, that SDP-2005-123, The Woodlands, critical slopes waiver be approved with all staff's recommended conditions to include the amendment to 1d as Mr. Fritz stated regarding the existing sidewalk and the addition of condition 9.

Ms. Joseph asked for consideration of an amendment to the motion to add the condition that the final site plan come back before the Commission.

Motion: Mr. Morris, Mr. Craddock seconded, to amend the motion for SDP-2005-123, The Woodlands, to add the condition that the final site plan come back before the Planning Commission. The conditions as amended are as follows:

The Current Development Division shall not accept submittal of the final site plan for signature until tentative final approvals for the following conditions have been obtained. The final site plan shall not be signed until the following conditions have been met:

1. Current Development Planner approval to include:
    a. Landscape Plan to include conservation plan and provision of fifteen (15) percent tree canopy.
    b. Lighting Plan
    c. Provision of a sidewalk on the north side of "proposed new road" connecting to the internal sidewalk opposite the clubhouse.
    d. Provision of a sidewalk extending from the end of the north side of the existing Mountainwood Road connecting to the internal sidewalk to the clubhouse.
    e. Approval of plat combining parcels and dedicating right of way for "proposed new road".

2. Current Development Engineer approval to include:
    a. Erosion and Sediment Control Plan.
    b. Stormwater Management Plan.

3. Albemarle County Building Official approval to include:
    a. Design of all retaining walls of over 4 feet in height.
    b. Design and location of barriers located at the top of all walls of 4 feet in height or greater.

4. Albemarle County Service Authority Approval to include:
    a. Water and Sewer plans.

5. Fire and Rescue Division approval to include:
    a. Adequacy of fire flow.
    b. Location of Fire Hydrants.

6. Architectural Review Board approval.

7. Virginia Department of Transportation approval of road plans for "proposed new road" as a public road connecting existing Mountainwood Road to Sunset Avenue.

8. Approval of Road Names.

9. Submittal of documentation signed by the owner and the President of the Sherwood Manor Homeowner's Association evidencing an agreement between the parties addressing drainage, landscaping, screening and outdoor lighting issues within the Sherwood Manor Subdivision.

10. The final site plan shall come back before the Planning Commission.

The motion passed by a vote of 7:0.

SDP 2005-129 Bailey Office Center: Request for relief from conditions of approval from the Planning Commission. (Steve Tugwell)

Mr. Tugwell summarized the staff report.

- This is a request for relief from conditions of approval from the Planning Commission for Bailey Office Center. This is the original approved site plan from 1988, which shows the location of a planting island. He presented an aerial of the site as it looks today. He pointed out the planting island location. The applicants applied for a minor site amendment of October of 2005 to remove the planting island from the approved site plan. Staff determined that with the grade of the slopes being very steep here that it would pose a detriment to motorist by encouraging motorist to park there. So the minor site plan amendment was denied.
- Tonight the applicant brings before the Commission a relief from conditions from the original site plan that shows the approved planting island. Staff is recommending denial based on 18.4.1.2.f, which makes reference to the minimum design requirements for travel ways and planting islands.

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

Mr. Craddock asked if there have been any problems in the last 18 years because the island was not there.

Mr. Tugwell stated that he was not aware of any direct problems as a result of it. The reason that this request is before the Commission is that a site inspection was done for a zoning clearance when an office became available for rent. When the inspector went on site he discovered that the planting island was never constructed as approved on the original site plan. Therefore, they have a current zoning violation. That is when the minor site plan amendment was applied for. It was not consistent with the zoning ordinance as it relates to travel ways. It is inconsistent with the approved site plan. Therefore, they are applying for relief from the conditions of the approved site plan.

Mr. Edgerton stated that in the staff write up and the attachments that were followed up with an email that was in response to some of Ms. Joseph's questions earlier this week the suggestion was made by the applicant that a change order had been granted when the original construction was occurring by the inspector. He asked for some assistance on that one.

Amelia McCulley, Zoning Administrator, stated that it was true what happened here was that the site was inspected and the County missed it. The County issued a CO, which is a finding that the site is in compliance with the approved site plan. Some 15 or 16 years ago the County missed the fact that these two planting islands had not been installed in accordance with the site plan. That is our mistake and we caught it later when they did a reinspection for whatever reason, such as a zoning clearance or perhaps a compliance letter, and looked more carefully to compare the site as built to the approved site plan and found that discrepancy. She felt that Mr. Craddock asked a good question because perhaps they would want to ask the applicant or the former owner, Mr. Bailey, whether the absence of these two planting islands presented a problem in terms of the circulation and use of the site. Staff can review it on paper and, of course, look at the photos at the grade difference. It appears that a planting island is needed there because of the grade and the fact that it is at the corner of a building and cars come around the corner and they want to separate the parked cars from the traffic that is coming around the corner up grade to them. They also don't want people to park there because it is very steep. But, it is a legitimate question if that has presented a problem. She pointed out that she did not have any information on that.

Ms. Higgins asked if there was an issue with the number of parking spaces if they require the planting islands.

Ms. McCulley stated that she had not reviewed the plan under the parking regulations. As the Commission knows the current regulations give us a lot more flexibility that the regulations did at that time. So they could look at the very specifics of the use and actual floor plan to determine their net area. They are trying to have the minimum amount of parking out there as necessary to serve a use. So she could do that analysis, but she did not know the answer to the question right now.

Ms. Higgins suggested that the applicant might know.

There being no further questions for staff, Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Peter Van de Linde, current owner of the building, stated that he believed that there were two violations at issue here. One is that the left rear of the corner of the building, which is a curved contour. Subsequent to submitting my response to the issuance of the violation, it seemed clear that the curb contour is not on his property. From looking at the site plan, clearly the left side line of the property appears off his property. He believed that was one of the two things that they were addressing. He stated that the area in violation is not on his property. It can be seen very clearly on the site plan. When he was cited for these violations he had the luxury of questioning the original developer, Ivo Romensco, who has been from day one and remains a tenant in the building. He also spoke with Bill Bailey of Bailey Construction who built the building. He noted that he only knows what he has been told. Both individuals explained that it was at the County's request that these islands were omitted and that it was done so because of concerns about drainage and snow plowing. They had their reasons. They responded and cooperated with the County on that. As Ms. McCulley mentioned the Certificate of Occupancy was subsequently issued. Just

as a footnote of the inspection of these two violations, he was issued his mortgagee request as a pre-purchased condition a letter of compliance from the County. The County conducted an inspection and issued a letter of site compliance. So when this happened he was just trying to follow an exercise in logic. So it was definitely never installed. The developer and the builder said that it was done so at the request of the County. The CO was issued and he was issued a letter of compliance without exception. From a common sense perspective it is a very steep grade and he could understand why the recommendation was originally made. So he was just here to tell the Commission all that he knows.

Ms. Higgins asked if he has ever had any issues with the steepness of grade. When she was on site a car was actually parked in the space.

Mr. Van de Linde felt that someone would have to have a death wish to try to get up on that. Plus there is a retaining wall. But, he has only owned the building for a year and a half. The building is 18 years old. So the prior 16 ½ years he was not aware of what had happened. He asked Bill Bailey and he said that there have been no concerns or no accidents. Nobody even knew that it was suppose to be there.

Ms. Joseph invited public comment.

James Dean, resident on Profit Road, stated that this has no connection to this issue, but is there a statute of limitation on the zoning ordinances.

Ms. Joseph stated that was a good question that they could ask their attorney.

Mr. Kamptner stated no. When they are dealing with a condition of the property, each day is a separate violation. So whatever statute of limitations that might apply is constantly rolling over as each day progresses.

There being no further public comment, Ms. Joseph closed the public hearing and the matter before the Commission.

Mr. Edgerton asked Mr. Kamptner to explain what he had just said.

Mr. Kamptner stated that where there was a condition of the property like this, each day constitutes a separate violation. There really is no statute of limitations because the real one was constantly being rolled over until that condition no longer exists.

Mr. Edgerton asked if the County has any responsibility when they issue a Certificate of Occupancy. This is a situation where someone else built the building and it has been sold. Now the new owner has been found in violation of something that was established by the County as an acceptable condition and now the new owner is being told that it is not an acceptable condition. Does the County have any legal responsibility to accept their judgment sixteen years ago whenever the oversight occurred?

Mr. Kamptner stated that the County has the responsibility to conduct its inspections correctly, but recognize that errors can be made. The County is not bound by the errors that were made back in 1987. The County is not required to look the other way now. For discretionary decisions made in writing since 1995, after 60 days pass, the County is bound. But, that has only been in effect since 1995.

Mr. Edgerton stated that Mr. Bailey would have had to get this in writing.

Mr. Kamptner stated that would have had to be after 1995. The third part of his question was about the change of ownership. That does not destroy any need to comply with the current regulations.

Ms. Higgins questioned how a compliance letter issued by the County would affect that.

Mr. Kamptner stated that he would have to ask Ms. McCulley what was actually stated in the letter. If it was speaking only towards uses, then that letter could be correct stating that all of the uses comply with the zoning regulations even though there was a defect in compliance with the site plan. It depends on what the letter says.

Ms. McCulley stated that she did not know the answer, but if the Commission would give her a few minutes she would try to locate the letter.

Motion: Mr. Morris moved, Mr. Strucko seconded, that SDP-2005-129, Bailey Office Center, be tabled to allow time for the compliance letter information to be found.

The motion passed by a vote of 7:0.

Ms. Joseph stated that the Planning Commission would move on to the next item and come back to this to allow time for the information to be located.

SUB 2005-364 Gold Leaf Land Trust: Request for a waiver of coordination of a road to serve adjacent property. (David Pennock)

Mr. Pennock summarized the staff report.

APPLICANT & PROPERTY OWNER: Gold Leaf Land Trust No. 3 – Wendell W. Wood, Trustee

BACKGROUND: This is an application for a waiver in advance of a full subdivision application for this property. The Subdivision Ordinance requires the proposed public road to be coordinated with existing or planned streets in order to provide interconnections with future development. The applicant is requesting that this requirement be waived.

Staff notes that this requirement was added as part of the revised Subdivision Ordinance adopted in 2005. Thus, this is the first such waiver request to be considered by the Planning Commission.

DISCUSSION: Parcels east of this one are currently under review for a change in zoning (ZMA-05-02 and ZMA-05-03) and inclusion as part of University of Virginia Research Park (formerly known as North Fork). As part of the review of that project, Staff has recommended connections from the parcels being considered for rezoning to Tax Map 32, Parcel 17, which is the subject of this request. Additional portions of University of Virginia Research Park are located north of this property and include other planned streets. However, a street extension north from this parcel would impact streams and critical slopes. An extension east through the parcels discussed above would connect with a road in the University of Virginia Research Park that includes a stream crossing required as part of that development. Thus, a northern connection from the subject property could be facilitated by an alternative layout and is not needed on this parcel.

Based on these findings, staff recommends denial of the applicant's request for waiver of Section 14-409.

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

Ms. Higgins stated that it was her understanding that the stream crossing would be made as part of the University property. She questioned where the stream crossing would be located.

Mr. Pennock pointed out that the whole northern boundary of this property is a stream.

There being no further questions for staff, Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Wendell Wood, applicant, stated that he requested that they not have this east/west connection. If they studied the connection they would find it really does not do anything. Both of the accesses into this property have a cross over on 29. He agreed with staff that the northbound connection would be impossible to do without great land disturbance with crossing a stream. The east/west connection does not go anywhere. It does not facilitate any movement of traffic. That is the reason for his request. If the Commission does not see fit to do that, they would like to request that it be put in lots E & F as shown in the packet. The tenant that they have has already drawn up and needs that particular piece of property.

It would be a hardship for that tenant to have to separate his property. It is a 10 acre parcel. If they find that it is needed, then they would request that it be put at the boundary line of what the tenant refers to as lots E & F. He hoped that they would look at it seriously. The traffic flow is really not going to achieve anything. It cannot go anywhere because it cannot go further west.

Mr. Edgerton asked if he could disclose the name of the proposed business.

Mr. Wood stated that he was not, but that it was an existing company that is proposing a 70,000 square foot building and they need 10 acres. The company has said if they don't get it that they are going to Green County. They have two other tenants that will be a showroom and warehouse. The applicant wants the showroom on front at Airport Road.

There being no questions for Mr. Wood, Ms. Joseph invited public comment. There being none, she closed the public hearing to place the matter before the Commission.

Motion: Ms. Higgins moved, Mr. Craddock seconded, to partially grant the waiver for SDP-2005-364, Gold Leaf Land Trust, and direct staff that a point of connection consistent with the adjacent property lines be determined.

Mr. Fritz asked if she wanted to specify that point. The applicant proposed what is shown as E and F on the attachment.

Ms. Higgins stated that it could mean a slight change on one of the roads that it is closest to, but within that area.

Mr. Fritz stated that was helpful to staff

Mr. Kamptner stated that he was concerned about the way the motion was being phrased. He noted that he wanted to make it clear that the waiver is being granted as to the two proposed points of coordination that are closest to Airport Road and denying the waiver for the third point of connection with direction to staff to work with the Foundation and this applicant with respect to the location of that point of connection, which is on proposed lot E.

Ms. Higgins stated yes, and would say granting it to the north.

Mr. Edgerton asked if he was talking about the drawing, and Mr. Kamptner agreed.

Ms. Monteith stated that the only thing is that the farther south that connection is made the less impact you have because of the drainage. So they might want to take that into consideration.

Ms. Higgins stated that you have to cross it once.

Ms. Joseph stated that they want at least one connection, not three, and at the minimal impact environmentally.

Ms. Higgins stated that this was supporting an industrial user of a classification that needs a bigger than a two acre lot and bisecting a lot to create it creates an issue. If it was on the other side, it would not be such an issue.

Mr. Morris stated that it should maintain that 10 acre lot if possible.

Ms. Joseph stated that it would be wonderful if they could connect acreage on the other side to the 10 acres.

Mr. Strucko pointed out that if it was going to be an industrial development that Fire Company is going to want more than one access point to it.

Ms. Higgins pointed out that their access would go another way.

Mr. Edgerton felt that this was not planning and he could not support that.

Ms. Joseph asked staff if it was clear in their mind what this waiver was all about at this point.

Mr. Kamptner stated that it was clear.

Mr. Edgerton stated that he was not going to be able to support this. He felt that interconnectivity was something that the Commission has worked hard to incorporate into our ordinance. He did not think because it behooves the applicants marketing of a piece of property, he did not think they should ignore it. They are talking about a fire station on this site because of the need. The Commission heard incredible arguments for the need and interconnectivity only supports the safety issues.

Ms. Joseph stated that they were really not granting the waiver, but saying that they must have at least one point of interconnectivity. So she felt that was what they were doing here.

Mr. Edgerton asked what they would do if they came in and said that they wanted 15 acres and they need to make the interconnectivity up across the stream. He asked if they would go that route, too. He felt that this was not planning, but responding to a market request.

Ms. Higgins stated that if this property owner builds those three roads and it comes to the property boundary and this is all one piece they can't cause somebody to bisect their property with a road just because they want to interconnect. That would be interconnectivity. It would dead end into the industrial parcel.

Mr. Edgerton pointed out that a requirement was added to the Subdivision Ordinance adopted in 2005. The ordinance requires a proposed public road to be coordinated with existing or planned streets in order to provide interconnectivity for future developments.

Ms. Higgins noted that if that lot is there and exists, then is a road going to it interconnectivity. It does not necessarily mean that it has to absolutely go out the other side.

Ms. Joseph stated that yes it does. What they are talking about is that they are creating a subdivision here. So that entire subdivision needs to be interconnected to wherever they were interconnecting it to and not just that one 10-acre lot, but this subdivision. That is the whole idea.

Ms. Higgins felt that it did not need multiple intrusions across the stream just because a grid looks right.

Mr. Edgerton stated that he was not feeling very encouraged about the applicant's desire for interconnectivity when he sees a cul-de-sac at the end of a road of 1.9 acres, which he would guess is the area calculated. This is his preliminary subdivision plan.

Ms. Higgins stated that there is a big natural barrier at the north end of that.

Mr. Wood asked to speak to that.

Ms. Joseph asked if the Commission wanted to open the public hearing.

Ms. Higgins asked if the Chairman could ask the applicant if there is a problem with the northern connection point.

Ms. Joseph stated yes, that she could.

Wendell Wood stated that the confusion about the northern connection point was because the plan that he was referring to was a plan that they submitted before staff came back and said that they wanted us to have interconnectivity. If you require interconnectivity between E and F, then that road will not be a cul-de-sac. That road would be built over to the University Foundation. They are already coming in off of Airport Road. Then it would be a right turn into the University property at E and F.

Ms. Higgins thanked Mr. Wood for his answer. She stated that the cul-de-sac would go away and it would become an elbow shaped road.

Mr. Wood stated that when he builds that road he has to provide for access to the University, which was the way that he understands it that they will request it.

Ms. Joseph stated that was correct. She thanked Mr. Wood.

Mr. Edgerton stated that would satisfy it from his perspective, but asked if that would satisfy staff.

Mr. Fritz stated that it would satisfy it partially because it talks about coordination and extension to proposed public streets. This is a new world for staff also. This is the first request of this. Staff sees that there are three potential points of connection based upon that adjacent rezoning that is in. If the Commission said one between E and F or at any point, then that is your finding. It does serve to provide interparcel interconnection. Because this is the first one, staff took a very literal interpretation of the provisions with coordination with H in every proposed public street.

Ms. Higgins asked if staff would review these with the idea that the cul-de-sacs in the area are not acceptable and the road needs to punch through to another potentially significantly road like Lewis and Clark.

Mr. Fritz stated that whether he cul-de-sacs it or had an interconnection that came off of that or whether or not he curved it around to be continuous, but as long as that road design was something to be acceptable by VDOT for acceptance into the state system, it is an interparcel connection.

Ms. Joseph stated that she did not want to come back and revisit this since they are going to be looking at that area that comes off the cul-de-sac which has critical slopes and a stream crossing. If they decide that it is good and keep this 10-acre parcel intact, then they are going to be looking at something that maybe comes back and the applicant says that this is going to be a very expensive road to build and all they want to do is put an easement here because he is going to have a big culvert there with a lot of fill.

Ms. Higgins suggested that they assume that to make that connection that it is going to be necessary.

Mr. Strucko stated that he was confused. If they grant the waiver, they get no interconnection. If they don't grant the waiver, they get interconnection.

Mr. Fritz stated that if they deny the waiver he felt that they would require three points of interparcel interconnection. If they grant the waiver partially, then you would get one as currently proposed with the motion on the floor. They could also grant the waiver so that there are two or nine.

Mr. Strucko asked if the UVA Research Park display has any kind of official status.

Mr. Edgerton noted that it was a rezoning that was going to be coming back to the Commission. Once they decide, which Mr. Wood would like us to do, the interconnectivity would occur between this proposed parcel F and parcel E. Mr. Wood wants it to be either along that line or north. The further north it is the more it gets into critical slopes and would require a stream crossing to make that interconnectivity. If it was back this way, they would not have to cross streams.

Ms. Higgins restated his question. Do the University roads on their plans have an official status yet? They have been in rezoning before, withdrawn and come back. They really don't have an official road. It is kind of like the part when you are rezoning and you draw a line on the map, if there is no official road that it will line up with, then there are certain issues.

Ms. Joseph pointed out that the only official road that they have is this one.

Mr. Kampnter stated that Lewis and Clark Drive is plainly driving this interconnection.

Mr. Fritz stated that even without the rezoning proposal before the Commission for the University Real Estate Foundation, they could require interparcel interconnection going to the property so that when that property was developed you could require it through the UREF property to continue it out to Lewis and Clark. That is the plain either existing or planned.

Ms. Higgins stated that it was like the one that they considered at Old Trail where they could stub it to the property line and when the next one comes in you line up with it.

Mr. Fritz stated that was correct.

Mr. Edgerton asked that they be real clear that Ms. Higgins was absolutely correct that this sketch has no official standing because it does not exist yet. It is just an idea. It has been worked on. This has no official standing either because it is an idea that is being worked on. Parcel 10, which does not exist at this point, and the separation between the 10 acres and the parcel F and E, does not exist.

Ms. Higgins stated that it was a preliminary plat.

Mr. Fritz stated that it was not a preliminary plat. It is the information that is required to be submitted by the applicant for the Planning Commission's consideration of the property.

Ms. Higgins stated that it was already on zoned property.

Mr. Edgerton stated that it was on zoned property, but that does not address the current condition that they were reviewing this evening. To be clear, if they make the decision to allow the interconnectivity to occur at or further north of the line that Mr. Wood has drawn between E and F, they are in fact making a final decision about the rezoning that will come before us subsequently from the University. They will be designing the University's property around Mr. Wood's ability to sell his property to his clients.

Ms. Higgins suggested that it could be a public road and then possibility the parking lot could feed into the connection like what was done on Pantops. She noted that the motion was on the floor.

Ms. Monteith stated that they need to say that one connection should be provided and that should be coordinated between the property owners.

Mr. Edgerton stated that the motion that he was hearing specifically located that connection at E or further north.

Ms. Monteith stated that she did not think that they should.

Ms. Higgins stated that they have this concept and this is the applicant's request and they have this which is a rezoning that has not been considered. So the motion was made on something reasonably to connect with a road. Actually, further back off of Airport Road is better to have a connection than close up to Airport Road.

Mr. Edgerton stated not typographically.

Ms. Higgins stated that the distance of putting multiple connections on Lewis and Clark Road has other implications, too.

Mr. Strucko stated that he was not sure what they get by granting this waiver. But, he wanted to make sure by not granting this waiver that they don't hamstring us. He stated that he would like to see what happens with the University of Virginia Foundation property first.

Mr. Edgerton agreed with Mr. Strucko.

Mr. Cannon stated that if they don't grant the waiver, then Mr. Wood is essentially compelled to make all three connections.

Mr. Fritz stated that was not necessarily true. Staff would require if he brought the plat in tomorrow, and the Commission did not grant the waiver, they would require an interparcel connection to the property to the east that would allow them to get to Lewis and Clark Drive. They would require an interparcel connection to the north, which would allow them to go to existing planned roads with UREF to the north. There are no existing planned public streets to the west. If he came in and provided a connection to the east and that connection was reasonable to allow for a road to be continued through to Lewis and Clark Drive with the development of UREF property when and if it ever does, it would meet the grade and width design requirements and they would deem that provision to have been complied with. It would be the same if he did it to the north. The ordinance does not say multiple unless there were multiple planned or existing streets because of the proposal you have before you of UREF is a concept that has not even been to a work session yet. Staff was using that as a tool to give the Commission some information taking a very liberal reading of it and giving it to you. But, if he came in today it would simply require coordination with existing or planned streets or some existing streets in UREF to the north and their planned street parking. He pointed out that there were parcels in between.

Ms. Monteith stated that it would all connect with Lewis and Clark Drive. Even if there was an interconnection to the north it would have to connect with Lewis and Clark Drive because that is the only way out. So she felt if they say that they need one interconnection to the east it was serving the same purpose as it is to say to the east and to the north because it is all going onto the same road.

Ms. Higgins stated that was what she felt their motion was saying.

Mr. Fritz stated that she was saying that to the east only is okay.

Ms. Higgins stated that it was to Lewis and Clark Drive at something that hopefully can be mutually agreed upon and somewhere in the proximity of F and E. That is all that they have to go on.

Mr. Cannon asked what Mr. Fritz thought of that.

Mr. Fritz felt that was an easily enforceable condition. He felt that it provides for interparcel connection to the east at a single point. The difficulty is that, and this has always been the difficulty, because frequently in development the first person to develop or to do something particularly in a by right development is in the driver's seat in terms of what happens on the adjacent property. It is sort of the nature of by right development.

Mr. Strucko asked why grant the waiver.

Mr. Edgerton stated that was a good question.

Ms. Higgins stated that he just said that if they don't grant the waiver there would be one point there and one to the north. She felt that they were just discussing the three.

Mr. Fritz stated that there are the three. He perceived, which might be a false perception, but she went over the northern connection very quickly and talked about the road not being practical and the like.

Mr. Higgins stated that it was very steep and in a stream.

Mr. Fritz stated that he perceived her motion as a partial waiver to say to the east is still required, but they are granting the waiver to the north. In her motion she was saying that they would like to grant the waiver with the connection to be in the area of the proposed lots E and F. They could be silent on it also and then staff would simply have to work with the applicant as to where that proposed location would be to the east.

Ms. Higgins stated that it would then be whoever gets there first.

Mr. Fritz stated that staff would then just be looking at the location.

Ms. Monteith suggested that the Commission ask for the property owners to coordinate on the actual

location they were creating.

Mr. Edgerton stated that was what the ordinance is requiring.

Mr. Fritz stated that it was to the existing street and the only existing street is Lewis and Clark Drive. There are some plans proposed, but it has not even been to a work session or anything of the like.

Ms. Joseph asked that they review the motion that was on the floor.

Ms. Higgins stated that the motion was to only grant the waiver to the connection to the north and the one to the east to have a connection to Lewis and Clark Drive and work with staff on it.

Mr. Edgerton stated that there was nothing in that motion about being located at or north of the parcel E and F.

Ms. Higgins stated that they would have to let the process deal with that and that there is a planned road that one lines up with when a subdivision plat comes in. Who gets there first will have something to do with this. They will each have to build to the property line.

Ms. Joseph stated that they were really not granting a waiver because they were just deciding where this might go.

Ms. Higgins stated that they were granting one waiver to the north because there is a steep ravine and a stream.

Ms. Joseph stated that all the ordinance says is interconnectivity. It does not say where it goes.

Mr. Kamptner asked Ms. Higgins to amend her motion to restate what she just stated because his recollection was that the original motion was that the waiver was being granted for the two western most points of connection.

Ms. Higgins stated that staff just clarified that it was not.

Mr. Kamptner stated right, so her motion should be amended to clearly reflect what is currently intended.

Amended Motion: Ms. Higgins moved, Mr. Craddock seconded, to amend her motion that SDP-2005-364, Gold Leaf Land Trust, be granted for the waiver for the northern connection only and that the eastward connection would be made in one location only to become a connection through the adjacent development to Lewis and Clark Drive.

The motion passed by a vote of 5:2. (Commissioners Morris, Cannon, Joseph, Higgins, Craddock - Aye) (Commissioners Edgerton, Strucko – Nay)

SDP 2005-129 Bailey Office Center: Request for relief from conditions of approval from the Planning Commission. (Steve Tugwell)

Ms. Joseph stated that the Commission would go back to the planting island at Bailey Office Center.

Ms. McCulley stated that she was sorry to report that she could not put her hands on this letter. The compliance letter was not in the paper file or electronic files. Hopefully she could find it if this was deferred to another date.

Mr. Peter Van Der Linde requested a deferral until next week in order to try to find the compliance letter.

Ms. Joseph stated that SDP-2005-129, Bailey Office Center, was deferred, as per the applicant's request, to next week to provide time for the applicant and Zoning Administrator to search their records to find the letter of compliance.

The Planning Commission took a break at 9:11 p.m.

The meeting reconvened at 9:18 p.m.

Old Business:

Places 29 Study - Endorsement of Vision Statement and Guiding Principles - (Judy Wiegand/ Lee Catlin)

Ms. Joseph stated that in December the Commission was offered an opportunity to endorse the Places29 vision and guiding principles on the consent agenda. At that point the Commission asked to have a work session where they could talk about some of these issues. She asked staff to explain how they reached this point, what the role of the Planning Commission is, and what our expectations are for the vision statement because of the new members.

Ms. Wiegand welcomed the new Commissioners and provided the following information:

- They are here tonight with the next step in the Places 29 Master Planning process a vision statement and guiding principles for the Master Plan. These are essentially the same vision and principles that you reviewed several months ago. They are based on public input that came primarily during the charrette and public workshop that were held back in May 2005, along with input from other stakeholder groups, this Commission, and the Board of Supervisors.

- Tonight they are asking for the Commission's endorsement rather than their approval. The endorsement is intended just to demonstrate that the Commission feels that they are on the right track with the Master Planning process. They are asking you this as the Planning Commission and also in your role as the advisory committee that helps the County staff and the consultants with the Master Plan. The vision and the guiding principles are intended to provide general direction for the Master Plan and they will be used in conjunction with the rest of the plan, which, of course, they are still in the process of drafting. Staff has heard some concerns from the public about open space and transportation routes during the process of preparing for tonight. They have been raised via email and in phone calls over the last few days. These are issues that the Master Plan is definitely addressing. They will be addressed clearly and in detail in the Master Plan itself. She is keeping track of these issues and she invites this Commission to do the same. So when the rest of the plan is drafted they can look at the plan and see how it addresses transportation routes and open space. These are issues that they will be continuing to address during the next couple of months until they get to the next major public meeting, which will be in mid-May.

- An email message was forwarded to the Commission from Pam Starling. She distributed copies to those who did not receive it. Staff also distributed a letter from Mike McGowan, Chairman of the North Charlottesville Business Council (NCBC), which had been emailed to her. Mr. McGowan basically indicates that the NCBC supports the vision, and he has included with his letter a copy of the NCBC policy statement on transportation. (Attachment)

- After the discussion tonight, staff will be coming back to the Commission on January 24. At that meeting, staff will give an update on the process to the Commission in their capacity as the advisory committee. Then, on February 14, the consultants will be back in town for a brief visit. The consultants will be working primarily with staff on the three draft alternatives for the Master Plan from which this Commission, Board of Supervisors, and public will ultimately choose an alternative. They will present the alternatives to the Commission for your information. They would also be asking the Commission if they would be interested in inviting the Board of Supervisors to join you that evening since the consultants will only be in town on the Monday or Tuesday of that week. They will not be here for the regular Board of Supervisors meeting.

- Tonight they are interested in the Commission's comments on the vision and the guiding principles. There are members of the public present who have things that they want to say about them. So with that in mind, she asked if there were any questions for staff.

Ms. Joseph asked if there were any questions for Ms. Wiegand at this point. There being none, she stated that the Commission would invite public comment regarding the vision statement. She pointed out that Mr. Neil Williamson had previously spoken and asked that the Commission be very careful with this vision statement. Therefore, the Commission felt that they would have a work session. She asked that Ann Mallek, who was on the sign up sheet, come forward to speak first.

Ann Mallek, resident of Earlysville, stated that she was also present as a member of the CHART Committee or the long range transportation planning committee. She wanted to make a quick comment about #10, in the transportation category. She agreed with all of these things with the exception that even though this is a general plan, a little more clarity would make a lot of people happy. Connections for pedestrian and bicycle access are wonderful. The road network that will best serve the area includes US 29, roads that are parallel to 29, and east/west connections. They have had a lot of discussion about that tonight already. Where the parallel roads are is of primary importance right now. It is very important to her and also to the Committee that these parallel connections be in the growth area in the midst of all of the activity that is going to be going on, where there are high density residential or shopping and not out in the rural area where it will be less useful, and where they can get as much transit use as possible because it is right in the middle of the growth areas. She hoped that kind of specificity can be added because it will put people's minds at ease, and it will make it more clear in the long run. They are always thinking about city street type of connections. Berkmar Road is a great example of something that they talk about a lot and not an expressway or something going fast. But, as the consultants have said, the highest capacity of any road is one where people are driving 35 miles an hour. That is how you get the most people from A to B because they are driving closer together with fewer starts and stops and that sort of thing. She hoped that they have that in mind as they are looking forward.

Grant Gamble stated that he lived in the Earlysville area as well. He wanted to express some concerns particularly with the Ruckersville Parkway, which is sort of in this process. On a personal note, he built a family home there that is about to be sideswiped by the Parkway it if it is built there. So that kind of scares him as an individual and raises it on his radar screen. More specifically and more logically, to talk to Ann's point, the Ruckersville Parkway is running through a number of neighborhoods, going over a large swath of rural land, and really creating a huge amount of disruption for people who gain no benefit from it as such. He felt that Ann's point about putting this road in the midst of the growth area, of allowing it in actual fact to go on the other side of 29, and allowing Forest Lakes to choose US 29 or another alternative route seems a much more practical way to deal with this. Conceptually, the Ruckersville Parkway strikes him as not making a lot of sense. The other thing he would want to point out was that within point #6 it says preserving the character of existing neighborhoods. He would like to think about "preserving the character and the integrity of the existing neighborhoods" because that might be a little more specific in terms here. To preserve the character of a neighborhood does not mean you can't run over houses or sideswipe them. The other point relates to #11. He suggested adding "and further to ensure that the design and constraints offer negligible impact on existing neighborhoods in rural areas." He felt that the fear that exists now in this audience is what is going to happen with this if it is a very broad and open statement. It says here safety and aesthetics, which really does not speak to these houses that stand in the way of something like the Ruckersville Parkway. So in giving any endorsement to this he would really like the Commission to think about those caveats. The point that Ann referred to in point #10 is a really good one and he would like to reiterate that the road network that serves the northern development includes US 29 and roads that are parallel and those parallel roads should really be in the midst of the development areas, in the shopping areas and in the places that people are living. Certainly he would be an advocate of looking at widening 29 as well because it seems like it is a bottleneck from Airport Road down. There are a huge number of people from Forest Lakes and those neighborhoods that feed into 29 who would benefit from that.

Ms. Wiegand asked if he would provide staff with the suggested language of #11.

Don Wagner, resident of Arrowhead Drive, stated that his house was located just off of Route 743 just north of the reservoir. He stated that it is amazing that Ruckersville Turnpike is even in the picture. The Albemarle County Board of Supervisors fought the Western Bypass for years and years primarily for two reasons. One, it cut through the corner of the watershed. Two, it was not going to take the traffic off of Route 29 according to their calculations. This proposed Ruckersville Parkway not only goes through the

watershed, but it crosses the reservoir. It also crosses the North Fork of the Rivanna watershed. There is a big water plant on the North Fork of the Rivanna. So if they are truly interested in protecting the watershed, he did not see how the Ruckersville Parkway ever got into the study for Places 29. But, it is there. As he has mentioned, he was not here to protect the watershed, but was here to protect his house. It is up to the County to protect the watershed. This would take his neighbor's house for sure and probably his. In section 10 it ends with the words, "the road network that will best serve the northern development areas includes US 29, roads that are parallel to US 29, and good east/west connecting roads." He would like to make an addition to that sentence. He passed out the suggested language to add, "However, new roads that disturb established neighborhoods in the designated growth area are inappropriate and should be considered only when no other options are available and the Places 29 vision explicitly excludes any new roads or pedestrian and bicycle facilities which disturb existing neighborhoods in the Rural Areas."

Diana Foster, resident of Balvelon Drive which comes off of Route 743, asked to add her voice to item #10. She asked that item #10 be tightened up regarding this idea of the parallel roads to 29 that they should be within that development area. They fear that the Ruckersville Turnpike is being snuck in with this plan. For many, many reasons that have been stated it is a bad idea.

Tom Jones, resident of Balvelon Drive off Earlysville Road, stated that the Ruckersville Parkway in one of its many designs put a rotary right at the end of Balvelon Drive, where it was going to dump the traffic from Greene County and north Albemarle County directly onto the most dangerous section of Earlysville Road. For those of you who have driven it know that traffic has a hard time staying on its side of the road as it goes around tight blind turns approaching the bridge. He was very troubled by the way in which the Ruckersville Parkway was incorporated into the Places 29 process, in a way that seemed to ignore the good process that Places 29 had been using up to that point. He felt that the process being used to get the Ruckersville Parkway in front of the public or in front of potential planners is contrary to all of the good planning that goes on. It was developed in a vacuum out of public view rather than looking at traffic statistics or topography. Someone apparently got together and looked and there is a road here and a road here and if they hooked them up, then there is the bypass. He felt that it is intended as sort of a stealth by pass. What it is actually doing is by passing all of the good engineering, good road planning and population planning putting a road in a rural area rather than in a development area. He asked the question who is it suppose to serve. It seems from its northern terminus, it is supposed to serve people coming down US 29 from Ruckersville and coming down 23 to Ruckersville. There is very little population that could get onto it anywhere between there and where it meets Earlysville Road. He felt that it bypasses the topic of protection of our reservoir, which has been a concern with the earlier bypass. So he endorses the suggestion to limit the wording on parallel roads to the development area to the growth area so that no one can misconstrue them in the future as in implying support for putting in the Ruckersville Parkway.

Cale Jaffe, with the Southern Environmental Law Center, stated that he wanted to share their comments on the vision statement and guiding principles. The vision statement mentions compact development organized into neighborhood employment centers that are walkable. One thing missing from that is an emphasis really on "pedestrian-oriented development" and not just pedestrian-accessible development. The key difference being that "pedestrian-oriented development" is development where the easiest, most commonsense way to get around is on foot and where an automobile is not the obvious default choice. The other thing that is missing is that it talks about mixed use and talks about retail, housing, and employment opportunities. He felt that it should specifically mention the development of office space and that all of these really need to be integrated together to get to the type of Neighborhood Model that they are talking about. Without those concerns they really end up having a Neighborhood Model that just gets back to the same kind of suburban sprawl that they have had in the past and does not answer the problem of reducing development pressure on the rural areas. Just a couple of the quick points:

- Guiding principle #1 mentions the Neighborhood Model. But, he thinks it is important to emphasis that new development needs to differ from the existing commercial mix on Route 29 and that new development is taking place in the context of some existing neighborhoods.
- Guiding principle #2 mentions preserving natural areas. It is important to emphasize not just natural areas outside of the growth area, but natural areas within the growth areas, as well, especially the features along the Rivanna River.

- The third point mentions additional traffic on Route 29. Obviously, that is going to be a major concern. It would be a good idea for the Commission to emphasize looking into innovative new ways of transit such as bus rapid transit, which is basically the idea of combining the benefits of a subway system at the affordable cost of a bus system. They have dedicated bus lanes with longer stops. They can move the buses at a much quicker pace.
- The sixth bullet point talks about locating the housing close to employment centers and shopping centers. Again, it is important to emphasize that needs to be done in an "integrated fashion." He suggested inserting that phrase if possible.
- The eighth bullet talks about infrastructure and developing infrastructure before it is needed. Again, the key word he would add here is "phasing of infrastructure" so that the Commission starts to think about the timing of when they want to do the specific infrastructure improvements.
- The tenth bullet talks about improving interconnectivity. Other speakers have talked about that. Another piece to add to that would be "including pedestrian friendly ways to cross 29 such as pedestrian bridges."
- One last point is that it talks about the value of greenways. It is important that perhaps there should be a greenway master plan for the northern development area on its own. He would encourage that to be part of the Places 29 process.

David Studon, resident of Earlysville, agreed with what his neighbors have said so far. He was hard pressed to make any new points. But, he really questioned the wisdom of the Ruckersville Parkway concept. He asked to focus on the diversion of the parkway from the prior route, which ran behind Walmart to the route that takes out houses in the Earlysville peninsula area that makes very little sense. It really takes out houses and new houses with following the prior plan would not. He felt that Quail Ridge had already been taken out. The other thing is that leaving the route as it was still leaves 743 as an additional route as it is. So this sort of takes that out of the question. Another thing in listening to the interconnectivity issues tonight is that they have a limited access road and if you need a fire truck or an ambulance from Charlottesville they are going to have to go down to that roundabout referred to at Balverian and come back to Rivanna to get there. In addition, the school buses are going to be an issue there. It really makes no sense to have a limited access road there. Again, he agreed with Mr. Wagner's point about diverting the traffic over the reservoir. One plan that he had seen had 150-foot wide right-of-way, and he questioned why it was necessary to have that much right-of-way for a two-lane road. He questioned whether the bridge could take that increase and if it was an environmentally good idea. Overall he felt that money spent on this is better spent focusing on Route 29 and some new concepts for alternative transport.

Neil Williamson, representing the Free Enterprise Forum, stated that he did prepare a document outlining his concerns with the minor wording changes, etc. with the vision statement and the guiding principles, which he passed out. He welcomed the new members of the Planning Commission. Places 29 is a new and unique planning challenge for Albemarle County. Unlike Crozet, which presented an opportunity to build a community somewhat on an island, 29 North is an important transportation corridor featuring several regional functions including regional employment centers, UVA Research Park, regional shopping centers, Hollymead Town Center, and Sam's Club, as well as the successful Charlottesville Regional Airport. In late September the Free Enterprise Forum and other community groups were invited to make comment on the September 20 draft vision statement. They made clear their positions that the vision statement for the 29 North Development Area must consider the impacts of all County residents and should reflect the Comprehensive's Plan intent for developing this area. While changes were made between the September 20 meeting and the October 27 revised statement, they believe that these changes do not go far enough in expressing the County's desire to see the development area developed or in recognizing the importance of US 29 in the transportation structure of the state. Based on our spring 2004 survey of the region 55 percent of residents in the MSA found US 29 traffic to be a major issue. A full 42 percent of those surveyed indicated that they sometime avoid social activities or visiting businesses on Route 29 due to traffic. They raised the survey because they believe that the Planning Commission has the responsibility to look beyond just the local residents to see how this neighborhood interrelates to the balance of the community. They believe that there is a sufficient change of tenor between the first Places 29 meetings held at the DoubleTree and those held in October. The October roundtable seemed to be much more focused on what ought not to happen versus what should occur. Such "NIMBYism" is detrimental to the plan's success. In addition, several business owners have commented that the current draft seems somewhat disrespectful of the region's significant business

presence. The Free Enterprise Forum believes that the vision statement and guiding principles must accurately reflect the County's desire for development and the need for business growth to occur in this development area. The inclusion of statements referencing the rural areas without the clear understanding that these are adjacent rural areas creates unrealistic and deceptive public expectations. He asked to touch on a couple of the specific points in his handout. Specifically, some of the conflicts that exist in #5 where it follows the Neighborhood Model, work with the terrain and not destroy it. He felt that everyone on the Commission has seen issues where those conflicts occur and it is a conflicted response. As long as everybody understands that, then it was fine to move forward. He leaves these comments for their deliberations. He thanked the Commission for taking this opportunity to review this document. (See Attachment)

Since there was no further public comment, Ms. Joseph stated that it was before the Planning Commission for discussion, but was not actually a public hearing.

Ms. Higgins asked if everyone had received the email that was forwarded from Pam Starling. She asked to make a general statement that this email startled her slightly because of the perspective of open spaces and preservation of open space as a weapon against highway, commercial, and infill development. They are actually working on a Neighborhood Plan and infill Neighborhood Model development to take the pressures off of the Rural Areas, which is very important. She did not know how many times the County was going to face this, but open space is sometimes interpreted as the property next door that is not developed. She did not know how to make the definition clear, but as people move into the County and they purchase property and then something happens, there is a need to try to preserve. But, if they are going to actually preserve and don't delineate the difference between an undeveloped piece of land and open space, it is going to continue to upset people who feel like master plans are misleading. They are creating something that is going to be used as a weapon against the things that the County has goals to do with infill. She was trying to compare this to the Rural Areas. The pressure on the Rural Areas is going up as time passes. More areas with greenways and parks in urban areas are appropriate. She did not want to reduce their importance, but people get that idea with open fields. She just did not know how they get there. When she sees somebody really committed to the process looking for a way to incorporate something to stop the other goals, and one of the items in here was #2 that talk about Rural Areas, which she did not know how this came into the guiding principles because it has more to do with the Rural Areas plan. If they put it in the statement for the Neighborhood Plan it seems contradictory. In #14 preserving existing open space is important, but the more they preserve in the development area the better. Therefore, if they don't put reasonableness in to #14, there will be a perception that this document will be used against some proposed developments because they are not in conformance with what they adopted. If they don't adopt something that says reasonable open space or puts it into context, it means that if they adopt something that does not substantially set aside open space in open space that it could be used against us. Crozet is a good example.

Ms. Joseph pointed out that they had talked about calling them something other than open space. Such as calling them parks or something so people will know that it is structured and it is not just a space that is open and will be there forever.

Ms. Higgins stated that open space is very misleading and misapplied, whether it is defined as pocket parks or recreational areas or something. But, open space in the urban area has got to be carefully handled.

Ms. Joseph stated that it talks about accessible public open spaces, greenways and trails that will be created by preserving the existing open spaces. She felt that really raises people's expectations that all of this stuff that is open now is going to be open forever.

Ms. Higgins stated that they talk about preserving that is kind of averse to an urban setting, but they don't talk about creating. You can actually create some usable recreational parks. That is what they do in all the plans with pocket parks and community areas that are created. They are not preserved areas. You have to acknowledge that the urban area was where you want that. Or they need to be looking at where is the next expansion of the development area and nobody wants to hear that. But, there are a lot of people here for the Rural Areas that don't want a road out in the Rural Areas as part of this plan, and she can see that perception.

Mr. Strucko asked where Places 29 is in the master planning process. He assumed that the same sort of steps are being taken with the same sequence of events, with the charrette exercises, with the laying out of the maps, looking at existing zoning and whether the space is currently open or occupied by a facility as was done during the Crozet process. During the Crozet process the stakeholders got involved, the developers who own land, the builders who own land, and the private citizens that own properties all worked to come up with a plan for Crozet that basically accomplished the things that he was reading here such as the interconnected streets, respect for existing neighborhoods, etc. Certain roads were laid out in the Master Plan that since then have been adjusted because of after talking with existing land owners; they are not interested in giving a right-of-way through their property. He assumed that Places 29 is going through the same sequence of events. He assumed that through the master planning process that all of these issues would get ironed out. He asked if that was correct.

Ms. Wiegand stated yes, but noted that the major difference between Places 29 and Crozet is that Places 29 has a major additional piece, which is the big transportation study of what is going on in the US 29 corridor. The study includes transportation modeling. That is actually being done under the auspices of the Thomas Jefferson Planning District Commission, although it is being coordinated very closely with what they are doing with the Master Plan. She asked to very quickly make a comment about the Ruckersville Parkway because there are a lot of people worried about that. That is something that they included in the modeling for this process because it is out there and it is getting a lot of attention. It is not something that the County is pushing at this time. They are not saying that it is going to be the thing or that they think that the road should be out in the Rural Areas. They are also going to be addressing the land use implications as well as the traffic implications. So they are not making any decisions to push that road. It is just in the modeling phase. They are just looking at it that way to see what kind of traffic would use it and what kind of traffic would use the other roads that are being proposed like Berkmar, Hillsdale Extension and US 29 itself.

Mr. Cilimberg stated that when it came up the MPO Policy Board actually made a decision that the Ruckersville Parkway should be looked at for the purposes of modeling and that was it. So there is no commitment.

Mr. Edgerton stated that a number of people spoke this evening and he felt that there were probably some good arguments for it. He asked if there was also some modeling for some parallel connections within this that will be going on at the same time.

Mr. Cilimberg stated yes, because ultimately when there are the alternative kinds of design identified for the framework of transportation and land use they need to have that information for all of those.

Ms. Wiegand stated that they were looking at the transit options as part of this. They started off with the Citizen's Planning Academy last May. Then they had a workshop for the public last May. They had a workshop and an open house to explain parts of this back in November. The next big one will be in May of this year. It is a continuing public process. They also talked with people and meet with people in between. So it is definitely following the same general pattern of the Crozet Master Plan.

Ms. Higgins stated that the level of specificity isn't intended to go to that same level as Crozet if she was comparing the two.

Ms. Wiegand stated that Because of the size and complexity of this area they are likely to be looking at the framework master plan rather than something as specific as Crozet.

Mr. Strucko stated that she had just outlined his curiosity because Crozet was something they you could get your arms around and it was an island. There was some existing development, but a lot of open space that was zoned for something. He agreed that 29 North was the commercial center of Albemarle County. He asked if there was a specific study area.

Ms. Wiegand stated that she would sit down with the new Commissioners with a map and walk them through the process so far.

Mr. Strucko noted that 29 is a big road.

Ms. Wiegand stated that they were looking at and studying the Corridor that runs from the 250 Bypass up to the Greene County line. The area is basically the County's four northern development areas, which is Neighborhoods One and Two that are on each side of 29 up to the South Fork of the Rivanna and then Hollymead and Piney Mountain. Now some of the area along 29 that is north of Piney Mountain is in the Rural Area. They are looking at the impacts that this plan is going to have on the adjacent Rural Areas. This does not happen in a vacuum, of course.

Ms. Monteith felt it was great to hear from the public on this, but it was not clear what they were trying to achieve at this meeting.

Ms. Joseph stated that what happened was that the Commission was given this vision statement on a consent agenda a couple of weeks ago. Because it was such an important element of the Places29 plan, they thought that they should have some discussion on it. So they are having a discussion on whether or not they can endorse this as it is written right now. The Planning Commission is part of this process as the advisory committee to staff and they are receiving this input from the community.

Ms. Monteith stated that it sounded like they were talking about wordsmithing. She asked if they were trying to wordsmith this document tonight. She noted that she was being very specific.

Ms. Joseph suggested that they ask the Commission because if they want to endorse this do they want to endorse it by changing the words or do they want to endorse it just as it is with direction to staff.

Mr. Cilimberg stated that staff mentioned last time that this was kind of a milestone in the process and this endorsement will ultimately be done by the Board. The Commission's recommendation goes on to the Board. This is not the plan itself. It is setting out how they expect the plan to be designed. So it is an important decision. It does not necessarily need to be wordsmithed to the precision of trying to cover everybody's specific concern, but it certainly needs to reflect what you feel you want to say, the Board wants to say ultimately, and being comfortable with this as the basis for the plan itself.

Ms. Joseph agreed that this was going to guide the consultants in how this thing is going to be manifested.

Ms. Monteith stated yes it was very specifically.

Ms. Joseph stated that it was up to the Commission as to what is their pleasure.

Mr. Strucko asked who was proposing this.

Ms. Joseph stated that this language has gone through so many groups of people.

Mr. Strucko asked if it had gone through the Master Planning participants.

Ms. Joseph stated yes and along with the stakeholders.

Mr. Cilimberg stated that one of the reasons there are references such as the Rural Areas and open space is that there were a fair number of people in the process that identified that as a part of what they wanted to make sure was respected in the master planning.

Ms. Higgins stated that was in the urban areas.

Mr. Cilimberg stated not just in the urban areas. He felt that some of them recognized or at least made their statement that the Rural Area is important to them as development area residents. But that is part of the environment in which they live. Now the Commission needs to decide how far they go in setting this out. That is what some of the public said, but not all of the public. This is representing a lot of perspectives. If they don't feel that is part of what you think is essential to the Master Plan as it moves forward, then they will want to change that. But, he felt that this was structured around a whole lot of

people's involvement. That is one of the things that happen when you are getting a very inclusive process. They get a lot of comments and ideas as to what is important in the process. They are in a position of trying to decide what is important from that to be moving forward as the basis for the real Master Plan work.

Ms. Higgins stated that being sensitive to the people who are here tonight who have taken their time to wait through the night to make some statements. In the neighborhood process you get all of the people in that neighborhood together and they, of course, are going to say take the traffic off 29 and put it on a road that does not pass through our neighborhood. Now something has been drawn on paper and the people who it passes through are going to say wait a minute you need to keep that road back in the neighborhood that you are trying to plan for. So she really did not know how to solve that.

Mr. Edgerton stated that at the beginning of the meeting Ms. Wiegand said that she was not asking the Commission to approve this, but was asking that they endorse this. There is a big difference between those two words. Personally, he had no trouble endorsing what he sees as long as the door is left open for some of the specificity that they heard tonight and it was going to come up again in the ongoing public meetings. The concerns need to be heard in the future and this statement and these principles should not preclude that. He felt that it would be naive for the Commission to try to sit here tonight and try to wordsmith it tonight. He felt that as long as they can keep the process open enough to include some of these concerns as they evolve. He stated that Ms. Higgins' point was right on target that depending on which neighborhood you talk to, you are going to get different reactions to things. Mr. Wagner's comments about protection of the watershed, he would like to think that is part of the discussion because they have spent a lot of years worrying about that watershed. He hoped that did not get lost in the Master Plan. He had heard a lot of good comments tonight. But, most of it was specificity and really being able to make sure that whatever they endorse does not lock it in.

Mr. Cilimberg suggested one approach. If the Commission endorses what they have before them, then staff would compile what was commented on tonight as essentially an attachment to the vision and guiding principles. That way, people's comments that they felt were critical to the consideration of these principles during the actual master planning process would be incorporated. That way the Commission would not have to get into the specific changing of words in the vision statement unless there is something that really bothers you. He felt that was the key.

Ms. Joseph suggested that they go around and whoever has issues that they want addressed that the Commission can talk about that.

Mr. Craddock stated that he went along with what Mr. Cilimberg was talking about. He noticed that it kept coming up about the parallel roads being in the development areas. That would be a highlighted item to have in there.

Mr. Cilimberg stated that staff would certainly attach those kinds of comments to this.

Ms. Higgins stated that she had already voiced her concerns. But, she wished that they could get to the issue of the word "preserving open spaces" although it sounds wonderful of defining an open space as a recreational space and maybe talking about creation of and put it in context. She felt that they were misleading people over and over again by leaving that undefined. She asked that staff work to that and put it in context. But, they cannot preserve the growth area and expect to preserve rural areas, too. Something has to be clarified.

Ms. Wiegand stated that staff would really appreciate help with that because they are trying to avoid that problem. What that one statement meant was that staff has received comments from people in existing neighborhoods that had open space as part of their neighborhoods. They wanted to make sure that was preserved when this plan took effect. But, that might not be exactly how that is read to mean. They also have a problem with the term "open space" because are they talking about vacant space or about parks. Staff would be delighted if Ms. Higgins' wanted to work with them on that.

Mr. Cilimberg stated that they could work with that in terms of the attached comments. In some ways they are saying that this is supposed to be considered as is the word.

Mr. Morris stated that in relation to that in #2 staff should take a good hard look at that. He stated that one hears it every time in a Master Plan that what do you like about Albemarle County, oh the beautiful views when you come it is wonderful and so on. Then they bring in a bulldozer and it is different. They need to preserve this in the Rural Area, but that is in the Rural Area plan and not Places 29.

Mr. Cilimberg stated that it was more of recognition of the importance of the Development Areas to serve a purpose of accommodating that growth so that you can preserve those woods.

Mr. Strucko pointed out that the Neighborhood Model principles are pretty clear that in order to make a good livable neighborhood, there needs to be a park or open space amenity. But, it does not have to be 30 acres of open field. It can be a one-half acre park or whatever the topography and current conditions will allow. That was one of the twelve main principles of the Neighborhood Model. The participants in the Master Plan can truly understand that vacant lot next to them may be 10 acres, but it is currently zoned residential and not RA and something potentially could go there. But, as part of the development process, a segment of that land could be set aside for some open green space. Again, they need to let the participants in the Master Plan understand that. He was very reluctant to do wordsmithing and was glad somebody brought that up. It is a little premature at this stage. They have 110 residents and several dozen other stakeholders that have already worked on this, and he would assume that there is already a consensus. He asked that they allow the process to continue to unfold. He felt that generally speaking they were heading in the right direction. These phases, terminology, and values are very familiar. Let's make sure that they don't misunderstand some of the terminology.

Mr. Cannon agreed with what has already been said and Ms. Higgins' comments in particular. He felt that there is a trick though because what the people want that live in Places 29 is some recognition that they are also connected to the rest of the County and the beautiful parts of the County even though they have chosen to live in a more densely populated growth area. So it may be a trick that is not able to be done. But, if they could establish firmly the principles of infill and denser development in the growth areas while preserving the concept of connectivity to the rural areas, he felt that would be helpful because it would satisfy some in terms of what you are getting from the folks that want to be connected to that beautiful place out there. But, it would still preserve the sense that they are really dedicated to developing this area and making it an important commercial and densely developed area.

Ms. Monteith stated that when you get so many people pouring into a process, sometimes the language gets a little bit diluted. She felt that some of the specificity that some of the people brought out tonight could be added back into this. That relates to what Ms. Higgins was saying when she was saying density that some people want it and others don't. So, sometimes you need to be a little more specific about what it is you are saying. She felt that the comments from the public were very helpful in that manner.

Mr. Edgerton stated that Mr. Williamson made the statement that they believe that there was significant change in tenor between the Places 29 meeting held at the Doubletree and those held in October. He agreed wholeheartedly with him. He did not think it was completely coincidental that the Ruckersville Parkway had been held the week before that meeting and a whole lot of people got very concerned. That became a major discussion at least at one of the tables that he was seated at. This exercise needs to be focused on what ought not to happen as well as what should happen. They need to somehow make sure that they don't just go the negative route. They are not going to solve any problems in long term. He agreed in concept with what Mr. Williamson was saying. He agreed with Mr. Strucko that they need to move on with this process, but need to make sure that the door is open for people who are concerned to express their opinions and have the document be flexible enough to adapt to that.

Ms. Wiegand stated that it was by no means a finished product.

Ms. Joseph felt that the pedestrian aspect really needs to be highlighted. In one of the statements it talks about mixed used pedestrian friendly centers. The whole place needs to be pedestrian friendly and you can link to every place you walk to.

Mr. Edgerton stated that was pedestrian oriented versus pedestrian accessible, which came out this evening.

Ms. Joseph agreed that was very important. She agreed with Ms. Higgins' on the open space, too. But, she knew that was going to be difficult. She stated that the Commission would move on to the next item. She thanked everyone for staying for the hearing.

Mr. Edgerton asked if they wanted to vote on this matter.

Motion: Mr. Morris moved, Mr. Strucko seconded, to endorse the vision statement and goals as presented plus include all of the comments received tonight from the public and the Planning Commission.

The motion passed by a vote of 7:0.

Old Business:

Places 29 Study - Endorsement of Vision Statement and Guiding Principals - (Judy Wiegand/ Lee Catlin)

Motion: Mr. Morris moved, Mr. Strucko seconded, to endorse the vision statement and goals as presented and include all of the comments received tonight from the public and the Planning Commission in forwarding this to the Board of Supervisors.

The motion passed by a vote of 7:0.

There being no further old business, the meeting proceeded.

New Business:

Ms. Joseph asked if there was any new business.

- An updated list of Planning Commission Membership will be distributed for review in the next week. There are two committees that are going to be meeting soon that Rodney Thomas was a member of. It would be helpful if the Commission could make a decision on the new representatives for the PACC TECH and the MPO TECH.

  - ❖The Planning Commission appointed Jo Higgins to the PACC TECH.
  - ❖The representative for MPO TECH will be appointed next week.

- Mr. Morris advised that the third meeting of the Meadowcreek Parkway Interchange Design Committee is meeting tomorrow. They have received some fine consultants and they are moving right along.

- Ms. Higgins pointed out that AOL has a study of housing overpricing for 299 cities. Virginia has only 6 locations and Charlottesville is the second one down the list of being overpriced at 28%. Virginia Beach is at 29%. Richmond is at 15%. Harrisonburg is at 13%. Roanoke is at 11%. Lynchburg is at 8%. They are predicting price corrections, etc.

- Ms. Joseph passed out an article from the Washington Post on January 8, 2006 entitled, "Proposal Prompts A Rush To Build – Loudoun Aims to Limit Rural Development."

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 10:25 p.m. to the January 17, 2005 meeting.

V. Wayne Cilimberg, Secretary

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