Albemarle County Planning Commission
January 24, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 24, 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, Jo Higgins, Eric Strucko, Jon Cannon, Calvin Morris, Vice-Chairman; Pete Craddock and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia, was absent.

Other officials present were Wayne Cilimberg, Planning Director; Bill Fritz, Development Review Manager; David Pennock, Principal Steve Tugwell, Senior Planner; Judy Wiegand, Senior Planner; Lee Catlin, Community Relations Manager and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Mr. Edgerton arrived at 6:05 p.m.

Rex Linville, representative for Piedmont Environmental Council, updated the Commission on what happened as far as land conservation in Albemarle County during 2005.

- In 2005 alone over 30 properties were protected by private voluntary conservation easements in the County totaling more than 10,000 acres as shown on the small maps that he handed out (Attachment A). All of those properties that have that orange highlighting on them on the handout maps are properties that were preserved last year. That 10,000 acre number is not only a record for Albemarle County, it is probably more acres that have been preserved in any single County at any time since they have been doing land conservation work in the state of Virginia. So it is a pretty monumental achievement.

- Just to give a few statistics on that, there is almost 3,000 acres of land in the Southwest Mountains Rural Historic District. There are about 2,800 acres up there. There are about 1,200 acres in the proposed Southern Albemarle Historic District that is now being worked on. They have protected about 25 miles of stream frontage either on intermittent or perennial streams throughout the County. It has got another 3,000 acres of land in the South Fork Rivanna Watershed. About 3.5 miles of linear road frontage is on state scenic roads within the County. And over 1,400 acres of that land falls within the Mountain Overlay District. So they have some pretty phenomenal statistics in terms of what has been protected through these private voluntary measures by landowners in the community. Some of this land was protected through the County Acquisition of Conservation Easement Program that is funded by Albemarle County. That is a wonderful program. This brings the total acreage in the County now that is under easement to just around a little less than 60,000 acres or about 13 percent of the County.

- One of the reasons that they are having the success that they are having now is because we got a Land Preservation Tax Credit Program that the state legislature implemented back in 2000. Last year they had about 6,800 acres go under easement in the County. The year before that it was somewhere around 5,000 acres. So they have see some pretty remarkable increases over the past couple of years as this Land Preservation Tax Credit Program has got more credibility and more familiarity among landowners and their advisors throughout the area. That is what is driving this increased land preservation activity that they are seeing.

- One of the problems that they may be presented with in terms of being able to continue this momentum is currently there are five bills before the state legislature that have varying degrees of

impact on that Land Preservation Tax Credit Program and depending on which of those bills gets traction at the State level we may see some diminishing to the benefits to landowners and as a result to the number of parcel going under easement in the long term. Therefore, anything that the Commissioners can do by talking to their representatives at the state level and letting them know how important this program is to Albemarle County as a primary beneficiary of the program could be important.

Mr. Cannon asked what the percentage was.

Mr. Linville stated that it was around 13 percent of the entire County inclusive of the growth area. That also does not take into consideration the impact of the Shenandoah National Park already being protected.

Mr. Craddock asked if that was in permanent easement.

Mr. Linville stated yes, that all of the easement that they saw here were permanent easements of one sort or the other either held by the County itself, held by an entity like the Virginia Outdoors Foundation, the Nature Conservancy or other similar organizations.

Mr. Cannon asked if there was an account somewhere of what the bills are before this state legislature and what they provide in a summary.

Mr. Linville stated that he had an email that he just distributed to the people he knows that are interested and he would be happy to pass that on to the Commissioners.

There being no one else to speak on matters not listed on the agenda, the meeting moved on to the next item.

Consent Agenda:

Approval of Planning Commission Minutes – September 13, 2005; October 4, 2005; December 6, 2005.

Ms. Joseph asked to pull the September 13, 2005 minutes until next week to allow additional time for her review. She asked if any Commissioner wanted to pull either of the other items from the consent agenda for further review.

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

The motion passed by a vote of 7:0.

Ms. Joseph stated that the consent agenda has been approved and that the minutes for September 13, 2005 will be placed on next week's agenda for approval.

***Regular Items**:*

SDP 2005-0137 Jouett-Greer Site Reconfiguration – Parking: Request for preliminary site plan approval for a revision and expansion to the parking areas and bus loops for two existing schools on 216.69 acres zoned Rural Areas (RA) and Entrance Corridor (EC). The property, described as Tax Map 60, Parcel 78A is located in the Jack Jouett Magisterial District on Lambs Lane [Route # 9885] approximately 1 mile from the intersection of Lambs Road [Route # 657] and Hydraulic Road [Route #743]. The Comprehensive Plan designates this property as Rural Areas in the RA-1. (David Pennock)

Mr. Pennock summarized the staff report.

- This is a preliminary site plan for the Jouett-Greer school parking reconfiguration. As part of that process the site plan is being called up to the Planning Commission for review by some of the

adjacent property owners. Basically, he made a copy of the existing and proposed conditions and overlaid them together. The concept is to redesign the site in order to allow the bus loops and the drop off loops for each of the schools to function a little better as well as to provide some stacking space for the buses in the evening. Existing conditions function, but they basically did not have a suitable area to stack the buses in the evening. Also, they wanted to reorient this to make it work a little smoother. The design leaves the areas of disturbance more or less within the areas that were previously being used. There is some infill and new impervious area being added for the stacking spaces as well as a few scattered areas that are being picked up as parking now.

- As presented in the report, the proposal has been reviewed by all of the agencies of the Site Review Committee as part of the preliminary site plan approval. All of the agencies had limited comments, but staff would otherwise be able to recommend approval of the site plan.

Mr. Cannon asked if there was a need for the double loop at the Greer Elementary School.

Mr. Pennock pointed out that the bus loop is separated from the car drop off loop. These areas are more intended for pedestrian vehicles with one at each school. The bus loops are wider and have larger turning radiuses, stacking and that sort of thing.

Mr. Fritz noted that the bus loop also needs to be separated from the passenger vehicles because the bus loop is actually maintained by VDOT and they have their own standards for that.

Mr. Craddock asked where these buses were kept now.

Mr. Pennock stated that he did not know that answer, but thought that the buses were stacked in various places on the site as best they can.

Mr. Craddock asked if this would combine the two existing parking lots.

Mr. Pennock stated that given the proximity of the schools it is his understanding that is more or less how it functions now that there is a lot of overlap of parking for both. This is still keeping them as separate as they can as far as drop off, but some of the parking and stacking are going to be combined.

Ms. Higgins requested that the Commission ask Mr. Reasor what the goal was on the redesign.

Al Reasor, representative for Albemarle Public Schools, stated that the whole idea is to separate automobile traffic and automobile drop off from bus traffic and bus drop off and bus loading. It currently is not. So they stack all the way around each entrance. So they have children crossing and cars in that area. That is the major reason.

Mr. Cannon asked if that was a safety reason, and Mr. Reasor replied that it was absolutely a safety concern.

Mr. Edgerton asked if there was any expressed concern given by the citizen that called the request up for review.

Mr. Pennock stated no, that actually this plan was called up very early in the process. He thought that part of the concern from the residents that called the plan up was part of Georgetown Green, which is located by the entrance to the property. He thought that the ad that went out for the Site Review Committee said that there was a reconfiguration on the site and given the location of the high school they were probably concerned that if this parking here had been reconfigured that it might have affected them more directly. But, he did not know for sure. He pointed out that the request letter is attached as part of the packet. But, the letter did not give a lot of information beyond that they needed more information and wanted another step of review.

Ms. Higgins asked if anyone came in and looked at the plan with staff.

Mr. Pennock pointed out that actually the applicant sent copies of the plan to them. Staff never got any

follow up questions. But, the applicant may have.

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

Al Reasor stated that they had met with the adjacent property owners to explain the request and they were fine with it. So the property owners don't call up their next one, a plan has been made to meet annually with them in order to lay out what they plan to do on that site.

There being no further questions for the applicant, Ms. Joseph invited comment from other members of the public. There being no one, she closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Ms. Higgins felt that this was a safety improvement that the schools have proposed.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve SDP-2005-0137, Jouett-Greer Site Reconfiguration – Parking as submitted.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SDP-2005-0137, Jouett-Greer Site Reconfiguration – Parking was approved.

SDP 2005-0124 Fontaine Avenue Townhomes: Request for approval of a preliminary site plan proposing eight (8) townhouse blocks within fifty-five (55) dwelling units previously approved as ZMA 04-002. The property, described as Tax Map 76 - Parcel 12A, contains 12.6 acres zoned Planned Residential Development (PRD) and Entrance Corridor (EC). This site is lies within the Samuel Miller Magisterial District on the north side of Fontaine Avenue Extended, between the intersections with Buckingham Circle [State Route #820] and Reservoir Road [State Route #702]. The Comprehensive Plan designates this property for Neighborhood Services, in Development Areas Neighborhood 6. (David Pennock)

Mr. Pennock summarized the staff report.

- This is a preliminary site plan. There are two items before the Commission tonight. One is a condition of the zoning approval, which is taking another look at the pedestrian path that they proposed. The second item is a critical slopes waiver. The property is off of Fontaine Avenue west of Route 29 as shown on the vicinity map.
- Morey Creek is a fairly significant creek in this area. There is a pedestrian path proposed as part of both the zoning map amendment, which has stayed with it on the preliminary site plan, and feeds from the townhouses all the way down Fontaine to the entrance of the Research Park. As part of the Planning Commission review in 2004 there was some concern that the proposed crossing of Morey Creek was pretty far back off the road. He believed that it was going over the dam that was built as part of the wetlands. There was some concern that being there it might not be usable and it might not be practical, etc. So the newer proposal has brought the bridge basically as close as they could get it. There was a proposal to try to attach it directly to the road crossing there, but VDOT could not approve an attachment to an existing bridge. So they brought it back a little bit and the attachment now shows it crossing at an angle. It is about 80' long and it is just a bit north back from Fontaine Avenue. The remainder of the path heads off site and just stays along Fontaine Avenue, then crosses over the entrance ramps from 29 all the way to just across from the entrance from Fontaine Research Park.
- The follow up question is in regards to the mitigation of some of the landscaping to go along with the path. He pointed out the approved landscape plan. There are retaining walls in these areas. There is some landscaping that exists that would probably have to come down for the construction of this path. This plan is still under review because VDOT is going to have to maintain most of this path within their right-of-way. So VDOT has to actually approve their plan. Staff is not entirely sure that some of these details may not change, but the location has to stay the same. The applicant is proposing landscaping and some mitigation for disturbances on their own site in the area of the stream and the pond. So there is landscaping being proposed in

several locations that would be further reviewed. Staff recommends the condition that VDOT has to approve all of the details of the path by the final site plan approval.

- The second item is the critical slopes waiver. Section 4.2 of the building site requirement of the zoning ordinance requires waivers if slopes greater than 25 percent are disturbed. In this case there are slopes greater than 25 percent along the stream itself and some around the pond. There are a few scattered slopes in a general area and some in the western corner of the property. Staff's analysis is provided in the staff report. Some of the critical slopes are man-made, but not all of them. The one critical comment that staff has is that this property is actually shown as the Morey Creek stream valley and is identified as a locally important stream valley in our critical resources and open space plan. That is basically an attachment to the Comprehensive Plan. As such, it is locally important and the associated critical slopes could also be part of that system. Staff wanted to bring that to the Commission's attention as part of our review. But, the critical slopes have been shown as part of the zoning map amendment that was review by the Commission and later approved by the Board of Supervisors. Staff had put in several reports that the critical slopes were there, but the critical slopes waiver was never reviewed as part of that approval.
- If the Commission approves the pedestrian path as is, staff recommends one condition with that. The critical slopes waiver comes with no recommendation, but staff is just presenting the facts.

Mr. Edgerton stated that the staff report that was delivered to the Commission recommends against the critical slopes waiver. But, it was followed today with a couple of emails from Elaine Echols explaining that the Commission did not say anything about this last time so, therefore, they should not be concerned about it. He noted that was his interpretation. He asked if that changed his opinion.

Mr. Pennock stated no, that he thought that Ms. Echols follow up emails of today was an attempt to address some of the concerns. This stream system is shown on the critical resources plan. He believed that Ms. Echols was providing some additional information as to other factors that may be considered such as in the development area and that sort of things with some additional follow up information that might be relevant.

Mr. Fritz stated that if anything he would say our comments remain the same that it is shown in the open space plan. He thought that those comments provided by Ms. Echols would help reinforce some of the positive things that staff had cited that approval of this request could be considered to be consistent with a positive action taken by the Board of Supervisors, and that approval of the critical slopes would help further the public purpose by allowing a development to occur, which had already been approved by the Board and found to be consistent with the goals and policies. So he thought that Ms. Echols' simply reinforce what they had already said. It does not change anything, but just reinforces those things. Be aware that staff's comment about the open space plan is an observation for the Commission's consideration. The real findings are in Section b, which are the sections that the Commission needs to address. That is where they actually prepare positive findings.

Mr. Cannon asked if they know what the consequence would be if the critical slopes waiver were denied. Do they know what changes to the development plan would occur as a result of such a denial.

Mr. Fritz stated that it would essentially likely prevent in any meaningful way the approved zoning from being utilized. It would severely affect the layout of the development.

Mr. Strucko pointed out that the report says that the proposal is to disturb only a little bit more than ½ of an acre, and Mr. Pennock replied that was correct.

Mr. Strucko asked how preventing the disturbance of that ½ acre significantly could alter the development.

Mr. Fritz stated that if they look at the plan they could see where Morey Pond's ford is located at the rear of the property. Those areas would not be developable. There would be no earth disturbing activity in that location. Likewise, in the area of buildings 50 through 55 and potentially 38 through 43 because they would not be able to get the support grading in there. Likewise, in the area of buildings 8 through 10 would be impacted. Therefore, it would have a pretty significant impact on the layout of the development.

Mr. Pennock noted that a good bit of the rest of the site is within stream buffers and floodplains. The rest of the site is very limited.

Mr. Cannon noted that he understood what staff was saying was that the denial of the critical slopes waiver would make it difficult to achieve the density of the development contemplated by the Planned Residential zoning and the action of the Board took in making that rezoning.

Mr. Fritz stated that was correct.

Ms. Higgins stated that at the time this request was seen before she remembered the path being a significant issue because it did run back through the critical slopes, across the dam and back out. There was a lot of discussion about how much would be disturbed for this pedestrian connection. Although the Commission did not approve a waiver, she felt that the concept plan was before us and a lot of these considerations were given at the time it was discussed at that time. Not that these are not significant, but the ones that they are disturbing are not in direct proximity to the wetland areas. The way she looked at this request was that this was a fairly large parcel and they were putting a significant portion of it under easement for the greenway. Therefore, there are some things that are coming back for this. She felt that was what was discussed at the time, but they could go back to the minutes of that meeting. But, a lot of consideration was given to that. Their whole arrangement of the units was redone based on that conception.

Mr. Fritz noted that was part of why they were saying that approval of this could be interpreted to be consistent with public purpose because it furthers the action that the Board took and the layout and design that the Board took a positive action on.

Ms. Higgins noted that this pedestrian path was a great improvement over what they were looking at before.

Mr. Cilimberg noted that when this was forwarded to the Board the Commission indicated a need to have that path addressed as to its location. There was a fair amount of work done that delayed the time they took to get it to the Board to address that path location. But, in part the delay was for other reasons. So that was something that the Board had before them as a path location that was felt to be more in keeping with what the Commission had expressed as a concern.

There being no further questions for staff, Ms. Joseph asked the applicant to address the Commission.

Frank Poulon, representative with Weatherhill Development, stated that staff has summarized the request quite well tonight. The main issue is the critical slope waiver. As stated earlier, they applied for the waiver during the rezoning, but it did not go through. If there are any questions, he was present to answer it. One note on the off-site path is that they did work with Sally Thomas quite extensively and with VDOT to come up with this location. They seemed very pleased with it. In terms of the landscaping, they are impacting about 5 or 6 feet off of the back of the proposed sidewalk. They propose a wooden type retaining wall that matches what is out there right now just to the east of the Fontaine Avenue intersection.

Ms. Joseph noted that she was more concerned about landscaping on site than off site because she noticed that there were circles off site, but none on site. In their information circles indicated trees. The on site has a separate landscape plan and that is being addressed with staff.

Mr. Cannon stated that in connection with the waiver are there steps that they would take to mitigate any erosion problems or other environmental impacts from disturbing the critical slopes.

Mr. Poulon stated absolutely, that during construction there is an erosion control plan that is being reviewed by staff where they have downstream from these critical slopes sedimentation ponds. So if there is any type of erosion above from those critical slopes it would be collected and contained before it would go into the buffer or into the creek down below. He felt that they have a satisfactory erosion control plan, but they have not received comments back from the staff yet. But, the proposed plan is pretty solid

in terms of maintaining and preventing any type of erosion.

Mr. Cannon asked how the slopes would be treated in the final disposition of the site. He asked if the slopes would be planted or would retaining walls be built.

Mr. Poulon stated that the slopes would be graded out where they are not steep slopes.

Ms. Joseph asked Mr. Pennock to post the landscape plan.

Ms. Higgins pointed out that some of the critical slopes would end up under the buildings.

Mr. Poulon stated that they were also providing mitigation for stream buffer impacts. There is a minimum amount of stream buffer impacts. Under the previous owner, they had gone out and met with Tamara on site and the mitigation did not occur. If it did occur it did not succeed. So they are trying to provide that mitigation that would compensate for was to have been provided previously.

Ms. Joseph asked if there was any other public comment on this matter. There being none, she closed the public hearing to bring the matter before the Commission for discussion and an action. She pointed out that she had gone back and looked at the open space plan and it was designated more as the creek area itself as a resource. The reason that she brought this up is that this area has changed since this was adopted by the Board in 1992 because that area now is actually a constructed wetlands. So that area has completely changed since this was approved. So she was just having a hard times connecting the two thoughts because this area is different from what it was when this identified as a resource. It made it easier because now she sees that there was some mitigation. She wondered about the effects of the retaining walls that are out there and whether the effects of that were going to be mitigated within this stream area. If it is a critical aesthetic resource they ought to not just have retaining walls sitting there. There ought to be some way of masking them or allowing them to sit better in the landscape. So she felt much more comfortable seeing this. The other comment is that next time please bring what they looked at because that was a huge issue about that pathway. It is good to get this by email, but if they could see the big one she felt that it does make a difference. She kept thinking that there was no justification here. It was still away from the roadway, but where is the justification. But, what staff was saying was that it was close as it possibly can be. She felt that justification really needs to be in the record because it was a huge issue at the time.

Ms. Higgins stated that this was a great improvement and it does disturb less. She understands that there is an old bridge and VDOT had concerns about attaching to the bridge, which was the issue. The applicant at that time offered to do this and it has taken some time to work out the details. It keeps the pedestrian path/corridor in more proximity to the road. She felt that was the goal. She thought that the areas of critical slopes are really not in close proximity to Morey Creek. In the area that is the greenway that is beneficial is a buffer.

Mr. Edgerton stated that he was not going to be able to support the request. He did not support the rezoning request when it came before primarily for two reasons. One, he felt that they have a debate here between density in the designated growth area and environmental concerns. One of the tricky things about this property that was not mentioned in the staff report, but was mentioned in their previous discussion, is about a half of this property is off limits and as far as he was concerned should not be considered in the density calculations. Looking at the property of just the portion that can be developed the density he felt was far too great for what they were trying to do here. So he voted against it before and was going to vote against it again. Personally, he would like to see less intensity on this property. He thought it needs to be developed, but he did not see the necessity to have this many units on it.

Mr. Strucko supported Mr. Edgerton's comments. His question about the disturbance of the critical slopes was a concern plus the proximity to the wetlands. He was hoping that for a less intense use on the property. He acknowledged that he was not part of the Commission during the previous review.

Mr. Edgerton pointed out that the Commission has seen three different versions of this since he had been on the Commission. It is getting better, but it was still an awful lot of development on the site.

Mr. Cannon stated that when he said that only part of the property was appropriate for use for this purpose he had gone back to the original rezoning decision.

Mr. Edgerton replied yes, that only about one-half of the property was developable. If you cut the property in half, then the density goes up significantly. He felt that Mr. Fritz's comment was correct in if there was an effort to avoid the critical slopes they would have to avoid the Morey Pond Court units. There were about 15 units in that area. There also were some others that would have to be adjusted. But, there has not been any effort to avoid the critical slopes or at least those critical slopes.

Mr. Cannon noted that he also had concerns about the critical slopes. But, based on the prior rezoning decision and the statement that denial of the critical slopes waiver in this case would substantially compromise the ability to achieve the density that was contemplated by that rezoning he felt that he was inclined to vote in favor of the waiver with mitigation that has been proposed that he assumed would be very valid.

Ms. Higgins stated that the comment consistent with those statements that if this issue had been addressed at the rezoning she felt that would have been the appropriate time. Now this is consistent with the rezoning plan. Since they have had some track record of being consistent that she thought that the applicant has done what the Board had approved and brought it back before us for a particular issue, which was the pedestrian path. Therefore, she has no problem in supporting it.

Ms. Joseph stated that she looked at this and was thinking about his open space that was provided. Granted you can't walk on it, but it is there and it is hopefully cleaning up some of the water there. Constructive wetlands are supposed to be filtering out some things. By pushing them all together and preserving this there is a big green space. She was also really thankful that there is that pathway going through there. She never expected to see it all the way down the road. So she was happy to see that and happy to see Dan Mahon's pathway.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve SDP-2005-0124, Fontaine Avenue Townhomes as submitted for the critical slopes waiver and the preliminary site plan with the following condition:

> The final site plan shall not be signed until Virginia Department of Transportation approval has been obtained for the pedestrian connection along Fontaine Avenue.

The motion passed by a vote of 5:2. (Commissioners Strucko and Edgerton voted nay.)

Ms. Joseph stated that SDP-2005-0124, Fontaine Avenue Townhomes was approved.

SDP 2005-00130 Zedekar Raw Land - Request for approval of a treetop personal wireless service facility with a wooden monopole that would be approximately 88 feet tall (5 feet AMSL above the height of the tallest tree within 25 feet), with ground equipment in two 5 feet -10 inch tall cabinets and one smaller cabinet. This application is being made in accordance with Section 10.1.22 of the Zoning Ordinance, which allows for Tier II wireless facilities by right in the Rural Areas. The property is described as Tax Map 75 - Parcel 17 (no acreage specified) and is zoned RA, Rural Areas and EC, Entrance Corridor. This site is located on the north side of Arrowhead Valley Road, approximately 1/2 mile east of its intersection with U.S. Route 29 (Monacan Trail Road). The property is in the Samuel Miller Magisterial District and designated by the Comprehensive Plan as rural area in Rural Area 4. (Steve Tugwell)

Mr. Tugwell summarized the staff report.

- This is a request to install a Tier II personal wireless service facility on a 2,500 square foot lease area approximately 4 miles south of Charlottesville on Route 29 South. The proposed facility is a 90 foot tall wooden treetop monopole. Staff would note that this is actually a 90 foot monopole when the staff report says 88 feet. There is a mistake in the narrative. The key issue here is that it will remain at 5 feet above the nearest referenced tree, which keeps it in the Tier II category.

- Staff has reviewed the request against the criteria of the ordinance and the wireless policies. Staff is recommending approval of this application.

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

Mike Loeser stated that he was present for T-Mobile USA who was operating a subsidiary of New Point Communications, who is the actual applicant on this. This project represents an ongoing investment that they have in Albemarle and the surrounding counties to continue to develop their network here. In making this investment they are doing so in compliance inside of the ordinance and staying within the Tier II criteria of the ordinance. They believe that this is an appropriate plan for the site.

Ms. Joseph asked if there were any questions for the applicant. There being none, she asked if there was any other public comment. There being none, she closed the public hearing to bring the matter before the Commission for action.

Ms. Higgins asked staff if there has been any involvement from neighboring properties or anyone that may be able to view this.

Mr. Tugwell replied that he was not aware of any comments any abutting property owners.

Mr. Morris stated that it seems to meet all of the criteria.

Motion: Mr. Morris moved, Ms. Higgins seconded, to approve SDP-2005-0130, Zedekar Raw Lane as submitted.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SDP-2005-0130, Zedekar Raw Land was approved.

Places 29 – Project Update – (Judy Wiegand/ Lee Catlin)

Ms. Catlin and Ms. Wiegand provided a project update to the Planning Commission on Places 29 in their role as Advisory Counsel. Staff reviewed the status of the project and what the upcoming steps were going to be involving the Commission and the rest of the community. Staff presented a power point presentation regarding the following agenda items. (See Attachment B: Places 29 Presentation to the Planning Commission – January 24, 2006)

- Review Project Milestones
- Consultant's Interim Visit
- Review of Upcoming Charrette Schedule
- Public Participation and Public Education Programs

Staff reviewed and discussed the upcoming process and asked for the Commission's input.

Mr. Morris stated that he really liked the idea of having a Saturday morning workshop.

Ms. Higgins stated that she really liked what was said about the definition of open space versus vacant land. She felt that it was a good idea to marry the neighborhood planning with the transportation component. But, there is nobody that she has talked to that has heard anything about this that thinks that it is anything more than transportation. She did not know how to fix that perception. But, if they showed all of the plans to anybody she felt that there was no focus on the land use. As matter of fact if they took off the elements of the transportation of the three plans she did not think any one was any different from a land use perspective.

Ms. Catlin stated that the consultant was very aware of that and they actually talked about putting the framework pieces forward with and without transportation to see if that would make a difference in the discussion so that they could get people away from those big lines.

Ms. Higgins suggested that they might get a whole different perspective if they took off the transportation components. She felt that the public would go to the transportation plan that they support and forget

about what is going on. She noted that transportation plans often change. But, she did not know how to fix it.

Ms. Catlin agreed that was a challenge.

Ms. Higgins stated that there was nothing that she had heard from anybody that has even gone on line that makes them feel like they are looking at a neighborhood plan. They are just trying to figure out how for people to pass through that neighborhood. It is 29 and some by pass. She felt that there were no great differences in the land use on the plans.

Ms. Wiegand stated that they haven not seen the land use part yet, but it was coming in a couple of weeks.

Ms. Joseph stated that transportation has really been pushing this forward. She felt that a lot of issues were coming out. She liked the idea of just showing the land use.

Mr. Strucko stated that the hot political issues were the Meadow Creek Parkway, the Western By-Pass and the Ruckersville Parkway. He agreed that could be the motivating factor for participation in this. He also sees virtue in the fact that they remove those hot buttons issues for a moment and let's look at development schemes for the three different frameworks. However, he was concerned from his experience with the Crozet Master Plan that roads are essential. Especially when they are doing intensive work on certain properties there has to be interconnectivity. There are several existing intense uses out there on Route 29 such as Hollymead Town Center, Forest Lakes North and South, etc. and they need to talk about the interconnectivity. There may be some road avenues that accomplish that. He agreed that it was great to have a perspective of the land uses, but they could not forget the roads.

Ms. Higgins noted that she had suggested that to increase sensitivity and not that you can do one without the other.

Ms. Joseph stated that they could just have a discussion point that they are going to discuss land use and bring that out first without any roads on it. At least that will get people focused because they might get a little worried to see the location of the industrial land where they did not think it was or a very dense residential.

Mr. Edgerton pointed out that the Ruckersville Turnpike was the focus of the conversation at their last session. He suggested that if there was any way that they could separate that out that they should so there could be some intelligent discussion about the other components.

Mr. Strucko asked how the Ruckersville Turnpike consideration was occurring in the master planning process. He asked if that was something that the Planning District is bringing in or what.

Ms. Wiegand stated that what happened was that when beginning this mater planning process the private individuals who were proposing that consideration brought it forward and the MPO said that really should be considered as part of the Places29 process in order that it could be compared with other possible transportation routes. So that is why it got put into the process. When they see alternatives one of them is likely to incorporate that Ruckersville Parkway.

Mr. Strucko stated that the MPO was sort of the official body.

Ms. Wiegand stated yes, that they debated among ourselves with the TJPD on whether they should really consider this and how serious is it because back then nobody could tell. The MPO said no that they felt that it would be best to have it put out there and considered along with other proposed roads.

Mr. Cannon stated that Places29 was a creature of what body.

Ms. Higgins noted that part of it was being paid for by the Albemarle County and the other part by VDOT. VDOT is funding the transportation component.

Mr. Edgerton stated that is through the Thomas Jefferson Planning District Commission.

Ms. Wiegand stated that a big piece of the money was coming from VDOT.

Ms. Catlin stated that staff would share with the Commission the fact sheets and will keep them very informed. If anyone has any thoughts or comments, staff would be very happy to hear it. There will be a presentation of the Three Alternatives at the February 14 Planning Commission work session.

Old Business:

- **Planning Commission Committee Membership Update**

The Planning Commission Committee Membership List was reviewed and revised as follows:

PLANNING COMMISSION COMMITTEE MEMBERSHIP AS OF 1/24/2006:

ACE Committee:
Bill Edgerton

Bypass Design Committee:
Dormant – no representative

CIP Technical Committee:
Pete Craddock

Charlottesville Albemarle Regional Transportation Advisory Committee (CHART):
Cal Morris

City/County/University Planning & Coordination Council (PACC Tech):
Jo Higgins

Fiscal Impact Committee:
Eric Strucko
(Cal Morris backup)

Historic Preservation Committee:
Marcia Joseph

McIntire Park Committee:
Bill Edgerton

Metropolitan Planning Organization (MPO) Tech Committee:
Jon Cannon
(Marcia Joseph substitutes through April, 2006)

Mountain Overlay District Committee:
Pete Craddock

Design Standards Handbook Committee:
Jo Higgins

Steering Committee for the Meadow Creek Parkway/250 Bypass Interchange:
Cal Morris

- **Inglecress Family Division**

Mr. Edgerton stated that Ms. Higgins had sent an email around and then he got a call from a gentleman, Randy Ralston. My understanding of this is that Bill Fritz has been directly involved in the Court hearing

on this. My understanding from the conversation with Mr. Ralston and Ms. Higgins' email is that one of the parcels that was created back in 1983 as part of the subdivision of Inglecress has subsequently been a 4 or 5 acre parcel and has been divided into 2 parcels using the family subdivision provision. It is an undeveloped parcel. It did not sound like that was legitimate. He asked Mr. Fritz for some help with this issue because he was more familiar with this. The nut that seems to be a little bit confusing was that the roads and covenants are private and the County does not have anything to say about the covenants, but certainly the anticipation of this project being developed was not that everybody would then go out and further subdivide the property and double the density.

Ms. Joseph pointed out that family divisions are different.

Ms. Higgins agreed, but that the reason that this was a surprise was that they are considering things in the rural areas and this is about 42 or 43 lots originally and was approved under private roads. There are about 19 lots possibly in here that are greater than 4 acres. There is a potential theoretically for all of them coming in for a family subdivision. Of course, what she understood about covenants she did not really differentiate between private covenants and maybe a note on the plat that might have said no further subdivision. Because if that note had been on the plat the way Mr. Fritz explained it that it would have been a County issue. But, since it was in the covenant, it is not a County issue. So it really had some implications for the Planning Commission as you are looking at rural approvals for private roads and for subdivisions in the rural areas. Although, they are going to change the rules, these are ones that they have to live with and there are a lot out there in this current condition. She pointed out that Mr. Fritz was going to look at the file. But, she felt that it was a serious consideration, especially on a private road.

Mr. Fritz stated that as always it is more confusing than ever. The plat was signed in 1983, which was when this parcel was created, which probably sends the bells off for you to wait a second. It was created in 1983 so how does it have development rights. It is because there is a clause in the ordinance that says if you had a valid preliminary that was approved prior to 1980; it is considered a lot of record as long as it was duly then recorded. This one was. It was approved in late 1980, but before December 10, 1980. It was actually approved by the Planning Commission and then appealed to the Board of Supervisors, approved by the Board of Supervisors and then in due course in accordance with the provisions of the ordinance it was ultimately approved, but not until 1983. A provision in our ordinance says that those lots are being considered as being of record on December 10, 1980. So this particular case is pretty rare. But, there are a number of lots in the development that are limited. If this had come in as a conventional subdivision, then they would have brought it before the Planning Commission because they would not have been able to approve it administratively. It would not have met the criteria for administrative approval. It would have had to come to the Planning Commission for approval of the private roads and all of the discretion of the Commission would come into play. They had actually approved a series of subdivisions in Inglecress with all of them considered to be what they call boundary line adjustments or at the time exempt plats. No new parcels were created. They were just changing around some property lines and squaring things up. They are actually considered subdivisions, but are not brought before the Commission. This item was a family division, which has very specific review criteria making it a solely administrative review. There is no notice or appeal provision in it. If it meets the requirements of the ordinance, the plat is signed, which is the case in this situation.

Ms. Higgins stated that Mr. Fritz has previously stated that if there had been a note on the plat that it would have been treated entirely differently.

Mr. Fritz stated that even if there had been a note on the plat, which there is, it would have been done in the same manner. The note says "no further division without Planning Commission approval."

Ms. Higgins asked if the family subdivision was exempt from that.

Mr. Fritz stated that family divisions just like a boundary line adjustment or an easement plat is exempt from that. It always has been.

Mr. Kamptner stated that the position that they take with notes on plats is that they are enforceable by the County only if they are restating a County regulation.

Mr. Fritz stated that the further division that would require Planning Commission approval could not be approved administratively. It would also require Commission approval. They have been doing this since day one.

Ms. Higgins noted that it is specific to say no further subdivision without Planning Commission approval and then not bring it to the Planning Commission.

Mr. Fritz stated that the number of plats where that note exists has happened since he first came to the County 18 years ago. It was a long running practice when he got here. It has always been the practice that if there is no procedure for further division to bring it before the Planning Commission, then it is not brought before the Commission. The recent change to the Subdivision Ordinance, however, does alter that to a degree. It has to do with how private streets are treated now. It essentially says that once you divide a property and it has a private street within it everything else must go to it. Unless there was some further change in the Subdivision Ordinance, they would simply require all further divisions of that property to come to the Commission, and again with the exception of family divisions. Family divisions are given kid gloves in the Subdivision Ordinance. It is the easiest kind of subdivision to do.

Ms. Higgins asked if she bought a lot in Inglecress and that was on the basic plat, then she would not assume that anybody else could without going to the Planning Commission and without meeting whatever the covenants were that runs with the land that is duly recorded that you could get around it. There is a potential there for 18 or 19 more lots on a private road.

Mr. Fritz stated that has been the interpretation of what that statement means that has been consistent. It was a long running practice when he came to the County and has continued.

Ms. Higgins stated that did not make it correct.

Ms. Joseph stated that what was interesting is that he was talking about this and it reminds her of the Rocks because those four lots way up on the mountain that were approved as a family division and they were going to be accessed by some horrible jeep trail. There were no requirements for the upgrading of that road or anything because it was a family subdivision. Then it becomes a part of a subdivision because after two years the lots were never done. That is interesting.

Ms. Higgins asked if that has to do with unassigned division rights, too. They had to deal with that.

Ms. Joseph stated no, that was a different issue; but, the fact that those lots existed.

Ms. Higgins stated that the premise of the Planning Commission approving a plat though, especially on private roads, is the premise of when you approve private roads this is how many people that it will be serving.

Mr. Edgerton stated that the private road was designed to serve that number of lots.

Ms. Higgins agreed that it was designed to serve that many people. To have the potential for a 40 lot subdivision going to 59 or something like that in the rural area for more roof tops is exactly what the Planning Commission has been trying to address.

Mr. Fritz stated that he believed that one of the remedies that has been contemplated by the Commission on at least one prior occasion that he could recall, is that as a condition of their approval for a private road, the rational connection between the approval of a private road is that there be no further divisions of any kind, family or otherwise. That essentially the development rights be quashed as a provision of the approval of the private road.

Ms. Higgins asked how they know that note wasn't a result of that discussion.

Mr. Fritz stated that it was not. There was not a condition. He could not say that it was not a thought.

Ms. Higgins stated that except that a note was put on the plat to satisfy the Planning Commission at the time.

Mr. Fritz stated that it was not specific. It also further at the time the subdivision plat was approved the Commission could have done that because at that time there were no development rights.

Ms. Higgins suggested that Mr. Kamptner look into this. But, when a plat says no further subdivision without Planning Commission approval, whether it has been treated one way or the other, she felt that it was something that needs to be clearly looked at because it was intended to come back to the Planning Commission.

Mr. Fritz stated that one of the other things, which Mr. Kamptner could comment on, was that they have long had conversations about regulations that could be placed on family divisions including the possibility of bringing it before the Planning Commission. They have received a lot of correspondence from the Attorney General's Office. They are allowed to put reasonable regulations on there. That is one of the regulations that was considered not to be reasonable as a referral back to the Planning Commission.

Ms. Higgins asked Mr. Kamptner about the section of the ordinance that he sent to the Commissioners that talked about that the County does not have the duty to enforce covenants. Now the County requires covenants to address items like private roads, who maintain them and that sort of thing whether it is in a separate agreement or whatever. They are submitted and recorded with the document. The County has a clause that says that they don't have a duty to enforce them. So what about the choice to enforce them? Because, again, are we looking at those words and saying well we don't have to, but why wouldn't we in a private road situation. She guessed they had options here to this. On these old ones if they don't look into this and establish some sort of procedure they could see a lot more roof tops in rural area subdivisions. There are a lot of them out there in the 4 to 7 acre range. She did not think that was what was intended when it was approved.

Mr. Fritz stated that occasionally they do get family divisions in those situations. It is not common, but they do get them from time to time.

Mr. Kamptner stated that the maintenance agreements that go with private streets, which may be in the form of declarations or just private agreements, have always been designed so that the County does not get in the position of enforcing them. So if the County were to enforce them the County would have to be a party or identified as a third party beneficiary. The County has expressly removed itself from that role. Our office probably gets a call once a month from a citizen in a subdivision wanting to know when the County was going to enforce a requirement such as the height of flag poles or hanging laundry out in the back yard. That is not the County's role.

Ms. Higgins stated that something that affects density seems to be different from that.

Mr. Kamptner stated that to go back to the very basics, the County at least has to be a party to the agreement in order to step in and enforce it.

Mr. Edgerton stated that they were a party to the agreement when the County approved the site plan.

Mr. Kamptner stated that the written covenants are between the declarant and all of the people who buy property in the subdivision, and the contractual relationship and the obligation to comply with the covenants that are applied to all of the parties exist between them and not between them and the County. The County just does not have the ability to step in and say okay homeowners you are not enforcing your covenants, we are going to do it for you.

Ms. Higgins asked how many times in the last couple of years that they have been here or were kind of grappling with an issue and the applicant stands up and says that he will have a covenant or a restriction on this that says such and such that will be recorded with the land. The Commission then agrees since that takes care of it.

Mr. Kamptner stated that sometimes the owner proffers that and sometimes it is part of a special use permit condition. The County is simply enforcing the proffer that they have a recorded declaration or the condition that they do that, and the County is not enforcing the condition of a proffer as such.

Ms. Higgins asked even if the note says no further subdivision without Planning Commission approval.

Mr. Kamptner stated that there are notes on plats that say all sorts of things. The only note that the County is going to enforce is a note that is restating a County regulation. The fact that a private engineer puts a note on a plat does not create a legal process with a legal requirement that a citizen who wants to subdivide their property under the Subdivision Ordinance must come through under a certain procedure that is created only by the note on the plat. It has to be in the County's regulations in order for that procedure to exist.

Ms. Joseph stated that at that point in time she thought that the County was asking for that note on the plat, though. It was not something that the surveyor just did. But, she guessed this was really about family divisions. Because if someone came in and was just going to subdivide it, slice it in half and sell one piece that is when all of the other regulations concerning the private roads and stuff. So this is really about family divisions and how they are pretty much exempt.

Mr. Craddock asked if they could do a family division, keep it for 2 years and then sell it.

Mr. Edgerton stated that was absolutely correct.

Mr. Craddock asked if this could happen with 21 acre lots.

Mr. Edgerton stated from what he heard it could only happen if those parcels were of record technically on December 10, 1980.

Ms. Higgins stated that some of those lots in that subdivision go up to 6 acres. There is one lot in there that is 12 acres that has 5 division rights.

Mr. Fritz stated that the process for family divisions literally sets aside large portions of the Subdivision Ordinance. It does not set aside any of the provisions of the Zoning Ordinance where you have development rights, minimum lot size and those regulations. So when you do a family division you must have either a development right or be created a 21 acre parcel.

Mr. Kamptner stated that part of the implementation of the new rural areas plan will include revisiting family divisions and the holding requirements. To not only hold after the division takes place, but also to own it for a certain period of time beforehand. Those are the two things that they will be looking at that come to mind. There are probably some of the other requirements as well.

Mr. Craddock asked if a parent owns a 21 acre lot that was subdivided 5 years ago. He asked if they can subdivide that 21 acre lot for their daughter.

Mr. Cilimberg stated not unless they have development rights.

Mr. Craddock stated that by a technicality now if there is one development right on that 21-acre lot, they could not put more than one house on it.

Mr. Fritz stated that was correct. He stated that family divisions or conventional divisions have the exact same effect on development rights and minimum lot sizes. When they are looking at someone creating the lot they don't ask whether it is a family division or a conventional division. That tells you what review process to use, but one would still have to have those development rights conventionally.

Mr. Cilimberg stated that in years past there have been at least two requests for a special use permit asking for additional development rights for a family division. They had to go through a legislative process. It was not a subdivision.

Ms. Higgins stated that in 1984 when the plat was approved, did they have to have approval for private roads at that time.

Mr. Fritz stated yes that they did.

Ms. Higgins stated that without looking at the minutes that if that note got on the plat she did not think it was a haphazard note put on there by a surveyor. If they had to deal with private roads today or even back in 1984, she felt that the quantity or the volume of what the design for those roads were going to be was an issue that was always discussed. She thought that with a note like that the question should have been raised in a private road situation.

Mr. Fritz stated that it was highly unlikely without having gone back and looking at the road plan that 43 to 44 lots would change a road standard.

Ms. Higgins asked would 19 of them over 4 acres?

Mr. Fritz stated that for 19 it might, but he did not know. Staff has tackled this issue, too, when they were dealing with accessory apartments and the road standards if you had surplus capacity on the road.

Ms. Higgins pointed out that all of these 40 lots could have accessory apartments, too, and double. But, there is no provision in the ordinance to prevent that from happening because that is allowed without a division right. But, this is about division rights. To ignore that note after she thought he said on the phone that if it is in the covenants it still makes it private, but it would be another thing if there was a note on the plat. Then the note is on the plat and now they were saying that they disregard the note.

Mr. Fritz stated that he did not think that he said that. But, if there were restrictions placed on it when the private road was done that essentially waived development rights, then yes that would be different. As a condition of private road approval there shall be no further division of any lots and all development rights are resolved because of that. The difficulty part on this particular one is that the time that the subdivision was approved in 1980 there were no development rights.

Ms. Higgins stated that based on her understanding now it goes before a judge and then a judge decides whether the covenant that all of the homeowners got that runs with their land can be enforced at all. If the judge decides that it can't be enforced, then even the homeowner's association can't restrict individual subdivisions from occurring. So basically it could negate part of the private covenant. Then all of those other lots can come in.

Mr. Cannon stated that if those private covenants were structured properly through a homeowner's association, it would be enforceable.

Ms. Higgins stated that it was going through the judge to get that decision. So tell us why you are denying it if it says no further lot subdivision can occur without written permission from the homeowner's association. The judge did not take it on face value and uphold it. She just did not know how many times an applicant has come before us and say well we have that covered and we are going to write that in the restrictions. The Commission has accepted that.

Mr. Edgerton agreed that the Commission has accepted that many times.

Mr. Cilimberg stated that they have accepted that in many cases as Mr. Kamptner described with a condition or through a proffer. That creates a whole different element of County involvement.

Ms. Higgins asked if they can step in and enforce it in those cases.

Mr. Kamptner stated in that case they were enforcing the proffer or the condition and they were not enforcing the requirement itself. So they were in a slightly different position. It is a little indirect.

Mr. Edgerton stated somehow when the County signs a plat and the plat has that note on it he felt that they have participated in that decision. He felt that if someone goes back and looks at the minutes, if they

exist, they are going to find that the Commission in 1983 or 1984 said no further subdivision. He suggested that they go back and look at those minutes. He asked if this was currently in court.

Ms. Higgins stated that actually Mr. Fritz was subpoenaed, but the judge did not make the decision. But, she did not know what the standing was or if there was a decision made. She asked if there was nothing in a file about the Planning Commission or any staff report on the private roads or anything like that.

Mr. Fritz stated that there were conditions that they had to satisfy to get the plat signed. There were road plans and they had to renumber lots. There were some changes like that, but it is not clear that they were waiving their development rights by doing this.

Mr. Edgerton asked if his suggestion is that the surveyor or engineer who prepared the plans just happened to put a note on there saying no further subdivision.

Mr. Fritz stated no. He stated that Ms. Joseph was absolutely correct that at the time that was done that was a routine common note that was placed on plats. It was also a routine and common practice that applied to further divisions other than boundary line adjustments, exempt plats and family divisions.

Mr. Edgerton asked if they have a record of how many parcels out there in the rural areas were grandfathered because of a preliminary approval before the ordinance.

Mr. Fritz stated no.

Ms. Higgins stated that those would be the ones approved before December, 1980.

Mr. Edgerton stated that the preliminary plat existed before December 10, 1980.

Ms. Higgins asked why it did not expire.

Mr. Fritz stated that it does, but there are special provisions for projects that were done prior to certain dates.

Ms. Joseph stated that everybody that came in with preliminary plats did.

Mr. Fritz stated that he could not answer the question except to say that it is extremely uncommon.

Ms. Higgins stated that there were still subdivisions that went to record before 1980. There are a bunch of them out there including Spring Hill.

Mr. Edgerton stated that Spring Hill was one he knew about quite well. They had to go back and start all over again. They had a preliminary plat approved. What you are suggesting did not happen. They had to start all over again.

Ms. Higgins asked if there were a lot of lots in the 5 to 6 acres.

Mr. Edgerton stated absolutely. But, then they were all approved subsequent by the new ordinance when development rights existed. No final approval had been granted by December 10, 1980. They had to literally start all over again. They had preliminary approvals. So the same argument is not true.

Ms. Higgins stated that the homeowners that are trying to deny this or trying to prevent the roads and the whole deal with their neighborhood changing probably ought to look at that file and go through it.

Mr. Fritz stated that staff was happy to make it public.

Ms. Joseph stated that this was a really good discussion that should go into talking about rural areas.

In summary, the Planning Commission held a discussion with staff in reference to an email request from Ms. Higgins and a call from a homeowner in Inglecress (Randy Ralston) who asked for an explanation

about how the County could have allowed a Family Division on an un-built Inglecress parcel that was formed by the original subdivision (and allegedly restricted by the same subdivision to no further subdivision). Concern was raised by the Commission that there was a note on the plat that said, "No further subdivision without further approval by the Planning Commission." The Commission suggested that the homeowner's review the County's files on this matter. Staff pointed out that the County does not attempt to enforce private covenants. The referenced subdivision was done under a Family Division, which is exempt from a lot of the subdivision regulations.

New Business:

Ms. Joseph asked if there was any new business.

- **Breeden Property or Biscuit Run**

Mr. Cilimberg stated that Biscuit Run is a huge project. There is a lot of public interest. The City Planning Commission is interested in participating in at least the first meeting. Also, it was suggested that the Scottsville's Planning Commission be invited. Based on the availability of information and talking with the applicant, staff has targeted March 7 for an initial meeting with the Commission. It would be a presentation of the project for the Commission's information and understanding about exactly what it is. It will be an overview of the project in terms of the things staff thinks are going to be particular issues to address, but to leave it at that. They would invite the City Planning Commission and the Scottsville Planning Commission to that particular meeting and have it very informational. What the applicant and staff will need to do after that is go through a process with the Commission actually discussing the issues. They are seeing a series of work sessions as being desirable to do that. The applicant has one approach that they would like to take in those work sessions. Staff has another approach. In the package next week staff has provided both of the suggested approaches. He asked the Commission to take a look at the information and then next week under old business they could provide some guidance as to what they think the best approach after that first informational meeting would be. They need to know what will work best for the Commission to review the project. He asked that the Commissioners put March 7 on their calendar as the tentative date for that first informational meeting.

- **Recognition of Mr. Rieley and Mr. Thomas**

Mr. Cilimberg stated that the Board of Supervisors plans to recognize Mr. Rieley and Mr. Thomas next week at their meeting. In the past staff has drafted a resolution of appreciation that they have had the Planning Commission pass for outgoing Commissioners. Staff will formalize the resolution of intent for presentation to them and schedule a meeting to invite them back. The other question would be what else they might want to do for them in inviting them back and recognizing them for their service.

Ms. Joseph asked that the Commissioners email any other suggestions.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:02 p.m. to the January 31, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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