Albemarle County Planning Commission
January 9, 2007

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 9, 2007, 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, Duane Zobrist, Pete Craddock and Marcia Joseph. 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; Tamara Ambler, Natural Resources Manager; David Benish, Chief of Planning; Lori Allshouse, Strategic Planning Manager and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Cilimberg called the regular meeting to order at 6:05 p.m. and established a quorum.

Election of Officers: Chairman and Vice-Chairman:

Mr. Cilimberg opened up for nominations for the election of Chair and Vice-Chair of the Planning Commission for the upcoming year.

Mr. Edgerton nominated Ms. Joseph to continue as Chair and Mr. Morris as Vice-Chair for 2007 due to their exceptional leadership last year.

Mr. Strucko seconded the nomination.

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

The motions carried by a vote of (6:0:1). (Commissioner Joseph – Abstained from motion for self.) (Commissioner Morris – Abstained from motion for self.)

Mr. Cilimberg turned the meeting over to Ms. Joseph, the new Chair for 2007.

Set Meeting Time, Day, and Location for 2006:

Mr. Edgerton moved that the Planning Commission's meeting time; day and location for 2007 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. Edgerton made a motion to adopt the Rules of Procedure as outlined in the packet for the Planning Commission.

Mr. Morris seconded the motion.

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

Committee Reports*:*

Ms. Joseph asked for committee reports from the Commissioners.

- Mr. Strucko noted that on December 21 the Fiscal Impact Advisory Committee met.

- The group continues to push forward to look at the proffer policy, which they call a tool that will enable the Planning Commission, Board of Supervisors and any other decision making group to evaluate the adequacy of proffer offers for rezoning. They had two visitors from Robinson, Farmer and Cox, the accounting firm that seems to work with a lot of localities in Virginia on such matters. The biggest issue discussed was transportation and how to factor transportation costs into this evaluation tool. VDOT has traditionally been the source of funding for all road construction in Virginia. However, recent events in the newspaper and policy circles are showing that localities are getting more involved in funding road networks. Some do it outright. Given the financial constraints that VDOT is currently experiencing this group is thinking about what it would look like if Albemarle County began paying for roads or looking to applicants for rezoning to foot the cost for roads and how transportation or roads work into a proffer policy. They found out that in order for it to be part of the proffer evaluation that road projects have to be in the County's Capital Improvement Program. They simply can't expect applicants to make proffers for roads if they are not in the CIP.
- They looked at some information for Albemarle County and there were 11 road projects totaling $78 million that they currently are looking at. Some of that money includes VDOT funds. But, other projects of roughly $45 million are considered local dollars. These are the master plan road elements and road projects as well as those that are in other neighborhoods. They asked staff to continue looking at ways to come up with dollar estimates for the impact of proposed projects on road construction. They are looking at cost per vehicle trip or cost per mile of other metrics and the work continues. But, again they are meeting approximately twice a month and hope to have a report presented to the Board of Supervisors some time this winter.

- Mr. Cilimberg pointed out that Steve Allshouse would be providing the Commission with an overview at a February meeting.

There being no further committee reports, the meeting continued to the next agenda item.

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.

Carlton Ray asked to bring up a matter concerning the Mountain Overlay Ordinance, which was being discussed by the Board of Supervisors tomorrow.

- At the Board of Supervisor's request he served on both the Mountain Protection and Mountain Ordinance Committees. He attended about 50 meetings and spent approximately 150 hours during the past decade as a citizen volunteer to help resolve issues of mountain protection. Right now all parties seem to agree that some action is urgently needed. The minimalist consensus reached by the MOD Committee is before the Board of Supervisors and should be resolved.
- However, the main issue does not seem to be the regulatory conclusions reached about the adversary issue of property rights. What are property rights? He felt that it was fair to say that individual rights flow directly from society and include responsibilities for environmental stewardship, but do not extend to creating harm to others. This is to say that property rights that protect the individual land owner should be exercised in accord with the public good and the needs of all citizens, which if unprotected will have high costs. Plans by some land owners that stewardship is carried out voluntarily are at odds with increasing problems with erosion, decreasing water supply and quality and also by diversity and development blitzes on our view shed. Property value means nothing if your neighbor does not respect neighborly needs such as unpolluted groundwater, etc.
- The MOD discussion has raised the issue of takings. But, let's put the shoe on the other foot by asking who is guilty of takings. In his view it is those actions and attitudes that take water and air quality less than the storage capacity of reservoirs to spoil habitats and thereby diminish wild life and thereby benefiting the few at the high cost of the whole. The time has come to clarify the rights and responsibilities by property rights. The Planning Commission is in the perfect position to help clarify this contentious issue perhaps by means of a guideline document. It must be clearer to all citizens what constitutes

property rights under various chapters of the Comprehensive Plan. It would be naïve to assume that this could be done quickly or easily. He asked that the Commission take this into consideration.

Morgan Butler, attorney with the Southern Environmental Law Center, asked to say a few words about the Commission's joint work session that will take place with the Board of Supervisors tomorrow on the proposed Mountain Overlay District. He felt that it took a long time to talk out the first 3 issues. He spoke in support of the proposal and hoped that the provisions are adopted.

Jeff Werner, representative for Piedmont Environmental Council, said the he hoped that there is time to complete the discussion on the Mountain Overlay proposal tomorrow at the joint work session with the Board of Supervisors. He noted that he served on the Mountain Overlay Committee and was in support of the proposal. He hoped that the process will move forward.

There being no further comments, the meeting moved on to the next item.

Review of the Board of Supervisors Meeting – January 3, 2007

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on January 3, 2007.

Item Requesting Deferral*:*

SP 2006-037 Camp Watermarks Amendment (Sign #24)
PROPOSED: Amend existing Special Use Permit, extending camp sessions allowed from 4 weeks per year to 16 weeks per year
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 31.2.4.1; 10.2.2.20; 5.1.05
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre)
ENTRANCE CORRIDOR: No
LOCATION: 1145 James River Drive, west of Route 726 and Hatton Ferry Road;
TAX MAP/PARCEL: TM 136, Parcels 6B, 9D, 9D1, 9E
MAGISTERIAL DISTRICT: Scottsville
STAFF: Amy Arnold

Ms. Joseph pointed out that the applicant for SP-2006-037, Camp Watermarks Amendment are requesting indefinite deferral.

Mr. Cilimberg pointed out that the need for the deferral had arisen initially from not notifying a particular property that was abutting this proposal of the requested special use permit amendment. It ended up being the Railroad CSX property that runs across the southern edge of this property that was not notified. To make sure staff meets all of the legal requirements the deferral is being requested. Based on the timing to get a new ad in the newspaper and get letters out staff suggested that the Commission defer to a specific date such as February 6.

Ms. Joseph opened the public hearing and asked if the there was any one present to speak in regards to this request. There being none, the public hearing was closed and the matter before the Commission.

Motion: Mr. Edgerton moved, Mr. Morris seconded, to defer SP-2006-037, Camp Watermarks Amendment, to February 6, 2007.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-037, Camp Watermarks Amendment, was deferred to February 6, 2007.

Regular Items*:*

SP 2006-034 North Pointe – Stream Crossing (Sign #8)
PROPOSED: Fill in the floodplain of Flat Branch Creek for a road crossing to provide access for residential development.
ZONING CATEGORY/GENERAL USAGE: Planned Development Mixed Commercial with which allows large-scale commercial uses; and residential by special use permit (15 units/ acre). A special use permit exists for residential use.
SECTION: 30.3.05.2.1. of the Zoning Ordinance which allows for fill in the floodplain
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: Yes
LOCATION: East Side of Route 29 North (Seminole Trail) across from Lewis and Clark Drive
TAX MAP/PARCEL: 32-22K
MAGISTERIAL DISTRICT: Rivanna
STAFF: Tamara Ambler

Ms. Ambler, Natural Resources Manager, presented a power point presentation and summarized the staff report.

- This is SP-2006-34, North Pointe – Stream Crossing at Northwest Passage. The North Pointe community was previously approved as a rezoning. This special use permit is only for the fill in the floodplain associated with the stream crossing that would be associated with that northern most entrance. The parcel is Tax Map 32, Parcel 22K. This location is right across from Lewis and Clark Drive. Flat Branch is the stream that the flood plain is associated with that will be crossed. That stream runs parallel to and very close to Route 29.
- In summary, the request itself is for fill in the flood plain for a road crossing in accordance with the Zoning Ordinance. More specifically, the applicant is proposing to modify an existing stream crossing by replacing an existing 60" corrugated metal pipe with a box culvert to serve the proposed Northwest Passage entrance to the North Pointe community.
- The 2005 FEMA Flood Study and the maps included Flat Branch in the detailed study. That means that the base flood elevations were determined as well as the 100-year flood elevation on the upstream part of the existing crossing. The upstream of the existing pipe is base flood elevation at 399.7'. That is fairly high and is likely influenced by the existing 60" pipe. In some cases it appears that the flood waters could impact Route 29 northbound. The 100-year flood elevation on the downstream side is lower at 385.5'.
- The applicant states and the County engineering staff concur that the replacement with a larger box culvert in the current design of 8' X 6' could reduce the flood elevation. The applicant is stating that would reduce the upstream elevation to 392', which would reduce or eliminate any apparent impacts to Route 29 northbound. Therefore, it would actually be an improvement.
- The FEMA Flood Study has assumed that the 60" culvert is operating at full capacity. In reality this is the upstream side standing at stream level looking at that culvert. As shown in the slide, the culvert cannot be seen because the fill slope associated with that has failed and is blocking the culvert. So when standing down there the stream is basically winding its way through the collapsed fill and finding its way into that culvert underneath the road.
- She presented the upstream conditions in a slide noting that while standing at the upstream side looking further up there is a lot of evidence of inundation there. On the downstream side of the 60" culvert the water is actually passing through it.
- The applicant's proposal is to replace that existing corrugated metal pipe with a larger box culvert. One of the issues is that the fill causes this special use permit. Of course, there would be new fill associated with the actual fill over the box culvert associated with the Northwest Passage. In addition, there may be some additional fill required as a result of constructing that interchange associated with either turning lanes onto northbound Route 29 into Northwest Passage or turning lanes coming out of there. It is not quite determined yet the level of improvements that may be required along Route 29 Northbound. Those designs are being coordinated now with VDOT as well as the water quality agencies. So the intent of this special use permit is to authorize the necessary fill associated with the final lane configuration associated with this road crossing. There may be more or less fill associated with those Route 29 improvements.
- The length of the new box culvert and the treatment and design of the fill slopes has not yet been

finalized. So one reason is that VDOT approval is still needed for the length and configurations. The applicant is currently working with VDOT on that. In addition, the applicant will need to get Federal and State Water Quality Permits for the crossing over Flat Branch. Those agencies have certain requirements about the length of the stream that can be impacted. Therefore, a shorter box culvert or a longer box culvert could be recommended, which is being coordinated with those agencies.

- The request is to authorize whatever necessary fill is associated with that final design for that intersection. It is confusing because they have a couple of different options. Staff has tried to illustrate the two different things that might happen.
    - The typical cross section with the longer culvert situation was shown in green. If a longer box culvert is used, then the fill slopes and the treatment of the fill slopes would be just the standard 2:1 vegetative fill slopes just like any other highway.
    - If a shorter box culvert is utilized, then it will be, as shown in blue, with a shorter fill slope that still allows for the cross section of the roadway through a retaining wall. That retaining wall could be 7' to 10' in height. So those are the two different options for the way that fill slope may be treated depending on the length of the box culvert.
- Since this will be visible from the Entrance Corridor staff had the Architectural Review Board provide some advisory conditions. The ARB reviewed the request and made comments, which have been incorporated into the conditions recommended by staff.
- Regarding the history, this site has been a subject of a special use permit in the past. In 1997, a special use permit was approved to expand the crossing for a proposed Korean Community Church. That permit was valid for 5 years. That permit was extended in October, 2002 for another 5 years. Even though it has not quite expired that special use permit would not be suitable for the level of fill that would be needed for the lane configuration on 29 north. So it was determined that a new special use permit was needed and the existing one would not be satisfactory.
- In summary, factors favorable includes:
    - No impact to neighboring properties.
    - No increase in flood levels. It may reduce flood levels.
- Staff did not find any factors unfavorable.
- Therefore, staff recommends approval of this request with the conditions as stated in the staff report with one additional condition. Because the previous special use permits were valid for 5 years and given the level of coordination that will have to happen with FEMA and that sort of thing, the applicant has requested that if approved that this special use permit also be valid for 5 years. But, it is not listed in the conditions. Therefore, staff would ask for that condition to be added.

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

Mr. Strucko asked if the conditions for large shade trees and trees in the median are from the ARB, and Ms. Ambler replied that was correct.

Mr. Edgerton said that he did not have any problem with what was being proposed. But, it does not sound like there is any value to going ahead and making a decision before VDOT makes a decision. He asked if that was correct.

Ms. Ambler replied yes, that in a sense that no matter what final lane configuration is done that it will require fill in the floodplain, which would require a special use permit.

Mr. Edgerton asked if the Commission was basically being asked to approve whatever is required by VDOT or the federal agencies.

Ms. Ambler replied that was basically true.

Mr. Edgerton asked if the applicant would not be able to go ahead and do anything with this until all of those issues are resolved.

Ms. Ambler replied yes, that was correct.

Mr. Edgerton asked why the Commission was reviewing it now rather than when that has been resolved.

Ms. Ambler said that in the past there have been examples of special use permits being reviewed and actually granted when the designs were still conceptual. Final approvals had not been given at that time and the water quality permits had not yet been obtained.

Mr. Edgerton said that the Commission was not approving something that would authorize the applicant to go ahead and put in a culvert, which then subsequently could be determined to be shorter or longer and then have to do it again. He asked if the applicant was not going to go ahead and do this. Although, it looks like it would help if they went ahead and put a box culvert in yesterday.

Ms. Ambler replied that before the applicant could actually do work in the stream they would certainly need their water quality permits from the CORE and DEQ.

Mr. Edgerton asked if staff has any idea when that is going to happen.

Ms. Ambler said that the applicant could address that. She acknowledged that the applicant was in current conversations with VDOT as well as with the federal and state water quality agencies. So it is not something that they are waiting to initiate that conversation because that conversation is occurring.

Mr. Morris asked if staff could explain since they were talking about a culvert why there was an ARB review.

Ms. Ambler said that it was a policy of the Planning Department that when there is a special use permit that was within the Entrance Corridor, which this request is, that the ARB be given the opportunity to provide their opinion and advice. Staff asked the ARB if they would like to do a review and provide that. The ARB said that they would like to provide that review and did so. Therefore, the ARB has provided these advisory recommendations that have been included in staff's recommendation.

Mr. Cilimberg asked to take it a step further. The Planning Commission had a joint meeting with the ARB a little over a year ago in which they asked to be able to give comments. Of course, the Commission does not have to accept any of the advisory conditions or comments if they don't feel they are appropriate. But, staff as a matter of course has been referring Entrance Corridor projects to the ARB for that opportunity.

Mr. Craddock asked if the size of the culvert was still is up in the air depending upon what FEMA, VDOT, and other reviewing agencies decides and the Commission does not have any thing to do with that they decide.

Ms. Ambler replied yes, that certainly the length of the culvert is still yet to be determined. In actuality the 6' X 6' was the original proposal. Then after a review based upon review of the drainage area that was originally shown the county engineer made some recommendations that actually a larger drainage area was going to it. Based upon that review the applicant increased it to an 8' X 6' culvert. That was a result of staff review. But, he was correct that the final length of the culvert certainly is not yet determined.

Mr. Craddock asked if that was why there was no specific requirement for the size of the culvert in the conditions.

Ms. Ambler replied that was correct. Also, the advice of the engineering staff is that if they require it down to the nth degree and if there is a minor design change, then that may require coming back for a special use permit modification. That was an issue that was brought up by the county engineering review staff.

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

Valerie Long, representative for the applicant, said that Ron Keeney, architect for the project, was also present to answer any of the more technical issues.

- As staff indicated, the stream crossing will not increase the elevation of the flood. In fact, it may reduce the 100-year flood elevation. The applicant is agreeable to the conditions that staff recommended. They particularly appreciate staff's support for the 5 year expiration period as opposed to the 2 year period. They hope that they won't need more than 2 years, but as staff indicated the legalistic coordination required with working with the state and federal agencies can be a challenge and be time consuming. The applicant would rather not have to come back to the Commission to ask for an extension of the special use permit.

- In response to Mr. Craddock's question about condition 2 it does require County and VDOT approval of the final design plans and hydrologic computations for the stream crossing. Once the final decisions are made by DEQ, the Core and all of the other agencies that are required, they obviously have to show those on the final plans and submit those to the County for final review and approval. The applicant acknowledges that it will all be subject to County review.

Ms. Joseph asked Ms. Long if this was a Neighborhood Model.

Ms. Long replied no, that it was a Planned Development – Mixed Commercial development.

Ms. Joseph asked if the development did not have a code of development.

Ms. Long replied that was correct that the development did not have a code of development. The development has an extremely detailed set of application plans.

Ms. Joseph pointed out that the Planning Commission has never seen those plans. She had looked at some sections that the ARB had looked at, but no complete plans.

Ms. Long said that she could pass around sheets D1 and D2, but only had one copy of the application plan, which she would be happy to circulate.

Ms. Joseph asked if it was approved as part of the rezoning.

Ms. Long replied that was correct. There are many sheets to the application plan, which were approved with the rezoning. She pointed out that Mr. Keeney had a large copy of the approved plans that were approved with the rezoning. By approving the rezoning with the application plan that makes for binding plans subject to any flexibility that the Zoning Ordinance may offer. But, the development of the community must be in accord with the approved application plan.

Mr. Keeney pointed out that Ms. Ambler's cross sections were generated from one sheet of the approved plans for North Pointe. The street used was actually taken from one of the Northwest Passage street cross sections in the main section.

Mr. Kamptner noted that these particular plans were accepted with the approval of the rezoning.

Ms. Long pointed out that the proffers state that the applicant has an obligation to submit the final detailed road plans to VDOT and to the County for review. So certainly if they say that they want different road plans or different configurations it would still be subject to County and VDOT review.

Mr. Keeney explained the three cuts in the Northwest Passage that remain in the North Pointe Subdivision. He explained the cut where it connects to Route 29. They had negotiated and worked out with planning staff that they wanted a 2-lane roadway at that point with bicycle lanes on both sides and street trees in the median. That is Northwest Passage as it comes to Route 29. That is where VDOT takes over, decides and tells us how big the intersection of 29 has to actually be. So they have taken that street section as it comes down the hill and just before it starts across the stream and gone to the 5 or 6 lane intersection that the Commission has seen their review as part of the intersection with Route 29, but not as part of the main element of North Pointe itself.

Ms. Long asked if they had answered Ms. Joseph's question.

Ms. Joseph replied yes. The road itself was something that was to be reviewed by County staff and it was not part of the application plan that was approved by the Board.

Ms. Long noted that certain sections and basic perimeters of the road plans was a better way to say it for the road designs. The cross sections are certainly shown. But, the final more detailed road plans that have not even been prepared yet are subject to VDOT and County approval.

Ms. Ambler noted that in the conditions the ARB would have review of those road plans

There being no further questions for the applicant, Ms. Joseph asked if there was any public comment regarding this request. There being none, the public hearing was closed and the matter before the Planning Commission.

Ms. Joseph said there would be some improvements with the stream bank and that the applicant was going to do some stabilization. It will lower the flood plain in that area and improve the existing situation. She was reacting to the ARB's comments because she thought that this had a code of development with it. She thought that they were putting the applicant through unnecessary review if the code existed. But, apparently it does not exist. So that is a whole different item here. She was a little concerned with the ARB looking at tinting the color for the culvert. She did not know how important something like that is because in time vegetation will cover that up. She was concerned with the stabilization of the stream bank. That should be in the purview of Ms. Ambler and not something that they work out regarding the vegetation size and location. The optimum they need to get is stream bank stabilization. If they can make it look good, that will be great. But, what is most important is that stream bank is stabilized with whatever vegetation that they choose. She worried about that being a discussion with the ARB at any time. She expected that DEQ and the other agencies will be involved and she wanted to avoid any confusion. She supported the bike paths as shown.

Mr. Craddock asked if this request would affect the Korean Church approval.

Mr. Cilimberg said that actually the Korean Church was the subject of this special use permit that exists now that would have given a certain level of crossing for them. His understanding is that they will be taking access through this crossing.

Mr. Edgerton asked the applicant if there would be another crossing further south.

Ms. Long replied yes, there will be 2 additional entrances into the North Pointe community. This is the one called the northern entrance. There is a second one called the middle entrance that aligns with Northside Drive, which exists on the other side of Route 29 right now. There will be a third entrance, called the southern entrance.

Mr. Edgerton asked if they would need additional stream crossings.

Ms. Long replied yes, that the applicant knows that they will need one more stream crossing. In fact, they are in the process of preparing the application for the middle entrance. There will be fill required in the flood plain there.

Mr. Keeney pointed out that they were not present asking for permission to cross the stream. They were here because of having to fill within the flood plain line. The original lake and that sort of thing that was designed in North Pointe are going to alter the flood plain line. They are unfortunately asking for the first one, which is going to be at the bottom of all of the construction. That is why the size of the pipe is rather vague. They have to guess the size to get the mouth of that bottle large enough to make certain that it handles everything else that happens above it. Most of the flood plain will actually disappear. In other words, when the lake is put in that gathers the water coming off of the Airport Road area it is designed to stop the flooding down stream. The flood plain line at Northside Drive may disappear to the point where they may no longer have to come back to the Planning Commission for fill in the stream bed at that point.

Ms. Long asked to respond to Mr. Craddock's question about the Korean Church. She did not represent the Korean Church, but her understanding was that part of the delay may have been due to the expense of constructing Northwest Passage. It was going to be very expensive to build a road to access the property. This could help facilitate it. But, she did not know what their current or present plans may be. This will obviously build a very high quality road that could perhaps provide some access for them if they were still interested in that area.

Motion: Mr. Morris moved, Mr. Cannon seconded, to approve SP-2006-034, North Point – Stream Crossing, subject to the conditions, as amended with the addition of condition 11 regarding the 5 years.

1. County and VDOT approval of the final lane configuration for the Northwest Passage over the stream crossing with the final road plans
2. County and VDOT approval of final design plans and hydrologic/hydraulic computations for the stream crossing.
3. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence.
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for modification of the existing stream crossing.
5. Natural Resources Manager approval of a stream buffer mitigation plan prior to the issuance of a grading permit for modification of the existing stream crossing
6. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the "proposed landscaping areas" shown on the plan submitted for ARB review entitled "Proposed Entry Layout with Landscaping North West Passage Intersection @ Route 29 North" with revision date of 12-04-06.
7. Provide large shade trees on the north and south sides of Northwest Passage, along the sidewalk and space reserved for the sidewalk, 2½" caliper minimum at planting, 40' on center, for a minimum distance of 400' from the existing edge of pavement of Route 29 North.
8. Provide trees in the median of Northwest Passage, beginning at the point closest to Route 29 North that can be approved by VDOT and extending for a minimum distance of 400' from the existing edge of pavement of Route 29 North. The planting shall take the form of a continuous informal mix of large, medium and small deciduous trees ranging from 1½" to 2½" caliper and evergreen trees ranging from 4'–6' in height.
9. All of the above-noted landscaping shall be shown on the road plans submitted for Northwest Passage. The plans shall include a complete planting schedule keyed to the plan. The plans are subject to review of the ARB.
10. Design details of the retaining walls, including column cap design, pier design, stone finish, other materials, etc., culvert color, plant size and planting configuration shall be shown on the road plans and are subject to ARB approval as part of the review and approval of the road plans.
11. If the use, structure, or activity for which this special use permit is issued is not commenced within sixty (60) months after the permit is issued, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Mr. Kamptner suggested that the motion leave open conditions 9 and 10 so that staff can look at those two conditions. He did not know if the culvert was visible from the Entrance Corridor and if there is a site plan that is going to be reviewed that will include this crossing or a building permit. Staff's position has always been that special use permit conditions cannot expand the authority of the ARB. They understand the concepts that they are trying to address and staff can massage those conditions if necessary by the time it gets to the Board. There will be some review by County staff in particular to take into Ms. Joseph's comments about stabilization being the primary focus of the conditions.

The Commission agreed that conditions 9 and 10 should remain open for the applicant and staff to review and revise if necessary before the Board of Supervisors public hearing date.

Ms. Joseph said that she appreciated Mr. Kamptner saying that because when she went back and looked at the ordinance and saw what the ARB was responsible for and it was not for roads or culvert colors. So if that can happen, she would really appreciate that.

Mr. Morris added that amendment to the motion, which was seconded by Mr. Cannon.

The motion passed by a vote of 7:0.

Ms. Joseph said that SP-2006-034, North Point – Stream Crossing, would go before the Board of Supervisors on February 14, 2007 with a recommendation for approval.

Presentation:

Citizens Survey 2006 Results – Lori Allshouse

In summary, Lori Allshouse presented a power point presentation to explain the results of the Citizens Survey 2006 Results. She highlighted some of the growth management questions and some information about the new comers to the area. The objectives are that the County wants to know about the citizens'' views of the quality of life in Albemarle County, the views of the County services in regards to the importance and level of satisfaction, how citizens feel when they contact the County and questions about growth management. She explained the telephone survey's results and answered the questions posed by the Planning Commission.

The Planning Commission took a break at 7:38 p.m.

The meeting reconvened at 7:49 p.m.

Work Session:

Southern Urban Area B Study CPA and Granger Property CPA - Work session to review proposed text amendments to the Comprehensive Plan incorporating the recommendations of the PACC Southern Urban Area B. (David Benish)

David Benish gave an overview and a power point presentation on the Southern Urban Area B Study CPA and Granger Property CPA.

- Staff added to the previous reports based on their discussion of both the Southern Urban Area B Study and the Granger CPA proposal. Staff had received direction on November 28, 2006 on the various recommendations of the study and the Granger site. Staff has now begun to draft some language that would be text amendments to the Comprehensive Plan that would try to reflect those comments and recommendations of the Area B Study. This is the first step for the Planning.

- The Area B Study is a study that is conducted by the Planning Coordination Council, which consists of City, County and University representatives. They drafted a plan for the study area, the Fontaine Avenue/ Sunset Avenue area, which was depicted in the map. Within the center of that area is the property known as the Granger tract, which is an approximately 70 acre piece of land that in our current Comp Plan recommended for Neighborhood Density Development. The Area B Study had identified a Mixed Use/Residential High Density Residential Land Use for that area. The applicant is proposing an Office/Service oriented mixed use development on that site. They are actually looking at two CPA's at one time, amending the PACC recommendations and considering the Granger Proposal at the same time.

- The recommendations of the Area B Study, which begins on page 2, were reviewed. As background, primarily the Area B Study focused in on transportation improvements to support the development of this area in both the City and County. It did make some land

use recommendations fairly general and broad Comp Plan level type of recommendations. Those were found in Section 3 of the report, which was summarized on pages 13 and 14. Staff went through the specific statements or recommendations that are relevant to the County's portion of the study area and have added to the report in blue print the first attempt at Comprehensive Plan language to address those Area B recommendations.

- The first recommendation deals with the Granger Property, which is a new neighborhood. The Area B Study had called for it to be primarily high density residential mixed use development with a center. The center was an important small scale neighborhood center, which was an important component of the Area B Study recommendation to provide for essential services that were lacking in that portion of the County.

- What staff has identified is that the primary concern with both the Area B Study recommendation and the Granger Proposal was the impact of traffic of any development at this site. The language proposed is based on the discussion last time with the Planning Commission. Staff felt that it was the general consensus that a non-residential mixed use development may be appropriate, but it had to be focused in a size and development intensity and form that could be sustained both by the land and primarily the transportation system that is being proposed. The language proposed recognized that an Office Service-Mixed Land Use is recommended for the Granger Tract. It did identify that a Mixed Use Center needs to be provided as part of that. Staff tried to set some staging within the language that said that the size of development had to match the planned transportation network for the area and that the timing for development had to be consistent with the actual development and improvements of that transportation system. There was some discussion about the general principle of trying to encourage green development within major development proposals. Staff added a simple sentence that made that reference.

Ms. Joseph questioned if they should work with the applicant to see if there is some sort of percentage of mixed use. She did not want to put them in a box in requiring X amount of square feet. But, it was important to try to identify a certain percentage range so they don't get some little commercial thing out there when they were anticipating something more than that. Last time the Commission discussed this they said that it was okay to have office use, but that it does not have to be residential. She questioned if they want a mixed use or does it matter.

Mr. Edgerton recalled that the Commission's conversation on the 28th was very clear that it did matter and they wanted mixed use.

Ms. Joseph asked if they should give some guidance as far as that is concerned. As a reaction to something that happened in the City where the applicant came in with such a small percentage of the use, the Commission members were very concerned about it and denied the request as a result of that.

Mr. Edgerton worried about in the abstract trying to come up with a percentage that is appropriate without actually seeing a project. There was a lot of discussion about the need for additional mixed use in the community and they would be supportive of some of the other properties in the area.

Mr. Cannon asked if there was a way to flag the concern without coming up with quantitative ranges, such as mixed use and appropriate balance to give some room for judgment by a future Commission to respond to the merits of a particular proposal.

Mr. Benish said that there isn't an amount. There is a lack of specific direction in this statement. In the second bullet, a new center is anticipated as a component of mixed use, which is small scale. That was one of the governing qualitative statements with transit stops and connections in the centers. That is actually a quote out of the plan itself. But, being small scale was some indication that it was something less than a community center. The first hyphen down below the bullet was supporting commercial service of a neighborhood scale. Neighborhood scale actually refers to our Neighborhood Service Designation in the Comp Plan. He was trying to tie it back to that designation. It is intended to be somewhat similar to

what is seen in supporting commercial uses and non-residential development. By zoning that is about 10 percent of the Planned Development, as an example. He believed it is 20,000 to 50,000 square feet in Neighborhood Center with no use exceeding 10,000 square feet. He was hoping that language would refer them back to that section of the plan. It went on to say to provide the necessary convenient services because staff does not see the center as necessarily being oriented to providing a major grocery store/shopping center. This is more service oriented. Perhaps a stronger reference to that Neighborhood Service Designation will take them to a chart that has some ranges in it. That might help.

Mr. Morris noted that he liked the emphasis that any rezoning is going to be tied to the actual improvements of the road and infrastructure.

Mr. Benish noted that one of the main points of the Area B Study is that there was a particular location for that road that was agreed to. That is why the second hyphen specifically references that Alternative IV. Staff has not drafted an actually land use map, but he pointed out the digitized maps of the area. Staff would hope to have a schematic line that would show that location. The idea is that they look at the master plan and look at that alignment that shows enough detail to know where the major points are.

Ms. Monteith said that staff talks about an Office Service Mixed Use land use and then talks about a new Neighborhood Center. But, it seems a little funny that staff speaks of office and then says mixed use, but never suggests anything about residential. In other words, she could imagine generically saying mixed use and not including the term office, or if they are going to use the term office to also include some wording regarding residential. The way it reads, it is not clear that there would be residential. Maybe it is intentional on his part other than the fact that he says total square footage and number of units of development. One could imply that units of development mean that it would be residential. She felt that it was a little confusing to use the term office and not to include residential.

Mr. Benish suggested that it should be a little clearer. The consensus that came out of the November 28 meeting was that residential would not be necessary as part of the mix, but that it would be allowed. The only reference made to residential is in that first hyphen in the last sentence. Residential use may be a component of the mix. He agreed that it was not clear whether residential was necessarily not expected.

Mr. Zobrist recalled that there were 3 or 4 alternatives that they discussed last time. He did not remember this one being any of them. He asked if the long red line was where staff expected the access to go.

Mr. Benish said that this was just a schematic to show how they would draw the plan.

Mr. Zobrist recalled that there were 3 or 4 alternative accesses or egresses out of the site. He felt that everyone was in favor of two of the alternatives, but not the one drawn on the plan. He pointed out that Mr. Strucko might be more familiar with the access because he works in Fontaine.

Mr. Benish pointed out that staff took those comments. This alignment shown is Alternative IV, which PACA agreed was the preferred alignment. What staff thought that they were hearing in terms of the other alignments was really an issue about the lack of access into this site. This is the preferred alternative, which is near Stribling.

Mr. Strucko said that road is not part of the Fontaine Research Park currently. He asked if that was correct. It is immediately adjacent to the parking lot.

Mr. Benish said that the way it was shown in the Area B Study is that it was the road on the outside of the buildings.

Mr. Strucko asked if it was between the parking lot and the building.

Mr. Benish replied that is correct the way that he understands it. The important component of this alignment is that intersection/railroad crossing and the fact that it connects to Sunset Avenue. Whether that line suddenly moves differently relatively speaking in the Comp Plan to accommodate that is something that they would look at in a rezoning.

Mr. Cilimberg pointed out that Mr. Strucko mentioned this in particular that for the road that goes through that the Commission wanted to make sure that there were internal connections for the park existing as well as any future park development to that road going through.

Mr. Strucko agreed. If the use of the Granger property is going to be an office park of this magnitude and this intensity as Fontaine Research Park currently is his antidotal experience is that they are going to need to create multiple accesses in and out of Fontaine. Currently there is only one access point, which dumps onto Fontaine Avenue. However, if they can access Fontaine Research Park with the railroad crossing road and create two access points, it has the potential to alleviate what could become quite a traffic congested area on Fontaine Avenue with two research parks dumping onto that road. That line as shown was cutting through a parking lot right now. That is a parking lot road. However, along the stream is an existing gravel road that he thought potentially would be the access from Granger to Fontaine. Then Fontaine could connect to that road through this dotted line and there would be a single railroad crossing. He remembered discussing the cost effectiveness of the single railroad crossing versus multiple. That was probably the two options that they talked about.

Mr. Benish said that the consultant in their study identified an alignment that kind of skirts it. They provided the information on a Comprehensive Plan type of scale, although they have been looking at it and engineering it recognizing the next hopeful step of the process. They have actually shown something different. Staff wanted to reflect what PACC has agreed to as what is in that document as the recommended Alternative IV. This is the reason that they wanted them to refer to the document and this specific aerial information, which he did not have in his presentation. But, it does articulate what the expectations are for that Alternative IV. When staff gets to the recommendations for the Fontaine Research Park, they made a specific statement that said that additional access points should be provided to the Fontaine Research Park. The status of Stribling is something that they are going to have to look at with the City as the plan for this roadway emerges and how it interconnects. This Area B Study is not clear on what that ultimate status is going to be. He asked for other comments.

Mr. Edgerton agreed with Mr. Morris in how staff worked into each of these comments the needed linkage between the ability of the transportation system to be able to support whatever rezonings came in. He questioned what effect this would have on rezonings if this strong language is in the Comp Plan ultimately.

Mr. Benish noted that he still has to vet this language with Mr. Kamptner. It is somewhat consistent with some very old recommendations from years ago that they used for the Comp Plan. He wanted to make sure that he was on the right track, but noted that the County Attorney's Office still needs to review the language.

Mr. Edgerton noted that there was a lot of discussion about the topographic restrictions in that area for putting in the roads.

Ms. Joseph asked if the applicant wanted to speak on the Granger property at this time.

Frank Cox, representative for New Era Properties, pointed out that he was generally in disagreement with just about everything. Regarding the transportation issue, there seems to be a little bit of confusion relative to what they tried to communicate on the road planning. The point of departure for the work that his firm has been doing for the Granger interests has been very loosely coordinated with the Real Estate Foundation. He believes that the Foundation, though he is not speaking for them, has weighed in on the concern for any road running smack dab through their property, whether it is option 1, 2, 3 or 4. In option 4, as shown on the Area B Plan, it does run along the parking lot access road. They have studied that alignment. That alignment will not work for an interconnection road. There are too many problems of many different natures. They have presented an alignment in a preliminary design that they have actually tested and done a cost estimate in the little booklet presented with their CPA application. Their alignment basically went along the existing Stribling Extended or the gravel road. To the extent that they believe that is feasible they believe they can achieve coordinated tie-ins to the Foundation property as Mr. Strucko has suggested. He felt that was possible. He thought that one thing that might be helpful just speaking globally on the whole Area B Study is to challenge those particular applicants, the Foundation and Granger, to do sufficient coordination to achieve an alignment that is to their mutual satisfaction.

That will take a lot of work and will take a lot more engineering to be done before either Granger or the Foundation can reach that conclusion. But, he certainly thinks it would be an appropriate challenge by the Commission to include in a CPA, given the fact that if any additional development is to proceed on the Foundation property as he understands from staff, it will require a rezoning. Certainly there is no way that they can get across the railroad tracks unless they undertake a major transportation improvement from Fontaine to the Granger property. To the point of the mixed use question, their CPA application did not mix residential. It was fairly clear in the range of potential densities that could be achieved for residential and for non-residential development. They have no problems with the Commission setting a general guideline, if they feel that is appropriate. There is nothing in the CPA application that they have independently filed that indicated that they don't want to do residential. What they would like to have is the option as they move forward with the zoning to test the market further given that significant transportation improvements are going to need to be made. Also, given the fact that there is very limited development area on the property, it is going to have to be a tall project rather than a spread out project. So whether the buildings are being used for retail, office or commercial it will have a similar look. They have tried to represent what that look will be in the illustrative plan that was included in the CPA.

Ms. Joseph invited public comments on the Granger Property.

Jean Chase, resident of Old Lynchburg Road, said that the Granger property development will impact her residential street and neighborhood of Fry's Spring. She asked that before there are any changes given in the rezoning or zoning of the Granger property to please include plans for the connector plans designed to relieve the already intense traffic that comes from the County development south of Azalea Park. The plans of the road needs to adequately funded and built before the new developments at Granger are built. They need to be willing to work with the neighborhoods. They have lived in this area for over 30 years. They would like to have the quality of life that they have adopted in this area to be sustained, and ask the Commission to take that into consideration when casting their vote. On behalf of the Fry Springs Neighborhood Association, of which she is also Secretary, she thanked the Commission for their time and sensitivity in these areas of voting. Also, a letter has been submitted on behalf of Andrea Wieder who could not attend the meeting. (The letter is as follows.)

"Jan. 9, 2007
To: Albemarle County Planning Commission
From: Andrea K. Wieder
Re: Granger Property development re-zoning request
and the Southern Urban Area B Study

My name is Andrea K. Wieder. I live at 2331 Highland Avenue in the city of Charlottesville.

My neighborhood of Fry's Spring is close by the University of Virginia, and right on the border of Albemarle County. Development of the Granger property and Biscuit Run will have a huge impact for us.

Tonight's Albemarle County planning commission meeting will, as part of a work session, discuss the Granger property application for re-zoning and the Southern Urban Area B Study.

The Biscuit Run development is on the agenda tonight for the City of Charlottesville planning commission.

Representatives from the Fry's Spring Neighborhood Association are attending both these meetings since both of these developments are right in our back yard. Our voices will be heard.

I am sure that you know that Old Lynchburg Road is already overwhelmed with traffic, with vehicles regularly exceeding the posted 25 mph limit. Morning and evening rush hour traffic on Jefferson Park Avenue is intense and gets more fierce every day.

You know this because members of the Fry's Spring Community have regularly attended meetings and spoken up, written letters, and sent email along to commission members, both in the city and in the county.

We request that any changes to the zoning of the Granger Property include plans for connector roads designed to relieve the already intense traffic that comes from county roads to city streets. And that the plans for roads be adequately funded and built before the new developments at Granger are built.

The city of Charlottesville is a small southern city of neighborhoods and streets and trees and bikes and shops. And schools and businesses and people living lives of peace.

We believe that progress and preservation can work side by side.

We expect the Albemarle planning commissioners to help make that happen.

Thanks for your consideration in this matter. A copy of these remarks will be left with the clerk for inclusion in the public record of this meeting."

There being no further public comment, Ms. Joseph asked if there was any further discussion.

Mr. Edgerton asked that they address Ms. Monteith's point that Mr. Cox referenced that his CPA application did not exclude residential. He felt that the language is confusing in what is being proposed by staff. He remembered some conversation that there is no shortage of residential in the area. Therefore, there is no a perceived need for it. But, at the same time it may be appropriate to have a component of residential in the project.

Mr. Benish noted that in the first bullet he would introduce the whole notion and say that there may be some residential.

Mr. Edgerton noted that mixed use includes a lot of things, which residential is one of those. If they say mixed use and then start listing things and don't list residential, then the question is if they are sending the signal that they don't want it. He felt that they need to be careful about the language.

Mr. Benish said that the first priority would be for it to be non-residential, mixed use. That residential mixed use would also be appropriate, but was not necessary on this site. That was his understanding of what the direction was. They need to make that clear in the first bullet. This is intended to at least be a non-residential mixed use and that residential could be included. In Fontaine Research Park staff notes that residential is not expected on that site. There being no further questions on the Granger proposal, he moved on to the Old Lynchburg/Fifth Street Neighborhood Center.

- That is the area near the bull's eye where the County Office Building South is located. Staff feels that the current Comp Plan already shows Office Service/Neighborhood Service, high density and Community Service designations in there. The Neighborhood Model direction would lead towards encouraging mixed use developments. Staff felt that at this time there was not a need to make a specific statement regarding mixed use in that area. Also, that might be something that is better addressed when they begin master planning for Neighborhood IV and V, but recognize that it probably will be a year and a half away. This area is technically outside of the Area B Study Area. That was staff's conclusion on that one. There being no comments, he moved on to the next item.

- Next is the Trinity Presbyterian Church Neighborhood Center, which is at the end of Fontaine Avenue. It is another area that was shown for a Neighborhood Center use. Our Comp Plan currently shows that area currently as a Neighborhood Service Designation/Neighborhood Density Residential and then Office Services where the Forestry Department is located. When the consultant modeled this area it basically modeled it assuming the same type of build out that would be seen under the current Comp Plan Designation of Neighborhood Density and Neighborhood Service. Staff's recommendation was to make a reference since those uses were across the streets from one another that those uses could be kind of put together and a Mixed Use Development could be created, but the gross development coming from that would not be any different than what could be generated out of our current Comp Plan. Therefore, staff did not recommend a change in the Land Use Map and the gross densities, but just to identify that is an area where there could be a Neighborhood Center.

- Infill development on Fontaine Research Park is the other major development in an area currently in the Comp Plan shown for Office Service Use. The Study recommended infill and expansion within this area. Staff does believe that this is a good location to continue that level and scale of development. However, the same issues and concerns with the extent of that expansion and infill were relative in being able to be served by the existing and proposed transportation system. The bullets are in much the same form as used for the Granger Proposal. Staff in the third hyphen down said provides additional access points to the Research Park to Sunset Avenue Connector Road and Fontaine Avenue.

- There is a possible attached residential mixed use at the Forestry Department. Although that might be viable in the future, staff does not feel that is a use that is going to happen within the next 5 to 10 years. Staff did not think there was a need to make that reference.

- Single family detached residential south of the railroad tracks and across from the Granger property. Redfields development was referenced incorrectly. The Area B Study was actually referencing the Knob Hill development. Staff does not feel any amendment is necessary there. It is already shown as Neighborhood Density Residential.

- Residential and mixed use opportunities at I-64 interchange. Again, that is a reference back to pretty much the same area shown as Community Service, Office Service and Urban Density Residential. That is Neighborhood Service use there. Staff does not feel that there is a need to amend that. That will best be considered during the master plan review for Neighborhood IV and V.

- The possible location for a new school in this area was identified. At the November meeting staff had indicated that this might be an okay site for a school. Again, that is something that would be better addressed when they look at the Neighborhood IV and V master plan. Staff proposes to have a general reference to the Area B Study for its information and consideration of the information and recommendations contained with it. By that reference if they were to be doing a school locator analysis it would be a reference document where they would look at various possible recommendations. Staff feels that is sufficient. It is a study that staff can look to for additional information and ideas. But, no reference to the schools is necessary in the Comp Plan.

- Infrastructure – Staff would add a specific reference to construct the Sunset/Fontaine Connector Road. They believe that the other references on those sites where the road is located tie it to the timing of development with a development proposal. So a simple reference to the road construction is all that is needed. There is a reference to the upgrade to Sunset Avenue that would be necessary all the way to Fifth Street. That is already identified in the Comp Plan by a map.

- Staff will go back and make sure that the intent of the road is in the Comp Plan verbiage.

Mr. Cilimberg noted that Alternative IV is as Mr. Benish explained a dotted line on a small scale map. The reality is what Mr. Cox was referring to that ultimately when dealing with a development of Fontaine and Granger that is when you really have to decide exactly where the road can best go to meet the intent. That is where Mr. Benish was suggesting some possible added language that would talk about intent.

Ms. Monteith noted it shows the connection points that were discussed. There are certain key connection points that they want to achieve.

Mr. Edgerton said that so much of the dotted lines and the vagueness in the maps in the Comp Plan has come back to haunt the Commission. When actual proposals come in it is hard for the Commission to interpret what those lines mean. If the lines happen to go across a piece of property that they are considering for a rezoning all of a sudden those lines take on a life of their own whether dotted or not.

Mr. Cilimberg said that what has ended up happening more recently is that they have been in the position of having to interpret where those locations are as development proposals have come in. In the absence of actual location studies that is where they are left. He felt that they could take the example of Crozet where Eastern Avenue might be, which they ultimately had determined was not directly on one property that was subject to rezoning, but was literally on the edge of that property. The project ultimately got through. On the western side of Crozet they had a Western Avenue that was not exactly where the plan called for it, but it met the intent of providing Western Avenue in Old Trail.

Mr. Edgerton noted that in that case fortunately it was controlled by one developer, which is such a rare occasion.

Mr. Benish noted that PACC was very adamant about where certain points were, which was what staff would emphasize. It is fairly precise as to where the entrance needs to be, which is east of the existing Fontaine Park. There needs to be a railroad overpass, which the physical features are going to predicate where that is going to be. It needs to intersect with Sunset. Those are the key points. There is a level of flexibility about how that can be accommodated.

Mr. Cilimberg said that one of the things that came up during the Area B Study and probably will not become something they can get their arms around was that those parking lots were redevelopment areas for Fontaine. Until they see the plan for Fontaine for its expansion they can only go by intent now. So they should not think of a road passing through a parking lot as necessarily being what is there now. It may be a very different scenario under redevelopment. That is why it is important to express the intent of what they want to accomplish. The rezoning is where it becomes reality. The idea of connections needed on Fontaine is the critical pieces.

Ms. Monteith noted that Mr. Benish already noted that the general discussion was to align more closely with Stribling and to go around rather than to go through.

Mr. Benish said that the next road recommendation was to extend Stadium Road from Fontaine Avenue and connecting with the new Fontaine/Sunset Avenue. From the City and County staff's perspective, it was seen as a road that needs to be considered as a piece for solving the potential road network transportation issues out there. Staff believes they need to make that recommendation and identify that as a possible connection. It's particularly line location is less important than its intersection point, particularly at Fontaine Avenue to create an intersection with the Fontaine/Sunset Connector.

Mr. Strucko pointed out that it was a walking path now.

Mr. Benish said that there was also a recommendation put back to the Study Area for a connector road between Fifth Street and Avon Street. One day it may have some potential depending on what might happen in the long term. It might be of some value to that. Staff did not feel that right now that road has a great benefit. It is a costly road to build. There is not much development opportunity to incorporate that. Most of that area has been developed. Staff is not recommending that to be included in the plan. It will obviously be in the Study Area so it will be an idea that has been articulated. But, staff is not recommending it as a road that needs to be constructed. The last major road item is the recommendation regarding the Southern Parkway. It is outside the Study Area, but the consultant did provide recommendations for a possible alignment for the Southern Parkway. The Comp Plan shows the road running up between two subdivision streets down the stream and intersecting generally in there. The consultants considered an alignment that would tie in with the roadway for Oak Hill and the road that serves Covenant School. Staff believes that is a neighborhood roadway network that is worth considering as the Southern Parkway is considered for construction. This would be an alternative alignment that would tie into some existing and potentially future road systems and intersect with Sunset Avenue at Fifth Street. There are some opportunities to create some of these linkages with the development of Southwood Mobile Home Park by Habitat of Humanity. The language says to consider this as a possible alignment and/or interconnection to the Southern Parkway. It could end up being something done as a next phase after Southern Parkway is built.

Ms. Joseph noted that it looks impossible. There are a lot of houses in that area as well as a stream and topographic issues.

Mr. Benish said that the alignment would pick up several existing roadways. There are some vacant lots in this area. When the consultant looked at it they acknowledged that those lots were vacant. But, ten to fifteen years from now they may not be. But, there are small corridors that they could get through to make this connection. There are subdivision streets there and not through streets. So it is a different character of road way.

Mr. Cilimberg pointed out that whenever the Southern Parkway has been discussed the biggest challenge has been getting over Biscuit Run and then finding a way to make it to Fifth Street on the west side of Biscuit Run because of the existing lots. They face the same kind of challenge if they are coming up

through the other areas. The Southern Parkway in general has that challenge. It has been on their plan for so many years.

Mr. Benish said that the consultant at the time was trying to split between the two neighborhoods. There are some pretty significant constraints with the original concept of getting that road in. It is something that someone is going to have to take a closer look at to see what the cost benefit is environmentally and to the neighborhood. It is going to be a very expensive crossing. The consultant wrapped the road around the critical slopes.

Mr. Strucko said that staff's language is flexible enough to accommodate a variety of circumstances. The point staff is making is that it is in the best interest for a connection to occur.

Mr. Benish agreed that the intent was to say that this makes some sense to consider. If the Southern Parkway ends up going through this area they might decide to do a neighborhood connection. But, all of these linkages have some sense to them whether it is the Meadow Creek Parkway or not. One of the times they should take a look at this is when they move forward with the Southern Parkway, which is a high priority roadway that the Board has established for construction. The City feels that it is a very important connection.

Mr. Edgerton noted that there would be some very serious budget constraints dealing with the critical slopes.

The Planning Commission was okay with leaving the language in.

Mr. Benish noted that they had already covered #6. There are a number of good recommendations embedded in the Open Space and the Historic Preservation Plan Study. Most of them are already referenced in various documents that the County has already adopted. But, he thought that it would be useful to remind people to take a look at the Area B Study. Staff recommends considering the transit, bicycle and pedestrian recommendations. Staff has some direction on better articulating the intent on the Fontaine/Avon Street Connector and making sure that they are clear about the expectations for residential use on the Granger property. Those are the two major issues that need to be considered.

Mr. Craddock commented on page 6 in #1. It is included in the whole document about adding the Fontaine/Sunset Connector Street. But, in a literal interpretation you could read that sentence as you either add Fontaine/Sunset Connector Street or reopen Sunset Ave Bridge. He suggested that it read "and" reopen Sunset Avenue Bridge eliminating "or". If they open the Sunset Avenue Bridge, then they don't have to do the connector street.

Mr. Benish noted that the major focus of the recommendation is to get the connector road. The City component of developing this plan, to both staff and the community, was very adamant about the connector road. They were very much less in favor of opening Sunset Avenue. He felt that the plan and sensitivity to City concerns was leaving that as the and/or as being the broadest variable about how they address the Sunset Avenue Connector.

Mr. Cilimberg said that from the City's point of view the Sunset/Fontaine Connector was priority one and then Sunset Avenue in the City being upgraded with connection back over into the County would be a potential subsequent action. But, Sunset/Fontaine needed to be in first.

Mr. Craddock agreed.

Mr. Benish said that it is okay to take the "or" out because it seems like if you don't do one that you would do the other. He did not think the City has any interest in that. It also could be misinterpreted though that the "and" means that you are definitely going to open up Sunset Avenue. He did not know that they were comfortable with the final decision that they are definitely going to open it.

Mr. Craddock suggested putting in that it is a possibility.

Mr. Cilimberg pointed out that the next step is the public hearing. Staff is talking with the City staff to make sure that they understand.

Mr. Benish noted that there would be a meeting between the two Chairmen as opposed to a joint City/County meeting. That is the consensus of the City. Therefore, they would start with a liaison approach.

Ms. Joseph invited public comment. There being none, the meeting moved on to old business.

In summary, the Planning Commission held a work session on the Southern Urban Area B Study CPA and Granger Property CPA. Staff reviewed the proposed text amendments to the Comprehensive Plan incorporating the recommendations of the PACC Southern Urban Area B. The Planning Commission took applicant input and public comment. The Commission discussed, asked questions and made comments and suggestions. The Commission was in general agreement with the direction of the recommended amendment language. There was a suggestion to clarify the amendment language to be clearer on whether residential uses are allowed as a possible use or expected as part of the mix of uses on the Granger site. There was another suggestion for staff to clarify the scale of the commercial aspect of the development recommended for the Granger site, that being of a smaller Neighborhood Service scale of development. Staff will be discussing the County staff's recommendations with the City's planning staff (Neighborhood Services Dept) and possibly with the City Planning Commission depending on the feedback from the City Director of Neighborhood Services. The next step is a public hearing.

New Business:

Ms. Joseph asked if there was any new business.

- The upcoming meeting on Biscuit Run will be a work session on the proffers. The Commission suggested that the City Commissioners be invited to sit with them at the dais during the work session.
- There will be a work session on Willow Glen in early February. Mr. Craddock pointed out that he had met with the applicants and they want to make sure that their financial package that they had talked about and were interested in was understandable to the Commission. They felt that it was an important component of their application. There was some confusion when it initially came out about this project that it all was going to be affordable. Now it has come out with some affordable and some workforce housing and then some other market rate housing to pay for the whole project. So the applicants wanted to go over that and expect that it would take about a half hour. But, he felt that the applicant could get it explained quicker than that. The Commission asked that staff invite Ron White to attend that work session.
- Tomorrow the Commission will meet jointly with the Board to talk about the Mountain Overlay District. She emailed Ken Boyd today requesting 5 or 10 minutes for Mr. Craddock and Mr. Cannon to talk about the history of that committee. He went a step further and asked if they could explain why the actions were taken and why the suggestions were made. He asked that it be in a bulleted format. Mr. Cannon pointed out that he could not attend.
- Ms. Joseph asked that the Commission in the future review the groundwater determination and have Mr. Kamptner provide an overview of what happened with that case.
- Mr. Strucko will be absent next week. Mr. Edgerton will be absent for the Places 29 work session.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:03 p.m. to the January 10, 2007 meeting that begins at 3:00 p.m. in the Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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