Albemarle County Planning Commission
January 16, 2007

The Albemarle County Planning Commission held a meeting and work session on Tuesday, January 16, 2007, at 4:00 p.m., at the County Office Building, Room 235, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Duane Zobrist, Pete Craddock, Jon Cannon, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Jon Cannon arrived at 4:22 p.m. Absent were Eric Strucko and Bill Edgerton. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia was present.

Other officials present were David Benish, Chief of Planning; Judy Wiegand, Senior Planner; Lee Catlin, Community Relations Manager; Elaine Echols, Senior Planner; Harrison Rue, Executive Director of Thomas Jefferson Planning District Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the work session to order at 4:06 p.m. and established a quorum.

Work Session:

Places29 Work Session – Staff will present a general update on the status of the Places29 Master Plan and outline the next steps in the planning process.

Ms. Catlin and Ms. Wiegand, joined by Harrison Rue, were present to provide a project update to the Planning Commission on Places29 and outline the next steps in the planning process.

Ms. Wiegand presented a power point presentation and summarized the staff report. (See Attachments A and B: Staff Report and Power Point Presentation dated January 16, 2006) The consultants and staff are finishing up the final revisions to the draft framework plan before the work shop. The consultants are drafting plan text on the maps in the land use categories, etc. Some of that text will be brought forward for the public at that work shop. They are also completing the last part of the transportation modeling. They are developing street cross sections and intersection treatments. Staff might have some of that information available at the next work shop to show the Commission how they are handling it. Those cross sections show things like sidewalks, placement of medians, etc. It will include some of the details not yet shown on the framework map. They are also working on the draft design principles or guidelines. She provided a brief overview of the February public events:

- The first week material for the work shop will be put on both the County's and the Planning District's website. They hope to have a newspaper insert the week before that to show a lot of the materials including the framework map. Displays will be posted in several locations in the area.
- In week 2, there will be a public work shop in the evening to include a consultant presentation to the Commission to which staff would also like to invite the Board. Also, consultant presentations to the community and agency stakeholder groups will be held.
- In week 3, there will be a series of neighborhood meetings somewhere between 2 and 4 as requested by the Board of Supervisors.
- There will be a lot more details provided by Ms. Catlin at the next work session.

Harrison Rue provided an update on the status of the transportation modeling. At this point they are going back and forth between individual intersections and syncro and the model that simulates the traffic conditions. The capacity of an individual intersection determines exactly how many lanes are needed and whether additional lanes or turning lanes would be needed. He showed 2 of the "visionazations". They looked at Gasoline Ally, and if Meadow Creek Parkway is built, they want to use this as a bus route. They want it to be pedestrian friendly. They also looked at Berkmar Drive for pedestrian friendly walkways. They are working on the intersection modeling. Many people are interested to know what the traffic time is. Within the next couple of weeks they will have those numbers. After the intersection work is done, then they have to go back to see if any changes have to be made to the full plan All of that should be

done within the next couple of weeks. The bike and trails information should be available at the next work session.

Ms. Wiegand reviewed the draft framework map and other maps and noted the changes that have been made from various sources. There are 3 framework maps. She noted that additional changes will be made to the maps. There has been a lot of public input and discussion with stakeholders. She reviewed the changed in the Forest Lakes area. The changes are based on neighborhood input. There were many concerns expressed. The residents did not want the connector road to Polo Grounds Road. The reserved right-of-way in Forest Lakes will be changed to "potential connections". She discussed the Green Infrastructure Map for the north. She reviewed the Transect Maps that show where the more intense and less intense development should be. These maps will be further reviewed at the January 30 meeting. Staff will put the map that will be seen at the public work shop on the County and TJPD's websites early in February so that people have a chance to look at them. Paper copies will be available for those who don't have internet access or a color printer. She asked the Commission if they had questions or comments, and what they would need at the next meeting.

Ms. Monteith asked about the green infrastructure, and asked staff to define semi public open space.

Ms. Wiegand replied that basically semi-public open space was open space that is part of a development in a residential neighborhood that is open to residents of that neighborhood and their guests. It is anything that is not a County owned park. Also anything that is either a part of a homeowner's association or that is a floodplain, which has environmental concerns, is in that category right now. On the green infrastructure map it is just things that are owned by homeowner associations.

Ms. Monteith asked about the class b versus multi-use trail. She assumed that the class b trail was referring to the bike trails.

Ms. Wiegand noted that there is a class b and class a already defined in the County's Greenway Plan. Class b is basically unpaved. The multi-use path is something that they are including for Places29, which will probably be paved at least in part because it is intended to serve a variety of types of locomotion. It will be open for bikes, walkers and strollers. It possibly might be for horses in some places. But, it is basically intended to be multi-use. In many cases it will run along a road instead of a sidewalk.

Mr. Rue noted that some of these roads, which will come through on the sections, actually have multi-use trails next to them. But, they might need to amend this map to show where a multi-use trail is next to a road for a couple of them.

Ms. Joseph noted that she could not find anything that defines Neighborhood Service Community Center Destination Center or Uptown in this.

Ms. Wiegand replied those were defined earlier. Staff will provide more information on that. But, the definitions have not changed.

Ms. Joseph asked staff to provide a label and more information on the institutional piece of property colored blue on Polo Grounds Road.

Ms. Wiegand replied that the County owns that property, which is not built on yet, and no decision has been made as to what it will be used for. They have talked about putting a school or a park there. So far nobody has any specific plans for it. She noted that there will be more information provided on it in the text.

Ms. Monteith asked that the colors be clarified.

Ms. Catlin said that next time staff will be coming with the plan for the public input session. It would be helpful for the Planning Commission over the next couple of weeks to look at this material and help staff to know what they to hear from the public that will helpful as they go through the decision making process. Staff has some questions and information that they are hoping to solicit, but they want to make sure that they are on target with what will be helpful for the Commission to hear as decision makers at

this point. She asked for any comments or suggestions to help guide staff to make sure that the right questions get asked and the right material gets talked about with the public during this session. Staff is currently looking at Agnor Hurt School for the large meeting. Then there will be 2 or 3 smaller neighborhood meetings throughout the area.

Elaine Echols said staff wants the public to get familiar with the maps.

David Benish said they have not addressed every issue from the public. There are still issues with land use designations. There are workshops in February and weeks worth of neighborhood meetings. Staff will be going into greater detail with the PC at the next work session on January 30.

In summary, a work session on Places29 was held by the Planning Commission. Staff presented a power point presentation and provided a project update to the Planning Commission on the status of the Places29 Master Plan and outlined the next steps in the planning process. The following items were discussed: Update on the status and schedule; Overview of the February Public Events; Update on the Transportation Study; Presentation on the Draft Framework Map & Related Maps and took comments and questions. The Commission reviewed and discussed the materials and provided the following comments and suggestions: Request was made for staff to define semi-public open space; and On the Transect Map North the colors need to be clarified. The next work session will be held on January 30, 2007 to receive additional input and answer questions.

The meeting adjourned at 5:00 p.m. for a dinner break.

The meeting reconvened at 6:00 p.m.

The Albemarle County Planning Commission held a meeting on Tuesday, January 16, 2007, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Pete Craddock, Duane Zobrist, Jon Cannon, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Absent were Eric Strucko and Bill Edgerton. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia was present.

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; Claudette Grant, Senior Planner; Greg Harper, Water Resources 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. There being none, the meeting moved on to the next item.

Review of the Board of Supervisors Meeting – January 10, 2007

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on January 10, 2007.

Consent Agenda:

Water Protection Ordinance (WPO) Amendment – Illicit Discharge Detection and Elimination: (Greg Harper) – For the Planning Commission's Information

Motion: Mr. Morris moved, Mr. Craddock seconded, for approval of the consent agenda.

The motion was approved by a vote of 5:0. (Mr. Edgerton and Mr. Strucko were absent.)

Work Session:

ZMA 2005-017 Biscuit Run (Signs #52, 56, 63)
PROPOSAL: Rezone approximately 828 acres from R-1 Residential (1 unit/acre), and R-2 Residential (2 units/acre) to NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Maximum number proposed residential units: 3,100. Commercial uses proposed also.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential in Neighborhoods 4 & 5-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: Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south of the Mill Creek subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20.
TAX MAP/PARCEL: 90/5, 90/6D (portion), 90/17D, 90-A/3,
90/A1-1, 90/A1-1E, 90A/1A, 90A/1B, and 90A/1C.
MAGISTERIAL DISTRICT: Scottsville
STAFF: Claudette Grant

Ms. Grant summarized the staff report with a power point presentation.

- Location: Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south of the Mill Creek subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20. (See Attachment A)
- Proposal: The applicant proposes to rezone approximately 828 acres from R1, and R2 residential to NMD Neighborhood Model District. Approximately 3,100 residential units, a school and a neighborhood center, which would include commercial, office and community uses are proposed.
- The purpose of this work session is to inform the Planning Commission of staff's review, analysis and comments regarding the revised plan, code of development and proffers not related to transportation. The work session provides an opportunity for the Commission to advise staff and the applicant regarding these matters. In particular, the Commission is asked to provide feedback to the discussion questions posed by staff.

The revised application plan shows the following important revisions:
- The rural area designated parcel is no longer included in the rezoning request. As a result, the total acreage of the rezoning request has been lowered from 920 acres to 828 acres.
- The total number of residential units within the development has now been decreased to 3,100 from the 4,970 units included in the applicant's original plan.
- The location of the proposed school is now within the development area and no longer in the rural area portion of the property.
- The area designated for a district park continues to be located in the rural area, which will no longer be part of the rezoning request.
- The neighborhood center will be of a neighborhood scale, not regional, and is proposed to be located towards the eastern portion of the site near Route 20 where most of the residential density for this development is proposed to be located. This neighborhood center will provide commercial, office and community uses for the community.
- There are now four stream crossings instead of three crossings which were originally proposed. These stream crossings are associated with proposed roads which provide interconnections for the proposed development.
- Sixteen historic features have been identified. A couple of the historic features will remain protected.

Some important items in the staff report include the following:

- The applicant has shown a level of commitment to protect the streams and the stream valleys. They are to be commended for doing this. The staff report does discuss areas that need additional protection. There are five areas that staff recommends as areas needing further protection. There are five areas circled on the map. These five areas have significant stands of hardwoods and some of the

nicer areas of vegetation on the site are located in these circled area. Critical slopes are also located in these areas as pointed out in the staff report. Four of the areas shown are in the open space plan as important areas. Staff does suggest relocation of roads to further protect these areas. This could be complicated and could result in redesign of the layout and the design of the site as well as it may result in a reduction in the density.

- Because the park location is now in the rural areas, this is something that staff would like to discuss a little further. It is contained in the questions posed by staff for the Commission.

- The reduction of the density is also an area as just discussed relating to the design and the layout. There are several proffers in which staff has asked the Commission questions about.

- Staff recommendations are not quite a recommendation, but just a request for the Commission to provide feedback to the discussion questions posed by staff.

- Staff would like the Commission to know that the Rivanna Water and Sewer Authority (RWSA) have recently raised concern regarding the potential lack of capacity to provide for public water and sewer for the Biscuit Run development. Staffs, the applicant, RWSA and Albemarle County Service Authority (ACSA) are working on this issue and will bring further information to the Commission at a subsequent work session.

- Generally, staff feels that the design of the Biscuit Run project is much improved. However, there are a number of substantive matters regarding the plan and proffers that have been identified and for which the Commission's guidance is sought.

Based on the applicant's submittals and anticipated staff review, the following schedule has been tentatively set for the continued review of and possible action on the Biscuit Run project:

- January 30th - Traffic (TIA) and transportation proffers.

- February 6th - Summary meeting.

- Saturday, February 10th - Public Forum. Staff and Commission available for public discussion regarding traffic/transportation and other issues relating to this project. This meeting will be located at County Office Building 5th Street.

- February 27th - Planning Commission public hearing

- April 11th - Board of Supervisor work session

- May 9th – Board of Supervisor public hearing

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

Mr. Morris said that in the staff report on page 11, under other matters it states that the Rivanna Water and Sewer Authority has recently raised concerns regarding the potential lack of capacity to provide public water and sewer for the Biscuit Run Development. However, in the code of development it very clearly states on page 44 that the structure is in there as a 24" inch pipe, 2 water towers, etc. It just leaves it up in the air. He asked if staff has anything in writing on this.

Ms. Grant replied that staff does not have anything in writing. The staff at the Rivanna Water and Sewer Authority attended a meeting a couple of weeks ago in which they expressed concern about capacity with this particular development. There is a meeting scheduled for tomorrow with the Rivanna Water and Sewer Authority as well as Albemarle County Sewer Authority and the applicant.

Ms. Joseph asked if the RWSW and Albemarle Sewer Authority looked at this project before.

Ms. Grant replied yes, they have been involved from the beginning.

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

Steven Blaine, representative for the applicant Forest Lodge, LLC, said that they want to try to answer as many questions that they can this evening and identify any information that is needed.

- They would like to set a specific timeline on when to deliver those. They would like to go through the staff report questions and help the Commission answer some of the questions, which they think in the most part can be answered in the affirmative. He distributed a handout with an insert to the Commission. (See Attachment) They have taken a look at staff's recommendations for further protection of some sensitive slope areas and they have for the benefit of the public a blow up of the map insert that was shown on the screen.

- They are quite pleased with the progress, particularly in these last areas of preservation that is the last 1 ½ percent of the project. They have reduced the density 3 times in this project since the application was filed over a year ago. The density has been reduced by nearly 40 percent from the original application. Over 40 percent of the Biscuit Run project is committed to open space, greenway, trails and buffers. Now they are down to that last 1 ½ percent of sensitive slopes. They want to take a hard look at that and see if they can't accommodate those suggestions. When the Commission sees the proposed plan that what they are beginning to see is a reduction in connectivity. Connectivity is an important element and principle of the Neighborhood Model. Therefore, they are prepared to make these changes, but they think that the Commission ought to be able to appreciate what those trade offs mean.

- The applicant has made 5 suggested changes to staff's proposal. Beginning at the north end of the project they have eliminated one connecting road. They have expanded the green space. Scott Collins, our engineer, has moved the road further up as far as they can to get it out of the critical slope area to preserve this area as green space. On the western side of the project they have eliminated the connection in the stream valley and made it all open space. They have eliminated what they think is an important connection from a portion of the site that is somewhat isolated by avoiding a stream crossing. They think that they can make a connection to the larger project by getting an accommodation from the Habitat of Humanity over to the connecting road. That would be their suggested response to that. But, they would be losing a connection to the greater project in an area. Then the last change they wanted to note was that in the park area they have actually been able to move the trail head so it does not conflict with an identified historic resource. Again, these are trade offs. They are prepared to make these further changes, but that it is probably something that the Commission may want to discuss.

- In terms of the proffers, the greenway dedication and the pocket parks, the answer is yes, that the greenway systems should be sensitive to natural resource areas and managed for multiple uses. It is stated in the code of development that the trails will be of a class a standard. If they need to clarify that in a proffer they can do that. The class a standard is intended to accommodate multiple uses. It can be used for cycling as well as pedestrian use with an 8' width. The dedication process for pocket parks will be simplified. If staff is having trouble interpreting it now that is to their benefit to clarify so that when they submit subdivision plats and site plans they can all understand what their commitments are. They are open to suggestions on how to do that and perhaps with the filing of a site plan or a subdivision plat that incorporates that pocket park. That would be the appropriate time for the dedication.

- Again, following along in the handout the next issue is the affordable housing. Absolutely, they should revise it to improve clarity and enforceability. They would suggest that in terms of the mechanism, which is set forth in the proffer, that it is fairly complicated because it is intended to address not just the affordable housing at the County's definition of the qualified buyer who is 80 percent of median income. They picked up on some recommendations from Ron White to bridge the gap between the 80 percent median income level and the average housing price in Albemarle County. In recent reports he has seen $320,000 for an average home sale in Albemarle County. What their proffer does is provide an incentive to provide housing between the 80 percent County

definition of affordability and the average home sale, as well as below the 80 percent, by providing cash contributions to off site affordable housing project in the Habitat Humanity project. They understand that is very much in its infancy in terms of Habitat, which is scheduled to close on the property in a month. They think that the proffer ought to be clear about that credit. If they get one, the credit should be tied to an actual housing program. If he can read between the lines of staff's comments, if they are concerned about enforceability, it seems that the developer and the investors here get a credit for actual housing. That is what the proffer is all about.

- In terms of the school site, they have 11 acres of R-2 zoned property. They think that is $200,000 an acre, which is a 2.2 million dollar contribution. As they have seen in other proffers, in addition to the site if the school is not needed there would be a cash proffer for general school improvements. They are prepared to meet the North Pointe contribution, but they have tried not to model this project too much after North Pointe. They can meet the precedence set there by agreeing to make a $500,000 cash contribution.

- On terms of the district park site, the Commission needs to decide whether they want it in the rural area or in the zoning application. They did this in reaction to one Commissioner's concern. There is an implication about possible future change of use if the district park is included in their rezoning. He asked the Commission to tell the applicant what they want. He felt that the County Attorney would advise the Commission that they could make the proffer work either way. They can control the site and proffer to dedicate the district park. In terms of phasing, as a general proposition they are opposed to phasing. But, the impacts of this project are addressed in the proffers, the application plan and the code of development.

- They had a very productive meeting with VDOT, the County and City this afternoon on traffic. He thought that they were going to get some hierarchy or priority of projects or improvements from VDOT that they expect to be able to respond to. They would expect that VDOT will have some suggestions at a point during the phrasing that the build out of the project improvements might be slated. That is typically what they do. The proffers that they have given have been front loaded in terms of the traffic proffers. But, they are going to see what the staff comes back with. He felt that they would have a productive session on January 30 and talk about that some more.

- The last point was about general cash proffers. He was not sure what the precedent was regarding cash proffers. But, in a general sense cash proffers were pretty well settled in Virginia. They are not appropriate here where many millions of dollars worth of proffers in cash for particular uses have already been offered. They have provided in the tabulation the costs of their proposed proffers. The value of the total proffers to date is $33,565,000. He challenged the Commission to find any project that has come close to a fraction of the value of those proffers.

- In terms of the comments about the RSWA, he did not know what was specifically said, but as Ms. Grant mentioned they have a meeting with them tomorrow. He spoke with the Chairman of RSWA, Mike Gaffney, today and it is not customary for them to comment on particular zoning requests. Their customers are the Albemarle County Service Authority and the City of Charlottesville. The engineering staff at RSWA is part of a larger capital improvement project, which is pretty sound planning, for analyzing sewer inceptors. Among those will be the Moore's Creek Sewer Interceptor. He was not sure what stage it is in and they don't have any results. They will find out more about that tomorrow. He would expect that they will have more information to report to the Commission. In terms of the Albemarle County Service Authority lines from the interceptor, those have all checked out. There is abundant water. There is abundant treatment capacity in the sewage plant. They are going to nail down the last bit of information that they need to make this project work.

- There were some suggestions about the extent of the buffers that they are proposing in this. He has talked with several Commissioners about how extensive the buffers are and whether it is appropriate to place buffers between two residential uses. Our clients and investors since the beginning of this project have asked us to not just seek a zoning that meets the legal requirement, but have asked us to try to get the community to embrace this project. That is what they are trying to do with a lot of these proffers. They have not given up on that. They hope at

the end of this process that the community will embrace this project. If there are any questions, he would be happy to answer them.

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

Mr. Zobrist asked if there was a key to the colors on the map.

Mr. Blaine replied that they might have cut that off in trying to do that on a legible page. This comes from one of the tables in the code of development. It will use the same color table as that map in the code of development, which is exhibit 5, the green space plan.

Ms. Joseph invited public comment.

Shirley Dorrier, long time resident of the Scottsville District, said that the 4 lane highway option for Route 20 is a bad idea. In order to decrease the traffic that Route 20 should not be widened. The residential units should be decreased in Biscuit Run. The buffer zone should be enlarged so that there is enough green space to keep the road beautiful. The applicant should be held to the amount of bulldozing. She asked that the applicant not be allowed to bulldoze the land flat like was done on Route 29 north.

Kevin Fletcher, resident of the Scottsville District, said that staff's questions covered a lot of his questions. This is a development where no more housing is needed, and no more commercial space is needed. As far as infrastructure the County is not prepared for this. They need to conserve as much of their growth area as possible. More affordable housing is needed. The proffers are convoluted. He felt that developers are trying to get out of having 15 percent affordable housing in the County. He mentioned the 90 day loophole in affordable housing in the Old Trail development in Crozet. Now these people are trying to tie it into Habitat Humanity, which is a wonderful project. But, the Director of Housing is trying to distance from this project.

Alia Anderson, Executive Director of the Alliance for Community Trace and Transportation, said that they are a non-profit that advocates for improved land use and alternative transportation in the Charlottesville area. They are very interested in the transportation impacts of this development. She recognized that the Commission has set aside a work session specifically for transportation on January 30 and they will be back then. As she reviewed this staff report she sees a lot of attention given to connectivity through trails and sidewalks within the development, but not much discussion of how people will get to and from the site. The discussion that is there in regards to the applicant's proffers has to do only with road widening and improvements as they relate to single occupancy vehicular or individual vehicle traffic. She felt that they have a huge opportunity here with this new population in this new part of our County to set a precedent for alternative transportation use in the County such as transit. Old Lynchburg Road is a priority area for transit improvements. This is a tremendous opportunity to work with this developer and recommend some proffers that relate to transit. Both Route 20 and Old Lynchburg Road are highly used as bicycle routes for mostly recreational riders now. With this new population moving out there it presents a huge opportunity to increase the number of cyclists' commuters coming on both of those routes, such as a bike lane on the road or a separated multi-use trail that connects that development to downtown and to UVA. The proximity to those centers is such that it is a real opportunity. The process that she hopes they will use to make those decisions is to look at the number of units and decide what percentage of people they will strive for using alternative modes. Can they get 10 percent of the people living there to commute on bikes? Can they get 20 percent of the people there to commute by transit? If that is true, let's see that the dollar amounts of the proffers match up to those alternative modes.

Morgan Butler, an attorney with the Southern Environmental Law Center, said that they believe that the County's policy of steering growth to the designated development areas in order to preserve our rural lands and protect the natural resources will only be successful if the projects in these targeted areas are well designed. The design is even more critical when they are talking about a development at the proposed scale of Biscuit Run. The applicant has clearly made some design improvements since they first submitted this proposal. They feel that there are important improvements yet to be made. They would like to use the next few minutes to emphasize a few of staff's recommendations as well as offer some of our own. Put the design improvements aside for a moment because he wanted to make clear that they have not yet concluded that this site is appropriate for development of the scale proposed by the

developers. Back to design, first of all like staff they acknowledge that a development of this size will inevitably result in the destruction of natural resources. This makes it that much more important that they do everything that they possibly can to minimize this damage and keep development activity away from the most valuable resources. In that vein, staff has recommended 5 additional areas of particular environmental value that warrant protection beyond what is proposed in the latest design. Staff has suggested that this additional protection could be achieved by some revisions to the layout of the plan. The applicant tonight has set forth some new revisions to the plan, which address some of these areas. But, he did not believe that they address all 5 of them. He would like to get staff's sense on how these latest changes protect these areas after staff has had time to digest them. Second, they remain concerned that the current design relegates all commercial uses to an area at the far eastern area of the site along Route 20. Locating the commercial component on the outskirts of the site along a major roadway will make it difficult to establish a sense of community within this development and it would discourage pedestrian movement between the commercial area and the various residential areas. Is this neighborhood commercial center intended to be more convenient for the residents of this development or for automobile passing by on Route 20? They would ask that the applicant revise the layout so that the commercial area is more centrally located within the project site with the densest residential areas continuing to be located in close proximity to the commercial center. Third, they agree with staff's point about the importance of ensuring that the greenway be developed and managed for multi-uses so that it accommodates both pedestrians and bicyclists. They were encouraged to hear that the applicant appears to be signing on. Fourth, they share staff's concern with the idea of proffering the affordable housing units on an adjacent property that the applicant does not control and is currently for sale. They would like to see all affordable units directly incorporated into the project. Finally, the phasing of this development seems like an excellent way of reducing the environmental impacts of grading a site of this size as well as realistically addressing the various infrastructures and challenges that this proposal presents. A development of this size will affect and damage the natural resources.

Joseph Gutley, professional engineer, said that the previous speakers have made valid points. He lives in Mill Creek South, but not in an area that will abut Biscuit Run. The project seems terribly ill-conceived. He felt that this is a lesson in democracy, and suggested that the Commission focus on what they are about to decide and what the impacts will have on the community. This development is overdone. The impact on the quality of life will be impacted. This development is a disaster. The proffers are only minor changes that really mean nothing. The congestion will be terrible. There will be dangerous roads. They are not addressing the major issue. This is a big issue taking into account all of Albemarle County. He hoped that it was not a done deal. There are traffic, water, sewer, streams and all kinds of bad impacts. This would be poor planning. He asked them to have vision, and to think of the future.

Ms. Echols pointed out this was the first time that staff had seen the information distributed by the applicant this evening.

The Planning Commission reviewed the questions posed by staff as follows:

Should additional natural resources on the site be protected?

Mr. Morris said that as many natural resources that can possibly be protected should be within reason. All the natural resources have to be looked at. It seems that the applicant started doing that when he gave his presentation.

Mr. Cannon agreed that at least in the areas that were identified in the staff report the applicant has begun the process of addressing what might be done to reduce the impacts. There is a suggestion in the staff report that addressing these issues that might result in a lowering of the density. He acknowledged that the density has been reduced several times in the past. He did not hear that from the applicant, but possibly they can't decide that now. The applicant's concern seems to be related mostly to connectivity rather than density. But, he welcomed illumination on that point.

Ms. Grant pointed out that when she said that she did not really think of taking out for connections. In speaking with other staff, they thought that relocating some of the roads will leave the connections. But, it could also reduce the density because then they would be going into some of the areas they were

showing as development area. The applicant might be taking out some of the developable land in relocating some of the roads.

Ms. Joseph said that when staff was talking about hard wood stands in the staff report, does Mr. Goodall have more description of that. Are the 8" caliper trees older trees? She was trying to get an idea of what he was talking about as far as significant to get an idea of what they would be saving. She did not have the time to go out and look at all of these phases to see what is there. She was relying on staff for some of that information.

Ms. Grant replied that staff did not get into what species of trees were out there and how large. But, Mr. Goodall did say that some of the larger trees on the site are located in these areas.

Ms. Joseph asked if staff could provide a couple of examples so that they know what is out there that would be saved as a result of some of this.

Mr. Craddock noted that he had not seen the new flyer to see if the applicant was trying to address some of those concerns with what they are trying to do. He agreed with Mr. Morris about trying to save as much as possible. Maybe the applicant will be including some more saved areas that staff has not had a chance to evaluate yet. Of course, the Commission just received this information tonight. There may be some more work on Attachment C that the applicant is working on that the Commission and staff are not familiar with right now. There is a question mark on how much more additional natural resources need to be protected because they don't know what the applicant has changed it to now.

Mr. Zobrist concurred with Mr. Craddock and Mr. Morris in terms of preserving natural resources because this is a very large development. While he recognizes that Mr. Blaine told us that 40 percent was being preserved, a lot of that 40 percent he could not build on anyway. So they could not really count that. He felt that they should look at staff's recommendations and these critical areas to see what they can do to help us out. If it requires a reduction in density, then so be it. Just because it is a development area does not mean that they level it.

Ms. Joseph felt that staff's desire was that the connectivity be maintained. Therefore, it sounds as if this will take a little bit of work.

Mr. Morris noted that on page 7 of the code of development it states that the development may be between 2,500 and 3,100 units. This is the first time that he has seen that they have a range. He was curious about that.

Ms. Grant replied that she did not know how the range has come about. In our discussions, they have been talking about 3,100 units. She suggested that the applicant might be able to answer that question.

Mr. Morris asked Mr. Blaine for clarification on the range.

Ms. Monteith asked to jump in on the issue of connectivity and interconnectivity to say that making these changes would change the connectivity and implies that the connectivity can only be obtained in driving a single occupancy vehicle car. There are other ways to have interconnectivity. One can walk. She says that annoys her.

Ms. Joseph noted that there is interconnectivity and whatever way it manifests itself that there can be some compromise for something like that.

Ms. Monteith said that just to assume that if you can't drive there in a car it means that you can't get there is not correct.

Mr. Blaine said that they do need to lay out a road network so that plans and subdivision plats that follow have a scheme to follow. But, if they are going to eliminate roads they can make it clear that there will be pedestrian connections. They tried to respond to staff's comments. They are precluding further changes. They can clarify that. In terms of the range he explained that 3,100 would be an upper limit. They could proffer that. But, the density is going to depend on not just this plan, but on site development conditions

and market factors. So to state a range is just so that people's expectations are correct. They can eliminate the range. It goes to a lot of other text in the code of development. It is not strictly regulation. There are sentences in there that provide some context or reasoning on why the code is the way it is. But, they are welcome to make further changes to that to clarify.

Mr. Cannon noted that this is in the growth area and part of the goal in the growth area is to achieve a certain density in order to take pressure off development in the rural areas. The applicant has given a range of 2,500 to 3,100. Is there anything in the code of development or elsewhere that makes that 2,500 enforceable as a minimum density.

Mr. Blaine replied no, that he would hope not. He asked what would be the relevant time frame.

Mr. Cannon asked if there was anything to assure them that when the development was built out that it has this minimum density.

Mr. Blaine asked when the build out will occur. They have areas in the growth areas now that they might feel through redevelopment are not built out. Is there a horizon because it can always be intensified and zoning is usually dealing with an upper limit. He did not know if they could provide that assurance in a legally enforceable commitment. It is certainly in the interest in the land investor to seek a density level that reaches the rate of return. The staff also notes in the staff report that the by right with density bonuses is over 1,400 units. He was glad that staff put that in the report.

Mr. Cannon said that the Commission is making some concessions here in the interest of density and he would like to be assured that they were going to get density back with his life time.

Mr. Blaine agreed because he thought that they were making the concessions.

Ms. Joseph asked Mr. Kamptner if the Commission has ever done anything in the past that would ensure that they would achieve whatever density on the upper end that they are looking for.

Mr. Kamptner said that he could not recall.

Ms. Echols pointed out that staff was working on Rivanna Village. The Commission asked for a minimum density on Rivanna Village, which was new territory. The Commission asked for a minimum of 4 dwelling units per acres. They talked about how they track that and are working in that regard. It is not unusual to have a range. They expect it inside the code of development. It is not problematic to staff that there is a range. There is also a certain amount of trust that one has to put into the amount of money somebody puts into a development to put in all of the amentias. They have an expectation to get as high density as they can. If the Commission wants to impose or set an expectation relative to density she thought that while it was difficult to enforce it was something that staff could work with the applicant on.

Ms. Joseph asked staff what she had heard from this question to put in bullet form from the Commission.

Ms. Echols said that the Commission is concerned about the natural resources on the site. They think that more attention needs to be paid to those natural resources. The information that the applicant gave us tonight indicates that he would like to respond to the staff's concern and has made a suggestion with this brochure that we all need to look at and work on together. We need to look at whether or not interconnections have to be made by roads or they could be through paths and such.

Mr. Cannon noted that the answer to the first question is yes. The only thing that he wanted to keep track of is if there are tradeoffs in that, what they are.

In summary, the Planning Commission was in agreement that the answer to question one was yes and that the natural resources on site should be protected. The Commission is concerned about the natural resources on the site. They think that more attention needs to be paid to those natural resources. The information that the applicant gave us tonight indicates that he would like to respond to the staff's concern and has made a suggestion with this brochure that we all need to look at and work on together. We need

to look at whether or not interconnections have to be made by roads or they could be through paths and such. If there are tradeoffs in that, what are they?

Is the revised design and layout of the site appropriate?

Ms. Grant noted that staff was talking about the current design of 17 blocks and the connections.

Mr. Zobrist felt that the layout is fine as long as they protect the 5 areas.

Mr. Craddock agreed with staff that the current layout is better than the plan of several months ago. It is greatly improved. He agreed with Mr. Zobrist on that connection to the first question.

Mr. Morris feels the road layout moving toward the contours is much better.

Ms. Monteith felt that the layout was improved.

Mr. Zobrist asked to include a caveat to minimize degradation of the site in going through the process of addressing these sensitive areas.

Ms. Echols said that what she heard was that the design is generally okay. It needs to be looked at in relation to the environmental resources, as referred to in question 1, to minimize degradation. Whatever the design is it needs to be done in such a way, which would include all construction aspects of it as well, that minimizes its degradation.

In summary, the Planning Commission felt that the design is generally okay, but in relation to environmental resources it needs to be looked at.

Should the district park be located in the rural areas?

Mr. Morris replied yes, that the park was where it should be.

Mr. Craddock said that he was fine with the park being located in the rural area.

Mr. Cannon felt that the park was appropriate in the rural area. He asked how intensive is the use of the park and what facilities will be in the park?

Ms. Grant replied that staff has not gotten into the details.

Mr. Cannon asked if there would be a big amphitheater with rock concerts.

Ms. Grant replied that she did not think so. The Parks Departments has considered some fields, etc.

Ms. Joseph felt that a park was fine, but they need to think about how much infrastructure needs to be provided because they were going over the line from the urban areas to the rural areas. She felt that will come at a later phase when the design of the park is actually done. The Commission asked last time that this be removed from part of the rezoning request because that looks like it may be an after thought that development could occur sort of jumping the line from the development area into the rural area. The applicant responded exactly the way the Commission talked about last time.

Ms. Monteith said that since the design has not been thought through that it would be worthwhile to think about the relationship to the transition areas and what is beyond that parcel. So if it is additional wooded area beyond that parcel that perhaps the transition area would be protected since it was right up against a neighborhood.

Ms. Echols said what she heard was that the Commission was okay with the location. As a matter of fact, the Commission prefers the location. But, they want to have a regional park that responds to the kinds of needs we expect that may not be intensive active needs and that the park design whenever and whoever does this needs to be responsive to what is on the outside of the park in the rural area.

In summary, the Commission was okay with the location. As a matter of fact, the Commission prefers the location. But, they want to have a regional park that responds to the kinds of needs we expect that may not be intensive active needs and that the park design whenever and whoever does this needs to be responsive to what is on the outside of the park in the rural area and development area. There were concerns with treatment of boundary.

Should additional natural resources on this site be protected knowing that in order to do this the density proposed may need to be lowered?

Ms. Grant noted that the next question brings them back to the first 2 questions.

Ms. Joseph said that the Commission had already talked about this question and the answer was yes.

Should the greenway systems be designed and managed for multi use purposes, and sensitivity to natural areas? And should the timing of dedication for the pocket parks be revised?

Ms. Grant noted that the next question was getting into the proffers.

Mr. Craddock noted that some of that was addressed in the new information about the pocket parks to be dedicated with the plat or site plans and the trails would be class a.

Mr. Zobrist felt that the applicant has responded to it and has done what staff has asked him to do.

Mr. Cannon said that the applicant has responded, but the Commission does not have staff's response yet. So they need to await that.

Ms. Monteith replied that in terms of the questions asked, the answer is yes, yes and yes.

In summary, the Planning Commission's response was yes to all 3 questions. They suggested that the applicant and staff work together on this issue.

Should the affordable housing proffer be revised to be satisfactory with staff's recommendation for appropriateness and enforceability?

Ms. Joseph asked Mr. White if he had any comments.

Mr. White replied that he would answer any specific questions. The questions that they have put forward in his comments, which he was not sure if all of them got in the staff report, relate to the scale that they use to give credit to units. That scale has not been adopted. The applicant mentioned that tonight. The second area that was mentioned tonight was in dealing with credits for working with the developer of Southwood Trailer Park. That brings up more serious concerns. He felt that it would be a very interesting approach for the two developers to work together, particularly if Habitat does end up buying the property, which is going to be 50 to 60 percent affordable. It would be a good idea to look at the two developments in response to the affordable housing as a whole, but how they work together is a piece that is missing. There is no type of formal agreement. Certainly that will not be able to be executed until after Habitat does purchase the property, which he felt was now set for February 15 as a closing date. Those are his only specific comments.

Ms. Joseph asked if he knew anything about the 90 day deal because the housing market has changed significantly since they first accepted that proffer as far as how quickly the houses sell, etc. She wondered if he had an opportunity to think about that and think whether or not they may extend that.

Mr. White replied that a couple of the new proffers received have gone to 180 days. He did not think that the days that get a notice that a unit is going to be available made a different. He felt what the Commission may be asking and what may be coming up in questioning the number of days is when does that whatever time period end. Ideally they would like to get notified as soon as practical that a unit is going to be available by a certain date with a minimum of about a 90 day window. They certainly would

like to be in a position of having that unit not sit for closing sometime during the period between the day it is completed and 30 days later. This would be so the builder was not sitting there with a very long holding period. The real question probably is how long after that unit is complete do they put requirements on holding it as affordable. He said staff will work with the applicant if they desire to amend their proffers and comment on that. Again, on the notification they have set out an expectation. They have looked at other jurisdictions and 90 days is the typical period, although there are other strings attached in Fairfax. They are breaking new ground here to have a cooperative agreement with the developer and the staff of Community Development and Housing. They have a system in place now that they are just getting trained on so he will be able to see day in and day out where the development is. If a site plan comes in he would receive notification. Those are the types of communications that help us prepare. So the 90 days is a formal written period when they are notified that a unit will become available on such a date. They certainly hope to be way ahead of those 90 days with the site plan approval process and everything else. But, they will look at what the applicants present in the proffers and comment on it based on direction from the Commission and actions by the Board and Commission from the past.

Mr. Craddock felt that the notification process was very important. If it was going to be done on a certain date, then they have 90 days after that to try to locate somebody or at least get them started in it. He asked if Mr. White if he had seen the proffers and understands them conceptually.

Mr. White replied that he understood the proffers conceptually because he has sat down with the applicant on several occasions and talked about it. He understands the applicant's intend, but was not real clear that everybody would understand it that way and that it would be enforceable. In a nutshell 15 percent of the units will be affordable. But, in another section where the applicant talks about credits involving Habitat or the developer of Southwood he says that ½ of that 15 percent or 7 ½ percent could be in the form of contributions to this other development. It is like the applicant is saying that 7 ½ percent of the units will be affordable and then they will give cash proffers in the amount of $16,000 per unit for the other 7 ½ percent if they want to look at in from another angle. There are some other obvious details in there. It talks about a second mortgage to protect the difference in the appraised value of the sales price. That can be an issue with the financial community. That may not be acceptable until they can have a program to follow up to see if that would do just that.

Mr. Zobrist said that this is a very creative way of solving a problem that is very difficult to administer for the County. In his view if they put the he entire affordable housing in the Habitat and they got the cash that would probably speed up their development. He understands the problem they have in trying to articulate this in getting something that is affordable. They have a moving target because they don't know what the price will be. Then they have the equity portion that they are trying to protect that might not fit in with the lending community. He felt that they have to find a way to simplify this to where the County can enforce it and know where it is going and make sure it is available to these people. He felt that it was very creative of the developer to get with his potential neighbor. They need to find a way to solve this because the County has a tremendous need for more affordable housing. But, it is not going to work if they don't have a method of enforcing it and if they don't have a method of calculating it and understanding what it is. The market is coming down right now. Regarding the 90 day period he questioned if the market is soft will they be able to find people to occupy all of those units. At this stage they don't have to have something set in stone, but they need to have a format to move forward. He thinks the answer is yes.

Mr. Craddock agreed.

Ms. Monteith wondered if affordable housing units have been addressed off site before.

Mr. White replied only through developers giving cash proffers that could be used off site.

Mr. Kamptner noted that they have had at least one applicant who at the draft process proposed affordable housing off site, but the proffers were revised before it came to public hearing.

Ms. Joseph asked Mr. Blaine if he would like to address this issue.

Mr. Blaine suggested that the applicant meet with Housing Director and try to simplify the proffers and make it easy for the County to enforce. He asked that they not give up on the creative approach. He understands that the scale has not been adopted, but asked that they not allow that to be a reason not to try to tweak it and be satisfied with it. The community deserves a chance to try to widen the approach to affordable housing. That is what they are trying to do with the Habitat contribution. They feel that it can be enforceable if the default is always the 15 percent on your property. The only way they can get relieve from that is by demonstrating that they have contributed cash to an affordable housing program. They will work with Ron White to try to make it clearer. If they determine that it is still unworkable they also have an interest in it. They want to have proffers that are clear so that site plans and subdivisions plats can be approved. Therefore, they will meet with Ron White to work through this issue.

Mr. Craddock noted that Overton McGee of Habitat for Humanity was present. He asked if he might have a comment for Habitat about the discussion.

Ms. Joseph invited Overton McGee to speak.

Overton McGee, with Habitat for Humanity of Greater Charlottesville, confirmed that they do have a contract on Southwood Mobile Home Park. Their plan is to redevelop it to a higher density with the Commission's help with getting that density. They want to make it a mixed income community that includes affordable housing for the families that already live there. Obviously, the money that Biscuit Run is proffering would be extremely helpful. One advantage if there is a legal way for a portion of the Biscuit Run proffer to be directed to our effort at Southwood is they would be channeling most of that into housing for very low income families. Whereas, the typical proffer may benefit families that earn between 60 and 80 percent of area median income. The majority of their effort goes to working with families who earn between 25 and 60 percent of area median income. In fact, in Southwood there are families that earn even less than 25 percent of area median income with whom they will be working.

Ms. Joseph said that the applicant has proposed a different way of looking at the affordable housing issue. She was troubled with the points system because she did not want it all to be up above the 80 percent range and providing more of those and not more of the lower. She did not know whether she would disregard the whole thing and go back to the way they have done it with every other project that has come through, but there would have to be some assurance that a large percent of the lower income people would be served by this affordable housing and it would not be in the upper $320,000 house range. It would have to be something that is more sensitive to lower income.

Ms. Echols reminded the Commission that the County does not have an adopted policy which supports that.

Ms. Joseph asked why they were talking about it. Is it offered as an option? She asked Mr. White to respond.

Mr. White said that using that scale that at least ½ of the units produced would have to be affordable to people below 80 percent. That is written in the proffer. But, it is also written in the recommendation that the Housing Committee has made. That is one of the recommendations that have not gotten back to the Planning Commission for public hearing yet. The other thing is when they are talking about the sales prices that scale covers sales prices between $103,000 and $248,000. So that gives them an idea of what sales prices they are talking about.

Ms. Joseph questioned how they handle it if the policy has not been adopted.

Mr. Cannon asked if the proffer was consistent with the recommendation that the Commission has not seen yet.

Mr. Zobrist noted that the answer to the question is yes.

Ms. Echols said what she heard the Commission say is that they would like staff to work more closely with the applicant on the mechanics of the proffers to make sure that they are enforceable. But, the

Commission is not bothered in concept by the proposal that has been presented here tonight. She was not sure if that was accurate for the Chair. But, that everybody but the Chair was satisfied with this.

Ms. Monteith said that she heard that it needs to be simplified also.

Mr. Craddock agreed.

In summary, the Commission would like staff to work more closely with the applicant on the mechanics of the proffers to make sure that they are enforceable. The Commission is not bothered in concept by the proposal that has been presented here tonight. But, the Chair expressed some concerns. Also, the affordable housing proffer needs to be simplified.

Should the school site proffer be revised?

Ms. Grant noted that staff has concern about the sunset clause in the school proffer.

Ms. Joseph asked if staff has ever seen this before.

Ms. Echols replied that there is a school site proffer in North Pointe that the Commission had reviewed that had a sunset clause. But, that sunset clause is 20 years, which is longer. The North Pointe proffers have a lot in them including that all of the grading will be provided, irrigation will be provided, the area will be available for a park until such time as it is used for a school there is a dedication period that starts 260 days after approval of the rezoning and then there is a time period for acceptance of that dedication for a park or a school use. Then 20 years later if the school is not constructed then the proffer reverts at that point and there is a cash contribution to take its place. How it is being proposed tonight relates to all of that. She got the impression from the applicant that he was willing to work through this and understand where the concerns were. So she felt that there was more work that could be done on it. But, staff has accepted a school site proffer with a sunset date on it with some of the characteristics that the applicant has put in. Although there are a number of things that staff would suggest are changed.

Mr. Zobrist suggested that when the proffer was done then the Commission can talk with them.

Mr. Morris said that staff and the applicant need to work on this.

Mr. Craddock said that it was an incomplete proffer, and Mr. Zobrist agreed.

Ms. Joseph said that the proffer was unacceptable.

The Planning Commission agreed that staff and the applicant need to work on the incomplete proffer.

Should the park proffer be revised to include a cash contribution to help mitigate the impacts of the Biscuit Run development on recreation areas in the County?

Mr. Morris pointed out that they had no idea of what the park is going to look like. Therefore, he it is very questionable and did not think that it was appropriate at this particular time.

Mr. Cannon said that it was not clear what the proffer would be designed to do. Would it be designed to off set the cost of maintaining or operating the park or would it be designed to off set impacts on available park resources elsewhere in the County from the additional people that would be added through this development.

Ms. Grant replied that it would be cash for improvements to this park.

Mr. Craddock said that it would be like $200,000 towards the actual design of the park.

Mr. Zobrist noted that was in the revised proffer.

Ms. Echols said in the revised proffer the applicant was giving $200,000 towards the design of the park. This one probably needs some additional discussion because in Old Trail they got a fully improved park. That is up to the Commission. They have other situations where they have park designs that are being proffered. They have park improvements being proffered. This would be more than just the land. This would be about some of the facilities that would be necessary.

Ms. Joseph suggested that they ask the applicant what they are thinking about.

Mr. Blaine pointed out they are offering to proffer $200,000 for design and study about what the County wants. That could be applied to address the various issues. He would draw a distinction in this proffer to provide a regional park, of 92 acres, versus Old Trail that was a 25 acre park with a cash proffer of $50,000 for park design. Once again, they have gone above and beyond what has been asked for. They think that it addresses the concerns that have been raised tonight.

Mr. Morris noted that the revised proffer as just described by the applicant seems fair if they put that $200,000 to this site identifying what they want on this site.

Mr. Zobrist and Mr. Craddock agreed.

Mr. Cannon said that they don't know what it would take to turn the land into a park because they don't know where the park will be located. He was uncertain whether $200,000 is enough.

Ms. Echols noted that at this point it was really important that they get Pat Mulaney involved in this one. Up until now it has not been there. Now that there is a figure staff needs Mr. Mulaney's comments and responses.

Ms. Monteith asked when this becomes a park who maintains it. The more developed the park is the more money it will take to maintain it, which might be worth thinking about in this process.

In summary, the Planning Commission suggested that additional discussion needs to take place, which should include Pat Mullaney.

Should there be a commitment to a phasing plan for this development?

Ms. Grant said that the next question involves phasing and if there should be a commitment to a phasing plan for this development.

Ms. Joseph felt that Ms. Dorrier made a good point about reminding us about what it looks like on Route 29 when there was mass grading going on without any real phasing or phasing of the implementation of that. It was just totally scalped. They had a lot of erosion and sediment control problems, including silt in near by ponds. So it is also easier for the community to digest it in smaller bites. But, the one thing that is extremely important in this is making the connection road being one of the first things that happens in there. She did not know how they do that without disturbing the whole site.

Mr. Morris said that from a conceptual basis he would like to see it phased in. However, once they start laying out the piece of land on the site how much is practical, especially when they are starting to cut in roads and so forth. He did not know. But, conceptually he likes the idea of phasing.

Mr. Zobrist noted that Old Trail was being done in phases. He asked if the applicant has proposed any phasing.

Mr. Blaine said phasing typically in zoning is done to tie to infrastructure needs. They have addressed those in the proffers. They will not develop or grade this entire project because they will respond to market demand. So they expect it to be built in phases. Is it going to be built from the east to the west or to the west to the east they don't know? They ought to be able to address erosion and sediment control and measures. They ought to be able to address the aesthetic concerns by ample buffers so that people looking into Biscuit Run are really not going to see that pre-development activity like they have seen on many other projects. On Route 29 one could not help but see it. He felt that they could make a

distinction there. But, again he asked if someone could articulate why they need to phase. In particular if they are talking some kind of artificial limitation on delivery of residential units it is counter to what they just talked about in limiting the supply of affordability. But, to date no one has articulated that for us. Perhaps someone will. He asked if there was a way that they could identify zones if they are developing in this area, so that there could be no more clearing in a particular zone.

Ms. Joseph felt those were the kinds of things that would be good for him to think about. She knew everybody was supposed to put erosion and sediment control measures in, and they do. They do have good inspectors. But, that still only traps 60 percent of what is running off. That is all the State requires. So when they have a huge amount that is denuded and there is a lot of rain coming down and sometimes it comes down a lot harder than they think, then they do have problems. She also thinks that this is a very sensitive area in many ways, not just environmentally. So many people care about this piece of land that it would make sense if they could come up with some measures that would help make it a little more sensitive for people and a little bit more palatable.

Mr. Cannon agreed. He suggested that they identify those features of the development process that will cause the greatest sensitivity and then try to address those whether it is through phasing or some other means such as a buffer. He felt that adequate buffers were part of the solution here so that people are not confronted with the denuding of the whole landscape. The erosion and control measures may fit themselves to some sort of phased development just as the process of making sure that they are doing the best job possible on that. Looking at it functionally may be the way to get through it.

Ms. Monteith suggested that it might be helpful to get a couple of different options on how it can be phrased. Buffers can also act for filtration. So it is not just visually, but when it is tighter and more compact in terms of the area that is being addressed they can usually manage the environmental issues better. So the priorities that they have in the plan and part of what Mr. Cannon is saying is that if it is possible to look at the principle elements that have to be there to make this place function and then if there is some way to phase off of those it would be interesting to see.

Mr. Blaine noted starting with the spine road, the connector and the critical elements and then taking from that that he felt that was a good idea. Perhaps they could add options A, B, C and D so that they were not locked into one market approach, but address the phasing. They will look at that.

Ms. Grant suggested that the applicant might want to take up the phasing discussion with the transportation and also the utility because those would be big impacts.

Ms. Echols said that the Commission said that they want the applicant to consider and explore how phasing might be able to take place and if it is possible to mitigate the impacts so that they don't get the degradation occurring all at once. The Commission might want to revisit this in the issue of roads and utilities as well the relationship of phasing to roads and utilities.

Mr. Cannon felt that was a fair summary. He felt that it should be looked at on an impact or problem by problem basis to see whether it offers something or not. If it does, then there may be a way to implement it. If it does not or if there is a better way to do it, then he would select that. Phasing for its sake, in other words, does not appeal to him.

Ms. Echols noted that it has to do with impacts, absolutely.

Mr. Craddock agreed.

In summary, the Commission wants the applicant to consider and explore how phasing might be able to take place and if it is possible to mitigate the impacts so they don't get the degradation occurring all at once. The Commission might want to revisit this on the issue of roads and utilities. Phasing has to do with the impacts.

Should there be a commitment in the way of cash proffers per unit?

Ms. Joseph said that the applicant has offered a lot, but she wanted to look at this question in terms of transportation. There have been a lot of proffers for transportation. She did not know how to weigh this in relation to other developments that the Commission has looked at. Those applicants may have given cash proffers per unit, but may not have had as extensive proffers for any sort of outside or off-site transportation. At this particular time she did not feel comfortable giving an answer on this one.

Mr. Craddock and Mr. Morris agreed.

In summary, the Commission at this particular time did not feel comfortable answering this question, and asked to look at this question in terms of transportation.

Ms. Joseph asked that the Commission find out about the water and sewer capacity so that it does not become an issue.

Mr. Craddock asked that staff provide a summary about the water and sewer capacity for next week's meeting.

Mr. Morris asked Mr. Gottlieb if he would like to come up and address the Commission.

Mr. Gottlieb said that it was really impressive that the Commission and staff were asking some serious questions about Biscuit Run. Professionally, he wanted to make one comment. When Mr. Blaine first met with them at Mill Creek South, several persons took Mr. Blaine aside and asked him if he had walked the site and the 15' wide buffer between Stone Creek and the edge of Biscuit Run, and he said no that he had not. It was pointed out that there is a virgin Birch forest in there, which they would love to preserve. Aside from that he asked if their engineers had looked at the topographic map because it will be expensive to alter that. The topography is Mother Nature's topography. If they had done what they said they were all of the drainage would have gone across Stony Creek right into our ditches and the pond, which feeds Rivanna Lake. It really has a great impact. The civil engineer should look at the topography and consider this. They need to think about the erosion to the land and the costs. There is more here then aesthetics. He asked that staff look into that issue.

Ms. Joseph noted that staff had received answers to all of the questions.

In summary, the Planning Commission held a work session on ZMA-2005-017, Biscuit Run. The purpose of the work session was to inform the Commission of staff's review, analysis and comments regarding the revised plan, code of development and proffers not related to transportation. The work session provided an opportunity for the Commission to advise staff and the applicant regarding these matters. Additional information has been received from the applicant that staff has not had time to review, but staff feels that it will not have any effect on the recommendations and the comments provided. This is an opportunity to receive feedback that will be helpful to give staff and the applicant direction as to how to proceed. Staff presented a power point presentation, summarized the information associated with this project and posed several questions for the Commission. The applicant's representative, Steven Blaine, made a presentation and explained the revised plan, code of development and proposed proffers not related to transportation. Public comment was taken. No formal action was taken. The Commission provided feedback to the discussion questions posed by staff as stated in the above minutes.

Old Business:

Ms. Joseph asked if there was any old business. There being none, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

- Mr. Morris noted that on Friday the first meeting will be held for the Committee on the Eastern Connector.

- Ms. Joseph noted that the Historic Preservation Group that met in September at Clover Fields will meet again on February 14. All members of the Planning Commission are invited to attend.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:54 p.m. to the Tuesday, January 23, 2007 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road.

V. Wayne Cilimberg, Secretary

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