Albemarle County Planning Commission
February 6, 2007

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, February 6, 2007, at 6:00 p.m., at the County Office Building Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Calvin Morris, Vice-Chairman; Jon Cannon, Marcia Joseph, Chairman; Bill Edgerton; Duane Zobrist and Pete Craddock. 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; Judy Wiegand, Senior Planner; Amy Arnold, Senior Planner; Claudette Grant, Senior Planner and Greg Kamptner, Deputy County Attorney.

***Call to Order and Establish Quorum**:*

Ms. Joseph called the regular meeting to order at 6:05 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.

Deferred Item

SP 2006-00037 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
DEFERRED FROM THE JANUARY 9, 2007 PLANNING COMMISSION MEETING.

Ms. Arnold summarized the staff report. (See Staff Report.)

- The request to amend the special use permit by the applicant.

- Staff distributed letters of support for the proposal from Tracy H. Cleveland, Connie Knight – formerly Connie L. Worrell and Edna Tapscott Anderson. (Attachment B: Three (3) letters of support)

- At the Planning Commission meeting on January 9, 2007 the public hearing for the amendment to the Camp Watermarks Special Use Permit was deferred until February 6, 2007 due to an error in adjacent property notifications.

- Staff received a letter dated January 9, 2007 from Catherine J. Womack of Feil, Pettit & Williams PLC Attorneys at Law on behalf of adjacent property owners Mr. and Mrs. Roy Wissel objecting to the proposed amendment to a Special Use Permit. The Wissel property is comprised of lots 1A, 1B, 2A, and 2B of Tax Map 136, parcel 10 (SUB 2006-78 Hatton Grange Farm) of which lots 1A and 1B are adjacent to the Critzer property. The letter outlines the following concerns regarding the proposed amendment and respectfully request the amendment to the Special Use Permit be denied:

- *"The usage previously approved counted for about 8% of the calendar year; now almost 31% of the calendar year will be devoted to camp session, further reducing the use of the property for farming."*

- It is staffs understanding that camp activities have not reduced farming activity to date and the Critzers plan to continue to operate the camp and the farm simultaneously.

  - *"They (Mr. and Mrs. Wissel) acquired their property with the expectation that they would be located in a quiet, bucolic agricultural setting, not next to a camp serving 720 children and 160 staffers. The applicants' proposed use would without a doubt change the character of the district, increasing traffic and lighting and reducing the farm use of the property."*

  - Camp Watermarks is limited by the conditions of the Special Use Permit to 36 to 45 children at a time with 10 supporting staff per session.
  - Traffic impacts are limited in the conditions of the Special Use Permit, no changes are proposed: The maximum number of bus trips (round trips) to and from the camp, each session shall be six (6)
  - All lighting on site is by-right under agricultural use; for this reason the Special Use Permit does not address lighting issues.

- Staff has received the following additional correspondence regarding the Camp Watermarks amendment:

  - Two emails from members of the local community in support of amending the Special Use Permit for Camp Watermarks from 4 week long session per year to 16 week long sessions per year. (Attachment H)
  - Four letters from neighbors and members of the community expressing support for the proposed amendment. (Attachment H)
  - Paul Bryant, neighbor closest to the camp site (parcel 136 6E), contacted staff by phone on January 8, 2007 to express his support for the proposed 16 weeks of sessions at Camp Watermarks.

- Since the reports were completed staff has received additional correspondence as follows:

  - A letter dated January 25 from Tracy Cleveland of Scottsville in support of the request.
  - A phone call on January 30 from adjacent property owner, E. Mitchell Carr in support of the request.
  - A Letter dated January 28 from Connie Knight in support.
  - A phone call on February 5 from Kenneth and Barbara Lake of North Garden in support of the request.
  - A letter dated February 6 from Edna Anderson of James River Road in support of the extension.
  - In addition, a phone call on February 6 was received from James Whitmore of CSX Railroad stated that CSX is neither for nor against the extension, but has concerns that campers not be allowed to cross the railroad at this point. The farm has legal access of the crossing only for farm use and not for the campers. (Staff noted that it would be a violation to cross the railroad tracks for camp activities.)

- Staff has found the following factors favorable:

  1. Farming will continue as the primary activity on these parcels; the camp remains a secondary use.
  2. The applicant's approach to traffic management on James River Road reduces impacts on the neighborhood.

3. The camp environment remains well integrated into the surrounding landscape.
4. The camp experience contributes to Rural Areas goals by heightening awareness and understanding of agricultural processes and natural resources.

- Staff has found the following unfavorable factors:

1. Increased traffic on James River Road.
2. Increase in overall activity levels on and around the site.

- Staff recommends approval with conditions.

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

Mr. Craddock said that he had only received one letter against the proposal from the Wissel. He asked if the Wissel's home was any where near the camp.

Ms. Arnold replied that the Wissel's property is part of the new subdivision of Hatton Grange on adjacent property as shown on the map. The Wissels live out of state and have not built on the property at this time.

Mr. Edgerton expressed concerns about the lighting issue and questioned if the camp lighting would have to comply with the lighting ordinance.

Mr. Kamptner replied that for camp specific activities the lighting ordinance would apply, which would be subject to zoning administrator review.

Ms. Joseph expressed concerns limiting the number of vehicular trips since it was not covered in the conditions. She asked what would be responsible in terms of the number of trips.

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

Angela and Travis M. Critzer, applicants, spoke in favor of the request. They made the following points concerning their special use permit request:

- The existing lighting was all there before this property became a camp. The lights are attached to a farm shop and used to work on farm equipment. There has been no lighting added since the camp began. The camp only has porch lights.
- They are requesting to operate the camp for 16 weeks due to the large demand.
- His family owns over 200 acres that could be subdivided and create 30 plus homes, which would create a lot more traffic than the camp.
- They want to create an environment where children can have a positive experience by being in a loving caring environment. He asked for everyone's prayer for the camp operation.
- Regarding the collection of fees, the camp collects fees from the children that can pay. They are in the process of becoming a non-profit organization. It is free to all children that cannot pay. The fee for a week is $200.
- Regarding the issue of excessive deliveries, the applicants shop at Sam's Club for their goods. There are no regular deliveries at this time, but it was possible that they might need a food delivery every other week.
- When they started the camp the applicant did not stop any of the agricultural activities.
- The applicants request to use all of the parcels they own for the camp, increase the number of children per session, increase the total number of staff on site at one time to ten (10) and increase the total number of trips to the site.

Ms. Joseph invited public comment.

Kevin Fletcher, resident of the Scottsville District, said that he lived five miles on Route 627 from Camp Watermarks. He spoke in favor of the project because it was a wonderful project. It is a great use for the rural areas and helps preserve it.

Tommy Tapscott, an adjoining property owner on the eastern side, spoke in favor of the camp. The Commission's concern about the lighting issue was important since it was rural. But, they have not noticed any excessive lighting during the camp sessions. He was glad to see something in the neighborhood to support children, particularly disadvantaged children. Therefore, he supported the camp.

Susan Tapscott, resident of the Scottsville community and a tax payer in the County, expressed her support and approval for the expansion of Camp Watermarks. The camp is a compliment to the Scottsville community. She has not been bothered by the camp visitors or their activities. She felt that the camp was well run. Therefore, she requested that the request be approved.

Reverend June Clifford, of Fluvanna County, said that she had been involved with the Critzers for many years in terms of development and leadership skills and ministry to young people and children as well. Her husband has also been involved. She hoped that more people can have access to the camp. They have set perimeters for the parents of the children to work through their stop off points where their bus and vans load to prevent excessive traffic to and from the camp. Therefore, that is something that they don't want to see increased at all. The community at the camp is not well run if there are a lot of interruptions of people coming in and out. She asked that the request be approved by the Commission.

Peter Way, resident of southern Albemarle County for over 45 years, spoke in support of the project. This is an excellent project that is supported fully by the community. Nothing has changed since this project was fully supported by the Commission over a year ago. He hoped that the Commission could not try to impose too many restrictions on something that is working very well right now. He asked that the Commission support the special use permit tonight.

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

The Planning Commission held a discussion concerning the applicant's request to raise the number of campers and staff and to expand the special use permit to include all of the parcels they owned, which was limited to the one parcel.

Mr. Kamptner noted that the request would have to be readvertised to add the parcels and the changes in the conditions.

Mr. Critzer said that he would like to get the number of campers and staff raised during this special use permit review. He wanted to avoid having to go back through another nine month process for the change. It seems that the Commission is in favor of what they are doing. He felt that it would be in their best interest if they did not have to wait months.

Ms. Joseph pointed out that what he was asking for was an indefinite deferral. There was no guarantee on how long it would take to have the hearing rescheduled.

Mr. Critzer asked that the Commission take an action on the request now without the suggested increases. He felt that an indefinite deferral sounds like a long time and that he would prefer to come back with another request if he could not be guaranteed that it be heard within sixty days. He asked that the Commission go ahead and vote on the request tonight and he would reapply for the other amendments.

Motion: Mr. Morris moved, Mr. Craddock seconded, to approve SP-2006-037, Camp Watermarks Amendment, subject to the conditions recommended by staff.

1. The improvements, and the scale and location of the improvements authorized by Special Use Permit 2006-37 Camp Watermarks, shall be in general accord with the

concept application plan dated February 22, 2006, prepared by Angela and Travis Critzer, and titled "Watermarks Christian Ministries Camp" (Attachment D). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance.

2. Compliance with the Virginia Statewide Fire Prevention Code shall be verified by the Fire Marshall prior to issuance of a zoning compliance clearance and the commencement of the special use.
3. Compliance with the Virginia State Department of Health regarding minimum septic requirements shall be required prior to the commencement of the special use.
4. Compliance with the Virginia State Department of Health regarding kitchen and food service approvals shall be verified by the Health Department prior to clearance and the commencement of the Special Use Permit.
5. Total number of staff (in addition to the applicant and their family) on site at one time shall be limited to ten (10).
6. Camp sessions shall be limited to a maximum of sixteen (16), each one (1) week long, overnight sessions per year.
7. The maximum number of children per session shall be limited to forty five (45).
8. The maximum number of bus or van trips (round trips) to and from the camp, each session shall be six (6). Bus or van trips shall be the primary means of transportation for the children.
9. Outdoor amplified sounds or bull horns shall be prohibited.
10. Compliance with VDOT requirements for the entrance shall be verified prior to the issuance of a zoning compliance clearance for the commencement of the special use.
11. Compliance with the Virginia State Department of Health regarding water supply shall be verified by the Health Department prior to issuance of a zoning compliance clearance and the commencement of the special use.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-037, Camp Watermarks Amendment, would go before the Board of Supervisors on March 14, 2007 with a recommendation for approval.

Work Sessions

CPA 2006-00003 and ZMA 2006-00019, Willow Glen (Signs #27, 29)

PROPOSAL: Amend Comprehensive Plan from Industrial Service which allows warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) uses to Urban Density Residential which allows residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Rezone 23.681 acres from Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses for a maximum of 234 units.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service which allows for (see uses above) in the Hollymead Community.
ENTRANCE CORRIDOR: No
LOCATION: property is east of Dickerson Road (Rt. 606) across from Charlottesville-Albemarle Airport and approximately 1500 feet south of intersection with Airport Road (Rt. 649) in Hollymead Community.
TAX MAP: 32 PARCELS: 49F, 49G, 49I, 49J, 49K
MAGISTERIAL DISTRICT: Rio
STAFF: Judy Wiegand

Ms. Wiegand summarized the staff report and gave a power point presentation. (See Staff Report)

- This is the fourth work session on the Willow Glen project. The purpose of the work session is to obtain guidance for staff and the applicant from the Commission on several questions that relate

to their request to rezone the property. At the last work session they discussed the Comprehensive Plan Amendment. Tonight's work session is on the Zoning Map Amendment.

- The applicant proposes to construct 234 residences on the property. These residences will include single-family detached dwellings, duplexes, town homes and apartments being sold as condominiums. The project also includes a community center, tot lots, trails and other open space amenities. Part of the proposal is to connect Willow Glen to the Hollymead Town Center. The applicant is requesting a rezoning of the property to Planned District Residential, PRD. The property is the five parcels as outlined in red in the slide.

- The Commission is asked to provide guidance to staff on the number and types of units proposed, the number and type of affordable/moderate-priced units, the structure and feasibility of the cash proffers, the need for a traffic study and, aspects of the Neighborhood Model.

- This work session is an opportunity for staff to obtain direction from the Planning Commission regarding:

    - The number and types of residential units proposed and whether the number of affordable and moderate price units proposed is sufficient.

    - The structure and feasibility of the proposed "Affordable Housing Loan Fund"

    - Whether the Commission agrees with the applicant's focus on affordable housing or would like to request proffers that deal with other impacts of the proposed development.

    - Guidance or direction from the Commission is requested on the questions posed in the staff report regarding storm water management, relegated parking, and/or interconnectivity, and other site design related issues.

    - There are several questions regarding the proffers. The applicant has offered two alternatives. The first is the traditional CIP contribution in the amount of $696,500, which is $3,500 per unit when the 199 non-affordable units are counted. Or the second alternative is a self replenishing housing fund at $500,000 with a $100,000 contribution to the CIP and a $96,500 contribution to the County transit. The total amounts for the 2 alternatives are the same.

    - The applicant has listed a series of concepts and benefits related to the Housing Program Loan Fund. These contributions would be made to a fund that would be managed by a non-profit agency. An agency would be used to qualify buyers and they suggested a group like Piedmont Housing Authority. This would be a program targeted towards work force or moderate priced buyers. It would be structured as a below market rate interest only second mortgages. It could be used in conjunction with other County programs. The second mortgages would be due upon sale or refinance and they would be repaid in the form of outstanding balance plus a percentage of the equity. The monies would be returned to the fund to assist others. That would be what the self replenishing aspect is. This kind of program would start with Willow Glen, but it could be used elsewhere in the County as well.

    - There are two questions on the proffers. In view of the type and size of the proposed development is the contribution in the amount of $696,500 sufficient. The second question is whether the Commission would prefer the traditional CIP contribution as described in alternative one or the housing assistance fund with the other two contributions as described in alternative two. These are laid out more in the attachment to the staff report.

    - There are other impacts that staff wanted the Commission's advice on, which include traffic impacts, interconnections and relegated parking.

    - Traffic Impacts – VDOT has indicated that the proposed development needs to conduct a traffic study. Staff points out that the Places29 transportation modeling that was done for the

whole area used a different land use than the proposed housing development. The question is does the Commission believe that a full traffic study should be performed in order to assess the impacts adequately. The applicant has provided some trip generation numbers in their report, which is the beginning of what they need to have. But, according to VDOT and the County's Traffic Engineer they also need to know from the full traffic study how that traffic would impact nearby interconnections and other related matters. The trip generation numbers is the beginning, but it is not as much as they feel that the County needs to have.

- When the Neighborhood Model analysis was done on this proposal staff noted that the proposed development does not meet the interconnected street's principle that is one of the 12. They are concerned about whether the second entrance into Town Center Drive can be built. It does connect across property that is not owned by the Willow Glen people. So there would need to be an agreement to build it there. There is also an issue about an existing storm water pond, which would require redesigning that connection in order to make it work. There are also several internal roads that need to be extended and connected to create blocks and to make it easier for pedestrians and bicycles as well as for vehicles to move around. The County Traffic Engineer has also asked for provisions for future connections to the north and south.

- The proposed storm water pond is located off of their property, but the proposed connection that comes out the back and would connect to Town Center Drive right now goes through where the storm water basin would be built. So it is going to require some redesign in this area.

- The first question about the interconnection is should the development be allowed to proceed if the connection to Town Center Drive cannot be made. The second question is should the interconnections be recommended by the County's Traffic Engineer be made.

- The other part of the Neighborhood analysis where they did not feel that this proposal met the principles of the Neighborhood Model is in the area of relegated parking. Most of the parking is in front of the condominium buildings and other residences. Staff noted that the private streets in the development are basically parking lot streets, which the traffic goes between the isles between parking spaces. Some residences also have garages in the front that would have parking in the drive way. So parked cars is going to be very prominent. The question is whether the parking is appropriately relegated or should the applicant be asked to redesign the development to modify the parking putting some of it behind the units possibly through the use of alleys and using parking lots that are more separate and drives other than in the current fashion.

- The last question is if the Commission has any additional guidance on anything else that has come to them as they looked at this rezoning.

Ms. Joseph asked if there were questions for staff.

Mr. Strucko questioned the traditional proffer amount of $3,500 per unit.

Mr. Cilimberg replied that it is an amount that has been in the ballpark of proffers that the Board has accepted on several rezonings in the last year.

Ms. Joseph invited the applicant to address the Commission.

Valerie Long, attorney representing the applicant, Sugar Ray II, LLC, said that others present were George Ray and Marilyn Young, of Sugar Ray; Mark Keller and Steve Edwards with Terra Partners and Katie Flippin who was another attorney from her firm. They have talked a lot about this project over the years and the vision that the applicant's have had for it. They are excited to be moving forward. They appreciate the Commission's support in helping them get to where they are. To jump into the issues she started with the affordable housing, which they feel is the most important. From the beginning they have been saying that Willow Glen can provide the affordable housing that the original Hollymead Town Center

project was not required to provide. That was approved before the new Comprehensive Plan policy was adopted. They think that it would work very well, particularly if the mobile home community just south of the property does turn into something else and go away, then that is all the more reason to have affordable housing here at Willow Glen.

Ms. Long noted that they are proposing the 15 percent affordable housing and then additional moderately priced housing as well. The lowest tier will be affordable to those making between 80 and 120 percent of the American Median Family Income. Those are the guidelines that they have worked with Ron White on. Obviously, the amount of affordable housing provided meets the county's goals and they will exceed the county's goals. Therefore, they feel that absolutely that the 234 units represents a density of about 10 dwelling units per acre, which is obviously consistent with the proposed comp plan amendment density for urban density development in this area. It is also very consistent with the densities that are Deer Wood Estates and other places near by. These units will all be for sale units. The community will include a number of high quality amenities and a significant amount of open space. So again they think that those 2 questions can be answered in the affirmative.

Regarding the proffer question, Ms. Long noted that the proposed contribution of $696,500 is sufficient for the proffers in view of the size and type of the proposed development. As Mr. Cilimberg indicated this has been accepted on a number of projects. It might not be the tradition, but it is the going rate these days for similar projects. They obviously wanted to balance the goals of maintaining some level of affordability here and meeting the goals. They are trying very hard to keep this project from drifting into one that happens with a lot of other projects where they have 15 percent affordable housing and 85 percent high end units with nothing in between. So they are really trying to work hard to keep the cost down so they can provide the tier of housing prices in a mixture of units that they propose.

In early December, they talked about the proposed self replenishing loan fund. They think this is an important component of affordable housing policy in the County. They are trying to not only provide actual units of affordable housing, but also to supplement that with proffering $500,000 to the fund that could be a self replenishing loan fund. It would be used to provide down payment assistance for those families who would qualify for the moderate priced units. As the staff report notes, Mr. White indicates and confirms that the county down payment assistance program does not apply or those making the moderate income tiers do not qualify for the county's down payment assistance. That does not mean that a lot of them still don't need some form of down payment assistance. This would be in the form of a silent second lien deed of trust that could be repaid back into the fund when the house is sold or refinanced. By having it paid back into the fund the fund become self replenishing and then can be used for other families in the future. They are very excited about it and think that it is an unique idea. They realize that there area some kinks and some legalistic to work out, but they are more than willing to roll up their sleeves and work out those issues. With regard to whether this is the appropriate type of proffer or not or whether the traditional CIP proffer is appropriate, she pointed out that their proposal is not just for the housing money. At a minimum they would proffer $100,000 to the CIP. An additional $96,500 for public transit would be proffered. The rest would go for housing. So it is not one or the other. They are attempting to address outstanding CIP issues and mitigate those issues as well. They think this will most directly address the needs that have been identified for affordable housing by their proffer fund proposal.

There were three comments referenced in the staff report about some draw backs. They wanted to respond to those because they feel pretty strongly about them.

- The first one was putting the money into the Charlottesville Albemarle Community Foundation is not a proffer to the county. They agree that it is not a proffer to the county directly. It is an indirect proffer to the community because it will directly benefit the members of our community who can most benefit from those funds. In fact, it was Ron White who suggested that they work with another organization such as the Community Foundation because they have more flexibility to invest the funds, grow the funds and manage the funds than the county is able to if they just proffer them directly to the county. So they are willing to discuss the issue more. But, they thought that the Community Foundation Fund was perfect. They have just established their own affordable housing fund. They can accept donations from anyone to it and apply it to down payment assistance. They thought it was a logical fit and they would not have to reinvent the wheel, but they were certainly open to discussing that.

- The second comment is that the arrangement would not qualify for favorable tax treatment from the developers. They acknowledge that was not the reason that they proposed it. Again, they proposed using the fund because it was an existing fund that they could use easily and it would work well and they can grow the fund. It was not about tax deductions or contributions for the developer.
- Finally, the third comment is that putting the funds into the Housing Assistance Fund does not address other needs that might be out there. Again, she reminded them that it was not just the $500,000 for the Housing Fund, but it was also the $100,000 goes directly to the CIP and the $96,500 that goes for public transit. Obviously, they think that proffers for public transit in this area will be directly beneficial to both the residents at Willow Glen and others living near by. It could help facilitate public transit to Hollymead Town Center and others.

Ms. Long noted that they were willing to do a traffic study. So they will coordinate with the county's traffic engineers and consultants and with VDOT and set up a scoping meeting. They were happy to do that. She offered to walk the Commission through the proposal a little more since they did not have their books with them. She could provide responses with regard to interconnections and relegated parking.
The Commission asked Ms. Long to go through the high points.

Ms. Long said that there was a comment about the project that the staff did not feel that the proposal met the criteria for interconnected streets, particularly because of the lack of a couple of places where staff felt that vehicular interconnections were needed. Adding a road in that area would provide no benefit to the project and just add a lot of asphalt. Therefore, they don't think that connection is either necessary or beneficial. It creates a lot of adverse impacts. One of the other areas was the request for a vehicular connection in this area to connect this road to this road and similarly to connect the other road to this road. Again, they have pedestrian interconnections here. This sidewalk is the primary pedestrian access point for the residents of these three condo buildings to access the central green and the clubhouse. To building a road there they feel would have an adverse impact on those pedestrian connections. They don't think that there is any benefit from a vehicular circulation perspective to adding these roads. The rest of the property provides for a tremendous amount of vehicular interconnections. Other off site connections have been proposed. Therefore, they can promote interconnects to properties to the north and south. They have indicated that they would be more than happy to make those. The next submitted plans will show those interconnections. They don't see a connection between adding those road surfaces and the improvements to traffic circulation. They don't want to make them just to make them. They want to make them if they serve a purpose, particularly if they don't have a corresponding adverse impact on pedestrian ways.

Mr. Strucko asked if they are capable of making the connection to Town Center Drive in the rear.

Ms. Long replied that they feel very confident that they are. For one thing the storm water management facility that is shown conceptually on the Hollymead Town Center Plan. It is our understanding that the staff that is reviewing the Hollymead Town Center Area A plans has let that applicant know of their desire for the need for this interconnection across that property. Staff has let them know about the expectation for a proffer that would facilitate that interconnection. Much as staff has them know that they will need to be making interconnections here and here. They would hope that staff could be coordinating with each other. Ms. Wiegand and Mr. Dougherty, who are reviewing Hollymead Town Center Area A, have already talked about this area. They agree that it is very important. They have had it on their plans from the very beginning. They very much want to make it work. It is their understanding that the designs for the storm water management facility for the Hollymead Town Center property are in the early design stages. So they assume that as part of the engineering staff's review of that pond that they will coordinate with Ms. Wiegand and Mr. Dougherty and make sure that the pond can accommodate their interconnection. The road might need to be shifted since they have some flexibility there. They are willing to work with the other developer. They are optimistic that they can come to a solution.

Regarding relegated parking, Ms. Long said that it was much like interconnections. There is relegated parking and relegated parking taken to an extreme level. They tried to put relegated parking everywhere they could put it. There are some places that staff did not know that they were putting relegated parking that she wanted to point out. If they did it they would have to balance it between the issues of terrain, practicality, pedestrian orientation, vehicular circulation and all of those things. There is some parking to

the side of the condominium building already. There is a significant amount of parking underneath the building. Then there are the smaller condo buildings that have several spaces of under building parking. Those areas were not referenced in the staff report. The single family detached units all have garages. Eight of them have shared driveways with side access garages. The 28' wide townhouses all have two-car garages. So that parking is relegated. The 24' wide townhouses all have a one-car garage. The only properties that don't have relegated parking are the very smallest town home units that have spaces in front and the duplexes, which have spaces in front. Those are the affordable units. It is very challenging to provide garages for the affordable units. They worked very hard to relegate the parking to the extent that it was possible and feasibility, again balancing it very carefully with a lot of the other factors and concerns, such as pedestrian orientation and vehicular circulation.

Mark Keller, of Terra Concepts, asked to put some hard numbers on what Ms. Long just explained. They have 234 units, which with 2 spaces per units is 468 required parking spaces for the owners of those structures. Some of that parking is on lot while others are in a congregate nature in parking lots. For those providing parking on a lot they need to provide additional guest spaces. Those guest spaces required are 27. So if they add the 27 to the 468 residents and guests not total 495 spaces. Of the relegated spaces that Ms. Long discussed the total is 222. Those have been relegated to under building parking or within garages. So to put a perspective on it at this point this plan has 45 percent of its parking spaces located within a structure or under a structure.

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

Mr. Edgerton noted that he had two questions. In the initial presentation he had the impression that the intent was to provide more than the mandated 15 percent for affordable housing. He asked if that was correct.

Ms. Long replied that was correct.

Mr. Edgerton said that he was disappointed to see it drop back to the 15 percent. He asked what happened there.

Ms. Long apologized because she was trying to keep it a little simpler. They definitely will have 15 percent at a minimum. They will also have an additional tier of moderately priced units, which they call Tier II as referenced in the staff report. Those units would be affordable to those making between 80 and 120 percent. The Tier II moderately priced units is 10 percent of the total units.

Mr. Edgerton noted that he was struggling with that because our Comp Plan does not speak to that. This is something that has kind of way wiggled its way in through some other projects that have been approved with an adjustment made for moderate priced. But, our Comp Plan specifically speaks to a definition of affordable being 80 percent or less of the area medium income. It does not speak to the moderate. Even though the Board has on other projects, which was what was driving this, has decided to give some credit for the moderate. But, that is not in our Comp Plan or part of what they were being directed to follow as a Commission. This speaks dramatically to the fact that they need to get a very clear affordable housing project established by the Commission on the Comp Plan in the ordinance. It is all over the map and he was having trouble with that.

Ms. Long agreed with Mr. Edgerton. They would very much desire to have more clear criteria to work with. What they have been doing is that they have had a number of meetings with Ron White. Their plan for the moderately priced units and the way that they have been counting them is based on what is still a tentative draft proposal by the Housing Committee as they understand it for a sliding scale where if you could provide very affordable units, to those making up to 50 percent, they might get twice as much credit.

Mr. Edgerton said that again, until they can actually get that into our process it is not something the Commission can take into consideration. He was trying to figure out the two scenarios or choices on the affordable units. He liked the affordable housing fund, but if he read it correctly the folks that would buy the 15 percent of the 25 units if they would buy those units and lived there for four or five years and then they could sell it for any amount. Would they be able to sell it for market rate?

Ms. Long clarified that the proposal that they have for the self replenishing fund, the $500,000, would be targeted towards those acquiring the Tier II moderately priced units. Those families qualifying for the purely affordable units under the county's definition will have the ability to participate in the county's and other non-profit organizations down payment assistance program.

Mr. Edgerton asked if they were not contributing anything to help with the down payment of the actual affordable units.

Ms. Long replied not in the form of cash. The funds for the self replenishing fund would be targeted towards the moderately priced units or the Tier II units because those families do not qualify for the county's down payment assistance program. She is told that there are other non-profits in town that also provide some down payment assistance. But, those are all geared to those making 80 percent or less than the area median income. So in working with Ron White he explained that because those folks in the next tier up do not qualify for the county's down payment assistance, but many of them still really require down payment assistance in order to make that step of getting into the house. They meet the qualifications for income and credit, etc, but they have a hard time to get the down payment assistance together. So they wanted to try and target that. They see that as the group in our community that fall through the cracks.

Ms. Joseph said that this $500,000 would be placed within this fund and would come back into this particular development. Those funds would be designated for this development.

Ms. Long replied only for the first time.

Mr. Edgerton said that when the second resale occurs they would have market rate units for the 254 market rate units. There will be no assurance that the units would continue as affordable units.

Ms. Long noted that they would be happy to work out some proffer language that would try to close that loop hole. It is the same loop hole that exists in the county's current proffer language with regard to affordable units.

Mr. Edgerton noted that he was really struggling with this. He voted against the zoning issue because he really thinks this is going to be an important light industrial property. But, only two Commissioners voted that way. This project was presented for being the answer for affordable housing. It looks like that has been sliding upwards. It looks like it is sliding to most of it being market rate very quickly. That really is a concern. He asked if she could recall what percentage was offered on the original request.

Ms. Long noted that she was not at the first two work sessions. Her research involved talking to her client and reading the minutes from 2005. There was obviously a miscommunication on their part about affordability and affordable housing. When the comments were made that this was going to be an affordable housing community it was not clear that meant something very specific. That was our fault and they have taken responsibility for it. The goal from the very beginning has been to provide a more affordable more reasonable community. They are trying to afford the situation they see with a lot of other projects whereas she indicated that they have 15 percent affordable housing priced in the $190,000 range and then $600,000 to $800,000 units all in the same community and nothing in between. So they wanted to develop a community that had a mixture of uses in a range of incomes and a tier of prices. Once they understood the issue with affordable housing and what they meant in very specific technical terms they determined it would be 15 percent. Then they questioned what they could do in the next tiers. They can do some tier II and III moderate housing and the rest will be market rate. They don't know exactly what those prices are going to be. It is very challenging with the holding costs for the land and everything else. But, they have some targets that they are working with. But, they are working very hard to keep the single family units under $500,000. According to their records the original record of total units proposed in November 22, 2005 Planning Commission work session was 210 units. There were 28 single family dwellings, no duplexes, 48 of the largest town homes, 33 of the mid-size town homes, 45 of the smallest town homes and 56 condominiums. Once they understood what was needed for affordable housing they went back and proposed 22 single family dwellings turning some into duplexes, which are now going to be affordable units. They took some of the condominium buildings and changed the

footprints so they could provide some smaller condominiums for single family units. That is essentially how they get there. They had to go back to the drawing board and figure out a way to make it work. Unfortunately, the easiest way to do that was to provide duplexes. They are excited to provide duplexes as affordable units. They agreed with staff's comment about how challenging it is to provide affordable single family attached houses. They don't know how to do it. Therefore, they felt that affordable duplexes are the very next best thing. The affordable units have been dispersed throughout the community and all for sale units. She agreed with Mr. Edgerton's comment that the affordable housing proffer language does not address what happens when the family that qualifies for the affordable units sells their unit and does it come out of the affordable stock. That is a flaw and they would be thrilled to come up with a solution for how that could function. They would be happy to work with the County Attorney, Mr. White and others to try to tighten that up a little bit.

Mr. Cannon said that when they came before the question with the question of changing the Comprehensive Plan with a revised plan from the earlier session what representations did they made about affordable and moderately affordable housing. Are those consistent with what they are seeing tonight.

Ms. Long replied yes. They had one typo in their application book that staff pointed out, but they have corrected it. It was a minor difference. The chart in the staff report is accurate. The chart in the back is the same chart that they had on the power point presentation given on December 5. They agreed to do 15 percent affordable housing at a minimum with moderately priced units, which they were told that they would get partial credit for.

Mr. Edgerton noted that by the existing definition, not the reworked one, he thought that there was more affordable housing offered at the beginning.

Ms. Joseph pointed out that the Commission needs to go through the questions.

The Planning Commission took a break at 7:55 p.m. and the meeting reconvened at 8:04 p.m.

Ron White, Director of Housing, explained the affordable housing being proposed. It would provide down payment assistance that comes back into the fund to be used for other affordable housing. They were providing affordable housing opportunities, but not necessarily a sustainable affordable housing stock. He noted that an affordable unit should be built at first instead of a higher valued unit that has to be subsidized.

The Commission discussed the questions and made the following comments:

- The applicant's contribution to affordable housing is acceptable just barely and fits what the Comp Plan calls for.
- The Commission needs additional information regarding the external costs or impact that the development will have on the community before determining if the proffer amount is adequate. Additional information requested was the CIP information school needs information and the traffic study to see how it will affect the area.
- The Commission expressed concerns about the housing assistance fund. In lieu of cash this money would go into the CIP Housing Assistance Fund. Concerns were expressed that the affordable housing opportunities being offered would not necessarily provide a sustainable affordable housing stock. They questioned how it would work and what could be done to sustain the affordable housing stock. The Commission wanted to look at the concept in depth. The suggestion was made that a deed description could possibly be done to ensure that the unit remained affordable.
- By changing the zoning on the land they would be putting a burden on the County's resources. Therefore, this cost needs to be determined.
- The Commission felt that the interconnection was essential to Town Center Drive. The engineering concerns need to be worked out. Pedestrian and bicycle connections are essential.
- Relegated parking being pedestrian friendly was very important. The Commission needs to see more details. The applicant should try to mitigate the parking and make sure that there are sidewalks and that the roads are walkable.

- The Commission asked staff to determine how many lots could be created by right in this development and the number of vehicle trips it would create per day to help determine the impact.
- Note: See the Commission's comments to the questions posed by staff in the following summary.

In summary, the Planning Commission held the fourth work session on the Willow Glen project to provide guidance to staff and the applicant on several issues that relate to the applicant's request to rezone the property. The Commission received input from the applicant, staff and the public. The Commission discussed the questions posed by staff and provided the following comments.

Questions on Affordable Housing:

1. Are the number and types of units appropriate for this area and this type of development?
2. Does the Commission find the percentage of affordable units and moderate price units acceptable?

The Planning Commission felt that the mix and type of units was fine, but could not reach consensus on the size. Several Commissioners shared staff's concern about the small size of the affordable units. It was the consensus of the Commission that the percentage of affordable units was consistent with the existing policy.

Questions on Proffers:

1. In view of the size and type of proposed development, is a contribution in the amount of $696,500 sufficient?

The Planning Commission needs more information, such as a fiscal impact analysis and a traffic study, before it can answer this question. The Commission needs to know what the external costs will be to the community as a result of the development.

2. Would the Commission prefer the traditional CIP contribution (Alternative #1) or the Self-Replenishing Housing Assistance Fund supplemented with a smaller CIP contribution and a transit contribution (Alternative #2)?

The Planning Commission indicated that it would consider this question once it has more details from the applicant concerning the fiscal impact analysis, the traffic study, and the County's CIP. The Commission requested that other ways of structuring the proffers be explored.

Traffic Impact:

1. Does the Commission believe that a full traffic study should be performed in order to assess the impacts adequately?

The Commission feels that it is essential that a complete traffic study should be performed to determine the impacts of the traffic generated by the project.

2. Should the interconnections recommended by the County's Traffic Engineer be made?

The Commission agreed that the provision for eventual connections to the north and south of the development be made.

The Commission feels that the interconnections recommended by the County's Traffic Engineer are important and should be made, but acknowledged the applicant's concerns about the difficulty of the connection of Road E to C and Road D to G. The Commission agreed with the applicant's suggestion to make those connections pedestrian and bicycle friendly.

3. Should the development be allowed to proceed if the connection to Town Center Drive cannot be made?

The Commission felt that it was essential for the connection to be made to Town Center Drive, but acknowledged that it did not know how the timing would work between the Willow Glen project and Hollymead Town Center, Area A.

4. Is parking appropriately relegated or should the design of the development be modified to place parking behind the units though the use of alleys, drives, and parking lots?

The Commission indicated that the market would determine whether parking should be relegated; if the market analysis shows that the units will sell without the relegated parking, then relegation wasn't necessary. The Commission was concerned about Roads E, D, C and F and the impact connecting them would have on open space and the additional amount of pavement that would result.

Additional Comments:

The Commission asked staff to determine how many lots could be created by right in this development and how many vehicles trips would that create per day.

There being no further questions, the Commission moved on to the next item.

ZMA 2005-00017, 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 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.

In summary, the Planning Commission held a work session on ZMA-2005-017, Biscuit Run. This was a follow up meeting to inform the Commission of the status of issues discussed at the previous work sessions. Based on this guidance, there remain a number of substantive matters regarding the plan and proffers that have not yet been addressed with new submittals. There are also a variety of technical matters that staff is working with the applicant to resolve. After reviewing this update, staff suggests the Commission advise the applicant and staff as to its further expectations before a public hearing is held on this proposal (currently scheduled for February 27, 2007).

The Commission received information and a power point presentation from staff and Steven Blaine, the applicant's representative. No public comment was taken. Mr. Edgerton distributed the following list of outstanding questions and concerns that he felt needed to be addressed before the public hearing:

"Outstanding issues that need to be addressed before the Planning Commission will be able to make a reasoned recommendation to the BOS concerning the Biscuit Run proposed rezoning. (Based on the February 6, 2007 Staff Report)

- Specifics of additional protection of Cultural Resources on site?

- Finalization of suggested revision of Design and Layout? (January 16 scheme?)
- Specifics of how applicant will address the Boundary between the District Park (in the Rural Area) and the Development (in the Development Area)?
- Specifics of additional protection of Critical Natural Resources?
- Specifics of design of Greenway system?
- Finalization of affordable housing proffers?
- Finalization of School Site Proffer?
- Cash Proffer for District Park?
- Commitment to Phasing development?
- The need for a "per unit" cash proffer?
- Analysis of appropriateness of transportation proffers to address Biscuit Run "pro-rata" share on traffic impact on City and County?
- Adequacy of Moore's Creek Sewer Interceptor to handle Biscuit Run increased density (analysis not available until Fall of 2007)

The Commission asked the applicant to consider deferral of the February 27 public hearing in order to allow time for their concerns to be addressed, and the applicant made a request for deferral. The Commission acted on the applicant's deferral request as follows.

Action:
Mr. Morris moved, Mr. Cannon seconded to accept the applicant's request to defer the public hearing on ZMA-05-17, Biscuit Run from February 27, 2007 to March 27, 2007.

The motion carried by a vote of 7:0.

The public hearing will be held on March 27.

Ms. Joseph pointed out that on Saturday, February 10th – an open house will be held at COB 5th Street from 10:00 a.m. to noon. Staff, the Commission and applicant will be available for public discussion regarding traffic/transportation and other issues relating to this project.

Old Business:

Ms. Joseph asked if there was any old business.

- The applicant has requested indefinite deferral of the special use permit for King Family Vineyard. Regarding legislation in the General Assembly that would impact local government authority to regulate wineries, Mr. Cilimberg noted that he went to Richmond, but never got a chance to speak on the legislation. He noted that the proposed bill does not fully restrict the regulatory authority of local government, but does restrict the authority of local government to regulate some aspects of winery activities. There is similar legislation in both the House and Senate.

- Regarding the Open House on Saturday, February 10 the Planning Commission noted the following:

    - The agenda should be posted by staff as a meeting in the normal locations.
    - Expectation of attendance: Mr. Craddock, Ms. Joseph and Mr. Morris plan to attend. Mr. Strucko may be late or not be able to attend. Mr. Zobrist will be absent.
    - No minutes will be taken at the open house.
    - The Planning Commission will be present to answer questions.

- The Commission discussed the email concerning the possibility of the City and County Planning Commissions holding an informal informational get together with two people from each group.

- The Planning Commission has been given a deadline of one month to complete the Biscuit Run review.

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

New Business:

Ms. Joseph asked if there was any new business.

There being no new business, the meeting proceeded.

Adjournment:

Mr. Morris moved, Mr. Edgerton seconded to adjourn the meeting to the February 10 Public Forum on Biscuit Run at COB 5th Street at 10:00 a.m.

The motion was approved by a vote of 7:0.

With no further items, the meeting adjourned at 9:52 p.m. to the next meeting on Saturday, February 10, 2006 at 10:00 a.m. at the County Office Building, 5th Street.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.
(Note: Recording malfunctioned and portions of meeting are missing on the cd.)