Albemarle County Planning Commission
March 6, 2007

The Albemarle County Planning Commission held a meeting and work session on Tuesday, March 6, 2007, at 4:15 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Eric Strucko, Duane Zobrist, Pete Craddock, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Absent was Jon Cannon. Mr. Eric Strucko arrived at 4:30 p.m. Mr. Craddock arrived at 4:39 p.m. Mr. Zobrist arrived at 4:53 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; Sean Dougherty, Senior Planner; Judy Wiegand, Senior Planner; Ron White, Director of Housing and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the work session to order at 4:30 p.m. and established a quorum.

Work Session:

ZMA 2006-00022, The Commons at Albrecht Place (Signs #86, 87):
PROPOSAL: Rezone 3.398 acres from PDSC, Planned Development Shopping Center which allows shopping centers, retail sales and service uses; and residential by special use permit (15 units/ acre) to NMD, Neighborhood Model District which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses; and to rezone .967 acres from C-1 Commercial zoning district which allows retail sales and service uses; and residential use by special use permit (15 units/ acre) to) to NMD, Neighborhood Model District which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses; and to rezone .938 acres from R-2, Residential (2 units/acre) to NMD, Neighborhood Model District which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. The proposal includes up to 56 dwelling units.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service - community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre) in Neighborhood One.
ENTRANCE CORRIDOR: Yes
LOCATION: 400 feet west of the intersection of U.S. Route 29 and Shoppers World Court, directly behind the Shoppers World shopping center; and 2118 and 2121 Dominion Drive.
TAX MAP/PARCEL: Tax Map 61 M, Block 1, Parcel 6; Tax Map 61M, Block 2, Parcel 1; Tax Map 61M, Block 12, Parcel 1E; Tax Map 61U, Section 1, Parcel 12 and Parcel 13.
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty
THIS IS A CONTINUATION OF THE WORK SESSION HELD ON TUESDAY, FEBRUARY 20, 2007.

Ms. Joseph said that this is a continuation of the work session held on Tuesday, February 20, 2007. At that time they received a staff report, presentation from the applicant and took public comment. At this point the Commission was not going to receive any more public comment. A petition has been received from many of the residents in the area along with a written statement. This will become part of the public record at this point in time. (Attachment A – Petition dated March 6, 2007 addressed to the Planning Commission of Albemarle County from the Residents of the Berkeley Subdivision.) First staff will summarize the staff report and then lead the Commission through the questions.

Mr. Dougherty summarized the staff report and presented a power point presentation. He displayed photographs of the surrounding area around Shopper's World and Berkeley.

The applicant was represented by Mark Keller and Steve Edwards of Terra Concepts

In summary, a continuation of the February 20, 2007 work session was held by the Planning Commission regarding ZMA-2006-022, The Commons at Albrecht Place. No public comment was taken. Staff presented a power point presentation and summarized the staff report. The Commission reviewed

and discussed the questions posed by staff and provided the following guidance to staff and the applicant on several issues that relate to the applicant's request to rezone the property.

1. ***Given existing constraints, is the applicant's approach to maximizing this parcel's intensity appropriate?***

The Planning Commission agreed with staff that the applicant's approach to maximizing this parcel's intensity was not appropriate because it was too intense.

2. ***Do you support the proposed vehicular connection across parcel A?***

The Planning Commission did not support the proposed vehicular connection across parcel A because it cut through a residential neighborhood. The plan appears to place the residential component of up to 70 to 80 residential units in with no sensitivity to the adjacent cul-de-sac. There has to be some respect given to the existing neighborhood.

3. ***Should the Commission agree with Staff's assessment, what sort of open space amenity is appropriate in addition to a tot lot and wooded buffer?***

The Planning Commission agreed with staff's assessment regarding what sort of open space amenity is appropriate, in addition to a tot lot and wooded buffer, as follows:

- Respect the open space buffer as shown in the Open Space Plan, and
- Provide outdoor amenity space for the proposed residents.

4. ***Do you support filling in the swale and impacting the buffer to construct townhouses?***

The Planning Commission agreed with staff that impacting the swale or Open Space Buffer is not appropriate in conjunction with a connection through Parcel B.

5. ***Is the Commission comfortable with the information provided (plan view of condos shown near existing houses and renderings) or would a site section or model further the Commission's consideration of the appropriateness of the fourteen condos shown adjacent to Berkeley?***

The Planning Commission agreed the exhibits need to determine the impact of the proposal on the Berkeley neighborhood. It is important to show the relationship between the existing neighborhood and what is being proposed. Also, it should include how the proposal relates to the existing Shopper's World and Berkeley neighborhood. At the very least whatever proposal comes back needs to show the significant topographical constraints of the property and the adjoining property. It will be hard to evaluate anything without some sort of sectional drawing cut through the site. There are a lot of topographic issues in this area, especially along the buffer edge, that need to be addressed.

The applicant, represented by Mark Keller and Steve Edwards of Terra Concepts, responded to the Commission's responses to the questions posed by staff. A revised plan will be submitted by the applicant taking into account the Commission's comments.

In response to the Commission's questions about Places29 as it relates to this proposal, Ms. Wiegand noted that a case study was done by the consultants on how something could be redeveloped over the years in this area. The case study was not intended to describe development of this property and the applicant had been asked not to use it as it was only one example of potential development/re-development that has not been approved as part of any action. The Places29 consultants have not identified the priority areas yet and the master plan has not been adopted. There is no formal standing until the master plan is adopted. Places29, when adopted, will be the master plan for the northern development area and will be a comprehensive plan amendment.

The meeting adjourned at 5:35 p.m. for a dinner break.

The meeting reconvened at 6:08 p.m.

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

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; David E. Pennock, Principal Planner, Claudette Grant, Senior Planner; Glenn Brooks, County Engineer; Sean Dougherty, 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.

Committee Reports:

- Mr. Strucko noted that the Fiscal Impact Advisory Committee is continuing their work. They hope to finish the set of recommendations for the Board of Supervisors some time in April. Then the recommendations may come to the Planning Commission from the Board after their review. The committee is working on developing a tool or a device to assess the adequacy of offered proffers. He pointed out that it is not a proffer policy.
- Ms. Joseph noted that the Development Task Force has been meeting for 9 or 10 months. At the next meeting, which will be held towards the end of this month, the committee will be coming up with some final recommendations for the Board of Supervisors. The committee is trying to refine the process so that it is understandable for everybody. That means just making things clear on what the process is, providing checklists and making sure that information that has been suggested by some of the developers and the public is on the website. All of the things that are happening are good and will help make it a lot clearer to everybody what the process is.

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.

Consent Agenda:

SDP 2007-00001, Martha Jefferson Hospital - Prelim - Critical Slopes Waiver Request – David Pennock (Tax Map 78, Parcel 20M)

Ms. Joseph asked to pull the item just briefly because she was a little bit confused as to where the critical slopes were in this area. Staff has provided a graphic that shows where the critical slopes are located. She asked Mr. Pennock to explain it.

Mr. Pennock pointed out that most of the critical slopes on this map are shaded in gray. The disturbances that are considered to be exempt under our ordinance are those that are associated with construction of storm water facilities, access ways or utilities. If the critical slope areas are being disturbed for any of those reasons they would be exempted from this section of the ordinance. The areas highlighted on the handout are those that would not be considered exempt. There is an area that is under a future parking lot. There are some critical slopes in the area outside of the grading necessary for the Peter Jefferson Parkway and back under another parking lot. Then there is a portion of the area in the back under the hospital itself. A large area in the rear was constructed under a previous site plan and was man made. In the natural slopes remaining there are some areas under the building that would be necessary to be disturbed for the construction of that building. Those are the three areas staff is talking about that add up to about ½ of an acre, which was referenced in the staff report.

Ms. Joseph noted that the layout makes sense since it provides a lot of green space. Therefore, she supported the request because the community as a whole is gaining something as a result of this particular design.

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

The motion was approved by a vote of 6:0. (Mr. Cannon was absent.)

Items Requesting Deferral:

ZMA 2005-00015, Hollymead Town Center Area A-1 (Signs #15, 51, 53, 73):
PROPOSAL: Rezone 31 acres from RA - Rural Areas (agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)) to PDMC - Planned District Mixed Commercial (large-scale commercial uses; and residential by special use permit (15 units/ acre)) to allow for 278,000 square feet of office retail.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes.
LOCATION: Tax Map 32, parcels 42A, 42C, a portion of Tax Map 32, parcel 44, a portion of Tax Map 32, parcel 45, and Tax Map 46, parcel 5, located to the south of the southern entrance to the Hollymead Town Center (Town Center Drive) and north of Powell Creek along Route 29 North.
MAGISTERIAL DISTRICT: Rio. The Comprehensive Plan's Town Center designation is accompanied with the "Conceptual Master Plan & Design Guidelines for the Hollymead Town Center".

AND

SP 2005-00027, Hollymead Town Center Area A - Drive Up Window for Bank (Signs #15, 51, 53, 73):
PROPOSED: Drive-up banking facility with three lanes.
ZONING CATEGORY/GENERAL USAGE: A rezoning application has been submitted to rezone these parcels from RA - Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PD-MC Planned Development Mixed Commercial (large-scale commercial uses; and residential by special use permit 15 units/ acre). SECTION: Section 25A.2.2 of the Zoning Ordinance which allows for drive-in windows serving or associated with permitted uses within PDMC.
COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes.
LOCATION: Inside the Hollymead Town Center, along Town Center Drive (Southern entrance to Hollymead Town Center) approximately 300 feet from Route 29 North.
TAX MAP/PARCEL: A portion of Tax Map 32, Parcel 42A (exact location on file in the Department of Community Development) and a portion of Tax Map 32, Parcel 42C (exact location on file in the Department of Community Development) equaling .5 acres.
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty
APPLICANT REQUESTS DEFERRAL TO THE APRIL 3, 2007 PLANNING COMMISSION MEETING.

Ms. Joseph pointed out that the applicant is requesting deferral to April 3. She opened the public hearing and asked if there was any public comment. There being none, the public hearing was closed and the matter placed before the Commission.

Mr. Morris asked why the applicant requested the deferral.

Mr. Cilimberg replied that there were some matters regarding the rezoning that had to be further addressed. The applicant wanted to make sure that the time allowed for them to do that.

Motion: Mr. Morris moved, Mr. Craddock seconded, for approval of the applicant's request for deferral of SP-2005-00027, Hollymead Town Center Area A – Drive Up Window for Bank and ZMA-2005-00015, Hollymead Town Center Area A-1, to April 3, 2007.

The motion passed by a vote of 6:0. (Mr. Cannon was absent.)

Ms. Joseph stated that SP-2005-00027 and ZMA-2005-00015 for Hollymead Town Center Area A & A1 was deferred to April 3, 2007.

Work Sessions:

ZMA 2006-00009, 5th Street-Avon Center (Signs #48, 67, 68)
PROPOSAL: Rezone 86.895 acres from LI - Light Industrial zoning district which allows industrial, office, and limited commercial uses (no residential use) to PD-SC - Planned Development Shopping Center zoning district which allows shopping centers, retail sales and service uses; and residential by special use permit (15 units/acre) Approx. 476,355 sq. ft. of commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service/Mixed Use-community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre) Neighborhoods 4 & 5
ENTRANCE CORRIDOR: Yes
LOCATION: Northeast intersection of Interstate 64 and Fifth Street Extended (Rt 631), bounded on the east by Avon Street Extended. Access is Bent Creek Road.
TAX MAP/PARCEL: 76/M1-2A, 76/M1-2B, 76/M1-4A, 77/11E
MAGISTERIAL DISTRICT: Scottsville
STAFF: Claudette Grant

Ms. Grant summarized the staff report.

Frank Cox and Steve Blaine, attorney, represented the applicant.

In summary, the Planning Commission held a work session on ZMA-2006-00009, 5th Street-Avon Center to review and provide comment on the resubmittal. The Commission received staff's presentation. The applicant did not make a presentation, but offered comments during the work session. There was no public comment. The Commission discussed and answered staff's questions outlined in the staff report. No formal action was taken by the Planning Commission.

1. **Should a critical slopes waiver be processed as part of this rezoning?**

The Planning Commission agreed to accept the concept design with the understanding that the applicant would not have to process the critical slopes waiver request until the final site plan, but would include appropriate language in the proffers for mitigation.

2. **Should a special use permit for disturbance in the floodway of Moore's Creek be processed concurrent with this rezoning?**

The creek is a vital waterway. The Planning Commission agreed to accept the concept design with the understanding that the applicant would provide appropriate language regarding mitigation in the proffers. The applicant offered to craft a proffer that the entire stream channel has to be substantially restored and that they would pursue with VDOT bridges for stream crossings.

3. **Should further work be done by the applicant to reduce encroachment into the stream buffers?**

The Planning Commission agreed to accept the concept design with the understanding that the applicant would provide appropriate language regarding mitigation in the proffers. It was noted that there is a pretty significant increase in potential disturbance which the applicant agreed to address in the proffers.

4. **Should further work be done by the applicant to assure all areas designated for tree preservation will be preserved?**

The Planning Commission agreed subject to the applicant providing an acceptable proffer to include language that the replanting will be done. The preservation areas should be areas where no disturbance is anticipated. Conservation areas will be those areas anticipating tree disturbance and will have conditions for replanting. The tree preservation areas will need to be reduced on the plan and conservation areas designated.

5. **Should the applicant commit to the Historic/Archeological Resource recommendation of staff?**

The Planning Commission agreed with the applicant about his commitment to provide the Phase 1 study at this point. The applicant was unsure whether they wanted to do Phase 2 or 3. The Phase 1 study would be done before the grading.

Mr. Edgerton asked the applicant if they were willing to commit to LEED certification in conjunction with their LEED Core and Shell proffer.

Mr. Blaine replied that their commitment is to build to the LEED standards. The question is how they determine that. They may need to have a completed project before they get certification. He asked how they can proffer something they may not be able to get until the project is built.

Mr. Edgerton replied that the way it was done in Arlington was that the applicant put up a bond that they will forfeit if they don't follow through with it. That solves the problem.

Mr. Blaine said that it was really whatever their preference is. Do they want to have a project that meets the environmental standards or is it the certification? It should be one and the same. Is the certification what they are seeking?

Mr. Edgerton replied that the certification was third party. That is not up for debate if they actually get a certification. It is one thing just to do a checklist. A lot of folks who are timid about it only want to go the checklist route. But, the certification he felt would help market the project. The other staff comment that he was concerned about was the unenforceable nature of proffer 9. He believed that is part of the LEED Core and Shell Certification. If the project is actually certified that takes that burden off of staff.

Mr. Blaine noted that some of the language had been deleted. All of that had been simplified into a simple LEED certification, which will clarify that the proffer is to certify.

Mr. Craddock asked if the road improvements would be discussed at another work session.

Ms. Grant noted that staff and VDOT are currently looking at what would be needed for the road improvements. It would be at another work session if the applicant chooses to go to another work session or it would be addressed at the time of public hearing.

Mr. Craddock noted that there was only one intersection specifically noted in the proffers, Elliot Avenue and Route 20, but other improvements, possibly on the I-64 Bridge at 5th Street, might be necessary.

Ms. Grant noted that there were some other suggestions for improvements that need to occur outside of the actual development itself.

Mr. Blaine pointed out that they would be interested in receiving a copy of suggestions. The only comments they have received are staff comments that have been reflected in the work session staff report.

Ms. Joseph asked staff to make sure that Mr. Blaine and the Commission are aware of the comments from VDOT.

Mr. Cilimberg clarified that staff is waiting for VDOT comments on the particulars to provide to the applicant as to what they believe is necessary.

The Planning Commission took a ten minute break at 7:46 p.m.

The meeting reconvened at 8:02 p.m.

ZMA 2007-00001, Hollymead Town Center - Area A2 (Signs #93, 94)
PROPOSAL: Rezone 47 acres from RA zoning district which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to NMD Neighborhood Model District zoning district which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. The application proposes up to 1,228 dwelling units.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes
LOCATION: West and adjacent to the Hollymead Town Center Area B, which contains Target and Harris Teeter, east of the Deerwood Subdivision.
TAX MAP/PARCEL Tax Map 32, Parcels 44 (portion), 45 (portion), and 50
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty

Mr. Dougherty summarized the staff report and gave a power point presentation.

Ms. Joseph invited comment from the applicant.

J. P. Williamson, representative for the applicant, HM Acquisition Group, pointed out that there were two other changes to the plan that were worth noting. In the redesign of Meeting Street another change they made was the pedestrian plaza at the corner. That was a change as it relates to pedestrian orientation. The other change is the treatment of what was not subject to their application, but a parking deck that also abuts Abbington. There is a different type of massing they have created as a town house look along Abbington. They have been working with the adjacent property owner in conjunction to solve what seemed to be a sensitive issue. Those are the two other changes that were worth noting. There is another round of comments that seem to focus on transportation, which is an area that they felt that they had addressed previously. As it relates to our goals tonight these are questions they would like to have answered tonight. Some are troublesome because they felt they had already reached a level of understanding.

Ms, Joseph invited public comment.

Morgan Butler, attorney with the Southern Environmental Law Center, agreed with staff that Area 2 is improving. But, they should take a step back tonight and look at this proposal for Area 2 in a larger context into which it fits the Hollymead Town Center. The Hollymead chapter of the county's land use plan makes clear that "significant residential component should be located within the designated town center area." Indeed the residential component is key to the town center functioning properly with a healthy mix of uses. Unfortunately, the town center that is emerging from the rezonings approved to date is taking more the shape of a massive new shopping complex. The residential component is largely missing. As such the 78 acres of the town center site that have yet to be rezoned are vital to creating a true mixed use town center in this location. The applicant has broken the 78 acres into 2 pieces. The piece they are discussing tonight, Area A 2 contains the missing residential component. The 1,200 dwelling units proposed in A2 represents more than 75 percent of the residential units proposed for the entire town center. These are the dwelling units needed to balance the 1.25 million square feet of non-residential uses proposed for the town center over one-half of which has already been approved. The second piece of the remaining 78 acres, Area A1 proposes 300,000 square feet of new commercial space

in the form of another shopping area. It would not contain another single residential unit. Significantly it was also scheduled to come before the Commission tonight not for a work session but for a public hearing and a vote. At the applicant's request the public hearing was deferred a month. They will see it again on April 3. They therefore find themselves in the untenable situation of which a rezoning request for another 300,000 square foot shopping center at this site is on a faster track than the rezoning request for the section that will contain the primary residential component. They are slipping even closer towards creating a little more than a massive shopping complex here. As a result the rezoning request for Area 1 should be put on hold until the residential component of this project embodied by Area A2 is significantly built out. This strategy would also allow a decision on Area 1 to be informed by the soon to be completed Places29 Master Plan, which would give an idea of how much new retail, if any, can still be absorbed along this corridor over the next 20 years. Notably, the completed Places29 Study will also indicate the transportation and transit infrastructure necessary to deal with future traffic along this corridor. Those findings are highly relevant to the request at hand and what they should hope to see in the proffers. It would, therefore, make sense to postpone further action on both requests A-1 and A2 until the master plan is complete. Finally, in light of the water quality disaster that recently occurred near this site they think it very important that storm water management be made a strong focus of both requests. Any additional rezonings to the Town Center site present an opportunity not only to make sure that no such disasters recur, but to also help prepare the recent damage to the water shed. He appreciated the Commission's considerations of these comments.

There being no further public comments, the Commission reviewed the questions posed by staff and made comments as noted in the following summary.

In summary, the Planning Commission held a work session on ZMA-2007-00001, Hollymead Town Center – Area A2 to review and provide comment on the applicant's changes to the plan, which seem to focus on transportation. The Commission received the applicant's presentation, took public comment and answered staff's questions outlined in the staff report. No formal action was taken by the Planning Commission.

Staff feels that the proffers can be resolved at staff level. The realignment of roads is more troublesome and staff asks for the Commission's guidance and input.

Staff also needs guidance on what level of infrastructure is desired by the Planning Commission for the applicant to provide the ARB in an effort to make them comfortable with the plan.

1. **Are staff's comments noted in bold in the Neighborhood Model Analysis relevant and appropriate direction to the applicant?**

The Planning Commission agreed that staff's comments noted in bold in the Neighborhood Model Analysis were relevant and appropriate direction to the applicant. Parks and Recreation suggest that the applicant provide a contribution towards Chris Green Lake to accommodate additional residents. Mr. Strucko noted that he would prefer that this need be met on site. The applicant was willing to work with staff to look at other ways to meet this need on site.

2. **Should the applicant redesign the plan proposed to include the Lockwood Connector alignment?**

The majority of the Commissioners would like to stay with the plan as it is. Staff needs to work with the applicant on what the road design needs to be going south based on the assumption that will be part of Berkmar Drive Extended. Mr. Edgerton and Mr. Strucko disagreed. Mr. Strucko noted that the traffic circle would be a choke point.

3. **If the Commission feels that Blocks B1 and B2 should be redesigned, should the applicant be using the cross sections the Places 29 study is recommending for roads impacted by regional traffic?**

The Planning Commission did not favor a redesign.

4. **Given the intensity of residential development anticipated in the Town Center, how should the County's affordable housing goal be accommodated?**

The Planning Commission favorably received the applicant's proposal to provide more than 15 percent of affordable housing, but that a minimum of 15 percent affordable housing needs to be provided according to the adopted policy. The Commission sees the applicant's proposal for additional affordable and moderate priced housing above the 15 percent as a favorable aspect.

5. **Should the applicant work with the Area B owner to improve the sub-standard and unsafe stairs that were constructed as part of the Linear Park in Area B?**

The Planning Commission encouraged the applicant to work with the Area B owner to improve the sub-standard and unsafe stairs that were constructed as part of the Linear Park in Area B. Staff will check with zoning staff on whether there is a potential violation with the current stairs and will also try to arrange a meeting between the two developers to try to remedy the situation.

6. **Does the Commission recommend that the applicant add language to the Code of Development to address the urban heat island effect and sustainability generally?**

The Planning Commission supported staff's recommendation that the applicant add language to the Code of Development to address the urban heat island effect and sustainability generally.

7. **Considering the scale of the applicant's proposal, should the applicant provide this additional information to facilitate ARB recommendation?**

Ms. Joseph disagreed with what the ARB is asking for since it was excessive given the applicant's willingness to keep down the massing of the buildings on the eastern side of Meeting Street to limit visibility. The Commission felt that it was a lot of information given the distance it was located from Route 29. The applicant committed to address what a 100' building would like, but not to actually build it that high. If the applicant could not reach an agreement with the ARB they would come back to the Planning Commission.

Old Business:

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

- Mr. Edgerton noted that Jason Hartke, Manager for State and Local Advocacy at the US Green Building Council, will join us on March 20 at the work session. He will give us a presentation focusing on the extra costs that have been historically contributed to green buildings
- Ms. Joseph suggested that Mr. Hartke give his presentation after staff presents the staff report to lead into his discussion.

- Mr. Morris suggested that the Commission get serious about holding a retreat in April. He asked for suggestions for the location of the retreat.

- Ms. Joseph noted that last time the Commission had dinner together on Friday night and then on Saturday morning worked out the problems they thought needed to be addressed.

- The Commission asked that the Chair and Vice-Chair put together an agenda, pick a date and time and then circulate it.

- Mr. Cilimberg noted that he would be absent next week.
- Ms. Joseph noted that she would be late next week.

Mr. Cilimberg pointed out that staff received new comments from VDOT late yesterday regarding Biscuit Run. The information has been shared with the applicant. With the timeline for the public hearing there

really is no opportunity to do much more than report to the Commission on what those comments were, which will be included in the report. It is past the time that the applicant was asked to provide proffers. He was sure that the applicant would want to speak to them regarding the VDOT comments as part of the public hearing. But, beyond that, unless there is a delay in the Commission action, there really is not an opportunity to resolve the issues before an action is taken.

Mr. Morris asked if there was anything new on the sewer.

Mr. Cilimberg replied that not that staff has heard yet. The Board of Supervisors is going to receive a report from Rivanna Authority regarding their Capital Program tomorrow. The expectation is that Biscuit Run sewer is going to come up as part of that. Tom Frederick wants to be able to speak to that with the latest information. He thought that Mr. Frederick was actually waiting on some information from the Albemarle County Service Authority. He did not know if there would be anything new tomorrow. But, he has not seen anything further at this point.

Mr. Edgerton asked if staff has looked at the VDOT comments enough to be able to tell the Commission if there is some huge issue that has come up.

Mr. Cilimberg replied that VDOT has identified a fair share participation in projects. It has a pretty good price tag for what they are identifying for Biscuit Run, which includes at least one project that has not come up before in any of the discussions that they have had or based on the traffic study that they have discussed with VDOT previously. Improvements to Avon Street have not come up previously. He could not say how all of this will get resolved. The Commission will see something similar next week on Rivanna Village. He felt that VDOT is going to be more proactive in trying to estimate participation from the particular developments towards improvement needs that they think are out there. They are not necessarily improvement needs that are in any plan that has been adopted, which will be one factor in the decision making process. He felt that some of this probably relates to what VDOT is seeing as some of the dictate for their analysis of traffic impact studies that has been essentially decreed by the changes in the Code of Virginia, which will take effect July 1. He said that ultimately it is local government that must decide how much of that they feel is equitable or appropriate as an expectation with new development. Most of what VDOT will look at will be projects that they would be anticipating at some point in time having to fund. It is not something that they have always directly addressed in proffers.

Mr. Kamptner said that the Commission had asked for a copy of the Circuit Court's decision in the Green Spring's Historic District Groundwater Case. The Court's decision was rendered from the bench, so they had to wait for the transcript to be prepared for the parties. They received it yesterday. Therefore, he would distribute it next week.

New Business

Ms. Joseph asked if there was any new business. There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:37 p.m. to the Tuesday, March 13, 2007 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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