Albemarle County Planning Commission
March 20, 2007

The Albemarle County Planning Commission held a work session on Tuesday, March 20, 2007, at 4:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Jon Cannon, Eric Strucko, Duane Zobrist, Pete Craddock, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Sean Dougherty, Senior Planner; Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; Jack Kelsey, County Transportation Planner; Sarah Temple, Environmental Compliance Manager and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the work session to order at 4:03 p.m. and established a quorum.

Work Session:

Green Building: Jason Hartke, Manager of the State and Local Advocacy for the U.S. Green Building Council (USGBC), discussed LEED certification as it applies to the construction of LEED-certified public buildings at the local government level, within fiscal constraints. This is in support of direction given by the Board of Supervisors to develop a green building policy for County buildings. The Commission also reviewed a number of green building objectives and strategies to be added to the Comprehensive Plan at a later public hearing.

In summary, the Planning Commission held a work session on Green Building in support of direction given by the Board of Supervisors to develop a green building policy for County buildings. Jason Hartke, manager of the State and Local Advocacy for the U.S. Green Building Council (USGBC) presented a power point presentation that included many case studies on Green Building LEED certification. Mr. Hartke discussed and answered questions for the Commission on LEED certification as it applies to the construction of LEED-certified buildings at the government level, within fiscal constraints.

The Commission reviewed Attachment C (which contained a number of strategies that requires no or minimal additional costs and/or staff time) and provided direction to staff with this initiative before any proposal returns to the Commission for recommendation to incorporate these strategies into the Comprehensive Plan. The Commission made the following comments and suggestions regarding the proposed language:

- More information about site design needs to be added, which is an important aspect of all of this. It is not just the building itself, but how everything else is working with it.

- If it talks about training, then it should include language about some type of CATEC or PVCC connection. It would be helpful for people who need to retool that need to figure out what is going on.

- If there is an advisory committee, it needs to include citizens and not all builders or environmentalists.

- Can the Comp Plan have an outline of the LEED standards to follow without requiring a LEED certified professional to be on board?

- The Commission was concerned about what would be required to become LEED certified. Some specifics would be helpful about what qualifications, training and type of exam would be necessary for certification. Also indicate where someone could obtain the required training.

- A suggestion was made in the second strategy where it says engage Blue Ridge Home Builders that perhaps they should put the word Earthcraft in since it is the program they are working on.

- It was suggested that the language make reference to commercial buildings with objectives for green buildings.

- It was suggested that all County buildings be LEED certified provided that staff or whoever is sponsoring the building concludes that the long-term operating costs will off set the up front cost to make it LEED certified.

- On page 8 in the last objective, the specifics of Wind Farming and Solar Energy Production should be deleted and replaced with Alternative Energy Sources.

In summary, the Planning Commission reiterated the following suggestions regarding Attachment C:

In section 1:

- In the first section (page 7), the County should be more of an advisory role and urge to do this with all public buildings with a caveat.

- If the Board is concerned about spending more money than it is worth, they should build in some language that says they don't have to do it if they determine they are spending more than it is worth. They need to provide some flexibility to allow this to be an efficient public policy. The cost effective aspect of it needs to be reviewed. Include some general language that says you do this when it appears that it is cost efficient and let the approach carry itself in the public debate.

In section 2:

- Regarding the second objective about working with the development community to advance the practice of green building, the training should include some of the entities discussed, PVCC and CATEC.

- Citizens should be added to the advisory committee.

- There should be a commercial reference and not just the houses or residential component.

In section 3:

- On page 8 regarding educating, the Commission felt that the use of the County website and federal tax credits are great.

In section 4:

- In the fourth objective on page 8, take out "Wind Farming" and "Solar Energy Production" and add "Alternative Energy Sources".

The Planning Commission adjourned at 5:43 p.m. for a dinner break.

The meeting reconvened at 6:04 p.m.

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, March 20, 2007, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Jon Cannon, Eric Strucko, Duane Zobrist, Pete Craddock, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Sean Dougherty, Senior Planner; Wayne Cilimberg, Planning Director, David Benish, Chief of Planning; Elaine Echols, Senior Planner; Jack Kelsey, County Transportation Planner; Sarah Temple, Environmental Compliance Manager; Amy Arnold, Senior Planner, David E. Pennock, Principal Planner; Bill Fritz; Chief of Zoning Administration; John Shepherd, Chief of Community Development; Joan McDowell, Principal Planner and Greg Kamptner, Deputy County Attorney.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Review of Board of Supervisors Meeting – March 7, 2007 and March 14, 2007

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on March 7, 2007 and March 14, 2007.

Consent Agenda:

Hatton Agricultural/Forestal District Addition – Request for Planning Commission to accept the application for addition. (Amy Arnold)

Ms. Joseph asked if anyone would like to pull the item from the consent agenda.

Mr. Craddock asked Mr. Kamptner if this request would affect Camp Watermarks since the district would be right across the street.

Mr. Kamptner replied no, that Camp Watermarks would be outside of the district.

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

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

Item Removed from the Agenda:

ZMA 2004-00018, Fontana Phase 4C (Signs #37, 45)
PROPOSAL: Rezone 15.71 acres from RA Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre), R-4 Residential zoning district (4 units/acre) and R-1 Residential zoning district (1 unit/acre) to R-4 Residential zoning district which allows residential uses at 4 units per acre for 30 dwelling units at a gross density of 2 units/acre.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses in Neighborhood 3 – Pantops.
ENTRANCE CORRIDOR: No
LOCATION: On Via Florence approximately 0.5 miles from the intersection of Fontana Drive and Stony Point Road (Route 20 North)
TAX MAP/PARCEL: 78E-A
MAGISTERIAL DISTRICT: Rivanna
STAFF: Elaine Echols
ITEM REMOVED DUE TO NEED TO READVERTISE. NEW PUBLIC HEARING DATE TO BE DETERMINED.

Ms. Joseph said that ZMA-2004-00018, Fontana Phase 4C, had been removed from the agenda because it needs to be readvertised.

Ms. Echols pointed out that the new public hearing date would be on April 17.

Ms. Joseph asked if there was any one present to speak on the request. There being none, the Commission moved on to the next item since no action was necessary.

Presentation:

UVA Grounds Plan Presentation – Mr. David Neuman

In summary, the Planning Commission received a presentation on the UVA Grounds Plan. David Neuman, University of Virginia Architect and Julia Monteith, Senior Land Use Planner for UVA, explained the ongoing in-house master plan process for the UVA Grounds through a power point presentation. The three phases are: Data Development Analysis, Plan Alternatives and Plan Documentation. Both planned and current projects were discussed noting their potential effect on the adjoining areas of the County and City. UVA wants to work with the City of Charlottesville and Albemarle County residents and officials to preserve the environment, including the air and water quality, interconnectivity, buffering, etc. to preserve their high quality of life. Discussion was held only on the process since there are no final results at this time. A follow up work session will be scheduled at a later time, possibly in the fall. No formal action was taken.

Public Hearing Item:

ZMA 2006-00005, Avinity (Sign #75)
PROPOSAL: Rezone approximately 9.5 acres from R-1 Residential (1 unit/acre) to PRD Planned Residential Development (3-34 units per acre with limited commercial use) for a maximum of 124 units at a density of 13.26 units/acre, with proffers.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 4.
ENTRANCE CORRIDOR: Yes
LOCATION: Avon Street Extended (Route 742) approx. 1/2 mile south of intersection with Mill Creek Drive
TAX MAP/PARCEL: TMP 91-14, 90-35J, 90-35K, 90-35I
MAGISTERIAL DISTRICT: Scottsville
STAFF: Elaine Echols

Ms. Echols summarized the staff report.

- Avinity is a mixed housing development on Avon Street, which is next to Cale Elementary School, and involves four parcels.
- The Commission held a work session on April 18, 2006 and asked for some changes to the retaining walls and ways to mitigate impacts with cash proffers. Since that time about a ½ acre of property was added to the development and also the density increased.
- The project is 124 units with 48 townhouses and 76 apartments to be sold as condominiums. It is on a little less than 10 acres. The density is a little more than 13 dwelling units per acre.
- Private streets are proposed.
- Fifteen percent of affordable housing is proposed.
- Cash proffers are at $3,200 per unit for the Capital Improvements Program.
- The ARB reviewed this project several times. Staff distributed the ARB's latest set of comments from yesterday. The ARB basically said they did not have a problem with the layout. They wanted to have a full architectural review at the site plan phase. The architecture shown in the packet is not quite what the ARB would like. The applicant knows that there is more work to be done on that. The ARB is concerned about the tree species in the front because of the overhead utilities. They want to work with the applicant on that. Also, the bio-filter at the north of unit 21 needs to be fully integrated into the surrounding landscape.
- Mrs. Echols noted that PC members had asked about the Service Authority and sewer capacity because there had been a lot of questions about Biscuit Run. Staff asked the Service Authority today whether or not there was capacity in the interceptor and whether any of the comments they

made relative to Biscuit Run had any relevance to this particular project. Their response was that there is sufficient water and sewer capacity for Avinity as they had indicated before. Staff believes that ACSA is interested in very large projects and the impacts of those large projects. That is why the Service Authority gets involved with developments like Biscuit Run and Albemarle Place.

- The Cale improvements are under construction.
- The fiscal impact analysis sent shows a negative fiscal impact. Staff received an email from the applicant today that talked about the values of the units in the development that would be higher than what the Fiscal Impact Planner used for his analysis. The Fiscal Impact Planner did not get a chance to recalculate those figures, but staff knows that the higher the value the greater the taxes and the less of a fiscal impact. But, it will still have a negative fiscal impact because almost all residential construction or residential development has a negative fiscal impact. That is something that is considered with all rezonings, and information that goes into the mix.
- Staff is recommending approval of the rezoning with minor changes to the proffer language. Also, the staff reports provide analysis on waiver requests, which includes recommendations for approval of waiver of critical slopes, approval of waiver for interconnections except as shown on the application plan with provision that an easement is provided to the adjoining property; approval of waiver of sidewalks and planting strips on one side of the street; and also approval of the disturbance of the open space to provide what staff considers a very high quality amenity in this particular development.

Ms. Joseph asked if there were any questions for staff. There being no questions for staff, the public hearing was opened and the applicant invited to address the Commission.

Mark Keller, with Terra Concepts, said that they prepared the land plan that was before the Commission tonight. Alan Franklin, of Terra Concepts, passed out a color rendition of the plan. Generally they feel that they have before the Commission a sensible and social layout for a community. They created quality central common areas within this development. They have accomplished getting a high degree of separation between vehicles and pedestrians. They think that is one of the plan's highest merits. In terms of off site improvements, they have completed construction of a public water main extension under Avon Street and through this property all the way through the back and down to Kappa Sigma. With the development of Avinity, Avon Street would be widened and turn lanes installed for both right and left actions into the site. In terms of the affordable housing, they are planning on building and selling 19 single-family attached town homes at and below the affordable housing initiative levels. In terms of CIP they did mention $3,200 per market rate unit that they would be donating there. An important thing in the review of previous proffers before the Commission on other projects is that they are not pro-rating these proffers down because these are town houses, apartments or condominiums. The $3,200 applies to each and every unit that is market rate.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Morris asked if they were asking for private roads because of the utility issues.

Mr. Keller replied that they were looking for private roads because they no longer needed to set up public interconnections One of the primary reasons was that they were looking to potentially interconnect in the very back of the property to a potential road to come down from the Monticello Fire Station. This possible future public street would provide access to a possible library opposite Monticello High School. Their prior plan would allow a public street through their property to connect to any secondary connector road that came parallel with Avon, but behind the property. Later on the interconnection to the south became more important than an interconnection to the east. Mr. Keller said they also wanted to refine the layout of the community such that they were turning our backs to the perimeter of the property and focusing the front so the units into the central green by going private roads were able to depreciate the importance, size and magnitude of the roads around the perimeter edges and focus on getting more green space in the center of the property. There may be a list of other items that he was not recollecting at this point in time. But, those were the benefits of doing that.

Ms. Joseph noted that they have a retaining wall on the back of the property that says the average height is 7'. Is there any reason why they could not put vegetation behind it so that the neighbors don't have to look at a 13' wall in some spaces? She asked if there could be something to mitigate the retaining wall.

Mr. Keller replied that in some areas they could. The sewer is coming to the rear property line from Kappa Sigma near the northern edge of the larger building that backs up to the rear property line. It then makes a southerly turn and comes around the end of the retaining wall at the bottom. The water line that they have constructed to Kappa Sigma is paralleling that in all manners. There are some easements with the Service Authority that come into play. There is absolutely no reason they could not put some landscaping back there where ever they would permit it. Possibly with their permission the landscaping could go along the face of the wall as long as it is a shrub or something smaller that ACSA would permit in their easement.

Ms. Joseph suggested providing some landscaping to soften the effect on the neighbors. She asked that the applicant work something out there.

Mr. Keller noted that the 13' maximum height of the retaining wall is at the location where the water and sewer lines come up and then the wall tapers to zero on both ends.

Ms. Joseph said that she had some questions about the path way. In looking at the plan the path way is not bicycle accessible from this site to Cale Elementary. They have some steps in there.

Mr. Keller replied that was correct.

Ms. Joseph questioned one of the proffers for affordable housing. The 90-day rule is something that has always been troublesome. What happened last week when the Commission talked to the applicants from Rivanna Village was that what they agreed to was to write their proffer so that when the site plan came in for review and approved that at that point in time if the County had not found a qualified buyer for that affordable housing then $16,500 would be placed in the housing fund and the requirement for that particular unit would be gone. The biggest fear was that the County was going to lose their affordable housing if they have the 90-day clause in there. She asked that they at least have some kind of funding for affordable housing so they would not be losing out on everything. She wondered if that was something that the applicant would consider.

Mr. Keller felt that enough conversations were held with the applicant today and counsel with staff that her request could be met as long as internally the County with the Housing Authority, staff and the Commission can come to craft the language and the tools by which they can get to that. He said yes that they do not want the affordable aspect to go away.

Ms. Joseph asked if anyone else has any questions. There being none, she invited other public comment. There being none, the public hearing was closed and the matter before the Commission.

Mr. Strucko said that he had a question about the private streets for staff. On page 14 of the staff report it states that the Commission discussed the arrangement of the development and the corresponding street needs and have confirmed that the design of development and that private streets were needed. He asked why they did that. His issue was that interconnection, especially when the sole entry and exit point of this development is Avon Street and its existing level of service is "E" now. The only way to alleviate that potential traffic mess on Avon Street would be to maintain the options of interconnectivity here between this development and something to the rear of it. The private road on the surface does not appear to facilitate that. He asked why the Commission affirmed the need for private roads.

Ms. Echols referenced the discussion on interconnections shown in Attachment F

Mr. Strucko pointed out that County owns several parcels that come close to the rear of this particular parcel, but does not touch it.

Ms. Echols replied that was correct. When the Commission looked at the design of the development at the prior worksession, staff brought out a lot of issues relative to the potential for interconnections. Staff noted all of the places on the plan where connections could take place. The Commission really liked the design and the way the roads were laid out. Staff though it had noted to the Commission that they could not use the internal streets as public streets because of the way the parking is shown perpendicular to the streets. Staff felt the Commission looked at the design and said that it made more sense for this to be a private street than a public street. The Commission said that there only had to be one interconnection point, which could take a road way into the street system as shown on Attachment F. Her recollection was that when the Commission affirmed the design they also seemed to also be okay with the concept of a private street system.

Staff brought up the relationship to the adjourning property because there is a roadway already on the adjoining property. Staff was concerned that the development needed to have a better relationship to the adjoining property at the south because there was already a roadway in there. The Commission said no, that was not necessary and the access for those parcels could be taken either off of that roadway or to the rear of the parcel. That is why staff felt the Commission was affirming that was what they wanted with this particular development. If staff has misread the Commission's decision they can go back and revisit it.

Mr. Morris recalled that the applicant chose not to connect to the parcel to the south. He asked if that was correct.

Ms. Echols replied that the applicant did not want to connect to the parcel to the south.

Mr. Keller pointed out that the location of the connection was where the grades on both properties were exactly the same. In discussions about the public road versus private road conversation with Mr. Kelsey and Ms. Echols one thing that should be evident is that the two larger buildings in the central part of the site actually have parking underneath. So those buildings are actually sitting over parking lots. One could drive across the property through the buildings just like one could walk centrally through the buildings to get to one green space to another and to several amenity areas. Mr. Kelsey reminded them that if they were going to have travel ways that passed under those buildings there was going to be a rub about having the perimeter roads public. That was another reason that was in that list of things that he forgot.

Ms. Joseph asked what happens if it connects with an adjacent property and it is a private road. Can they put up a tall fence? Or can there be an easement?

Mr. Edgerton noted that they explored this last week that they needed an easement.

Mr. Kamptner said that the County would want an easement that would allow the right of ingress and egress from the adjoining property. The other concern always with private roads serving as interconnections is assuring that the maintenance is adequate and to be certain that the interconnection remains open.

Ms. Joseph asked if everyone was comfortable with an easement with some sort of heavy duty maintenance agreement.

Mr. Cannon agreed noting that was what they worked through last time. There were some benefits from the private road configuration here for the form of development. They need to minimize the down sides.

Mr. Morris asked if staff has received any more feedback from VDOT Culpeper as to allowing contractors to put the utilities under the street. It very specifically says "thou shall not" in what they have.

Ms. Echols said that the utility issue would not affect this particular development because the private street question was more about the arrangement of the streets. But, the answer is that staff has not been back in touch with VDOT since last week.

Mr. Edgerton felt it was a great plan and was very excited about it. He appreciates what the applicant did to respond to some of their concerns. But, he was losing sleep over this fiscal impact analysis. They

have agonized about cash contribution proffers to off set the cost of development and certainly what is being offered is consistent with what the Board has accepted in recent months. But, it is about 1 percent of the impact that it is going to be meeting.

Mr. Strucko felt that no precedent was set with Old Trail and other developments. The County used the information it had at the time to accept the proffers. There was an absence of a detailed analysis and study as to what the fiscal impacts of such developments are to this community. Mr. Strucko said that the more he has become involved in the fiscal impact model the more he was convinced that certainly $3,200 per unit is not enough even to address the off site impacts that this 663 additional daily vehicle trips will have on a level of Service "E" road. He felt that $3200 does not come close to addressing just the traffic impact of this let alone the school impact and others. He knew that Cale Elementary School is already being renovated, but that is still cash the County is paying. This particular development is going to have an impact on the school. But, he was sort of caught because in the absence of a cash proffer policy he still thinks it is unfair to apply just an arbitrary standard to these developments. Therefore, he was anxious to get something solidified on that front. He wanted to make a public comment that he did not view the Old Trail standard for proffers as a hard and true precedent.

Mr. Edgerton asked to add a note of caution that he was very uncomfortable about the reality that they are facing. Their own staff has told us that they are burdening the County for the next 20 years with over 3 million dollars of costs that would not occur if they did not approve this request. He agreed with Mr. Strucko that this calls yet again for a very clear policy to address the impacts to the community of development such as this.

Mr. Morris agreed.

Mr. Cannon asked if there was something that they could fairly request of the applicant here as just a symbolic recognition of the principle or concern that was just stated.

Mr. Edgerton suggested more money be given.

Mr. Cannon asked if there was a particular project or something that would cost more money that would be appropriate to ask the applicant to do.

Ms. Joseph noted that the Commission did not have a fiscal impact study last week when they looked at Rivanna Village.

Mr. Cannon noted that this was something new.

Mr. Morris said that he did not feel comfortable adding on something at this particular point although he agrees with Mr. Edgerton 100 percent that this was made in good faith based upon everything that they knew up to that point. He agreed that the County needs to adopt a policy.

Mr. Strucko acknowledged that Cale Elementary School has a number of modular units and will need additional monies. There is going to be 200 to 300 more residents in this area and the Monticello Rescue Station's operating costs potentially will increase because of this development. There will be 663 additional daily vehicle trips on Avon Street, which is a level "E" service road now. Schools, roads and fire/rescue have additional needs. He could not in good faith venture even to guess what those impacts would be.

Mr. Cilimberg noted that the Commission has seen fiscal impact analyses on a number of projects. The one for Rivanna Village had not been prepared for their review. What they were looking at for in Avinity is pretty typical for a residential project depending on the size. He felt that Mr. Strucko was aware that if there is a policy, the application will only be able to be made to the capital part of the impact. Some of the dollars here are operating costs. The model is not showing all the capital needs. The capital impacts are a slightly lower amount, which could be off set in cash proffers. The bottom line is that this is going to be a pretty typical kind of thing with residential development in the development areas. What is unfortunate is that the same thing is happening in every bit of residential development by right in the rural areas and in

the other parts of the development areas. So rezonings are at a real disadvantage when the County starts talking about how to apply cash proffer policies in an equitable way. There is no way to address that for all of the by right residential development that might occur in lieu of this. He was talking about by right development County wide.

Mr. Cannon noted that Mr. Cilimberg was talking about where development could go cheaper because by right development occurs without proffers.

Mr. Cilimberg noted that there is going to be that struggle in developing a cash proffer policy. It has been difficult in the past and it will be again. Part of what Mr. Strucko is involved with the Fiscal Impact Committee is to try to get a way to measure impacts. There is still going to be the whole discussion about the policy that goes with it. It is correct that developers don't get the density in the rural areas with by-right development that they would with a rezoning, which may be very attractive. But, it is that struggle. Impact fees would remove that to a large extent. Unfortunately, in Virginia the General Assembly has not seen fit to give our local government that ability.

Mr. Craddock agreed with Mr. Cilimberg. This development is located right next to Cale School and provides more walking trails for the children to get to the school. The affordable housing could be right on a bus line if there is a bus line coming out assuming Biscuit Run would come through. It is in the development area.

Ms. Joseph asked if the Commission could go through this starting with the land use plan itself or the layout. She asked if everyone was good with that.

Mr. Cannon felt that they had responded to their earlier concerns.

The Planning Commission was okay with the land use plan or the layout.

Ms. Joseph asked that the Commission go through the proffers that were offered as follows:

- Affordable housing proffer to include the language about the cash in lieu of unit additional language
- $3,200 per market rate unit for the CIP
- The addition of a proffer that the easement for residents being to use non-private roads. (Staff recommended that it be a condition of the interconnection waiver.)
- Public water improvement, pavement and fencing.

The Commission noted the need for a correction in the staff report to change the reference for pavement width from 5' to 6' to match the proffers.

Mr. Strucko said that he liked the degree of open space, which was a nice balance.

Mr. Morris said that he agreed with the proffers.

Ms. Joseph said that at site plan stage if there has not been an applicant identified for the affordable housing unit that in lieu of that the County is given $16,500 for the Housing Fund.

Mr. Edgerton noted that the applicant had agreed to that.

Ms. Joseph asked if the Planning Commission was all right with the proffers with that added.

Mr. Kamptner said that there was one correction to the cash proffer that essentially stated the same thing twice, which could be corrected.

Ms. Joseph assumed that all of this language would be run through the County Attorney's Office before it goes to the Board of Supervisors.

Mr. Kamptner agreed.

Motion on Rezoning:

Mr. Morris moved, Mr. Craddock seconded, for acceptance of ZMA-2006-00005, Avinity, with minor wording modifications to the proffers.

Mr. Cannon asked if it would include the changes that were just mentioned by Ms. Joseph and staff.

Mr. Morris agreed that it would include the changes recommended by staff and mentioned by Ms. Joseph.

- At the site plan stage if there is no applicant identified for the affordable housing unit that, in lieu of the unit, the County is given $16,500 for the housing fund.
- The proffers shall be reviewed by the County Attorney's Office before the rezoning request goes to the Board of Supervisors.
- One correction should be made to the cash proffer, which essentially states the same thing twice.
- Public water improvements (no changes were recommended)
- Pavement and fencing – change the staff report regarding pavement from 5' to 6' wide to match the proffers.

The motion passed by a vote of 7:0.

Motion on Waivers:

Mr. Zobrist moved, Mr. Cannon seconded, to accept the recommendation of staff on ZMA-2006-005, Avinity, to approve the waivers with respect to the following: the critical slopes, the disturbance of the open space, sidewalk and street trees on one side of the street, and any other requested waiver with the conditions defined in the staff report with the exception of the private street interconnection.

The motion passed by a vote of 7:0.

Motion on Interconnection:

Mr. Cilimberg asked if the Commission's expectation was that there would be interconnection that would be available for public access as an easement and a maintenance agreement should be provided to assure perpetual maintenance.

The Planning Commission agreed with Mr. Cilimberg that the intent was that the public would have open access that will not be gated in the future.

Mr. Morris moved, Mr. Craddock seconded, to accept the recommendation of staff on ZMA-2006-0005, Avinity, to approve the waiver to Section 14-409 to allow the interconnection as shown on the plan with the following conditions:

1. An easement must be provided to include the maintenance and that it will remain **open** for public access.
2. The applicants must submit a maintenance agreement that meets the requirements of County Code Section 14-3.1.7.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2006-00005, Avinity, would go before the Board of Supervisors on April 11, 2007 with a recommendation for approval.

Mr. Edgerton asked staff to make sure that they get the word "open" in the Rivanna Village approval from last week.

Mr. Kamptner agreed that the word would be in that approval.

The Planning Commission took a 10 minute break at 7:46 p.m.

The meeting convened at 7:56 p.m.

Work Session:

SUB 2006-00417, Bundoran Farm – Final Plat: (David Pennock)

Mr. Pennock summarized the staff report.

- This is work session regarding the proposed conservation easements for Bundoran Farms regarding the final subdivision plat review. The final road plan and subdivision plat are under review. The preliminary plan was approved in August, 2006 to allow 92 lots. It is located on approximately 2,200 acres. At that time one of the conditions of preliminary approval was that the Planning Commission reserved the right to revisit the final plat as well as the proposed conservation easements for the subdivision. He passed out the prior action letter and minutes of the August, 2006 meeting. Other documents distributed showed what the County considered to be the prime unique agricultural soils as well as the overall layout of the subdivision.

- Briefly, some of the discussion points that led to this work session include the following:

- The preliminary approval of the subdivision involved conversations with the applicant involving the ultimate intent of the subdivision. Several of those conversations came back to the idea that the majority of the property would be preserved in perpetuity mostly for purposes for farmland preservation as well as what they considered to be sensitive areas mostly of which were environmentally sensitive areas. That was something that was highlighted in those minutes. Various Commissioners at that time had expressed some sort of desire to increase the mechanism for staff to guarantee that remained in perpetuity. In other words, to give staff a little more control. Although, it was not conditioned that way.

- The draft easement document is also one of the attachments. That is from the applicant, which was their initial deed restriction for each of the properties. Staff also highlighted a few points in that. It highlights an intent to preserve the agricultural character as well as the environmentally sensitivity. Those were several of those things they mentioned during the preliminary review, although it is not very specific as to mechanisms for keeping it that way.

- Attachment D is the property owner's association documents for the subdivision, which are fairly lengthy. It includes more substantial restrictions and more references to individual types of restrictions on the property, including their establishment of a farm belt and a green belt over the entire property. That would function more or less the way that they had described it during the preliminary as an overall easement to encourage the ongoing farming of the property. The conflict that came up during the review of the initial deed restriction regarded what role the County would play, if any, in the ongoing enforcement of the easement as well as whether it addressed all of the concerns that were raised during the preliminary subdivision review.

- An overall farm belt and green belt plan was done as part of the subdivision plat. This is something that the applicant provided. The areas shaded in gray represent the areas preserved in farming. The easement documents from the homeowner's association have an overall layout of the property, including the prime soils as identified on the County's maps. Most of the gray shaded areas follow the areas that the County had likewise identified as important soils. As would be expected the farm belt area more or less

overlaps on what would be considered the most important agricultural types of soils. The white area shows the green belts. In most cases the building sites are within the green belt, but not in every case.

Mr. Edgerton asked if this easement form the same form used on the conservation district plans.

Mr. Kamptner noted that form was a donated open space easement form that staff provides to land owners who are interested in donating an open space easement to the County. This was presented at the Chair's request just for a point of reference. This is a similar type of form. To put this in context, he went back and reread the minutes and looked at his notes. Although the minutes from the August 8 meeting did refer to a conservation easement as something that was envisioned he asked the clarifying question and just noting that what looking the Commission was really looking for was something in the form of a declaration to put the restrictions on the land outside of the home sites that the applicant's representative had made that evening.

Mr. Cannon asked if he was making a distinction between an easement and declaration.

Mr. Kamptner said that he was making a distinction between the conservation easement and an open space easement as those terms are used under the conservation easement law and the open space land act and what the applicant was proposing to do within this subdivision.

Mr. Cannon said that the applicant's initial proposal was for an agreement among the property owners that would control their use of common space for agricultural and resource protection purposes. The concern that they were raising is shouldn't there be a role for the County as a party in a process that would lead to a decision that could revise the arrangement that is proposed.

Mr. Kamptner replied yes. The County should have a role. That is probably the main comment they have to the charter that has been received. Since he only had a short time to review this, as far as he could tell, the County's role has been removed. Actually the draft deed or the parts of the document that they did not have a concern with were not carried over. That was the right of the County to participate and have a say in the determination of the declaration and also the right to inspect and enforce to assure that the terms that the County was interested were being complied with.

Mr. Cannon noted that he was looking a draft dated November 20.

Mr. Kamptner agreed that was correct.

Mr. Cannon said that does have language that puts the County in the position of having to consent to any subdivision that would create more than the number of lots identified in the easement right-of-way.

Mr. Kamptner said that is right. The charter now allows the owner and builders who were defined in the charter to divide the lots. Of course, it is subject to County approval through the subdivision process. One of the commitments made at the time of the preliminary plat approval was that they were using approximately two-thirds of the available development rights and the applicant had made the commitment that they were going to stay at that point. He did not see that carried over in the charter document that was received a couple of days ago.

Mr. Cannon asked if that is the County's role in giving consent to an increase above that.

Mr. Kamptner replied that the County has two roles. What the commitment was is that there were X number of development rights and the applicant committed that they were using approximately 2. They were not going to further subdivide the lots. The County consented to it. Then there is the second level of County consent, which is always required when subdividing land.

Mr. Cannon said that the additional issue that Mr. Kamptner is raising is whether there would be County oversight of the easements in the sense of the County's ability to enforce the terms.

Mr. Kamptner replied that it was the right to inspect and enforce, which does exist in the November 20 document in paragraph 3. The big issues, which was their our concern with paragraph 1, was the preservation of the farm land and the active agricultural operations and the forestal land appears to have been pretty much satisfied in their concepts of the home sites and the farm belt and green belt easement. There are a couple of minor things that they wanted to clarify. The applicant had made the commitment that no structures would be established outside of the home site. Although the farm belt/green belt easement exists, he needs to read through it. It may prohibit any structures within the farm belt and greenbelt easement. He needed a little more time to confirm that. It would be dwelling units and presumably accessory structures as well, such as sheds, barns, etc.

Ms. Joseph asked how binding the charter is. It is something that can be changed by the home owners without any County knowledge.

Mr. Kamptner said that the charter does have the potential of being amended by a certain amount of the voting members without County approval. That is something that was changed from November 20 draft. It did not get into that issue, but just required that the County approve any amendments to the declaration.

Mr. Cannon said that the easement or the declaration of preservation covenant and easement is a document in the modification of which the County would have to consent.

Mr. Kamptner replied that was correct in the November 20 document.

Mr. Cannon said that further it is a document which provides for the County to inspect and enforce the terms of the easement as written.

Mr. Kamptner agreed. The thing that was missing was the key thing that the Commission was interested in-that the applicant represented was that the development would take place only within the home sites and the rest of each individual lot, the common area not devoted to roads and other subdivision related activities, would remain farm land, forest land and active agricultural production.

Mr. Zobrist said that the question is to what extent does the County control the use on the easement of land outside of the building lots. Can they control it to the same extent as they would in a conservation easement or they more limited to what the applicant proposed.

Mr. Kamptner replied that they were limited to what the applicant has proposed. Right now they were dealing with two documents. Neither of those accomplishes everything. If they put the two documents together the components of the two documents together he thinks that satisfies what the Commission was looking for in August and what the applicant said that they would do. The applicant will proceed with the charter, which will be recorded and will run with the land.

Mr. Strucko said that his concern in August that made granting the waivers was the unique features of this particular proposal. That was that they were not going to use all the by right developments. Secondly, there was going to be a significant piece of the property in easement. The Commission's concern was how permanent was that easement. They discussed that if the land owners of these particular parcels could reach a unanimous agreement they could completely eliminate the conditions upon which they bought the property. That was still a concern that he has. They were still shouldering some risk there. They were questioning how they could get this in a permanent conservation easement. Is there an outside entity, such as the Outdoors Foundation, that could hold it? That is sort of where they left it. That was the expression of their concern at that point.

Mr. Cannon said that how this addresses that is to place an easement on the property that is perpetual in duration and to have two provisions or conditions which address the County's ability to participate in the implementation and enforcement of the easement

Mr. Strucko asked if all of the land owners say that they want out of the arrangement, but the County says no is that it.

Mr. Kamptner said that it would be subject to the vote of the land owners and the County's approval. So the County would have the ability to veto the vote. They feel that it was fine if the County's role was really that of a third party beneficiary rather than an easement holder in this case. He felt that would be enforceable in this case.

Mr. Zobrist agreed with the two documents being combined.

Mr. Joseph noted that on page 1 it says that there area 92 lots and then within the declaration it says that there is 110 lots. She asked what is correct.

Mr. Pennock said that the preliminary approval of this subdivision was for 92 lots. He felt that the draft easement document allows for future amendment to that assuming approval of the County, but to go above that number.

Ms. Joseph asked if the applicant would have to come back for any lot over 92 for approval.

Mr. Kamptner asked what the final plat shows.

Mr. Pennock replied that the final plat and preliminary approval was for 92 lots. Counting all the rights it would be around 163.

Mr. Kamptner said that to go from 92 to 110 they would have to submit a subdivision plat to the County. If it met all of the requirements of the subdivision ordinance, the County would have to approve unless there is a limitation in the charter as to the number of lots that can be created.

Ms. Joseph noted that the limitation is 110 lots. Then it says without prior written consent of the record owners and the County's written consent. So they can do the 110 lots without the County's consent and without the owner's consent.

Mr. Zobrist noted that 110 is the number in the easement, which is the limitation. They are waiving all of their development rights above 110 according to the document.

Mr. Kamptner noted that in the minutes of August 8 the applicant said that they were only 2/3 of their development rights. So 110 would be in the ballpark of 2/3, even though there is a discrepancy between 92 and 110.

Ms. Joseph asked that applicant to address the issue.

Bob Baldwin, from Crow Corporation, said that they have 92 lots, but also in August and today they have discussed the number of 108 home sites and development rights. The discrepancy is that they have put forward a concept they called dependency rights. Right now they have 92 subdivided lots with 108 total development rights. The idea being that the dependency sites would be a lower cost basis. The idea is if the people buy this lot they can put two homes with a dependency site for a relative on that piece of property. If they chose not to do that, they do have the right to subdivide those off and sell them independently subject to the standard subdivision regulations. This is not different from August. The 108 was what they were before the Commission with in August, but they left 2 more on it.

Mr. Zobrist asked if the number is correct in the proposed easement.

Mr. Baldwin replied that they put in 110 for some flexibility. The 108 would be 100 percent consistent with last August and the plat that they submitted in December.

Mr. Pennock said that they do have multiple lots that have additional development rights assigned to them. So the way this was written that there would be no more than 110 lots would anticipate future subdivision of some of those lots. But, as he was saying if they utilize the development rights that they have assigned to some of the larger lots they could get multiple home sites on the same property.

Mr. Edgerton felt that they should anticipate 108 lots. If the first option occurred and was sold to a family member they could subdivide off.

Mr. Strucko asked how many dwelling units were shown on the depiction. He asked how the subdivision of the lots would affect the depiction and the carefully selected sites for these homes.

Mr. Baldwin replied 108 lots were shown on the depiction. The dependency sites were located not just where they did not impact natural habitat or something, but also so that they could get legally separated having the proper acreage and frontage.

Mr. Strucko asked if a subdivision occurs does it impact the green belt or farm belt as depicted here in any way.

Mr. Baldwin replied no.

Ms. Joseph asked if the applicant would want to give a presentation.

Mr. Baldwin said that they looked at it as two key documents being the Homeowner's Association Charter. It includes everything from where a shed can be built and what it looks like, design controls and sustainability guidelines including how the farm land is managed. That is very sensitive because they don't know what agriculture is going to be like 50 years from now. Therefore, they need some flexibility. They felt that would be an inappropriate level of detailed management for a third party easement holder, whoever it is. So they tried to handle all of that in that document. Then basically they put the backstop into a fairly simple easement document held by the County or as a third party beneficiary. That would so that the management of what happens in the easement works within the box of no more than 110 development rights.

Mr. Zobrist said that he thought it was 108.

Mr. Baldwin replied that 108 lots were fine. As far as building structures were concerned they do need the ability to build strictly agricultural support of auxiliary structures in the farm belt. They are going to need that to some extent. They are not looking to build dwelling in there.

Mr. Morris noted that is in the in the documentation.

Mr. Zobrist asked that the farm buildings not be used for wedding events or parties and that it be for farm related uses. The farm buildings shall be used for farm related uses only.

Mr. Baldwin agreed to add that.

Mr. Alton pointed out that they have the County Fair accommodated on the site.

Mr. Zobrist noted that they have a separate special use permit for the County Fair.

Mr. Morris asked if Mr. Kamptner's suggestions would meet staff's desires about combining things.

Mr. Pennock replied yes.

Mr. Kamptner said that if paragraph 1 could incorporate or cross reference over to Section 13.9 of the Charter. Paragraph one just deals with the limitation on the number of dwelling units. They also wanted to get into the existence of the farm belt and green belt easement as well.

Mr. Alton said perhaps what they are asking is that there is language in paragraph one or elsewhere that says they will also require the mechanisms here, which the County and 100 % of the home owners to some language like substantially amend Section 13.9 of the charter. He asked if that was what they were talking about. This limits the amount of development, but it does not directly address the use or what

happens in here. This is what they are trying to be careful that they don't get the County into the farming business if they don't want to be in it.

Mr. Kamptner replied right, that he did not think the County was interested in what is actually going on in the farm belt and the green belt. They are interested that the farm belt and the green belt as it is reflected in the charter continue.

Mr. Alton felt that they could definitely do that. One thing he would suggest is that they take a look at 13.9 because there might be a few things in there that they might want to make some adjustments before they directly give them full control over here. But, obviously no problem to refer back to it as long as they are talking about making sure it is used for agricultural uses.

Mr. Kamptner said that they were not telling him or the association what should actually happen there.

Mr. Zobrist noted that as long as it was not weddings.

Mr. Alton replied that they could work with that.

Ms. Joseph asked for assurance that the charter and the declaration will both be recorded and that the charter cannot change without the County's approval.

Mr. Kamptner noted that is right. When he got the charter he was not certain whether or not the November 20 document had gone away. But, actually that document is supplementing. The documents work together.

Mr. Alton said that what they just talked about was not changed 13.9 of the charter without the County's approval.

Mr. Kamptner noted that related to 13.9 would also be the definition of home site because those 2 go together. The home site and the farm belt/green belt concept go hand in hand as well.

Mr. Alton said that he believed that as far as the definition of the home site will be recorded and platted with the easement showing exactly where that is. That will show where the easement is located. What happens in the easements was what he was hearing the Commission say they would like to have in this document that they can't amend. That sounds appropriate. As far as amending the entire charter there are a lot of things I there that need to be that really don't relate to the zoning, subdivision or the use of lands. He really did not think that the Commission wants them to come and know on their door every time they want to change something.

Mr. Cannon said that the charter manages all of the relationships between and among the property owners.

Mr. Kamptner replied that was correct.

Mr. Cannon said that they have specific interests here, which is in limiting the number of building sites and ensuring that the common open space for which they are providing continues in that state unless and until we would approve a change. That is his understanding.

Mr. Alton agreed and that was covered in 13.9.

Mr. Cannon noted that Mr. Kamptner has the formula for assuring us on both of those points and the applicant seems to be agreement with it.

Mr. Alton felt that the cross reference to 13.9 would cover that.

Ms. Joseph said that the expectations from the work session are that they will come back with language for approval. The Commission does not vote on an item during a work session. That is the way that it

has been presented to us.

Mr. Alton asked if there was no possibility for a final plat approval today.

Mr. Kamptner noted that at the time of preliminary plat approval the Planning Commission called the final plat up. Therefore, the Commission will have to approve the final plat.

Mr. Zobrist said that the Commission could basically defer to County counsel and staff to get the easement in accordance to what they have talked about, which is all they have to do.

Ms. Joseph noted that it was the easement and final plat. So the final plat with the appropriate language has to be presented to the Commission for approval because it is a condition.

Mr. Kamptner noted that the final plat has to come back for action by the Planning Commission.

Mr. Cannon asked if there is a clear signal from the Commission sufficient for staff to execute with confidence that when they come back together again there will be a positive outcome with no misunderstandings.

Mr. Alton replied that he thought so and asked to recap what his understanding is. The number 110 changes to 108. The one addition is that this easement states the County as a beneficiary or third party or however they would like to do it and refers to Section 13.9 in our charter and says that they cannot change it without County approval or with the same approval mechanisms that are in here, which protects the uses in the farm belt and the green belt and protects it from any dwellings. They need to take a look with council and Mr. Pennock at the language in there and there might be some details that they might want to pull out. But, it will be clear that it protects the uses they have described, which is forestry, agricultural, no development but for agricultural structures as required in perpetuity. He asked if that sounds correct.

Mr. Edgerton asked what restrictions they have on the management of the forestry operation. If down the road what restrictions are on the forestry operation? He asked if they could clear cut all of the trees if they wanted to go into forestry. Do they have anything that would prevent that from happening?

Mr. Alton said that he could not answer that 100 percent.

Mr. Edgerton said his read of this section in their home owner's does not give that protection.

Mr. Alton replied that they might not have it because they might not have anticipated clear cutting out there. What they have is the timber in both the operations and the agricultural zone and they consider the forestry/timber as the same idea. It is managed by a farm managing committee, which has a couple of home owners and them three outside parties. So it is not just the home owners or just the outside parties. He was not sure if they have any specific protection of a certain amount of trees

David Hamilton, project manager, said that it was it was under the farm management committee, which is required to have a professional forester in addition to a professional agricultural expert. The property has been for decades under a forestry management plan. With home owners also represented on that committee he could not contemplate the situation of proposing major commercial timbering. If they would like to see protection from that, he did not have any problem with it.

Mr. Alton noted that clear cutting was not the intent here. They can agree to put in that protection under 13.9. In 13.9 of the charter they would put restrictions on the timbering management process, which he was unsure of the exact language that would say no clear cutting.

Mr. Zobrist noted that the County has some suggested language in their conservation easements that they could use.

In summary, the Planning Commission held a work session on SUB-2006-00417, Bundoran Farm – Final

Plat to review the final plat and the easements. One of the conditions of the preliminary approval was that the Planning Commission reserves the right to revisit the final plat as well as the proposed conservation easements for the subdivision. The conflict was what role the County would play in the enforcement of the easement and whether it satisfied all of the concerns that were raised during the preliminary subdivision review. The Commission discussed the language of the easement documents that have been submitted, with specific focus on the long term conservation aspects discussed during the preliminary subdivision review. The Commission basically deferred to County counsel and staff to get the easement in accordance to what they have talked about and then bring the plat back to the Commission for approval. The Commission had specific interests, which is in limiting the number of building sites and ensuring that the common open space for which they are providing continues in that state unless and until they approve a change. The Commission requested the following changes:

- In 13.9 of the charter restrictions on the timbering management process needs to be added.
- Limit the number of building sites by changing the number of building sites from 110 to 108.
- The easement should state the County as a beneficiary or third party and refer to Section 13.9 in the charter. It should say that they cannot change it without County approval or with the same approval mechanisms, which protects the uses in the farm belt and the green belt and protects it from allowing any dwellings.
- The farm buildings shall be used for farm related uses only.
- The applicant, with council and Mr. Pennock, needs to look at the language since there might be some details that they might want to pull out. It needs to clearly protect the uses they have described, which are forestry, agricultural and no development except agricultural structures as required in perpetuity.

Informational Session:

ZTA 2006-00001, Country Stores: Resolution of Intent and Draft Proposal to Amend the Zoning Ordinance regarding Country Stores. (Amy Arnold)

Ms. Arnold summarized the staff report and gave a power point presentation.

The Comprehensive Plan's Rural Areas Plan identifies the protection of historic, archeological and cultural resources as a guiding principle for the Rural Areas. In addition, the Historic Preservation Committee presented "Position Statement on Albemarle County's Historic Country Stores" (May 6, 2003), further prompting the Board of Supervisors to direct staff to propose ways to improve and preserve Albemarle's country stores not only as an historic and cultural resource, but as an integral part of its rural crossroads communities.

The Rural Areas Section of the Comprehensive Plan states that a strong rural economy is one of the elements of the County's vision for the Rural Areas; the Rural Areas Guiding Principles encourage the support of localized rural economies and rural land uses providing rural landowners with economic viability. Currently, a large number of country stores throughout the County are either threatened or have been lost. Amending the Zoning Ordinance can help to ensure that the remaining country stores continue to play an essential role in the culture, economy, and historic legacy of Albemarle County. To support the survival and proliferation of country stores in the County, Planning and Zoning staff, in consultation with several country store owners, propose the following potential amendments to the Zoning Ordinance:

1. Revise the definition of country store included in the Zoning Ordinance; possible additions include:

    - A single building with no larger than a 10,000* square foot foundation and shall be no more that two stories of retail / food service space, or a combination of retail / food service and office or residential space, with an attic and / or basement, falling within one of the following categories:

- o Existing land use and / or building either currently in operation or formerly in operation as a country store included in the County inventory of country stores and former store sites being re-established as a country store. (proposed as a by-right in the Rural Areas)

- o Existing building having formerly operated as a country store and included in the County inventory of existing country stores and former store sites being re-established as a use other than a country store. (Would require a Special Use Permit; site plan waivers for store site; single family residential adaptive re-use by-right with site plan waivers)

- o New store building and new land use, or expanded existing country store building and / or use. (Would require a Special Use Permit; full site plan review with waiver options)

2. Allow for the multiple uses within country store buildings and on parcels that currently or historically include country stores provided country store remains the primary use.

3. Eliminate the current two-year window in which a country store loses its non-conforming status when vacant or used for other purposes. (Establishes country store as a by-right use in former country store buildings or on former store sites included in the country store inventory.)

4. Revise the Zoning Ordinance requirements for required site improvements to include exceptions to accepted engineering practice and ARB guidelines that reflect typical country store paving, entrances, and minimum setbacks. Provide the option to waive site plan and Architectural Review Board review for country stores included in the County inventory of country stores.

5. Examine the possibilities for well and septic ordinances adjusted to better serve store sites. Explore the use of alternative septic systems on size restricted sites.

With these amendments the County could increase the means by which country stores are supported as viable rural businesses, integral components of crossroads communities and other localized rural economies, as a rural cultural resource, and as historic buildings and sites to be preserved. In addition to these proposed amendments, staff would also:

1. Establish an inventory to serve as a base line for identifying existing country stores and former store sites. The inventory can be amended in the future based on the recommendations of the Historic Preservation Committee and County staff to include stores and former store sites.

2. Evaluate the possibilities for adopting a program of property tax abatements for the renovation of country store buildings included in the County inventory of country stores.

Mr. Kamptner said that there is a use classification in the rural areas district by special use permit, restaurants and inns that are located within an historic landmark as designated in the Comprehensive Plan with some provisos and another provision that says that the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith.

Ms. Joseph said that could be a supplemental regulation for country stores instead of by special use permit.

Ms. Arnold noted that zoning staff had suggested using the supplemental regulation as a model for the country stores.

- The Commission was in favor of using the supplemental regulation as a model for the country stores.

Ms. Joseph said that staff had talked about other methods of septic. She received something from Ms. McCulley on February 23 that talks about new information and recent decisions regarding private septic systems. She suggested that staff look at that because it was very restrictive in what she was talking about.

Ms. Arnold noted that a series of meetings are organized in April and one of them is on that subject with Ms. McCulley and the Health Department.

- The Commission asked staff to review new information regarding private septic systems in regards to the methods of septic as discussed by staff.

Motion: Mr. Morris moved, Mr. Strucko seconded, for approval of the resolution of intent for ZTA-2006-00001, Country Stores to amend the Zoning Ordinance regarding Country Stores.

RESOLUTION OF INTENT

WHEREAS, the Comprehensive Plan's Rural Areas Plan identifies the protection of historic, archeological and cultural resources as a guiding principle for the Rural Areas;

WHEREAS, country stores are an important economic, cultural and historic part of the Rural Areas and an integral component in the crossroads communities in the Rural Areas;

WHEREAS, the Rural Areas Plan states that a strong agricultural economy is one of the elements of the County's vision for the Rural Areas and its guiding principles encourage providing support to local agricultural economies and supporting rural land uses that provide rural landowners with economic viability;

WHEREAS, a large number of country stores throughout the County are threatened; and

WHEREAS, the conservation of historic resources is one express purpose of the Rural Areas zoning district and it is desired to amend the Zoning Ordinance to ensure that the remaining country stores continue to play an essential role in the culture, economy and historic legacy of Albemarle County.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Zoning Ordinance § 3, Definitions, § 5, Supplementary Regulations, and § 10, Rural Areas (RA), and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

The motion passed by a vote of 7:0 to adopt the resolution of intent.

Old Business

Ms. Joseph asked if there was any old business.

Retreat –

Mr. Zobrist will make the reservations for dinner on April 20 at 6:30 p.m. at Jarman's Gap at the Three Notched Grill next to Crozet Pizza.

Discussion held on the location of the work shop to be held on Saturday morning, April 21 from 9:00 a.m. to noon.

Mr. Morris felt it would be easier to hold the meeting at the COB because the public would have easy access.

Mr. Zobrist suggested that the work shop be held at The Meadows.

Mr. Morris agreed to The Meadows as long as it is a public building.

- The Planning Commission agreed that The Meadows location was a fine idea and asked Ms. Joseph to call to get a reservation for Saturday morning.

Topics -

Ms. Joseph asked to talk about staff report. She would like to get the staff reports to be consistent. She felt that staff has not gotten the information that they need on some of the rezonings in a timely fashion. There are certain things that they need to know, i.e., if VDOT just wanted a turn lane. They just need some consistency.

Mr. Zobrist asked that they hold a discussion on how they publicly handle this issue on impact. It is very scary to the applicant. They ought to have a consistent way to deal with it until they get a policy.

Mr. Morris asked that they discuss what Mr. Cannon has brought up on more than one occasion to look at the big picture.

Mr. Cannon said that was actually correct. The Commission gets these reports on what is going on in the County inside and outside of the growth areas that say what the trends are. Are those acceptable to us and if they are not what do they do about them.

Mr. Edgerton noted that the Commission receives the reports, but are never put on the agenda.

Mr. Cannon agreed that they are not on the agenda and elaborated on. He asked that they have someone help the Commission understand these reports, i.e. Building Permits in the Rural Areas and the Building Permits in the growth areas over time – status and trend things. He would like to know what is behind it, what people think are driving it in the different places and what their ability is to affect it. If it is acceptable, then what do we do with them?

The Commission wants the Development Activity Report scheduled as an agenda item with a briefing and time for discussion.

Mr. Edgerton said that they get the report, but it is never related to the agenda.

Mr. Strucko said that they would like to see the trends over a longer period of time, such as 5 years. Are they having the impact that they intend to? They need an indicator and that report is probably the biggest measure out there. He said that he wanted to start it at the retreat.

Mr. Morris said that they need to understand if by approving this what impact does that have on this and this.

Mr. Cannon said that it would be helpful to have somebody help us try to understand the figures and the causal relationships or the determinant factors that are driving these numbers and have driven them over time and what is the likely impact of the various policies that they are pursuing or might pursue to affect those numbers.

Mr. Strucko felt that the Planning Commission is an advisory body to the Board of Supervisors, but they have an oversight function as well. Professionally when he reports to an oversight board he sits there and listens to determine what information they need to run this business or organization or to do what they do. They help them with requests. He is constantly putting information in certain context and is responding to them. What he would like to at least hear discussed at this retreat is about staff capacity, which he is concerned. What projects are in the pipeline? How overworked is staff. He is personally guarded about the kinds of requests he makes of staff because normally if he was feeling comfortable he would give them enough work to stay up to midnight. He would constantly request information to make assessments like what Mr. Cannon is concerned about or to delve deeper into bigger projects like Biscuit

Run. He felt that a project of that magnitude is going way too quickly. A lot of times he feels ill equipped to make a decision. But, he did realize that staff has a certain capacity. He would like to hear from Mr. Cilimberg and talk about it with the Commission as well to be able to share his thoughts on that.

Ms. McDowell questioned if they were asking in terms of capacity so that they can ask for more information on individual projects.

Mr. Strucko replied that it was more information to supplement the data received in the staff report like a trend on the building in the rural areas and the growth or other information that they may deem appropriate to help the Commission make decisions.

Ms. Monteith said that it was a request to have the information in context so that there is some relative judgment that one can make about it.

Mr. Cannon noted that Mr. Strucko may be asking for something in addition, but he was not asking for new information. He was asking to have somebody help the Commissioners understand what is going on here that is driving the numbers, which are the bottom line for our performance. If our broad policy is to encourage growth in the growth areas and discourage growth in the rural areas, how are we doing? Those figures tell us. Are we succeeding or not? If we are not, what should they do differently?

Mr. Zobrist felt what Mr. Strucko was asking was staff capacity to respond to special requests from the Commissioners. It is a different question.

Mr. Strucko agreed that was correct.

Ms. Joseph asked that additional items be emailed.

There being no further old business, the meeting proceeded.

New Business

Ms. Joseph asked if there was any new business. There being none, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:08 p.m. to the Tuesday, March 27, 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.)