Albemarle County Planning Commission
May 29, 2007

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, May 29, 2007, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Pete Craddock, Duane Zobrist, Bill Edgerton, Eric Strucko, Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman and Jon Cannon. Julia Monteith, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Wayne Cilimberg, Planning Director; Claudette Grant, Senior Planner; Glenn Brooks, County Engineer and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the regular meeting to order at 6:03 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda.

Jeff Werner, representative of the Piedmont Environmental Council, said that PEC recently printed and has circulated to every residence in the City and County a new local Guide. He noted that local agriculture is very important and where people are getting their food is becoming more and more important. For the past nine months Melisa Wiley in their office has been working with two interns in putting together this guide. They hope that the guide gets a lot of attention. They hope to add to it next year. He invited the Commissioners to put the bumper sticker on their car and help them get the word out.

There being no further comments on matters not listed on the agenda, the meeting moved on to the next item.

Public Hearing Item:

ZMA-2005-00017, Biscuit Run (Signs # 52, 56, 63)
PROPOSAL: Rezone approximately 828 acres from R-1 Residential (1 unit/acre), and R-2 Residential (2 units/acre) Districts to NMD Neighborhood Model District which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Number proposed residential units: maximum 3,100. A maximum of 150,000 square feet of Commercial uses are proposed also.
PROFFERS: Yes.

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential in Neighborhoods 4 & 5-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: Yes.
LOCATION: Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south and west of the Mill Creek South subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20 and including 981 Old Lynchburg Road, Charlottesville VA 22903.
TAX MAP/PARCEL: 90/5, 90/6D (portion), 90/17D, 90A/3, 90A1/1, 90A1/1E, 90A/1A, and 90A/1B.
MAGISTERIAL DISTRICT: Scottsville.
STAFF: Claudette Grant

Ms. Joseph explained the proceedings of the meeting. First, staff would present a staff report. Then the applicant will be giving a presentation. After that the public hearing will be opened and they will ask for public comment. Each person will be given 3 minutes to speak. Once the public hearing is closed the matter goes before the Commission for discussion and action.

Ms. Grant gave a power point presentation and summarized the staff report, as follows:

- The applicant proposes to rezone approximately 828 acres from R-2 and R-1 Residential to Neighborhood Model District. The property is located between the east side of Old Lynchburg Road and the west side of Route 20 adjacent and to the south of Mill Creek South Subdivision adjacent and to the west of the intersection of Avon Street Extended and Route 20 and it includes Old Lynchburg Road.
- The purpose of tonight's hearing is for the Commission to act on the applicant's request for a rezoning to accomplish the goals of the Comprehensive Plan for a mixed use development in the development areas, Neighborhoods IV and V.
- The applicant has proposed a development with up to 3,100 residential units, 150,000 square feet of commercial retail and office uses, a 12 acre school site and a 402 acre District Park that is located in an adjacent area that is zoned rural, which is not part of the rezoning request.
- As described in the staff report the Commission has had several work and information sessions for the Biscuit Run project.
- At the March 27, 2007 public hearing the Planning Commission recommended denial of this rezoning request based on a number of unresolved issues raised by staff in its report and by the Planning Commission. Since that time the applicant has really come to the table and responded to many of the outstanding issues. Staff visited the site and notes the following outstanding issues:

- There are some technical matters that still need to be addressed and fixed. The technical matters have to do with the application plan, Code of Development and proffers.
- There is a concern about the location of the Mill Creek South connection. The connector needs to be in a location that provides acceptable design for vehicular access and proper intersection with Stony Creek Drive. The applicant does agree to do this as well as fix the technical issues.
- The plan does refer to a phasing or a sequence plan. Staff was concerned with the wording with that phasing plan. However, the applicant has come forth with some new wording for that.
- Further commitment regarding identification and protection of archeological and cultural resources was an item of concern. However, the applicant has agreed to all of the concerns and actually has gone above and beyond staff's concerns regarding the historical and cultural resources.
- Commitment to grading at least equivalent to those that were made for North Point is an area of concern. The applicant is working further with the engineering staff on this particular issue.
- The last item outstanding issue had to do with the sewer agreement. Staff's understanding is that the sewer agreement has been executed as of last Thursday.

- Staff has identified the following factors which are favorable to this re-zoning request:
  1. This project proposes mixed-use development generally meeting a number of principles of the Neighborhood model.
  2. The road connection from Old Lynchburg Road to Route 20 creates an additional east and west connection in this portion of the County.
  3. This development will add additional commercial/retail uses to a portion of the County that lacks retail shopping options; particularly as residential development in this portion of the County continues to be built.
  4. The layout and design of the proposed plan attempts to protect some of the natural resources.
  5. The applicant proposes to provide proffers toward much needed transportation improvements to this portion of the County and in the City.
  6. A school site for an elementary school (or learning center) has been proffered.
  7. A large district park site has been proffered.
  8. Cash for greenway connection northward, playing fields at the district park, cash for transit and provision of temporary shuttle

service, cash for new regional library and cash for a fire engine and ambulance has been proffered.

- Staff has identified the following factors which are favorable to this re-zoning request:
    1. The six outstanding issues outlined above need to be appropriately addressed. The applicant has committed to do so. In addition, a decision needs to be made regarding the adequacy of the value of the proffers in addressing the project's cash impacts.
- **Recommendation**: Provided that the six outstanding issues identified above are resolved as recommended by staff prior to the Board of Supervisors' meeting and that the value of the proffers in addressing the project's impacts are deemed adequate, staff recommends approval of ZMA 2005-000017 Biscuit Run, inclusive of revised proffers, code of development and application plan. Staff also recommends approval of the two waivers and modifications to Zoning Ordinance requirements for parking and loading study and for lot layout.

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

Mr. Morris noted that he could not find anything in the plan or Code of Development that talked about the utilities and whether they were overhead or underground. He suggested that they make a condition that all utilities, such as electric, phone and cable, etc., be underground.

Mr. Cannon asked if the grading equivalent was progressing satisfactorily to staff's understanding, Ms. Grant replied that was correct.

Mr. Cannon asked the status with respect to the phasing issues with the Southwood Connector Road.

Ms. Grant replied that the applicant has submitted some revised wording that begins to tackle some of our concerns.

Mr. Cannon asked staff's assessment of the Mill Creek connection.

Ms. Grant replied that the applicant has provided a connector that was requested. Staff is concerned that the current location might not be a good location for vehicular access. Therefore, staff is asking the applicant to show a location that would work.

Mr. Craddock noted that the Commission has received a lot of concern about the connection discussed in #2. When this originally came up there was not going to be a vehicular connection. There was going to be a walking/bicycle trail with possibly a fire/emergency access, but not a real road. When the Commission reviews the questions he wanted to discuss this.

Mr. Cilimberg noted that was an item that the Planning Commission requested that the applicant include on their resubmitted plan. The applicant has done that, but it is a question of whether it is in the right location.

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

Hunter Craig, a Partner in Forest Lodge, said that he appreciated the opportunity to resubmit a plan that has significant.

- The Planning Commission has put a lot of work into the plan. They appreciate all of the hard work they have done. He apologized because he felt that they made a mistake. It was his mistake two months ago when they did not ask for a deferral. Sometimes good things come out of mistakes. Today they have a plan that has significant changes, which was outlined by staff. Steve Blaine, their attorney, will talk about those changes. The changes can be broken down threefold:
    - Interconnectivity,
    - Transportation flexibility, and
    - Significant addition of park land.

- They made a lot of changes thanked to Rob Goodall, of Torti Gallas, who worked on the location of the interconnectivity with Mill Creek South, is present to answer any questions. He thanked staff for their countless hours of work on this project and that a better plan has been produced for the County of Albemarle as a result. He felt that this was the best Neighborhood Model plan ever submitted in the County of Albemarle with the highest dollar amount of proffers.

- They have met with the surrounding land owners. He personally has met with the Piedmont Environmental Council and the Southern Environmental Law Center. Brian Wheeler has done an exceptional job reporting the data and information. Steve Blaine met with many home owner associations, including Mill Creek South, Mill Creek North, Lake Reynovia, Redfields and Charlie Armstrong and neighbors at Oak Hill.

Steve Blaine presented a power point presentation and highlighted the significant changes of the resubmission so that the plan could be moved forward.

- The Commission asked that a greater commitment be made to transit. Hunter Craig and other members of the development team met with some interest groups and Transit, including environment groups like the Piedmont Environmental Council. They talked to developers around the country, including looking some sampling of this type of development down in Chapel Hill. They came away with a quiver full of arrows to really attach this transit issue to reduce vehicle miles

traveled. What they came away with were a number of tools that are reflected in the proffers, including a million dollar proffer that would go towards transit in this area that could be used by CTS at the County's option or used for a Transit Authority. They have agreed to provide a private shuttle service until such time that there should be public transit to this project. In fact, they have proffered that the home owners will pay $5 a month. They feel if the home owners are vested in transit that it may raise the likelihood that they might actually use transit.

- Density is a key to the use of transit. The bubble plan represents five minute walks to six proffered transit stops. What this means that 90 percent of the residents will live within a five minute walk of a bus or transit stop. They have included a park and ride to compliment the transit stops.
- The number of number of VDOT miles traveled can be reduced by a combination of their greenway and transit plan. The greenway trail will provide not just a recreational trail, but potentially a commuting option for bicyclists into the city.
- They want to try to meet the Commission's expectation on the interconnection with Mill Creek South. It is their intent that this will be a connection until such time that the County elects to make it vehicular it would be pedestrian/bicycle. The location was selected to try and make the minimum impact on the neighborhood. There are no houses immediately adjacent. It would also be connecting it to a real through road. But, again they can look at that. They understand that engineering is concerned about some cross grade. They are willing to look at it because they want to do what works for everyone. That is not locked in stone.
- Another possible interconnection that could eliminate the existing problematic intersection of Avon and Route 20 was by connecting into the Biscuit Run project and having a T intersection. Another interconnection would be a connection with the future development of this property to provide another link to Avon Street. The Southwood Connection has been proffered by their clients to build in the early phase of the development.
- They were asked to define the Greenway areas. They used the zoning definition for conservation area, which is depicted in a light green/blue. The preservation areas are shown in a darker green. Preservation areas will not be disturbed whatsoever and remain in their pristine natural state. Conservation area will not involve permanent development, but may have utilities.
- They also agreed to dedicate a 3-acre Championship Field, which will be located in the development area. It will accommodate lighted fields, which they may feel is not appropriate in the rural areas. They have expanded the district park to 402 acres. The total combined parks, conservation, /preservation areas are over 780 acres.

- Regarding the proffer plan, a key break through to the proffer negotiation is their agreement on what the unit costs are. With staff they can take this proffer negotiation to the next step. They have at least agreed upon what the value is that they are given. They can discuss later the Board's pending policy, which they are prepared and expect to be applied to this project.
- He reviewed the proposed phasing plan. The priority areas within the phase would have to be developed first within Phase A. This area would have to be developed and improved with buildings before the balance of the phase. What that does in part if provide a visual shield from Route. They would apply the same concept on the Entrance Corridor, Route 631.
- The language Ms. Grant referred to is the actual sequencing of these phases. What they are prepared to say is they would not be developing more than any two phases at one time. It is an important caveat, of course, that they are going to be committed to build a road through the property from Route 20 to Old Lynchburg Road, which will necessitate grading and developing. They will also need to be bringing in utilities, which some will be coming from off site in other directions. It may be necessary to exclude those from this.
- They would limit the development activity to no more than two phases at one time. When they get to 80 percent of one of those phases they could permit it to proceed forward with a subsequent phase. The reason they picked 80 percent is this is intended to be a mixed use development. They want to be able to proceed with the market conditions and not exhaust all of the area within each phase. If, for example, single families and townhouses are selling, they don't want to fill up the initial phase with that particular unit type. If the multi-family or some other product type becomes more marketable later on that would allow them to save 20 percent of a phase to come back later and in essence do an infill. The 80 percent would be achieved when they fully design, bond it and reach the final site plan or subdivision plat for 80 percent of the area of each phase.
- The proffer impact analysis is based on upon the Board of Supervisor's input. The Board has had one or two meetings on it. They understand that the Commission is going to participate in a work session early next month. But, they took the values from the recommendations and applied them to the Biscuit Run initial unit types.
- In applying the recommended proffer amounts per unit for $17,600 for single-family, close to $12,000 for single-family townhouses and $12,500 for multi-family they came up with a total hypothetical proffer amount of $41,353,000.
- They suggested that the affordable housing, which is not included in Attachment G, will be a credit to reflect the affordable housing. They took a blend there, assuming it will mostly be multi-family, applied times the multi-family proffered unit amount and came up with a credit

of 5.7 million. That is where this number came from. They have proffered to do 10 percent of the 310 units to be LEED certified. They are suggesting as an induction that could be also eligible for a credit. That would give them another credit of 4.3 million.

- As an induction to developers to use the Neighborhood Model to adopt transit design they would propose a 10 percent credit for that. That is based upon the total 41 million. So if they apply their hypothetical credits they should be down in the actually at risk number of $27,086,298, which puts them 3.7 million roughly. That shows that they are really out in the front in this project. They understand that the Board is going to hear a lot of ideas on this and this is new to everyone, but they propose this as food for thought. They are happy to take questions.

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

Mr. Edgerton said that he was very concerned about the phasing/sequencing. The chart lists the different phases in alphabetical order. Then they talk about no more than two at a time. He asked if the chart lists the order of the phasing or is that still influx. He was not sure that was indicated.

Mr. Blaine replied that they would like to retain flexibility in terms of the order. They can say they will start with Phase A at the top of the alphabet. It is still to be determined because they have a limited amount of retail that they have agreed to in a proffer to limit it until they reach a certain number of residential units. It remains a question and may dictate the sequence as to whether they will go to Phase D, which may be the most financially sensible since it is located next to the entrance or proceed on to another phase such as B that will be likely before E. They are going to be developing back as they connect the road through.

Mr. Edgerton said that there appeared to be a lot of real logic to the phasing if they did follow the alphabetical listing because it would put most of the initial development on to the road system that can absorb the most initial impact. It would hopefully give the community time to allow the infrastructure to grow with the project and hopefully be able to sustain it. Of course, it would also provide as part of one of the proffers putting in the connection road, which would be very helpful to the entire region. He was sure that the applicant wanted more flexibility, but he would really urge consideration to locking in to the proposed phases as noted. He suggested that they come back to this issue later, but that was his concern.

Mr. Morris asked if making it a condition for underground utilities going to be an undue hardship.

Mr. Blaine replied not at all because that is what they intend. There will be manholes and the pedestals, of course. But, the design is for underground utilities as required by the Neighborhood Model. They can put that into the Code of Development or a proffer. Also, the shuttle bus parking will be relegated with a nice place to tuck those away.

Ms. Joseph invited public comment.

Jeanne S. Chase, a resident of Old Lynchburg Road, said that she had before the Commission some thoughts to ponder, as follows. In coming up with their decision it is going to affect not only the County, but the City residents.

- Will this development demonstrate "Kudzu Development" or thoughtful planning?
- Will the roads be built simultaneously with Biscuit Run that is needed to carry the expected traffic around Charlottesville and not through our existing neighborhoods?
- Will the Fontaine-Sunset Connector be ready for vehicles within two years?
- Will the source of water sustain all developments since the last drought?
- Will the sewer systems which rely also on water be developed prior to the tie-ins on those properties?
- What is Plan B if the 5 questions just posed are not met in a timely fashion?

(See Attachment A "Thoughts to Ponder" Albemarle County Planning Commission distributed by Jeanne Sheaffer Chase dated May 29, 2007,)

Andrea K. Wieder, of 2331 Highland Avenue, noted that the Commission's original meeting on Biscuit Run had hundreds of people. There are somewhat fewer persons present tonight. She asked the Commission not to mistake that for lack of interest and concern. It has become very evident that their constituency includes not only the County, but the City. The Fry's Springs Neighborhood, which she was a member, sits right on the lip of this development. They will bear the brunt of all of the traffic and any road work that needs to be done. They will see the shuttle buses described by this developer zooming around their neighborhoods. Those are the type of things that top their list of concerns. But, they are also environmentally very worried about a project of this huge magnitude. To place 3,100 houses on this parcel of land is massive. The sewer, water and roadways are already stressed. She suggested that the City and County finds ways to cooperate on these issues. She asked that the Commission deny the developer this rezoning request and that they require that this project be developed by right.

Stephanie Wood, resident of the Oak Hill neighborhood, spoke in favor of the project. They would rather this project stay green, but realized that was never

going to happen. Therefore, she supports the project as it is shown. If it was developed by right there would be fewer houses, but there would be no stores or businesses. Everybody would be traveling on the existing road to Route 29 to shop. She liked the mixed housing, businesses proposed and the connectivity to Route 20 from Old Lynchburg Road. She felt that the proffers requested by the Commission would help the community greatly, particularly the 400 acre park. She appreciated that the applicant has worked with all of the neighborhoods and incorporated our ideas into their plan. Therefore, she supported the plan as presented tonight.

Charlie Armstrong, resident of the Oak Hill neighborhood, said that his property bordered Biscuit Run on one side. In the past he has spoke against this proposal because of several issues. He was happy to say that all of those concerns have been resolved. Tonight he was present to speak in favor of the rezoning. The developer has bent over backwards with this proposal to address the community's and County's concerns. This plan is an excellent design as presented. There have been some recent changes that make this a better plan. He felt it would be a big mistake to allow this property to develop by right. The connector road, the green space that includes the 400 acre park and the school site all has a lot of value to the community. The County needs to take advantage of this opportunity to get the type of development that they want and be sure of what they are getting. Therefore, the citizens and County should not turn this request away. Please recommend approval to the Board.

Nini Almy, resident of Mill Creek South, said that their neighborhood is concerned about several aspects of the proposed development of Biscuit Run. Because of the large scope of the project she asked to focus on one aspect, which was the proposed connector road between Biscuit Run and Mill Creek South. Earlier when they informally met with Mr. Blaine he did not seem to have a strong advocacy for such a connector road. When they expressed their doubts about that he said that it was not absolutely essential. They feel that connector road would increase dramatically the traffic on Stony Creek Drive attracting cars not just from Biscuit Run, but from communities west of Charlottesville coming through to provide assess to Avon Road. Right now many people have to back out on to Stony Creek Drive and wait until their neighbors go by. This would be a more dangerous situation for them. The increased traffic will definitely impact the quality of their subdivision and degrade the things that they really cherish about their neighborhood. The fact that this proposal is back in the plan indicates that it is supported by their elected and appointed officials and not by the developer. They ask that the Commission think about this as they ponder the revised proposal and take their concerns to heart.

Andrew McElfresh, resident of the Oak Hill neighborhood, said that his house was adjacent to the Biscuit Run property. He spoke in favor of the current plan, which would add value to the neighborhood. He asked that the Commission

consider this project for approval since he would be very distressed to see it built by right.

Amanda Armstrong, of Avon Court, agreed with the other speakers in that the applicant has addressed their neighborhood's specific concerns by working the previously requested buffer of green space back into this current plan. Because of the changes made to the plan for this specific area and a number of items she feels strongly in favor for this evening she was present to speak in support of the current Biscuit Run plan. While she would not ordinarily be in favor of development at such a large scale, she believes that this applicant has gone above and beyond the requests and revisions to present the County with a comprehensive design that offers an opportunity for a good balance of residential, commercial and green space. Overall she thinks that this plan far exceeds what would be offered to the community as a whole if it were to be developed into the by right units. She was in favor of this plan because of the inclusion of the network of interconnecting trails, the 400 acre park, the learning center; the much needed connector road and the town center that will provide access to amenities to both existing and proposed neighborhoods in this area. By varying neighborhood densities and the inclusion of the education and town center she believes that this plan will not only be helping to prevent unorganized housing sprawl south of town, but equally as import it provides an unprecedented proffer of green space to preserve more than one-half of the acreage that is encompassed by this land parcel. The interconnectivity of these areas of conservation and preservation within this latest plan promote a contiguous rather than a fragmenting approach towards maintaining the health of the existing wooded ecosystem within the Biscuit Run parcel as well as that of the Biscuit Run water way. In addition, the proposed 400 acre County Park will keep a substantial portion of this land undisturbed. For all of these reasons she request that the Biscuit Run rezoning application be recommended for approval to the Board of Supervisors. With this plan the applicant offers a potential to add to the quality of life in the existing neighborhoods on the south side of town rather than just adding houses to Albemarle County.

Tom Olivier, Conservation Chair of the Piedmont Group of the Sierra Club, said that they recognize that on site issues in this project are quite important and appreciate the amount of work that the Commission and applicant have made on them. However, they believe that the key question is this development in the public interest. Also, what does it do to the quality of life if built to the existing residents? Is building Biscuit Run consistent with Albemarle County's commitment to its Comprehensive Plan to protect our natural resources? What does Biscuit Run do if built to our pursuit of sustainability, which are also a goal and a commitment in the Albemarle County Comprehensive Plan? The Sierra Club given their concerns they have in recent months has been circulating a petition to City and County residents. He read the petition briefly to the Commission.

"The Biscuit Run Development if built will add thousands of new residents and new commercial spaces to the Scottsville District of Albemarle County. Biscuit Run would increase traffic and air pollution, lower water quality and reduce wildlife habitat in surrounding rural areas. However, the full effects of building this development on surrounding natural systems have been little studied. We, the undersigned, live in Albemarle County and the City of Charlottesville urge the Albemarle County Board of Supervisors to conduct a full analysis of the impact of the proposed Biscuit Run Development on surrounding rural areas before making a decision on rezoning the property. They urge that the Biscuit Run proposal be approved only if it can then be shown that the project will maintain or elevate the quality of life of existing local residents and only if it can then be shown to be consistent with commitments to environmental protection and sustainability that occur widely in Albemarle County's planning and policy documents. To date they have over 650 signatures on this petition. So their concerns are shared with many people. Given the lack of analysis of major impacts of the project on the quality of life of the existing residents and on the surrounding environment, the Sierra Club cannot at this time support the Biscuit Run proposal."

Doug Arrington said that he lived off the 1100 Block of Old Lynchburg Road. His main concern with the development is the lack of attention that the approximate 600 to 900 Block of Old Lynchburg Road has received. Four of the five entrances onto Old Lynchburg Road are prior to the four lane section. He asked the Commission to pay attention to Mr. DeNunzio's email of May 15 of particularly the comments 3 and 4 that addresses some of his concerns about the dedicated left hand turn lane from the southbound lanes particularly at S-3 and S-4, which is located around the Singleton Lane to Biscuit Run area, and the disruption that is going to occur on Old Lynchburg Road. He asked the powers to be to look at the Southwood connector, a small piece of land that Habitat has that fronts Old Lynchburg Road, and from Hickory Street to where it ties into Old Lynchburg Road to envision Old Lynchburg Road curving gradually to the south east to an alignment with either S-3 or S4. That would take out the serpentine section of Old Lynchburg Road. His greatest fear here is because the Habitat plan and the Biscuit Run are not happening in tandem Biscuit Run is going to be built and the dedicated turn lane put in and the infrastructure parking for the bike trails, which will cause a situation where it would be much too expensive to remove when it could be done at one time with little coordination. He appreciated their consideration in this matter.

Peter Hedlund, resident of 204 Todd Avenue in the Fry's Spring Neighborhood, said that the Biscuit Run development would greatly affect his neighborhood. The traffic will increase in his neighborhood. He questioned what can be done to keep the traffic at a bearable level. This does not mean bearable for the people driving through the neighborhood who may be inconvenienced because they need to wait a few extra seconds at a stop sign, but bearable for the people who

are pushing strollers, walking dogs and riding bikes within the neighborhood. The Southern Urban Area B Study recommends that growth in that part of the County and City, including the City, would require building a connector road between Sunset and Fontaine Avenue, which has already been mentioned. He did not believe that this connector road would help. He strongly urged that Biscuit Run's approval be tied to guarantee that the Sunset/Fontaine connector be built. Earlier this year a group of Fry's Spring's residents asked the Charlottesville City Council that Old Lynchburg Road be closed at the County line. He could promise that this issue will reemerge if no movement is made on the Sunset/Fontaine connector. If it feels unsafe to cross a street in their neighborhood what option do they have?

Peggy King, a member of Fry's Spring Neighborhood Association Community monitoring the Biscuit Run project, said that the community has made recommendations to the Association, but due to the holiday they have not yet received final approval. They have been extremely impressed with the high level of ethical commitment that the individual Commissioners have shown so far in trying to save the City as well as the County from predictable negative consequences of this project. After reviewing the most recent staff report on Biscuit Run they recommend that the Commission continue to apply very carefully two key principles that they have heard them use throughout their work.

A. The principle that new large residential projects not be built until the fundamental infrastructure of water, sewer, roads, conservation areas, schools, commercial areas, fire stations, libraries and all the other necessities are built first.
B. The principle that the off site costs and burdens of every project should be quantified and internalized within the project.

Ms. King continued that applying these principles to the current project in their view means asking for the applicant to proffer enough money and other considerations to make up for the several million dollar deficient that the staff's use of the fiscal impact model has shown will result from the project. They also recommend that the applicant pay a much higher percentage of the entire cost of the water/sewer upgrades needed and the road and other transportation improvements needed, especially the Sunset Avenue to Fontaine Avenue connector. Next, they recommend that if the project is approved that they condition their approval on the applicant's commitment to a project plan that lays out the building schedule in such a way that homes are built in phases of 200 to 300 homes per year starting at the eastern end of the project area and working towards the west while the impacts on all infrastructure and environmental values during and at the end of each phase are measured. They also recommend that the Woodlands project due to be completed soon be used as a first test case since it will be 300 units with possible effects to Biscuit Run.

James King asked to echo some of the things that he had heard several of the Commissioners say tonight and emphasize some things that he had seen that

the applicant has put before them that they did not realize were quite so important.

- One is the distinction between phasing and sequencing. Up until tonight they had not realized that there was really a distinction that they needed to worry about. He would speak about sequencing very strongly in the sense that Mr. Edgerton's question to the applicant implied or assumed. He wanted to mention peripherally the huge impacts that this problem is going to have as Tom Olivier talked about environmental impacts measuring on the entire region. Also, as the one in the City on Fry Spring's Neighborhood Association Monitoring Committee he has been the one monitoring what has been going on. He asked to strongly emphasize that they would like to see the sequencing that Mr. Edgerton talked about so they can really rely on it going from west to east and whether it is going to be Phase B after A or D after A. That gets us to the data problem concerning the data collection, computer models and other annalistic tools because as Ms. Peggy King said they want the County to do an analysis after each phase, but he wanted it after each step in the sequence so that they could tell what the actual impacts of each new unit of 200 to 300 units is. This is extremely important because they have to be able to collect the data. They are missing out on the data and not just the computer models.

- On Old Lynchburg Road and Harris Road their committee is going to recommend triggers of a 20 percent increase on either one of them will lead to a gating that is the Fry's Spring Association will recommend to City Council that there be a gate be put on each one and a 50 percent increase that it be closed until they are able to determine what the impacts are and how they can be fixed. Then, of course, they would like later on to have the Commission consider who should pay for the data collection and the computer models and the increase in staff's ability to really looking at the impacts. They believe that the applicant should pay a large part of that because this project will determine the pattern of growth for the entire region for many decades to come. Therefore, it ought to be paid for by the applicant. The Committee, again, recommends that the Commission adhere to the two principles that Ms. King talked about in getting the infrastructure in first and internalization of all costs.

Peter Clark, resident in the J shaped area on the west side of development, said that he represented the 8 residents in that area who live on Old Lynchburg Road. They met with Mr. Blaine many months ago and then subsequently gave him a list of concerns and requests for changes. Until their last meeting on March 27 when he brought it up they had not received a reply. One of their main concerns was that they would lose their water supply. In mentioning that to Mr. Blaine he

said that the applicant would take care of that for them and the only thing they would have to provide is the County hook up fee. They received a letter a few weeks ago that said they will provide water and sewer to their boundary. It explicitly said that it will not run to the houses, which means the home owners will now have to incur that expense. This could be over 400 feet of water and sewer line. They would like the applicant to address that issue again and perhaps offer them some redress from that. None of the other requests that they made to the applicant have been addressed in the new plan or been discussed with them in any way. They recommend that the Commission not approve the rezoning until such time that the applicant has met with and satisfied at least some of their needs.

Lynne Conboy, representative for Habitat of Humanity, said that Overton McGee was out of town. They have discussed this project several times at their board meetings. There is a lot that Habitat can gain from the proffers being offered. As an affordable housing advocate they support the proffers because they do incredible things for affordable housing. Biscuit Run is still going to be building 2/3 of the affordable housing that is required by the County in their area. The other 1/3 of that is being proffered to help Habitat in the Southwood community. That is going to be leveraged in two ways. First, there is $500,000 that they can gain that will help Habitat with the design. They really are working hard to make Southwood into a model community that is a mixed income/mixed use sustainable that can really serve as a model throughout the country. They can't do that without design money. This $500,000 to help with design work is really important. It can really help them shape this into a very viable community for the future. The other affordable housing proffers come to Habitat as the units are being built. On site affordable units that are built early in the development deal with people normally that earn around 80 percent of the area median income. Habitat works with clients and their families earn between 25 and 60 percent of the area median income. So they serve a much lower income rate than will be serviced by the affordable housing offered in Biscuit Run. This is a wonderful blend to have the different levels of mixed incomes available in affordable housing within these units. The third thing to their advantage is that they were approached very early about this connector road. Not only are they going to pay Habitat for the easement to built it, they are also going to build that for us. That is a wonderful thing. They unanimously supported to support this. The board and staff are very much behind the project and urge the Commission to send a recommendation for approval to the Board.

Joel Hamilton said that he would be living in the Old Lynchburg Road area in a couple of years. The mustard color is commercial and looks like strip malls at both ends of the development. He is against this project for a more general reason relating to the density. The number of units proposed at 3,100 units seems to translate into about 10,000 people. This represents close to 10 percent of the total population of Albemarle County and Charlottesville. That is essentially a small city. It is very much not in the interest of the County to put a

small city in such a tight area. The County turned down a big box development at I-64 and Fifth Street near this location. He felt that this represents essentially big box residential. He opposed the rezoning proposal. If the County wants a development such as this they should consider it in the Free Union and Fox Field areas.

Lola Fatoyinbo said that she lived off of Fifth Street Extended. While she preferred no development at all she knew that this area would be developed anyways. Therefore, she supported the Biscuit Run neighborhood for several reasons. She was in favor of it because of the large allocation of the land to natural areas, the 400 acre park, the open spaces and conservation areas; the network of trails with the potential to connect to the Rivanna Trail and was looking forward to having a new connector road between Fifth Street and Route 20.

Ron Sykes, Headmaster at Covenant School, supported the project because of the applicant's responsiveness to their earlier concerns. The connector road will be an asset to the community and school. The Board of Directors of Covenant School wants to thank the developer for their cooperation and their changes and endorses the project with no reservations.

Rachel Abdella, resident of Oak Hill Drive, spoke in favor of the project. The development will greatly improve the quality of their life in that area, particularly with the parks, school, trails, commercial areas and the green areas. It will be very beneficial to the southern area of the County.

Alias Anderson, Executor Director of the Alliance for Community Choice and Transportation, said that they are a non-profit that advocates for improved alternative transportation modes in the Charlottesville area. She thanked the applicant for welcoming their group into the process. They also arranged a meeting with their group and invited them on a hike of the site. They really appreciate the opportunity to be involved. At the last public hearing she had asked the audience to stand in support of this community being a model of bicycle, pedestrian and transit transportation. A large number of people stood that night. There is no question that there is tremendous public support for this being a model alternative transportation community. With that in mind ACCT believes that the revised proffers and proposal is moving in the right direction. They are pleased with a lot of the changes that have been made. She made the following points:

- With regard to bicycle transportation they are pleased to see the trails within the site and those connecting the site north to the interstate. The responsibility now lies with the County to make sure that those trails when built are hard paved. A road bike cannot be rode on a stone dust trail. To be a bicycle computer most people will be riding road bikes. The trails are great, but they are not enough to qualify this community as a model bicycle community. There are many types of

bicyclists and they have to build many types of facilities to accommodate them. It can't be a model community if the major roads that connect to the site do not have bicycle lanes on them. They request that proffer 6C that has money for lots of general transportation improvements that the bicycle lanes on Old Lynchburg Road and on Route 20 South be removed from that proffer and put into a stand alone proffer that they will be built as part of the development.

- With the regard to transit, they are very pleased so see the changes. The figure offered as a cash contribution seems appropriate for the size of development. They are pleased to see the transit stops and the park and ride lot. The temporary shuttle service is great. But, they are concerned that in the long run a public transit service is obviously is far preferable to a private shuttle service. Some specific requests to make that private service as much like a public service as possible. First of all they request that it be on a fixed route running along that central road of the development and stopping at the stations along the road instead of a demand responsive service. Also, that it run on a fixed schedule at no longer than 30 minute headway during commuter hours. So make that private service as much like a public bus route as possible to ease future transition.

Sally Monk, of 1485 Stony Creek Drive in Mill Creek South and Architectural Review Chair, said that the Mill Creek South Homeowners Association have reviewed the plans.

- The Commission received a letter from their Board of Directors signed by about 10 of the members expressing some concerns about the remaining impacts from the plan that is being proposed at this time. (Attachment B – New Biscuit Run Rezoning Proposal: Mill Creek South Concerns dated May 29, 2007 – Four pages dated May 13, 2007 letter to Board of Supervisors from the Mill Creek South Homeowners Association with a copy to the Lake Reynovia Homeowners Association with 2 maps.) They oppose the vehicular connection to Stony Creek Drive.
- Also, they are concerned about the failure of the plan to address any storm water impacts on the Mill Creek South storm water management system, which includes a stream behind the homes on Arrow Wood Drive and Stony Creek in Mill Creek South and then their storm retention pond and finally on to Lake Reynovia. The storm water impacts have not been addressed and could be significant in the area of the connector road and the northerly section of the Phase A area of development, which will drain that way. A few years ago they were very concerned about erosion behind the houses on Arrow Wood Drive. Several technical persons from the County Engineering and Erosion Control came out and they were very concerned about the amount of erosion that has occurred as a result of the drainage coming down Stony Creek Drive and making a bend. Channels have been cut

as deep as 6' behind some of the houses there. They are going to have to take some corrective engineering work behind there. Therefore, that is a concern.

- Another concern is with the 200' buffer strip along Stony Creek Drive. When their community learned of Biscuit Run went to the Comprehensive Plan and found the statement in there that says maintain wooded buffers between communities. That wooded buffer of 200' includes some areas that have mature Beech Trees and a lot of nice Mountain Laurel. But, the plan now calls for part of that to become preservation area and conservation area where utilities can be built. If that is sewer easement that means that a 60' wide area has to be cut with 20' of that maintained in perpetuity in grass. The staff report says that there will be as little disturbance as possible, but that will never come back to be a forest. If they cut the buffer down that much, then the ecosystem will be damaged to the point where those trees will be much more vulnerable to wind storms and the effects of drought. Their position is that 200' buffer should remain a preservation area and not part conservation area and part preservation.

Andy Mank, resident of Mill Creek South, said that most of their comments have already been communicated. One addition is that they have given the Commission in their written comment a couple of drawings that show green areas. Those green areas are areas that were to be part of the 200' buffer and are shown as buffer, but as she indicated in fact will not serve as a buffer because either they are too narrow or they are scheduled as conservation areas. It is clear that there is going to be a sewer connection requested to go into Stony Creek Drive. That is clearly why the conservation areas have been laid out the way they are. The Association's interest in cooperating is very much going to be looking at what is done with the buffer area. The Association did write their concerns about the connector to Mill Creek South. They are saying that the Southwood Connector is really needed and is desirable as it is. Because of the County's request to make a connection into Stony Creek Drive if they look at the drawings that it is very possible to have the shortest route to go for the Southwood Connector from Old Lynchburg Road and then branch off and head up Stony Creek Drive. That is the fastest way for anyone coming from the southern part of the county using Old Lynchburg Road to get into either the employment areas of Pantops, Piedmont Community College or connecting with I-64. Similarly, about one-half of Biscuit Run will find that its fastest way to connect going into town will be from that little connector going off to Stony Creek Drive. It will occur in the very beginning because Phase A, as indicated, will be one of the first project areas. That is the reason for the concern they have about the link. It is not a concern about trails. It is not a concern if they need a fire road or bike path. It is the vehicle connection and the unintended consequences of it.

Morgan Butler said that he heads the Charlottesville/Albemarle project at the Southern Environmental Law Center.

- It is clear that this applicant has augmented the proposal since the last time it came before the Commission. Among other notable improvements the revised proposal now includes a commitment to Green Building and makes a strong investment in transit. They commend the applicant for these changes and express their gratitude for soliciting their input. As the proposal has clearly improved a number of important assurances have yet to take the form of clear and enforceable commitments.

- While every last detail may not be worked out at this stage they feel that some of the remaining issues go far beyond the level of mere detail and are crucial to mitigating this proposal's impacts. One such issue concerns the interaction between Route 20 and Biscuit Run's Neighborhood Center. Throughout this process they have emphasized the importance of creating a strong neighborhood center that will foster the pedestrian oriented type of community they seek in our growth areas. They understand the applicant's desire to have the neighborhood center be accessible from Route 20, but they feel that certain safeguards should be put in place to ensure that the neighborhood center does not become a mere extension of the highway in the form of a strip mall.

- They feel that there needs to be a firm commitment not to clear or grade the proposed buffer along Route 20 and to expand the buffer at its thinnest and most critical stretch where it would abut the neighborhood center. Further, they feel that the center and its parking area should be oriented away from the highway. But, the applicant's representative was unwilling to make these commitments when they spoke to him last week. He did profess a willingness to grant the County's Architectural Review Board jurisdiction over the entire buffer area along Route 20 as well as Old Lynchburg Road. While they would like to see the applicant go further, the ARB review of the entire frontage along both Entrance Corridors would at least ensure that the County has a further say over this development's interaction with the highway. They would ask the Commission to ensure tonight that this commitment will take the form of a proffer.

- Another issue concerns grading. At the last public hearing many Commissioners requested a phasing plan to help mitigate the environmental and visual impacts of grading on a site of this size. While the applicant has now submitted a phasing diagram and narrative it is still unless to us how this plan or the erosion and sediment control proffers would limit the total amount of land on the site that could be disturbed at any one time. The plan states that a

third phase could only be developed once 80 percent of the land area of a prior phase has been platted. If they are concerned about the impacts of disturbing a large area of land at any one time, it seems more logical to allow a new phase to commence only after 80 percent of the land area in a prior area has been re-stabilized as opposed to platted.

- The third issue they feel requires more attention is waste water infrastructure. Specifically, the agreement between the applicant and the Service Authority concerning improvements to the Moore's Creek Interceptor is by its own terms unenforceable. They feel these are critical issues that need to be firmly nailed down before this proposal goes before the Board of Supervisors. This is the largest rezoning request in the County's history. At full build out it will house some where around 7,000 people and generate 30,000 vehicle trips a day. By any account its impacts will be huge. It is therefore imperative that promises to mitigate the impacts of this development take the form of workable and enforceable commitments before it leaves their preview.

Jim Craig, as a resident of Albemarle County and a member of the Board of Directors and Executive Committee of Greater Charlottesville Habitat for Humanity, he was here to speak in support of the proposal that affordable housing proffers by the developer of Biscuit Run be allocated to Habitat for Humanity to build affordable housing in Southwood. He supports this proposal for four reasons:

- Habitat has a track record for building affordable housing for families that earn between 25 and 60 percent of area median income. The local affiliate has completed a total of 65 homes in which 52 are in the City of Charlottesville and Albemarle County.
- Habitat Homes continues to serve low income families. All but one of the 65 homes is still occupied by the original Habitat homeowner.
- Sponsor donations and volunteer labor will be used to leverage the proffer funds into additional affordable housing in Southwood, thus adding additional value.
- These homes will be built in Southwood, which will be a mixed income development that will replace substandard housing in the current trailer park and will be immediately adjacent to the Biscuit Run Development.

Ken Hankins, resident of the County, said that he was present to speak as the Chief Operating Officer of Habitat of Humanity and just to emphasize the points that have already been offered by two of his colleagues.

- He wanted to talk about the sustainability piece. The affordable housing proffers have some advantages over the typical on site proffers. One of the biggest advantages is that the proposed cash proffer will reach lower income households than the typical on site

proffers. When developers typically include affordable housing in their development it comes in three forms:

- Units for sale targeted for 80 percent of area median income. So it is really not reaching the lower income groups.
- Units that will be rented for a specified period of time. In this proffer it is 5 years. After that period there is no guarantee that those will continue to be rented to low income individuals.
- Accessory apartments tied to single family dwellings. With those there is no guarantee that it will be rented to low income individual or will be rented period.
- Under the proposed affordable housing proffers up to a third of the affordable units will to Habitat for the Southwood project. One of the advantages of the proposed off site proffer is that it will benefit those lower income individuals. The other piece he wanted to reemphasize is the one that Mr. Craig just talked about. That is the equity sharing that is built into the Habitat mortgages. They don't have a high level of resale, but as property values continue to increase there is a potential for resale. With a typical proffer on site those houses are no going to be guaranteed for low income people ongoing. With the equity sharing that money upon resale and appreciation will go back into affordable houses and the units. They are in favor of the affordable income proffers.

Robert Goss, resident of 1188 Scottsville Road and the owner and operator of the Inn at Monticello Bed and Breakfast, said that he spoke in January about the proposal to widen Route 20 as part of the Biscuit Run Development plan as it existed at that time. It is his understanding now that the Biscuit Run Development revisions do not support the widening of Route 20. If his understanding is correct, then that is certainly welcomed news. If Route 20 was widened it would harm the rural character of that particular stretch of the road way and would have an adverse impact on his business. He was not prepared to fully endorse the revised Biscuit Run proposals. He has not had a chance to study them. But, he would ask that the Planning Commission if they accept the development proposals and the changes that it not make any changes with respect to the widening of Route 20 and leave it in its present character because to do so would destroy the rural character and would not result in any change in the volume of traffic on Route 20. If the road was widened it might cause some temporary relief with respect to the number of vehicles on Route 20, but it would certainly fill up again very quickly.

Stephen Andrews, owner of property on Avon Street Extended, said that he had about 1/8 of an acre abutting Biscuit Run. He has been in contact over the last year with Mr. Blaine and Ms. Grant. In the early part of April he walked the property. He has three concerns primarily: history, access to Charlottesville and general growth. On the back of his property was of an old road, Old Stagecoach Road along with a stone wall. Biscuit Run is doing a dig for historic sites on the

place and hopefully some of this old road will remain. If they did not have a large project like this they would have no history to remain on it. It would be totally cut up. He was in favor of the Fontaine Sunset Corridor. From his understanding from Mr. Blaine they have put a sizeable proffer towards or in that direction. Concentrated growth should be considered as opposed to sprawl. He was strongly in favor of well planned development and its amenities.

Jeff Werner, representative for Piedmont Environmental Council, addressed the Commission.

- Last fall PEC circulated a report on the roughly 18,000 new dwelling units in the development pipeline for the City and County's growth area. Of these 18,000 units Biscuit Run's 3,100 units are among the approximately 7,000 units that are still under review. Realizing that the approximately 11,000 units already approved represent enough homes for the next 20 years of more of projected growth it is difficult to believe that Biscuit Run warrants accelerated approval. However, it cannot be ignored that unlike most other proposals already approved Biscuit Run represents an opportunity for innovative solutions to the impacts of new development. For the past several months the PEC has asked the City, County, University and the applicant to work together and take the time to get it right.
- In working towards this objective the PEC has engaged in dialogue with both the developer and local officers. Last week the PEC sponsored a trip to Chapel Hill t visit two projects, which the applicant cited as representative of the possibilities at Biscuit. While there were both similarities and differences between these projects and Biscuit Run one critical element offers instruction for this project. Serving Chapel Hill and the area surrounding it is an integrated single agency transit authority. Developers are able to tap into a system that is regionally coordinated and cooperatively funded. While the opportunity for viable transit options at Biscuit Run is but one of the issues to be resolved, it is their hope that this project will contribute to the establishment and viability of a regional transit authority.
- There were several other issues that PEC raised with the applicant. For the most part the applicant has been receptive. However, many of these ideas remain conceptual and the difficult task remains in how well the County and the applicant work together in codifying these solutions into a program that can be implemented. The PEC believes that the community has an opportunity for a collaborative effort unlike that for from any previous project. To accomplish this will require a commitment to a process towards that end.
- They ask from the applicant a commitment to complete the internal road system before the construction of any new homes or commercial space; to establish full connectivity with adjacent neighborhoods; among other on site transit tools to develop park and ride lots; to fund the transportation improvements necessary to address the project's

traffic impact; to provide cash proffers, which maintain their value over time; to reserve the history of the site and to reveal that history in the site's design; and to develop a seamless design relationship between Biscuit Run and Habitat's Southwood Park; to develop a Village Center with a true mix of uses and to demonstrate to the entire community the benefits of multi-modal transportation solutions.

- Tonight they urge the applicant to express their commitment to continue dialogue with the community. They urge the applicant to commit raising the bar at Biscuit Run and ultimately getting it right.

Forest Marshall said that some years ago after he dedicated Monticello High School he asked the Board of Supervisors at that time to widen Route 20 from the intersection of Mill Creek Drive to Route 53. Since that time two children have been killed. The road has still not been built. He would do everything in his power to make sure that road is straightened out and no more of our children are killed. As far as this plan is concerned the Commission has to make a decision about what is best for the County. He is the largest adjacent property owner to the proposed Biscuit Run and more road frontage on Route 20 than this development. He was concerned about his cattle getting out into someone's yard, but he understands that there is going to be a park behind where is farm now lies. He was very grateful for that. But, he reminded the Commission that they need to do what is right for the County.

Timothy Hulbert, President and Chief Executive of the Charlottesville Regional Chamber of Commerce, said that their Chamber has been actively engaged in land use issues for the 94 years they have been in this community. Over the past dozen years they have been participating members in the DISC Committee, the various Neighborhood Model discussions and all of the laws and policies that they administer tonight. When a project comes forward that embodies all of the spirit and many of the details of those principles the Chamber must support those kinds of projects. This is growth in the growth area and is mixed use as required. It is a mixed residential use and provides a Neighborhood Model design. It provides parks, buffer zones, conservation and preservation areas, stream protection, open space and an important connector road. It is embraced by Habitat for Humanity, Covenant School and the neighbors in the Oak Hill Drive area. The Chamber recommends that the Planning Commission recommend this project for approval to the Board of Supervisors.

Lynn Beagle Gabhard, resident across the road at 2067 Scottsville Road, said that she has a horse farm across from the project. If they are truly trying to encourage a transit community it would be a good idea if they would limit this development to one car per family unit. That would be a big encouragement that they are really standing behind their word that they want it to be a transit community due to the traffic on Route 20. The traffic is the main concern. It is a dangerous highway. There have been people killed. The ambulances pass her house at least once a week. She hoped that there was something they could do

to make it safer for the County. Adding more people without improvements being made does not always make things safer.

Chris Bracestead, a homeowner in the Maymont Court Subdivision, asked to join with his neighbors tonight in supporting this revised proffer. It shows good faith. They feel that the revised plan is responsive. They like the fact that it mixes the conservation and preservation areas. It is very thoughtfully done. They feel that this a better approach than a by right development, which they would not want to see. Therefore, they support the revised proffer.

Jack Gwen, an Albemarle County resident, noted that the Chamber of Commerce suggested that it be done at the good of the County. He hoped that the Commission will make their decision on the good of the County and the City. He has lived here for over 50 years and was a little disappointed between the relationship between the County and the City. He knew it took two to tangle, but this development is going to make a big difference in the City. There will be people that would move if they could afford to because of the traffic increase on their neighborhood. He requested that the Commission keep the City in mind as well as the County.

There being no further public comment, Ms. Joseph closed the public hearing to bring the matter before the Commission.

The Planning Commission took at break at 7:54 p.m. and the meeting reconvened at 8:09 p.m.

Ms. Joseph noted that the public hearing had been closed and the matter was now before the Commission. She requested staff to start with the six outstanding items.

Staff reviewed the six outstanding issues for the Planning Commission. The Commission discussed the six outstanding issues and made comments and suggestions about their expectations.

1. Application Plan, Code of Development and Proffers.
   The technical matters need to be addressed and fixed. An inflation factor for cash proffers needs to be included.

Mr. Edgerton asked Mr. Kamptner if he has reviewed the current proffer language.

Mr. Kamptner replied that he had reviewed the version of proffers included in the staff report.

Mr. Edgerton noted some concern in some of the language of the proffers. He asked for some reassurance that our legal representatives are focusing on this.

Mr. Kamptner replied that there are some language changes they are recommending for some of the standards because Zoning will have a difficult time enforcing it

Mr. Edgerton asked if it could be addressed adequately in the coming weeks, and Mr. Kamptner replied that given the size of the project and the length of the proffers, he thought it can be taken care of and was manageable.

Mr. Craddock asked if the proposed County policy on proffers would affect this project.

Mr. Cilimberg noted that in their last work session the Board had set out their expectations. They don't have a policy as of yet in terms of something adopted. They will be looking at each project on its own merits until the policy is adopted. There is a lot of judgment that has to go into these aspects of the project, particularly regarding the credits.

Mr. Zobrist said that it seems that applicant has accepted the proffer values and the inflation values are to be decided by the Board. The Commission is not in a position to give credits.

Mr. Strucko asked if Attachment G in the staff report is this the County staff's calculations or is the applicant's.

Ms. Grant replied that the applicant's values are based on information the County gave the applicant.

Ms. Joseph asked that the discussion of the six outstanding issues be discussed first and then they could go back and discuss the proffers. The Commission continued their discussion of the outstanding issues and made the following comments.

2. Location of Mill Creek South connection.
   The connection needs to be in a location that provides acceptable design for vehicular access and proper intersection with Stony Creek Drive. The general concept of it being pedestrian and bike and emergency access with the proviso that it is available for full public road access at the decision of the Board of Supervisors rather than the discretion of Community Development and that the time period within which this discretion could be exercised be 20 to 25 years rather than 15 years.

3. Plan to phase or sequence the development so as to understand the order of development and the timing and location of Southwood Connector Road.

Phases A and D along with the Southwood Connector and the park access should be done first. The remaining phases can be sequenced such that no more than 2 phases are underway at one time and a third phase could be started when one of the first two phases are 80 percent complete. There also needs to be some flexibility as to where the road will be located off-site.

4. Further commitment regarding identification and protection of archeological and cultural resources.
   There will be a Phase I study of all areas to be disturbed before any disturbance can take place.

5. Commitments to grading at least equivalent to those made for North Pointe.
   Language provided by the County Engineer shall be used to include an erosion control plan for each phase and the accommodation of drainage out fall on adjacent properties through easements.

6. Sewer agreement.
   Agreements were approved on May 24th and execution of documents with ACSA shall be completed.

   The Planning Commission discussed the proffer arrangements and made the following suggestions:

   - **There shall be one general transportation fund proffered on a per unit basis for all County transportation improvements inclusive of the Sunset/Fontaine connector. ITS and Old Lynchburg Road improvements in the City and Transit will be in separate funds. ITS and Old Lynchburg Road improvements in the City will be provided on a per unit basis.**
   - **The Transit Fund will be proffered with 1 million dollars available up front for at least 18 months as an incentive to provide funding for a regional Transit Authority. The applicant's local transit service shall be permanent rather than a 10 year commitment.**
   - **The Commission specifically requests that the inflation component be included in the proffers.**

Gary Fern and Pete Gorman, representatives for the Service Authority, were present to answer questions.

Pat Mullaney, Director of Parks, was present to answer questions.

Mr. Zobrist congratulated the applicant, Hunter Craig, for stepping up to the plate and making the changes in order to have a plan to benefit the community. The 400 acre park would not have occurred with a by right development.

Mr. Zobrist moved, Mr. Morris seconded to recommend approval of ZMA-05-17, Biscuit Run subject to the resolution of the six outstanding issues agreed to tonight and also encourage the Board of Supervisors that they so accept the same and that the cash proffers with respect to transportation be allocated to transportation initially.

Mr. Cannon asked to add to the motion. In addition to the six items that were addressed and one of them he was not sure they resolved, but taking the proposal of the applicant on that one, which was the phasing or sequencing. He thought that there were some additional undertakings that they agreed to including aggregating the proffers on transportation as a group, fungible within that group. He also heard Mr. Blaine agree that 1 million dollar for transit would be paid up front or perhaps at the first subdivision or some point ahead of the 500th or some time earlier up front. Also, that money would be available for 18 months at least to fund the operations of the regional transit authority should that come into existence to give some encouragement there. It also states that the shuttle service would be established permanently as supportive by the applicant as a transit service from the property to the City of Charlottesville.

Mr. Zobrist amended the motion to include Mr. Cannon's direction.

Mr. Morris seconded the amended motion.

Ms. Joseph asked to add something about the transportation proffers because they were very clear and if they are putting them all into a pot she did not know if they want to take these out. They were very clear that they wanted to fund what the City has asked for. She asked if the Commission wants to take those out of that transportation mix.

Mr. Cilimberg said that there are City dollars that are specifically pointed out here. If the Commission wants to keep those separate he felt that was easy to do in terms of pots of money.

Mr. Strucko noted that it was for City dollars and it was for Sunset/Fontaine Connector and Old Lynchburg Road. He preferred to see both of those mentioned because one is in the City proffer and one impacts the City directly.

Ms. Joseph said that the other one had to do with the timing of the lights.

Mr. Cilimberg said that there is the ITS. There is the Sunset/Fontaine Connector and the Old Lynchburg Road. He thought he heard the Commission say that the Fontaine/Sunset Connector they would want to have it within the larger pot of money.

Mr. Zobrist thought that the ITS was the only one that is specific. He recommended that they amend the motion to exclude the ITS.

Ms. Joseph noted that the Old Lynchburg Road was very important to them because they are starting their project next year.

Mr. Zobrist asked if transportation is the first priority.

Mr. Cilimberg said that is something the City requested, but ITS is actually the City and County. They might want to set aside ITS and Old Lynchburg Road and then have the Sunset/Fontaine go into the general transportation fund.

Mr. Zobrist amended the motion to exclude from the transportation group the ITS and the Old Lynchburg Road portion that goes into the City and that the Sunset/Fontaine be in the general grouping of transportation proffers.

Mr. Cilimberg summarized the things that the Commission committed or wanted to have done:

- In the first bullet point the Commission understands that those things need to be addressed and specifically said that they want the inflation component included.
- In the location of Mill Creek South the Commission was agreeable to the general concept of it being pedestrian and bike and emergency access with the proviso that it is available for full public road access at the decision of the Board of Supervisors rather than the discretion of Community Development. They wanted a longer period of time in which that decision could be exercised. It is 15 years and the Commission thought that it should be 20 or 25 years. The easement is part of that. That is part of having it pedestrian, bicycle and emergency. The Commission wants to make sure that there is enough right-of-way there for ultimately the provision of a public road should the Board decide to do so.
- In the phasing the commitment the Commission was looking for was for the sequencing of A and D together with the Southwood Connector. That would also include providing the park access. After that there could be flexibility in how the phases flow based on the only two at a time and then the 80 percent on the second one before the third could kick in.
- The Archeological and cultural resources the Commission understood and agreed with what is happening there with the work on a Phase 1 for all of the disturbed area.
- The grading at least equivalent to those made for North Pointe. The Commission understood that was being worked through with Engineering and that language has been provided by the County Engineer for the applicant to use.

- The sewer agreement the Planning Commission ultimately accepted that was appropriate and adequate.
- The other proffers, which were just mentioned, that there would be a transportation fund that would be flexible and more general in nature that would be accumulated on the per unit basis.
- There will be a separate fund for the ITS on a per unit basis, which is actually an upfront commitment.
- There would be an Old Lynchburg Road commitment on a per unit basis.
- Transit would be separate in another fund with the potential of an upfront contribution of 1 million dollars as proffered. A time would be associated with that to create the incentive for potentially funding a regional transit authority.
- The local transit provided by the applicant, which has been called a shuttle, was suggested that it be called local transit and be permanent rather than a ten year service.
- The Sunset/Fontaine would be part of the general transportation fund.

Mr. Zobrist noted that is consistent with the motion.

Mr. Morris seconded the amended motion.

Mr. Cilimberg pointed out that Mr. Brooks mentioned having erosion control part of the sequencing and phasing

Mr. Zobrist noted that was correct and asked to add that as an amended to the motion.

Mr. Morris seconded the amended motion.

Mr. Cilimberg noted that Mr. Brooks has a couple of items to include in the motion that were not mentioned. One was the drainage outfall and how that is to be treated in relation to the adjacent property with the easement. That is part of what the Commission expects as well.

Mr. Zobrist agreed to the amendment to the motion.

Mr. Morris seconded the amended motion.

Mr. Craddock requested to ask one last question. Under the proffers he knew they have a speaker present tonight to talk about widening Route 20 to Monticello High School. Proffer C mentions the widening of Route 20, but he thought that they had taken off putting four lanes on Route 20. He wanted to make sure that they were not talking about putting in four lanes.

Mr. Cilimberg replied that none of those specific improvements are going to any longer be referenced if part of what they decide is going to be a general fund. If it

is decided that four laning Route 20 is the project to do, then the monies could go to that. That is going to be a decision in the normal planning process. If it is something else that will be done it won't be done on Route 20, then it will go somewhere else.

Mr. Zobrist asked to move the question.

Mr. Strucko said that in accessing these proffers they looked at a variety of things including schools, roads, fire/rescue, libraries, parks and rec and affordable housing. Some may think that they did not get enough for a particular object or line item, but he was compelled to look at the list and look at the almost 31 million dollars or almost $12,000 per unit and feel comfortable. What really makes him comfortable with the distribution of proffers is the disproportionate contribution that they are receiving for Parks and Recreation. Every time he looks at the map and sees the 400 acres set aside for the park site in that particular location he thinks that in and of itself is a great benefit for Albemarle County. They might not be getting enough cash in some people's opinion for schools, but again this disproportionate contribution of park space in his mind outweighs that. So he was very comfortable accepting the list that they have worked out with this applicant.

Mr. Craddock noted that Mr. Blaine said that they would go along with the ARB review deeper into the parcels. He just wanted to make sure that is in the record.

Mr. Cilimberg noted that the ARB has already looked at what is on their frontage as part of the zoning process. They will look at the development.

Ms. Joseph pointed out that the proffers are significant. They have offered to do 10 percent green buildings LEED Certified. They have offered the huge park that Mr. Strucko has talked about. They have offered greenway trails that are significant. They have offered transit in doing a shuttle that maybe actually can change the culture in the way they think about using transit. They have offered a school site. They have raised the bar for just about every other developer in this community. They don't like development and don't want development. This is in the growth areas. She really thinks that they need to think about if they are going to have development she felt that these applicants were making a huge effort to make it work and they are giving back to the community. That is something that they don't always see. She thanked the applicants and asked for a roll call.

ACTION MEMO SUMMARY OF THE MOTION:

Motion: Mr. Zobrist moved, Mr. Morris seconded to recommend approval of ZMA-05-17, Biscuit Run subject to the resolution of the six outstanding issues as agreed to by the applicant tonight with a request to the Board of Supervisors that it so accept the same and that the cash proffers with respect to transit be contributed in a lump sum and sooner than provided in the current proffers.

After discussion among Planning Commissioners and with staff, the motion for approval of ZMA-2005-000017, Biscuit Run was amended by Mr. Zobrist and seconded by Mr. Morris as follows:

The Planning Commission recommends approval of ZMA-2005-000017, Biscuit Run, inclusive of revised proffers, code of development and application plan provided that the outstanding issues identified in the staff report on page 9 and those discussed by the Planning Commission are addressed as recommended prior to the Board of Supervisor's meeting.

A. Application Plan, Code of Development and Proffers.

Technical matters need to be addressed and fixed. An inflation factor for cash proffers needs to be included.

1. Location of Mill Creek South connection.

   The connection needs to be in a location that provides acceptable design for vehicular access and proper intersection with Stony Creek Drive. The general concept of it being pedestrian and bike and emergency access with the proviso that it is available for full public road access at the decision of the Board of Supervisors rather than the discretion of Community Development and that the time period within which this discretion could be exercised be 20 to 25 years rather than 15 years.

1. Plan to phase or sequence the development so as to understand the order of development and the timing and location of Southwood Connector Road.

   Phases A and D along with the Southwood Connector and the park access should be done first. The remaining phases can be sequenced such that no more than 2 phases are underway at one time and a third phase could be started when one of the first two phases are 80 percent complete. There also needs to be some flexibility as to where the road will be located off-site.

1. Further commitment regarding identification and protection of archeological and cultural resources.

   There will be a Phase I Study of all areas to be disturbed before any disturbance can take place.

2. Commitments to grading at least equivalent to those made for North Pointe.

   Language provided by the County Engineer shall be used to include an erosion control plan for each phase and the accommodation of drainage out fall on adjacent properties through easements.

1. Sewer agreement.

   Agreements were approved on May 24th and execution of documents with ACSA shall be completed.

2. **There shall be one general transportation fund proffered on a per unit basis for all County transportation improvements inclusive of the Sunset/Fontaine connector. ITS and Old Lynchburg Road**

improvements in the City and Transit will be in separate funds. ITS and Old Lynchburg Road improvements in the City will be provided on a per unit basis.

3. **The Transit Fund will be proffered with 1 million dollars available up front for at least 18 months as an incentive to provide funding for a regional Transit Authority. The applicant's local transit service shall be permanent rather than a 10 year commitment.**
4. **The Commission specifically requests that the inflation component be included in the proffers.**

The role was called and the motion was approved by a vote of 7:0.

Ms. Joseph said that ZMA-05-17, Biscuit Run would go to the Board of Supervisors with a recommendation for approval with the above noted expectations.

Old Business:

Ms. Joseph asked if there was any old business. There being no further old business, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

- The Livengood staff report is not in the Commission's package and will be delivered Thursday.

- The Commission asked staff to squeeze the discussion about the City's New Policy on meeting with applicants prior to the meeting on the agenda as soon as possible. The Chair and staff will look at June's schedule and determine a date for the discussion.

There being no further new business, the meeting proceeded.

ADJOURNMENT

With no further items, the meeting adjourned at 10:25 p.m. to the Thursday, May 31, meeting at 5:00 p.m. at the Comfort Inn at I-64 and Route 250 at the Shadwell Interchange.

RECONVENED MEETING

Due to the need to act on two waiver requests for Biscuit Run the Commission reconvened at 10:29. Ms. Joseph established a quorum.

Ms. Grant noted that the waiver requests requested were for the following two items:

1) Parking and loading study and
2) Waiver for lot layout.

Motion: Mr. Morris moved, Mr. Cannon seconded, for approval of the waiver requests for ZMA-2005-00017, Biscuit Run for the parking and loading study and the waiver for the lot layout.

The motion passed by a vote of 7:0.

ADJOURNMENT

With no further items, the meeting adjourned at 10:30 p.m. to the Thursday, May 31, meeting at 5:00 p.m. at the Comfort Inn at I-64 and Route 250 at the Shadwell Interchange.

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V. Wayne Cilimberg, Secretary

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