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Albemarle County Planning Commission
October 16, 2007

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, October 16, 2007, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Jon Cannon, Bill Edgerton, Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Eric Strucko; Duane Zobrist and Pete Craddock. Mr. Craddock arrived at 7:25 p.m. Mr. Strucko left at 7:33 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; Claudette Grant, Principal Planner; Rebecca Ragsdale, Senior Planner; Elaine Echols, Principal Planner; Lee Catlin, Community Relations Manager; Harrison Rue, Thomas Jefferson Planning District Commission and Greg Kamptner, Deputy County Attorney

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 6:02 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – October 10, 2007.

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

Consent Agenda:

Approval of Minutes: September 4, 2007.

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

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

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

Items Requesting Deferral:

ZMA-2004-00022 Treesdale Park (Sign # 33)
PROPOSAL: Rezone 6.60 acres from R4 residential zoning district which allows residential uses (4 units per acre) to PRD (Planned Residential District) - which allows residential uses (3 - 34 units/acre) with limited commercial uses. This request proposes a total of 90 units at a density of 14 units per acres and no commercial uses. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential (6 - 34 units per acre). ENTRANCE CORRIDOR: No. LOCATION: The property is located in the Rio Magisterial District at 640 E. Rio Road, south of Towne Lane on the west side of East Rio Road. TAX MAP/PARCEL: Tax Map 61, Parcels 182, 183, and 183A. (Elaine Echols)
APPLICANT REQUESTS DEFERRAL TO NOVEMBER 13, 2007.

Ms. Joseph noted that the applicant requests deferral to November 13, 2007. She opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Motion: Mr. Morris moved, Mr. Zobrist seconded, to accept the applicant's request for deferral of ZMA-2004-00022, Treesdale Park to November 13, 2007.

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

Ms. Joseph said that ZMA-2007-00022, Treesdale Park was deferred to November 13, 2007.

Public Hearing Items:

SP-2007-00026 Crozet Station
PROPOSED: 30 residential units to be located above the existing Crozet Shopping Center buildings and a parking structure addition to the northeast corner of the site.
ZONING CATEGORY/GENERAL USAGE: C-1 Commercial - retail sales and service uses; and residential use by special use permit (15 units/ acre)
SECTION: 18.22.2.2.6 uses permitted the R15 Zoning District (15 units/acre) and 18.22.2.2.9 Parking Structure
COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; designated CT 6 Urban Core, which allows for a mix of commercial, office, retail, and other uses along with residential uses up to 18 units an acre and up to 36 units an acre in a mixed used setting, according to the Crozet Master Plan.
ENTRANCE CORRIDOR: Yes
LOCATION: Crozet Shopping Center, north of Three Notch'd Road(Route 240); approx. ¼ mile east of its Intersection with Rt. 810
TAX MAP/PARCEL: 56A2-01-29
MAGISTERIAL DISTRICT: White Hall
(Claudette Grant)

Ms. Grant presented a power point presentation and summarized the staff report.

- The applicant is requesting a special use permit for 30 residential units in a C-1, Commercial District and a parking structure addition to the northeast corner of the site. The property is located in the Crozet Shopping Center north of Three Notch'd Road, also known as Route 240 The purpose of the public hearing is for the Commission to act on the applicant's request for a special use permit for residential use in a commercial district and a parking structure addition. This is located in the development area in the community of Crozet.
- The 30 residential units are proposed to be located above the existing Crozet Shopping Center buildings. The Commission held a pre-application work session on May 30, 2006 and a work session on August 28, 2007. The staff report explains in detail the results of these work sessions.

Staff has identified the following factors favorable to this application:
1. This proposal provides mixed-use to downtown Crozet as recommended in the Master Plan.
2. The proposal meets most of the principles of the Neighborhood Model including pedestrian orientation (on-site), buildings and spaces of human scale, relegated parking (for the new section), interconnections, affordability, redevelopment and centers.

Staff has identified the following factors unfavorable to this application. Staff handed out a copy of the applicant's response to the unfavorable items.
1. It is not yet known whether an interconnection to the east can be made.
2. The stream buffer is not clearly delineated on the plan. It appears that development is shown in a portion of the stream buffer and the stream buffer must be preserved.
3. Internal amenities have not been included in the plan.
4. Provisions for affordable housing have not been established.
5. Resolution is needed on the level of improvements needed to Rt. 240.
6. Provisions for storm water management are needed.
7. Utility and landscape conflicts have not been resolved across the frontage to ensure that street trees can be provided.

In the applicant's response there are answers to several of these outstanding issues. However, several items are still outstanding.

At this point staff cannot recommend approval of the special use permit until it is clear that the elements shown on the plan can be accomplished, the amenities for residents are identified, it is clear how

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affordable housing will be provided, and it is clear what level of improvement (if any) will be needed for Rt. 240.

If the Planning Commission believes it can recommend approval at this time, staff recommends that the following items become conditions of approval:

1. Development shall be in general accord with the concept plan entitled, "Crozet Station, prepared by Atwood Architects, Inc. dated May 23, 2007".
2. The final site plan shall not be approved until the applicant has provided evidence that an easement has been executed to provide inter-parcel access to the property to the east.
3. There shall be no disturbance of the stream buffer.
4. Affordable housing shall be provided in keeping with the County's affordable housing policy. (This item must be addressed prior to the Board of Supervisors' meeting because it isn't known how the applicant intends to accomplish provision of affordable units.)
5. Residential amenities such as an outdoor plaza, paved path to the greenway, or civic green area shall be provided, to the satisfaction of the Planning Director.
6. Street trees along Route 240 shall be provided as shown on the concept plan.
7. The final site plan shall not be approved until the applicant has provided an access area to the greenway dedication in the north-west section of the property.
8. Water quality and water quantity treatment shall be based on an assumed pre-existing cover of 20% for the site.
9. Wording of these conditions may change prior to the Planning Commission meeting. Staff notes that, if workable storm water management concepts are not provided in advance of Board of Supervisors' action and if widening of Rt. 240 for right and left turn lanes is needed, the plan may not be able to be accomplished as shown.

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

Mr. Edgerton asked staff to elaborate on the issues that have not been addressed in the applicant's response.

Ms. Grant noted that staff just received this information today. Therefore, other staff has not looked at this. Therefore, she was responding out of her quick look at the response letter.

1. Regarding the interconnection the applicant has provided an easement in the packet. That is issue is more than likely resolved.
2. Regarding the internal amenities, there still needs to be some level of clarity in terms of commitment. The applicant has said several things that that they will provide, but staff does not have a commitment to those provisions.
3. Resolution is still needed as to level of improvements needed to Route 240.
4. Provisions for storm water management are with the County Engineer for review, but he has not had a chance to review that information.
5. The utility and landscape conflicts are still an issue that staff is hoping for some guidance from the Commission on this evening.

Mr. Zobrist said that it appears that this is a little premature. These are all issues that can be resolved that staff is working on. Staff has not had the information to get them resolved until now.

Ms. Grant noted that was correct.

Mr. Cannon asked if the issues that staff did not address ones based on her preliminary review are okay, such as the stream buffer.

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Ms. Grant replied that was correct. Based on her quick review of that and affordable housing she was okay with it.

Mr. Morris asked if staff just received the information today and had not had a chance to review it thoroughly, and Ms. Grant replied that was correct.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Bill Atwell and Ashley Cooper presented a power point presentation and explained the proposal.

- A diagram of the proposal was presented. It was noted that they still have to go back to the Crozet Committee to get this piece verified. In an attempt to save the longstanding and very loyal tenants in this particular part of the shopping center they decided to go the special use permit route and address what they think is the addition of the housing and the parking, which was settled last time to be placed in the rear per the wishes of the Commission. The back of the site is not very well organized. Therefore, they feel that it needs to stay where it is and not be pushed towards to the road. The arcade is where the amenities will be located.

- In a meeting with staff and VDOT they felt right up until Friday afternoon that they had met all of the needs on Route 240 to include the request to take out one entry and to emphasize the interparcel link with the bank. They have done a parking study that will allow them to do a phase 1A, which they have committed to staff over the past year. Phase 1A will be a piece that will be on the street, which they will bring to the Commission after this as part of their full development of this particular tract.

- As you know the actual ultimate look of what creates Crozet to be in the future stems from the committee work with the 14 folks and many meetings that have picked this particular collection of architect together to create what they think is the look. It is a wide variety and is an architectural challenge. They went to the ARB and have been trying to incorporate their comments.

- The conceptual plan is the same except for one exception. They had a conversation with the next door neighbor who was selling to the bank. They think that the first right turn in is going to be at that bank, but the primary entrance to the shopping facility will be where the arrows are shown. Again, in their discussions with the staff and VDOT the road seemed wide enough to maintain all of the future wants for the property. Ms. Cooper will respond to each of the concerns, which they received on Friday.

Ashley Cooper continued the power point presentation.

- A parking study is being done on this lot to plan for future phases. They have been looking at it on week days and weekend during the morning, noon and night. During the lunch hour they are seeing the parking lot about half full. Through that study they are going to be able to do a 20 percent parking reduction on this site and still provide the 194 spaces for now, but only 156 are actually required at this. She reviewed the 7 issues listed as unfavorable factors on their plan.

1. The first one was the access easement that was on the parcel to the east. She pointed out both the approved site plan and the recorded easement on that to ensure to the Commission that they do have the interconnection that is needed on the site.
2. Secondly, she pointed out the stream buffer to be clear that they are having zero impact on the stream buffer for this site. The sheet S3/4 is the best one to look at. Their paving and parking area stop short of that stream buffer.
3. Storm water management – They are committed to providing water quality and quantity treatment that will assume a pre-existing impervious cover of 20 percent, which is what has been requested. They will also provide filter units and underground detention.
4. Internal amenities – She highlighted their arcade feature. They are providing benches and green spaces for gardens. They are happy to provide any connection to the green spaces behind the site.
5. Landscaping – On the frontages they do have some challenges with existing water line easements and power lines. But, they are committed to doing an above ground planter. So they

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can include ornamental trees. They have spoken with VDOT and have 50' of right-of-way in front of their site. So there is room to do any of the lanes that the County may be requesting. They are willing to provide more width on the frontage of their site.

6. Affordable Housing – They are committed to providing 15 percent of the units as affordable housing and the rest of the units to be work force housing.

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

Mr. Strucko said that if the proposal is to reduce the number of parking spaces here is that consistent with what the longer range plan is for the downtown Crozet area. If the point is to encourage pedestrian traffic to move through downtown and the access the other businesses and restaurants in the area, wouldn't parking be an issue and wouldn't they want to preserve the number of spaces there.

Ms. Cooper replied that they were interested in providing a mixed use environment here. What they have found is that the uses are actually complimentary. They have not definitely said that they would take those spaces away, but they want to look at that mixed use nature in actually allowing people to get out and walk to multiple destinations while they are there.

Mr. Strucko noted that 120 spaces would enable that more than 80. Wouldn't more parking spaces enable that to have people not only come to this facility, but also move down to Three Notched Grill, the Crozet Pizza or any of the other businesses along that road?

Ms. Cooper said that as they move through the phases of this site they will be looking at the parking needs for all of those uses.

Mr. Strucko asked if they were proposing to scale back 20 percent of the existing parking with this proposal.

Ms. Cooper replied that this proposal is still providing all 194 spaces. So it has actually increased from 136 spaces to 194 spaces.

Mr. Strucko noted that this is increasing the parking.

Mr. Zobrist noted that included additional parking in a parking structure in the back.

Mr. Strucko said that the road frontage along Route 240 has an existing sidewalk. He asked if the VDOT right-of-way would threaten that existing sidewalk in any way.

Ms. Cooper replied no. The sidewalk is actually located on the Crozet Station property. So the right-of-way is beyond that. The sidewalk is on the private property.

Mr. Strucko asked if the right-of-way comes short of the sidewalk.

Ms. Cooper replied yes, that any changes to the right-of-way would not impact the sidewalk.

Ms. Joseph noted that she had said that the pavement won't be in the stream buffer, but what about the grading.

Mr. Atwood replied no, they would not have to grade into the stream buffer.

Mr. Strucko asked if this proposal was to add 30 residential units to an existing commercial zoning.

Ms. Cooper replied yes, that the 30 units would go on top of the retail space.

There being no further questions, Ms. Joseph invited other public comment. There being none, the public hearing was closed and the matter before the Commission.

Ms. Joseph said that she did not like receiving information so late because she had not had enough time

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to read this. It is a lot of information here. She was having a real hard time with this particular method of giving the Commission information like this at the meeting. The other thing she was having a hard time with was seeing what the Board decision was on Wednesday and they are adding more residential space to this. One of the things that they were supposed to be doing was taking a look at using our growth areas and also trying to slow down the growth in the rural areas. Therefore, she was having a hard time looking at anything that adds more residential to our growth areas.

Mr. Strucko shared Ms. Joseph's sentiment. He had been operating the past 2 years that they were to rezone the designated growth areas to handle the development, but he was hoping at the same time simultaneously that they would be taking direct action to preserve the rural character of Albemarle County. He, too, was disappointed in what happened last Wednesday at the Board meeting where no action was taken on that second leg of the policy. He did not know if he could continue to ask growth area residents to shoulder the burden of the development. It seems to violate the informal bargain that they made that they are channeling growth into designated growth areas, that there will be infrastructure, but that the benefit to the community was to preserve the rural areas. Now he does not have the guarantees that second step is actually happening. Therefore, he did not know if he was comfortable asking growth area residents to shoulder the burden of more development and more dense growth if that second piece is not happening. So any kind of rezoning or special use permits that they will be considering that would add more density and more burdens that he was inclined to not favor at this time.

Mr. Morris said that he liked the design, but the points are well taken.

Mr. Cannon said that he was disappointed in what happened last week, too. But, he felt that they have to take these things on their merits under the existing rules. It appears that all of the questions are not answered for this. It appears to be a considered concept, but he thought that they need the questions answered before they act to approve it. He did not know how they could act otherwise. He asked what the options are and whether the applicant would like to like to defer it until the questions are answered or whether they move to deny it understanding that it could come back with questions answered.

Mr. Zobrist said that the Commission is a resource to the Board. Whatever the Board chooses to do they are a resource to them and they will follow what they plan to do. He did not see anybody from Crozet objecting to this project. He disagreed with Ms. Joseph, but felt that the Commission would enforce the bargain from this stand point. They have a principle that they will push development into the development areas and they will do everything that they can to slow it down in the rural areas. They still have a lot of tools to slow it down until the Board figures out exactly where they want to go. In this particular situation they have had a tremendous amount of Crozet community involvement. He lived in Crozet and felt that everyone has bought off on the idea that they are going to have higher density there with a lot of amenities that go with it. This is just one of them. They have done a very good job of designing it. He liked the design. There a few bugs to be worked out in order to get it done right. He did not think they should hold off and penalize them until the Board decides where they politically want to go.

Ms. Joseph agreed that he was probably right in a lot of what he was saying, but she felt that things should be absolutely the best they can possibly be before they decide to approve anything. She felt that was what the community deserves. If they are going to have growth areas that are very dense, then it needs to be the absolute best. She did not think that this proposal is ready.

Mr. Zobrist agreed that there were some things to be worked out. But, from the standpoint conceptually he felt that it was great. It needs to be deferred while staff works out these open questions, which appear to be resolvable. He felt that good things are happening out there and he was adjusting to the higher density life in Crozet.

Mr. Strucko noted that a lot of parts of this are a very creative redevelopment of an existing parcel. They certainly do favor redevelopment. It is not just redevelopment, but redevelopment plus additional density here in the designated growth area. In his position as advisory to the Board his advice is not to add any more density to the growth area until rural area policy is settled.

Mr. Edgerton said that he was very distressed with the decision and action taken last week. He did not believe that they could put a halt to everything that occurs until the political time is right for the Board to

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take action on this. He hoped that those ordinance changes would be reconsidered in the future because they are very necessary. As far as this project he feels that it is a very creative solution. What is being proposed is a tremendous improvement over what is there now. He sensed a real frustration on the applicant's part about the deliberate process that they have to follow as far as engaging all of the different agencies in the county. It is unfortunate that when they provide a submittal on September 17 and they don't get an official response until October 13. Then they have a day and a half to respond to it. That would be a very frustrating experience. Listening hard to the applicant's response to the 7 points that have been made he thought that if they did take the alternative in the staff report of approving this conditionally that all of these issues be addressed, he felt frankly that the applicant would be at a bit of a risk. Basically, they are promising to do whatever is required. If the engineers look at and say that their estimate of what would be required for storm water management is not enough, then all of a sudden they were going to be hammered with maybe a lot more than they are expecting to do. He would prefer to defer action. But, of course, under State Code they cannot do that unless the applicant voluntarily asks for that the deferral. He would hope that the applicant would consider that. But, before they ask the applicant if they would consider requesting a deferral he would like to ask staff if they could give us a response on how long it would take to address these issues. That is critical. Leaving it open for an indefinite period of time is unfair. Personally if staff says they don't' know, then he would just assume to go ahead and move for conditional approval with those 7 points noted. He asked staff if they would be prepared to tell them how long it would take to respond to these.

Mr. Cilimberg said that this is no different than any of the reviews on projects that they have seen. Biscuit Run was a good example of going through several iterations. The problem Is that the staff resources available to review these projects give us at a minimum 2 weeks to review and assemble comments for other reviewers the third week. We have no opportunity to get comments and get back to the applicant in that time line. It takes at least 4 weeks from when we are given new information.

Mr. Atwood said that they have been working on this for a year. When he read the list he was stunned. They have been committed to affordable housing. The stream buffer has never been violated. They met with VDOT and staff. The storm water information is being reviewed by Mr. Brooks. That should be cleared up prior to the Board meeting. He noted that tonight he was committing that if they need room for the sidewalk that it is already on their property. He asked to move forward with the request.

Ms. Grant pointed out that they have verbal offers. The information in response was received today that talk about amenities, but it is not shown on the plan. It is only in the response letter. There is no detailed information included about the amenities.

Ms. Joseph asked if VDOT has provided any guidance on Route 240 in writing.

Ms. Echols replied that VDOT has given some guidance, but it needs to be worked out. There is nothing in writing from VDOT.

Ms. Joseph noted that the affordable housing and VDOT concerns need to be addressed in writing.

Motion: Mr. Edgerton moved, Mr. Zobrist seconded, to approve SP-2007-00026, Crozet Station, with the conditions recommended in the staff report, as amended.

1. Development shall be in general accord with the concept plan entitled, "Crozet Station, prepared by Atwood Architects, Inc. dated May 23, 2007".

2. The final site plan shall not be approved until the applicant has provided evidence that an easement has been executed to provide inter-parcel access to the property to the east.

3. There shall be no disturbance of the stream buffer.

4. Affordable housing shall be provided in keeping with the County's affordable housing policy and all of the additional housing shall be workforce housing. (This item must be addressed prior to the Board of Supervisors' meeting because it isn't known how the applicant intends to accomplish provision of affordable units.)

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5. Residential amenities such as an outdoor plaza, paved path to the greenway, or civic green area shall be provided, to the satisfaction of the Planning Director.

6. Street trees along Route 240 shall be provided as shown on the concept plan.

7. The final site plan shall not be approved until the applicant has provided an access area to the greenway dedication in the north-west section of the property.

8. Water quality and water quantity treatment shall be based on an assumed pre-existing cover of 20% for the site.

Wording of these conditions may change prior to the Planning Commission meeting. Staff notes that, if workable storm water management concepts are not provided in advance of Board of Supervisors' action and if widening of Rt. 240 for right and left turn lanes is needed, the plan may not be able to be accomplished as shown.

The motion passed by a vote of 5:1. (Mr. Strucko voted nay.) (Mr. Craddock was absent.).

Ms. Joseph stated that SP-2007-00026 Crozet Station will go before the Board of Supervisors on November 14, 2007 with a recommendation for approval. The Commission hopes that all of the outstanding issues can be worked out between the applicant and staff before the Board meeting.

ZMA-2007-00005 Avon Park II
PROPOSAL: Rezone 5.17 acres from R-1 Residential (1 unit/acre) to R-6 Residential (6 units/acre) the proposal is to allow development of 31 townhouse and single family units.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - 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: Avon Street Extended, approx. 1,000 feet north of the intersection of Avon Street Ext. and Route 20, south of existing Avon Court
TAX MAP/PARCEL: Tax Map 90, Parcel 31
MAGISTERIAL DISTRICT: Scottsville
(Rebecca Ragsdale)

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

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Frank Pohl, with Weatherhill Development, said that basically this was a Service Authority easement for sewer and water. They do have grinder pumps on this project, which also are in this easement that is in this street. That is the logical location for any type of utilities. When they move this sidewalk this they have to basically angle for a 7' and not a 6'. There is not enough room in this area with this 3.5' easement extending into the strip. Therefore, they think that 7' would be required. Then they can provide 19' to the front buildable area. That still exceeds the minimum standard of 18' for parking and not overhanging the sidewalk. They ask the Commission. There is a 7' planting strip as provided. The sidewalk is not adjacent to the street, however, it would be on the lot and it would provide an easement over this sidewalk which was done in phase 1. Street trees are within the green planting strip and not on individual lots. Therefore, they have flip flopped those. The sidewalks would need to be in an access easement. There would be shorter driveways with smaller front yards on lots, which they felt was important for this neighborhood being that the lots are already small. The trees are 30' apart that may require a higher degree of maintenance on the trees. With regards to the slope on the road he knew they were recommending approval, but just in case the Commission had any questions on it. They looked eliminating that and going to 10 percent on that road. It would basically raise the end of the road approximately 3' at this point. That would create a further challenge to maintain 3:1 slopes or less. They would potentially have to add some more walls in this area, which may become an issue for the ARB. The maximum is 13.5 percent at the center or somewhere right in this area. Then it tapers back to the 10 percent at the edges of this area that is in the hatched area. The native grades are 14 to 15 percent,

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which is why they are fighting the grade a little bit coming down the hill. They are really trying to make the existing house on 31 fit into with this neighborhood. If they have to raise this road 3' it will do the opposite.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Mr. Morris noted that he had a question on the planting strip. Since they have underground utilities with the sewer, etc. and they have curb and gutter 7' back and then 6' back there is the sidewalk. What does that do to the chances of the survival of the tree roots with large of amount of concrete.

Ms. Echols pointed out that the applicant is proposing 7' and there is a standard 6' planting strip standard. It is the standard that they use and there are different ways that they can deal with the root system to protect the root system in that particular circumstance. The Planning Commission and Board considered that when they made the Subdivision Ordinance changes and made that a requirement. The proposed alternative is actually from the standpoint of the Neighborhood Model a preferable alternative because you get the appearance and feeling that the buildings are actually closer to the street than they really are. It is something that makes Parkside Village work in terms of the location of their sidewalks on the lots in an easement. There is an alternative here that makes for a better design. The 6' planting strip is what was established as being viable for street trees in this area. She pointed out that Mr. Edgerton helped draft the Subdivision Ordinance amendment.

Mr. Craddock arrived at 7:25 p.m.

Mr. Edgerton agreed with Ms. Echols. The planting area between the sidewalk and curb will make for a much better design and it will appear to be nicer. The applicant's proposal to add an extra foot to the planting area will only help with the health of the trees. The concern was the addition of the grinder pumps in the easement. But, he did not have any problem with adding the additional foot. When we were considering this and the applicant was reading from the Neighborhood Model his recollection of their discussion at the DISC II Committee was that if there was already an existing sidewalk that there should be a planting strip behind, but that was not being proposed as an viable alternative.

Ms. Echols said that the Planning Commission had a lot of discussion on what the preferred form was, which was what went into the Subdivision Ordinance. The other one was more of an exception if it could not physically be provided.

Mr. Edgerton said that was plan B, which was his recollection.

Action on ZMA-2007-00005 Avon Park II:

Motion: Mr. Zobrist moved, Mr. Morris seconded, to approve staff's recommendation for ZMA-2007-00005, Avon Park II, as amended.

1. The grading on lot 28 will not exceed 3:1 slopes or less and that if retaining walls are needed, they will be low in height and terraced.
2. To accept staff's recommendation to reject the planting strip waiver. The applicant presented an alternate street section that met the ordinance requirements, which the Commission recommended be reflected on the revised plan.
3. The Commission suggested the applicant consider adding additional proffer language to the Affordable Housing proffers, to address the situation if there is not a person to occupy the affordable housing that the appropriate amount would be paid to the County for affordable housing.
4. The Commission suggested the applicant consider adding additional proffer language to further address storm water management impacts of the rezoning, using a standard of 80 opposed to the 60 percent standard.

Mr. Strucko said that he remained concerned about adding density in this area. Biscuit Run is just to the south of this proposal with 3,000 new homes. He was still concerned that they don't have what he felt

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were proper policies for the Rural Area in place. He was concerned that they can't even get a stream buffer or a critical slope ordinance in place. He was more comfortable with the by right use of this property than the proposed rezoning.

Ms. Joseph noted she could not support the request because of the way the affordable housing proffers are written. It is extremely important that affordable housing does not go away and it stays there in some form. There should be a cash proffer for affordable housing if they can't sell the property as affordable housing. She shared Mr. Strucko's concern that anything that comes before them that is not really adding value to the community she could not support.

Amended Motion:

Mr. Zobrist amended the motion to add that the proffer on the affordable housing be consistent with what they have done in the recent areas whereas if there is not a person to occupy the affordable housing that the appropriate amount would be paid to the County for affordable housing.

Mr. Edgerton seconded the amendment. If that is the most recent affordable housing standard, then the Commission should apply that to this rezoning request as well.

Ms. Joseph supported the amendment. She was having a real hard time with everything that has been going on this area, too. She would like to have some sort of confirmation that they don't have another scorched earth happening in this area and that there is some way they can make sure that the erosion and sediment control is such that to prevent that. That is the other proffer that the Commission has seen recently regarding erosion and sediment control in that it is 80 percent captured instead of the normal 60 percent.

Mr. Zobrist said that he did not think that they could add that as a condition since it has to be done by way of a proffer.

Mr. Kamptner replied yes. Biscuit Run and the recent Hollymead Town Center Area A both have that standard as a proffer.

Mr. Zobrist invited Ms. Long to address the applicant's intent on that.

Valerie Long, attorney for the applicant Weather Hill Development, said that they were not aware of any concerns about erosion and sediment control here. The applicant would be happy to take a look at and consider the language referenced by Mr. Kamptner. They are very willing to use the new standard language on the affordable housing.

Mr. Zobrist questioned if that meant that they could add that as a condition to the motion to approve.

Mr. Kamptner relied yes.

Amended Motion: Mr. Zobrist amended the motion for approval to be conditioned upon the applicant's proffer reflecting 80 percent of the erosion as opposed to the 60 percent as the standard.

Mr. Edgerton seconded the amendment.

The motion passed by a vote of 5:1 with the following conditions. (Mr. Strucko voted nay.) (Mr. Craddock abstained.)

1. The grading on lot 28 will not exceed 3:1 slopes or less and that if retaining walls are needed, they will be low in height and terraced.
2. To accept staff's recommendation to reject the planting strip waiver. The applicant presented an alternate street section that met the ordinance requirements, which the Commission recommended be reflected on the revised plan.
3. The Commission suggested the applicant consider adding additional proffer language to the Affordable Housing proffers, to address the situation if there is not a person to occupy the

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affordable housing that the appropriate amount would be paid to the County for affordable housing.

4. The Commission suggested the applicant consider adding additional proffer language to further address storm water management impacts of the rezoning, using a standard of 80 opposed to the 60 percent standard.

Action on Public Street Waiver Request for ZMA-2007-00005 Avon Park II:

Motion: Mr. Zobrist moved, Mr. Morris seconded, to approve the waiver to allow a private street instead of a public street. This was because of the slope and the parking at the end.

The motion passed by a vote of 5:1. (Mr. Strucko voted nay.) (Mr. Craddock abstained.)

Ms. Joseph stated that ZMA-2007-00005 Avon Park II will go before the Board of Supervisors on November 14, 2007 with a recommendation for denial.

Mr. Strucko left the meeting at 7:33 p.m.

The Planning Commission took a 10 minute break at 7:33 p.m. The meeting reconvened at 7:44 p.m.

ZMA-2007-00011 Patterson Subdivision
PROPOSAL: Rezone 3.52 acres from R1 - Residential (1 unit/acre)
to R6 - Residential (6 units/acre) to allow for up to 15 dwelling units.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; CT-3 Urban Edge: single family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses
ENTRANCE CORRIDOR: No
LOCATION: Between Lanetown Road and Lanetown Way approximately 400 yards from the intersection of Mint Springs Road, Lanetown Road, and Railroad Avenue.
TAX MAP/PARCEL: Tax Map 55, Parcel 63
MAGISTERIAL DISTRICT: White Hall
(Rebecca Ragsdale)

Ms. Ragsdale presented a power point presentation and summarized the staff report.

- This is a request for a rezoning that was advertised for a public hearing. It does carry with it some waiver requests based on what the applicant submitted four proposed street sections. The request is to rezone 3.5 acres from R-1 to R-6. It does not come with a proffered application plan, but the applicant has submitted a conceptual layout and provided proffers limiting the development to 14 units total, which would include 10 single family detached one-half of which would have an accessory unit with those single family detached units and 4 single family attached units proposed for a net density of 4.9 units per acres.
- The main access is proposed from Lanetown Road, which the Crozet development area boundary. The rural area is on the other side of the road. It is near some proposed greenway connections near the ponds at Gray Rock. There is an existing home on the property with some outbuildings and sheds. There are some evergreen trees planted along the property line adjoining Gray Rock. The proposal includes about .8 acres of open space at the end, which was proposed as a public street that would have parking on the end of it. The applicant would like to provide this as a public open space amenity. Staff has asked Parks and Rec whether they would accept that into their system. There would be 2 single family attached units adjacent to the open space. The applicant has provided for where storm water management might go, but there has not been information provided to staff in order to review it. It was shown conceptually on the Patterson property.
- An exhibit was provided by the applicant that showed how the open space area was intended to be proffered. It fits in with the green infrastructure network of greenways as shown in green on the Crozet Master Plan Green Infrastructure Map. An eastern park and western park was shown

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on the Master Plan Infrastructure Map, but no park was shown for this area. But, the greenways are provided.

- There are some outstanding issues with the proffers submitted. Some of the issues are substantive. The applicant is proffering no more than 14 units and providing for affordable housing with single family attached units as the affordable units. The intent in what was provided to staff was to exceed the 15 percent with that. The applicant would also like to provide accessory units to be associated with the single family detached units for one-half or those for 5. There are still some issues to be worked out with being clearer on what is defined with an accessory unit and what the County Code can not regulate in regards with those units.
- The open space dedication was offered adjacent to Lanetown Road to provide the amenities for this development, but to also serve the neighborhood in that area. The applicant believes that there is a need for that and to also provide some trail facilities. Staff received some preliminary comments from Parks and Rec indicating that it would not be something that they could accept into their system at this point.
- Comments from VDOT indicated that the Lanetown Road access should be restricted and the applicant should use Lanetown Way through Gray Rock North to get to this property. There are a number of single family homes on Lanetown Road. VDOT's desire is to get one of those driveways closed. Based on the driveway spacing they thought that was necessary.
- The applicant has provided a cash proffer, which staff does not think mitigates the impacts of the development. It is for $3,000 per market rate. Staff did not have the applicant's basis for that amount for the staff report, but it does not fall within the guidelines for cash proffers. Staff notes that is an outstanding issue. There was some information provided by the applicant today, which was distributed.
- Regarding waiver requests, there were 2 road sections proposed from the information provided by the applicant. One was a rural section and one was a modified urban section neither of which met the requirements. The road was proposed as public with 4 different right-of-ways. Both of them have pedestrian facilities on one side only at 4', which does meet the minimum standards for either a trail or a sidewalk. Staff could not recommend approval of the waiver requests at this time. There is no workable street section alternative proposed. Being at the conceptual stage for the rezoning it was not one that was appropriate to be entertained at the rezoning stage either.
- Staff was unable to recommend approval based on the number of outstanding issues regarding proffers and cash proffers. Since the applicant is not providing a proffered plan staff feels that some of the concepts shown on the conceptual layout should be worked on to see if any of those could be incorporated as proffers in addition to the need to address the accessory units proposed. Staff does not recommend actions on the waivers at this time.

Ms. Joseph asked if there were questions for Ms. Ragsdale.

Mr. Morris noted that in the staff report it indicated that Parks and Rec said that the Crozet Master Plan calls for an eastern and western park and this would not fit in. He asked if there was last minute comment from them.

Ms. Ragsdale replied that there was no last minute comment. They received comment that it did not fall within their criteria based on serving the larger public need. To be clear on the waivers, staff did not recommend the applicant's street sections that were not acceptable in general. Whether they act on the waivers or not, staff does not recommend those.

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

Cliff Fox, representative for the Pattersons, said that he would like to go through the items discussed in the staff report. Regarding the proposed park, Parks and Rec were actually very excited about it to begin with. It just changed in the past week. He did not know if that was in relationship to the cash proffer situation or what. Actually the proposed trail head is about 140' X 300' and it bisects 2 planned greenway systems. One goes right up through Crozet Crossings and dead ends at the railroad right-of-way. The other one is about 1,000' west of the proposed greenway park. SOCOA is very excited about having neighborhood based active recreation facilities. It helps with transportation and those types of things. There are currently 453 homes in the surrounding neighborhoods that don't have access to an active

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recreational facility. There is about an acre of green that has topographic issues in Wayland Grant and some others. He provided an explanation at how they were approaching the cash proffer offer. He would like the Commissioners to review that and ask questions. The affordable housing was not correctly described in the staff report. What they are trying to do is create affordable and accessible apartments in the context of 5 of the market rate residential units. He first tried to get that adopted in a PRD in Waylands Grant, which was about 5 or 6 years ago. The zoning department said that they could not figure how to figure out the density, setback regulations, etc. at that time. So it just fell out of the plan. The current Code regulation for accessory apartments is that it has to be part of the dwelling. It would be great if the County could find a way on the same lot to create an accessory apartment above a garage or something like. The affordable housing units would be right at the top fronting the greenway system or open space area. It does meet all of the criteria for everything but the highest level of SOCOA competition. It would not be a full scale high school grade field. There are so many different forms of cash proffer and affordable housing proffer language floating around. He researched some of the recently approved proffers such as Biscuit Run and NIGIC, which has an interesting definition of affordable housing, and others. They are happy to work with any of those definitions. For context before the Crozet Master Plan was developed that site was actually zoned for 75 town homes. It was essentially down zoned. So when considering land use policy and getting the most efficiency out of the growth area this site in density he believed within the Code is calculated on a gross acreage and not the net acreage. The Comp Plan and Master Plan recommends that the density be calculated on the net. This lies right in the middle of that range.

Ms. Joseph invited public comment.

Barbara Westbrook, resident of Crozet, had no particular problem with the subdivision per say, but with the impact on the surrounding area particularly traffic. Traffic has been her main concern with all of these subdivisions in Crozet. Most of the traffic would come down Lanetown Road and One-Half Mile Branch to get over to the either Route 250 or I-64, which are both just small country roads. The King Vineyard, which is on One-Half Mile Branch, already is putting enough traffic on it. The neighbors are already upset. Also, traffic to get to Crozet would go down Jarman's Gap Road, which is still behind schedule for improvements. The other northern exit to get out of that area would be going north on Lanetown Road to cross the railroad at a somewhat dangerous crossing that does not have a gate that comes down when trains are coming and it is on the crest of a hill. It could be too much traffic on these small country roads. The water situation is a concern. She can't quite understand why more and more houses are being approved when right now they area having to carry 3 gallon buckets of water to water our plants in their yards. If they were so short on water she did not quite get the connection with building more houses until the water situation has improved. The field out front is on Lanetown Road. It was said that there was no other park around. But, Mint Springs Park is just right up the road. If that was turned into a park who will take care of it and where would the parking be located?

Mike Benon, a Crozet resident, said that Crozet was here in force tonight for the Patterson property hearing.

- He asked that the folks of Gray Rock and Gray Rock North that are here to discuss this to stand up to say that they are here and engaged in the process. Gray Rock is approximately 150 homes, 26 of which are in Gray Rock North. Ms. Ragsdale outlined the situation in that area. He was a member of the Home Owner's Association Board of Directors and represents their comments tonight. They have had the opportunity to speak with the developer, Mr. Fox and Ms. Ragsdale on different occasions. They submitted written concerns that were forwarded to the Commission for review. He hoped that the Commission had those in a letter format. The Home Owner's Association requests that the Planning Commission sent a disapproval recommendation for the development of the Patterson property as it is currently proposed to the Board of Supervisors.
- There are 3 areas of concern that he wanted to address:
  1. The continuity with the existing neighborhoods;
  2. What they believe is noncompliance with the Crozet Master Plan and the intent of the Crozet Master Plan specifically the zoning recommendation; and
  3. The safety and traffic concerns on Lanetown Way.
- This proposed area is referred to incorrectly in the staff report as being a Neighborhood in the Crozet Master Plan and should actually be a CT-3 Hamlet.

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David Ryan, Vice President of the Gray Rock Home Owner's Association, said that he also represents in addition to Mr. Benon the other residents of Gray Rock. To put the basic point out Gray Rock is not opposed to this development. They actually encourage its development. They realize that they are in a growth area and want to encourage that growth. So they are not here to oppose it necessarily. They are here to oppose the way that it has been presented and some of the ideas in that plan. The plan put forth thus far does not even meet with the county's own definition of the neighborhood areas. In fact, the applicant has come forth and requested a number of waivers yet in their own proposal does not even meet a number of the requirements in the Neighborhood Model. Without going over all of them, he did want to point out a couple in particular. The pedestrian orientation principle of the Neighborhood Model the applicant is proposing 2 alternative street sections neither of which is a workable approach. For the neighborhood friendly streets and paths new projects within the development areas are expected to have curb, gutter, sidewalks and planting strips. This is a requirement which is also being requested to be waiver. Interconnected streets and transportation networks the applicant has not provided on the concept plan and is a requirement of the Subdivision Ordinance. The applicant is requesting that to be waived also. Regarding parks and open spaces the big plan here is that they are going to put a soccer field at the very end of it and hope that will do it. The Parks and Rec Department does not even want it. The other person who spoke questioned who is going to take care of it. They have the same concerns. The building and spaces of human scale gets to a greater sense of enclosure through the use of trees, etc. if these are provided. But, they don't even have a plan to know whether or not they are going to be provided. Regarding relegated parking, the applicant's concept plan does not demonstrate how parking will be provided. As Mr. Benon pointed out they do anticipate a considerable increase in parking and they have no idea where those cars are going to go. The only suggestion was at the end of the property near the soccer field. Regarding the site planning that respects terrain no conceptual grading plan has been provided. There are environmental and storm water management concerns, but there is not enough information on the plan for engineering comments. Regarding the streets, VDOT has concerns about the perpendicular parking proposed at this time. Regarding the cash proffers, the requirement is $17,500, but the proffer thus far has been $3,000. The basic plan is that the applicant will provide a soccer field that nobody wants. What it comes down to is that they are not opposed to the development, but their concern is that as proposed it does not meet the county's plan and are concerned with the zoning. They do not have complete information at this point to make a proper decision.

Patty Hirsch, resident of Gray Rock, said that many of the concerns have been well addressed. One other concern is the impact that the proposal as it is presented might have on the lake and streams that outflow from that lake. The storm water management question is a huge one. They asked about Gray Rock North before the house was built and the land was completely done and were assured that there were adequate provisions. Really in looking back they would have to say that Gray Rock North probably has inadequate storm water management. Part of the reason for that is that a river runs through it. Part of the water runs through her yard into the lake. There is a lot of silt and red clay. The alga is increasing in the lake. Some of the residents have discussed that. It is an important resource. She felt that the way the Patterson property is so close to that water and the potential for fertilizers and such to continue to run into the lake should be considered before approval of the project.

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

Mr. Cannon agreed with the suggestion in the staff report that the applicant might want to consider this as a work session.

Ms. Ragsdale said that was staff's recommendation if the applicant would like. Staff made the applicant aware of that option.

Mr. Joseph invited Mr. Fox to come forward and speak to that issue.

Mr. Cannon said that it would be helpful to know which direction that they were headed if the applicant was able to make that suggestion.

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Mr. Fox said that the Pattersons would rather go ahead and they might ask for a deferral after they have heard some of the conversation. They think that there is a lot of stuff to be articulated, but a lot of the issues that were brought up such as the streets and storm water can be reasonably addressed. Some of the technical engineering stuff is still to be taken care of. But, he felt that he could address some of those questions.

Ms. Joseph asked if he did not want this as a work session.

Mr. Cannon said that he wanted to wait and see how it goes. He thought that was a hopeful expectation.

Mr. Zobrist said that there were insuperable barriers to this project over getting it done. The infrastructure is way behind. The water issues are significant. The school issue is even more significant because they had to move a number of students from Crozet Elementary to Brownsville. The storm water and erosion is a problem in that area. They had a very difficult time with Mr. King because of One Half Mile Branch, which is going to take a lot of heavy traffic from that side of town. Also, Jarmans Gap Road is way behind. He looked at this as a project that they need to slow down the growth in Crozet while they figure out how to serve what has already been approved. They articulated a very strong policy in the Places29 where they asked staff to add to the Master Plan that rezoning will not be approved in an area where the infrastructure is inadequate.

Mr. Morris did not support the waivers because this was just not right for this area.

Mr. Craddock agreed with Mr. Zobrist and that the cash proffers are inadequate.

Mr. Edgerton concurred because this was not an acceptable solution to be considered for a rezoning because of the lack of details on this project. He assumed that they were under the 90 day rule on this project. But, if this was considered an acceptable application and the clock has started ticking that it is amazing. He did not think that there was enough information for the Commission to review. Therefore, he would not be able to support the proposal under this form.

Ms. Joseph said that they did not think that there was adequate infrastructure in this location. But, they did not have a problem with that in the downtown area. She said that her reasoning for supporting the proposal in downtown is that it will keep the downtown vibrant. That is extremely important. Also, they were reusing those buildings to make sure that commercial activity stayed there. They are looking at the same amount of units going in each place. If the infrastructure is inadequate for one, then it may be inadequate for the other. But, they are looking at two different sites in two different areas. She just wanted to explain her reasoning for why she could support one and not the other. She felt that infrastructure was extremely important. She agreed with Mr. Zobrist that the Commission needs to start looking at these things. She was happy to hear from the Gray Rock residents that they are saying they are not totally against this, but just don't like the form this thing is taking. It needs to be something that is more sympathetic to this particular area. She questioned if a soccer field would be allowed in R-6 zoning district. But, she felt that the layout was definitely not sympathetic to the existing neighborhood. Therefore, she could not support the request.

Mr. Zobrist felt that they need to be very careful with the urban edge. The urban edge designation in the Master Plan provides all the way from preservation to what they are looking at here. He felt that was really inconsistent if they were going to have it as a transition area. This is right on the edge. They were not going up against the railroad track. There is a huge amount of rural area right across the street. They need to be careful with the urban edge to keep the density down to where it was consistent with a transition to the rural neighborhoods out there and not let them abut right up against it. It is the same issue that they had with the Crozet Cohousing.

Action on Rezoning:

Motion: Mr. Zobrist moved, Mr. Morris seconded, to deny ZMA-2007-000011, Patterson Subdivision, for the reasons stated in the staff report, by the Commission and staff, as outlined below.

Reasons indicated by staff in report:

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1. Cash proffers do not meet Board expectations.
2. The applicant has not made proffer commitments to features of the concept plan that has been provided. However, the maximum number of residential units and provision of open space is proffered.
3. Affordable housing proffers must be clear on the number of affordable units proffered and use standard language. The proffer to provide accessory apartments is unclear, does not define the type of units to be provided, and does not specify mechanisms for the provision of the proposed units.

Why proffers are considered inadequate, as presented by Staff at meeting:

- **Affordable Housing Proffer-** Unclear whether the applicant intends to proffer 3 or 4 units. The affordable units are proposed as single family attached. 15% of the total number of units proposed is 2.10.
- **Affordable Accessory Units-** Proffer unclear, accessory units proffered with half of the SFD units, a total of 5.
- **Open Space Dedication to the County-** The applicant is proposing to proffer approximately 0.80 acres of open space, adjacent to Lanetown Road, to the County for parks and recreation purposes. This dedication is not desired by Parks & Recreation at this time.
- **Cash Proffers-**$3,000 per market rate unit. There are 10 market rate units proposed and the Board's expectation for single family detached is $17,500 per unit to mitigate impacts of the development.

The Commissioners also stated other reasons for not supporting the project in discussion, as follows:

- Ms. Joseph - The proposed conceptual layout was not sympathetic to the adjoining neighborhood.
- Mr. Morris - That this proposal was not right for this area.
- Mr. Edgerton - The applicant did not provide acceptable submittal materials.
- Mr. Zobrist - There were insuperable barriers to this project over getting it done. The infrastructure is way behind. The water issues are significant. The school issue is even more significant because they had to move a number of students from Crozet Elementary to Brownsville. The storm water and erosion is a problem in that area. There were concerns about the density of the project at this location in Crozet.

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

Ms. Joseph stated that ZMA-2007-00011, Patterson Subdivision, will go before the Board of Supervisors on December 12, 2007 with a recommendation for denial.

Action on Waivers:

Motion: Mr. Zobrist moved, Mr. Morris seconded, to deny the waivers for ZMA-2007-000011, Patterson Subdivision for the following reasons.

- The waivers were not recommended for approval because staff did not find justification in granting variations from the subdivision ordinance required street sections for curb, gutter, sidewalks and planting strips.
- The applicant also did not provide enough detail to approve any modifications to standards.

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

Mr. Cilimberg pointed out for the record that a member of the public spoke about the Master Plan designation and it is a Hamlet. The maximum number of units under the plan would be 13 because they could not exercise the bonus provision under the Hamlet. So they are correct there is one more unit proposed here than would be the maximum under a Hamlet designation for this particular CT.

Old Business

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Ms. Joseph asked if there was any old business.

- Rivanna Village Master Plan Public Participation (Lee Catlin)

Lee Catlin, Community Relations Manager, followed up on the Commission's prior discussion on the Rivanna Master Plan citizen participation. She responded to the question as to how they have gotten to where we are in the process that they are using for the Rivanna Master Plan in a Power Point Presentation. (See the attached copy of Power Point Presentation)

- In reading the Master Plan section of the Comp Plan it is certainly understandable that someone could think that a selected committee would be used. There is some openness to the language that does allow for some different interpretations and expectations. Staff thinks that it is very important and valuable for us to have this kind of a clarifying discussion. They do think that the approach that they are using right now does fulfill the intent and the general direction of the Comprehensive Plan and follows the instruction that is laid out in Step 2.
- Step 2 says to assemble a group of residents, property owners, County officials, community leaders, developers and lenders who will develop the Master Plan based on the vision of the community. Although the Comp Plan does go on to mention the work committee a number of times in her reading she did not see at any point where it specifies a particular size or limits the level of participation in this group or committee. Their interpretation of the intent of the Comp Plan direction is to mean assembling a broad and inclusive group that allows all diverse perspectives and opinions to be heard and considered in the process, creating fair and equitable opportunity for involvement.
- She explained the process and approaches used for the Crozet Master Plan, Places29 and Pantops Master Plan. The approach that they have been using so far has been shared with and endorsed by the Planning Commission and Board of Supervisors on a number of occasions. It has been the accepted process for the first 3 plans that they have worked on with some important adaptations, which will be discussed.
- In addition to this, the Thomas Jefferson Planning District Commission, who as the consultant for this project has been meeting with interested citizens throughout the process, did not support the steering committee concept that was different from the standard consistent approach that they have used to date. Harrison Rue from TJPDC is present tonight. He will be happy to answer questions and can elaborate on that. The bottom line that he related to staff was that in working with a number of these types of plans the self selected steering committees are not effective in bringing all voices equitably into the process. The self selected steering committees elevated the most dominate voices. They really run into difficulty according to his experience with establishing a group that attempts to speak for the community when in fact that the community holds a variety of perspectives that are not necessarily in agreement with each other.
- Although they feel that they are following the guidance of and meeting the intent of the Comp Plan, they certainly do understand and recognize the community's desire to augment the existing process with some additional small group focus and involvement. They hear and respect their concern with the transparency in decision making. Nobody wants the decision making to disappear into a black box back in a back room some where. They also hear and respect the community's concern with making sure that they have adequate opportunity to understand, comment on and provide in depth input on specific areas of interest. They have experienced and responded to these kinds of similar desires in past plan processes. There is flexibility within the process they have been using to adapt to respond to the individual needs and desires of the community. And indeed they have done that.
- As an example in Crozet, they established work groups on specific topic areas and they worked very intensely on those areas and fed into the process. In Places 29 the Planning Commission currently are serving as an Advisory Council for that process to make sure that process issues are being identified and acted on appropriately. In Places29 they also have a stakeholders group that meets regularly in a small group context. It is very important to note and make sure that the community understands that the consultants and staff are available at any time to meet with individuals and groups.
- Responding to Community Concerns – What are the best options for supplementing the established process with adequate measures to insure transparency and in depth focus through smaller group involvement?

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- She reviewed the Master Plan Process and outlined options for supplementing the process.

In summary, the Planning Commission provided comments and suggestions. Staff will look towards the next community meeting being an opportunity to talk about what is ahead and to revisit the process to make sure that they have everybody on board. They will talk about how people can be engaged and have conversation about the task groups and what might be those specific areas that need some additional focus in a task group setting. Staff will come back to the Commission after that and periodically through the process for them to act as Advisory Council to make sure that they are being fair, equitable, communicating well and integrating everybody that they need to in to the process. The community representation will happen at the task group level. The Commission's role as Advisory Council happens in an open public forum and anybody from the community who has something that they want to add would have that opportunity to do so. The Planning Commission will be advised of the date of the next community meeting and will receive the results of it.

The Planning Commission agreed with staff's summary:

- Existing process is valid and well-established
- Additional components are appropriate to respond to community concerns
- Based on fairness, inclusiveness, timeliness and quality of product, staff recommends combination of the Planning Commission serving as an Advisory Council and staff and the consultant using focus/stakeholder groups from the community.
- Continues emphasis on open door policy for consultant and staff

There being no further old business, the meeting proceeded.

New Business

Mr. Cilimberg discussed the Task Force recommendation on how to get a handle on staff resources being most effectively used in the review of projects and creating a better opportunity for the applicants as well as the public to really understand where they are in the process and work towards meaningful meetings that the Commission would have on their projects.

- For many of the applications the first thing that the applicant seems to be thinking about is how they can get to the Planning Commission on the date set out in the schedule. Staff has been successful in getting some of the applicants to go the work session route first and get big issues hammered out. Once they have finished with that there is anxiousness on the applicant's part to get to the formal public hearing of the Planning Commission. What gets lost in that sometimes is what the Commission experienced tonight. Applicants say they want a specific public hearing date, submit their information and then staff reviews that information in the specified time frame and produces a staff report. But, the applicant is seeing staff's comments for the first time when they get the public hearing staff report. They then submit new information in response to the staff report for the PC public hearing, but staff has not had any chance to review it and provide comments to the PC.
- Staff feels it would be better to give the applicant the option of deciding with a submission if they want that submission to come directly to the Commission for a public hearing, which they have to do under the time frame requirements, or, instead, get staff's comments first and have the opportunity to make a resubmittal before it goes to public hearing. So staff does not set the public hearing date until the applicants are sure that is what they want to go to public hearing. What that will mean is that what the PC sees in their schedules won't be as fixed as early. The schedules will have to be set later in the process, which many times end up happening anyway by default. They could be more up front about giving the applicants that decision and telling them to be aware if they want to go directly to the Planning Commission staff will set the public hearing, but they are not going to have an opportunity to see what staff comment is until that public hearing staff report comes out.
- Beyond that staff thinks it is also good to give the applicant's only one deferral. This would be a better approach than where they are right now where they let the end date drive everything that is happening in front of it. This would better allow the project to be ready before the Commission reviews it. Staff would have to make sure that the scheduling works to do that. This process would be voluntary and a choice that the applicant would have to make.

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- Staff will send out this proposed process to developers and applicants.

The Planning Commission was receptive to staff's suggestion for a more reasonable process to address incomplete applications. They voiced concerns about reviewing information received at the meeting that has not been reviewed by staff and being asked to take action on an incomplete project with outstanding issues. They encouraged work sessions to assist in this process.

The Planning Commission voiced frustrations about the Rural Areas Amendments not being approved last week. The only responsible things to do is press ahead and try to figure out a way to make sure that any misinformation is addressed and urge the Board of Supervisors to go forward to do what the County at large says they want, which is to protect the Rural Areas.

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 9:43 p.m. to the Tuesday, October 23, 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.)