Albemarle County Planning Commission
December 4, 2007

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, December 4, 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. Calvin Morris, Vice-Chairman was absent. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; Judith Wiegand, Senior Planner; Elaine Echols, Principal Planner; and Greg Kamptner, Deputy County Attorney

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 6:04 p.m. and established a quorum.

Committee Reports:

Ms. Joseph invited committee reports.

- Mr. Craddock reported that they had finished the CIP Technical Committee. It should come before the Planning Commission sometime in January.

There being no further items, the meeting moved to the next item.

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.

Public Hearing:

ZMA-2007-00007 McCauley Crossing
PROPOSAL: Rezone 3.198 acres from R-1 zoning district which allows residential uses and 1 unit per acre to Planned Residential (PRD) zoning district which allows residential (3 - 34 units/acre) mixed with commercial and industrial uses for a total of 32 units.
PROFFERS: Yes X No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in the Hollymead Community.
ENTRANCE CORRIDOR: Yes____No__X__
LOCATION: 3226 Proffit Rd, Earlysville, VA 22911, property is on the south side of Proffit Rd, approximately 1,000 feet east of US 29 in the Hollymead Community.
TAX MAP/PARCEL: 32-35
MAGISTERIAL DISTRICT: Rivanna
(Judy Wiegand)

Ms. Wiegand presented the staff report. (See Staff Report)

The request is to rezone from R-1, Residential to PRD, Planned Residential Development to accommodate a neighborhood style development. The Commission reviewed this in a work session at the end of August. The applicant's proposal is to construct 30 townhomes. There are four open space with amenities included in the proposed development. The idea is to create a small neighborhood setting. The applicant has included a public street that will begin a network of public streets in the area. The density of the proposal is 9.4 units per acre.

The applicant has addressed many of the issues identified by the Planning Commission at the previous work session. The plan has changed to all townhomes and the density has gone up to 9.4 units per acre, which were 8.1 previously. The units that front on Profit Road and the ending public street the applicant has agreed that those units will face the street and there will be language put in the project narrative and it will be indicated clearly on the next draft of the plan. The applicant has agreed to provide cash proffers in support of the Board's policy. The amount of parking, open space and adequate stormwater management has been addressed in this version of the plan.

Disclaimer language is going to be put on the plan to the effect that because this is a tight plan some special concern will have to paid to that when it gets into the site plan stage. The sidewalks and street trees that are shown on the plan will be reversed so that the street trees are between the street and the sidewalk. The applicant is working right now to reach an agreement with the holders of an easement that is currently on the property that gives access to the parcels to the south to make sure that access is maintained and that it is uninterrupted because one of the parties to the south actually lives on her parcel and needs continuous access. It will be clear on the plan that the front of the units face on Profit Road and the public street. Units 14 – 22 will require a waiver of the setback and the yard requirements.

PROFFERS

Attachment F contains the current proffers. Wording changes are expected prior to the Board of Supervisor's hearing to address non-substantive issues. Individual proffers are described below:

Proffer 1: The applicant agrees to provide five (5) units of affordable housing in support of the Board of Supervisors' policy. The only change expected in this proffer is the addition of the usual language regarding the Chief of Housing having the option to request cash in lieu of units at the time or the preliminary site plan.

Proffer 2: The applicant is proffering cash in the amount of $11,900 for each single-family attached unit that is not an affordable unit to offset impacts of the project on public facilities. This is consistent with the Board's policy. The total amount expected from the sale of 25 townhouse units (30 units less 5 affordable units) is $297,500.

Proffer 3: The applicant is proffering to reserve for future dedication to the County the area shown on the application plan for transportation improvements, particularly the widening of Profit Road. The only language expected to be changed here is the addition of the exact name and date of the application plan. Both the County Engineer and VDOT have agreed that is fine.

The agent can approve private streets provided that the county engineer agrees it can be done administratively. The agent has agreed that he is willing to do this. Once private streets are approved that would mean that they were creating double frontage lots. So he would agree to waive the prohibition of those. He would also agree to waive screening of those double frontage lots. Before any of that is done he wanted the Commission to see the plan and to make sure that the Commission was comfortable with that. When the staff report was put together staff was still under the impression that the Commission needed to approve those. But, staff has realized because these are single-family attached units that the agent can do that.

The setback and yard regulations need to be waived for lots 14 to 22 that backed up to the adjacent utility easement. The waiver would be granted at the Commission's discretion. The applicant has requested the waiver. Staff is asking the applicant to obtain a permanent easement for the maintenance of those units, but except for that outstanding factor staff feels that setback could be approved.

There is a waiver request about the uses permitted in open space. The applicant would like to be able to install various amenities in the storm water management facility in the open space area as shown on the plan. The language in the zoning ordinance says that the open space shall remain in a natural form. Staff supports this kind of a waiver routinely. The only time staff does not is if there is some kind of environmental feature in the open space that needs to be preserved, such as a steep slope or a stream valley, which do not exist in this particular plan.

Staff has identified the following factors, which are favorable to this rezoning request:

1. The proposed development will provide housing in the Development Areas beyond what would be permitted under the current zoning district.
2. The development is designed according to the principles of the Neighborhood Model and will provide an attractive neighborhood located close to employment, retail, office, and other services.
3. The public street is designed to provide a part of a local road network to serve this development and future developments that may be proposed around it.

Staff has identified the following factors that are unfavorable to this rezoning:

1. The sidewalks shown on the application plan are next to the street. Instead the landscaped strip with street trees should be between the street and the sidewalk.
2. Units 1 – 13 and 23 – 30 do not appear to face the unnamed public street and Profit Road, respectively, as required by the Neighborhood Model. There are also no connections (e.g., paths) shown between the fronts of units 1 – 13 and 23 – 30 and the sidewalks on the public street and Profit Road. (The applicant has indicated a willingness to fix both of these. But, since they are not actually shown on the plan now staff had to present them as unfavorable.)

RECOMMENDATION

Staff recommends approval of this rezoning from R1, Residential to Planned Residential Development (PRD), provided that changes to the application plan are made as recommended by staff (see pages 8 - 9 of staff report) and with the proffers subject to modifications to address substantive and nonsubstantive matters identified in this report.

WAIVERS

Staff recommends waivers for:

1. Section 19.9.1, Setback and Yard Regulations, with a condition that a maintenance easement be acquired from the adjoining owner.
2. Section 4.7.2, Uses Permitted in Open Space
3. Sections 14-401 and 14-419, Double frontage lots and landscaping for double frontage lots.

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

Mr. Edgerton asked if the applicant has agreed to do the proposed flip of the sidewalk and the tree planting, and Ms. Wiegand replied yes that the applicant could confirm that when he comes forward.

Ms. Joseph asked if staff has received any thing of more significance than what was in the staff report from Gary Wayland of the Service Authority, and Ms. Ms. Wiegand replied no.

Ms. Joseph noted that Mr. Wayland said that the property was in the jurisdictional area, but whatever is going on in that area they don't know, and Ms. Wiegand replied that was correct.

Ms. Joseph said that they were talking about a maintenance agreement for the private streets and the storm water. Since this deals with the affordable housing she asked if it was something that Ron White would address concerning the affordable housing units on the private street.

Ms. Wiegand noted that it was going to be a home owner's association for the entire development, which would handle all of that. Staff does not know if that has come up, but will check into it.

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

Keith Whipple, representative for the request, said that they were proposing 30 attached townhome units on the site. They have worked closely with neighboring property owners with Maple Grove Christian Church to the east; Mr. Fox and Ms. Estes to the south and Forest Lakes Associates to the west. They have evaluated a number of alternative schemes for the property and have arrived with the plan tonight

with a good compromise based on their original proposal, staff's recommendations from the August work session and well as considerable feedback from their neighboring property owners. They believe that the plan addresses the concerns and interests of all of these parties. As staff mentioned there are a hand full of items that they were continuing to work through. Based on the last staff report received they see no real issues in making those corrections by the 17th.

Mr. Whipple noted that this plan is clearer and shows there are multiple green spaces in this development. There is a proposed public road connecting to future development towards the south. There is a private road network with parking internal to the site and side walks throughout. They are happy to reverse the street trees and the sidewalks. They understand that this is a tight site and will be up against an uphill battle during site plan approval. They have plenty of issues to work out at that point. They are happy to show the street trees reversed to the sidewalk. They have been working with the property owners to the south to maintain uninterrupted access to their site. There is a graded gravel road that serves as an easement to adjacent properties. They believe that they can provide uninterrupted access on that road while they were building the proposed public road. Once that public road is complete they would then shift that access over to the temporary turn-around that would be a gravel connection. They spoke with the adjacent property owners, the church and Forest Lakes Associates, to have a temporary grading and construction easement at the back of the site to provide that connection. The church would then reclaim this portion of road on their site. There are a number of possibilities in here and they are happy to work with staff and those property owners to make that work. As soon as a solution is reached the applicant is willing to go through the trouble of legalities and have everything drafted. That would be available at the Board of Supervisors meeting. Lastly the only other point to be made was the sidewalks connecting to the sidewalk network on Profit Road. If they are able to propose sidewalks through that open space he sees no issue showing that connection.

Ms. Joseph invited questions for the applicant. She said that it looks like they are proposing to do LID for this.

Mr. Whipple replied yes, that they are proposing bio-filters and storm water attenuation within the open space.

Ms. Joseph asked if that would take care of all this pavement.

Mr. Whipple replied yes. He noted there is a storm water basin on the church property. They thought that there is the ability to handle that storm water on site and within the open space.

Ms. Joseph noted that on page 18 of the staff report it talks about the minimum 31 units will be built within seven years of county approval of the final site plan. She wanted to understand what he meant by that and that he was not trying to prolong what is normally given five years to build after getting an approved site plan.

Mr. Whipple said that he did not think the intent was to prolong that. They would be happy to make that adjustment. He believed that was pulled out of the air when asked by staff. They would be happy to make that change.

Ms. Joseph invited public comment.

Cliff Fox, owner of one of the properties to the south, said that he had been working with the applicant vaguely at this point. They want to make sure that Ruth Estes and he both have permanent access easements through a portion of that property and the church property. They want to make sure that a permanent easement is in place before this request is approved by the Board of Supervisors.

Bill Love, Pastor of the Lighthouse Worship Center, said that the church is located on the property to the rear of this site. He has never had a visitation about what it is going to be like or how they are going to change all of these things. He was not as concerned about the church as the preschool. They house 65 children from seven weeks to K5. When they talk about affordable housing they would like to know who is going to be moving into their neighborhood. He did not know what they meant by affordable housing. He asked who the affordable housing would be built for.

Ms. Joseph noted that the affordable housing was addressed in the proffers. It is 80 percent of the average household income for the entire area.

Mr. Love said that his concern was what kind of influx of people because the church keeps a constant lookout for predators, which is their responsibility because of children.

Ms. Joseph said that it was not the intent to create a hostile atmosphere there. It is the intend to provide five of these units for people who are having a hard time finding housing in Albemarle County because they can't afford it.

Mr. Love noted that the construction would be in the back yard of their church and school.

Donald Johnson, secretary of Lighthouse Worship Center, Incorporated, said that they have a daycare center that is going to be up against this property. Another daycare center, Bright Beginnings, is in the immediate area. They meet five days a week. So they have a pool of children in the area. There are two churches in the area that have children on Sunday. So on six days a week they have a large pool of children in that area. They are concerned about child molesters, sexual predators and pedophiles. They are concerned about the types of people that will be drawn to this area by this development. They wanted to call this to the Commission's attention and make sure that they protect their children.

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

Ms. Joseph pointed out that on the proposed plan there was no backyards for some of the houses. She asked if the daycare center would back up to these units.

Ms. Wiegand replied that on one side it backs up to a 20' to 30' wide piece of parcel connected to the Forest Lakes property. The daycare center would have outdoor play areas. One side is not right up against the property line. But, the play areas are fenced.

Mr. Strucko said that he liked a lot of the features of this development. He thought that it follows the principles of what they have been doing as far as Places 29 master plan. It interconnects with other parcels. It has nice amenities like sidewalks and street trees. It has open space. It offers housing opportunity for a variety of people with a mixture of income. This rezoning request comes at a time when they have yet in the county to have, in his opinion, adequate rural area protection policies in place. For that reason he could not support this rezoning because it does increase by a factor of ten of by right to this rezoning the density here. If there were these policies in place to preserve the rural area he would have no problem supporting this rezoning. Otherwise, he felt that the proposal meets all of the criteria of Neighborhood Model for the most part with a few principle exceptions. Given what is on the adjacent parcels he thought those exceptions are warranted. Without the rural area protection policies in place he could not support any rezoning in the designated growth area.

Mr. Edgerton supported the affordable housing in the proposal and did not feel that it posed a threat. The applicant has agreed to all of the conditions recommended by staff.

Mr. Whipple agreed with all of staff's recommended conditions.

Mr. Edgerton said that he was ready to move for approval of this rezoning.

Mr. Zobrist said that he was struggling with all of the waivers required to get the number of density that has been asked for. At the last meeting the Commission suggested that they might be able to do away with those units on the other side that have no back yards. It was suggested that they could reduce the issues with the waivers by cutting it down. There is already a high density between two church uses. He had a hard time visualizing placing condominiums between two churches.

Mr. Cannon felt that the proposal was appropriate and was prepared to support it. The applicant responded to the Commission's concerns and has pushed the density higher.

Ms. Joseph said that it was an improvement over the last plan because there are no single-family dwellings in this plan and they did try to up it. She still could not accept this layout. The units 14 – 22 are too close to that property line. She liked the fact that they are doing LID and that there is a lot of interconnection. She wished that they had heard something from the Service Authority since she was very concerned about the water shortage. At this point she could not support this.

Motion: Mr. Craddock moved, Mr. Edgerton seconded, to recommend approval of ZMA-2007-00007 McCauley Crossing as recommended by staff.

The motion failed due to a tie vote of 3:3. (Mr. Edgerton, Mr. Cannon and Mr. Craddock voted aye.) (Ms. Joseph, Mr. Strucko and Mr. Zobrist voted nay.) (Mr. Morris was absent.)

Ms. Joseph stated that ZMA-2007-0007, McCauley Crossing will go before the Board of Supervisors on January 16, 2007 with a recommendation for denial.

Action on Waivers for Setback and Yard Regulations and Uses Permitted in Open Space

Mr. Zobrist asked if the waiver for the double frontage lots needed to be acted on.

Ms. Wiegand replied that the private streets and the double frontage lots could be approved by the agent if they are comfortable with the plan. The difficulty is that the Commission has not supported the plan. Therefore, she would have to talk to the agent again about whether he is comfortable approving those. Ultimately, it will be the Board's decision on those. But, they do need the Commission to indicate whether they would approve a waiver for the setback and yard regulations to permit those units that are close to the church side. The other waiver that requires action by the Commission is for the uses permitted in the open space, which is a very frequent waiver that allows normal activities in open space for a development like this.

Motion: Mr. Cannon moved, Mr. Edgerton seconded, to approve the waivers for setback and yard regulations and uses permitted in the open space as recommended by staff.

The motion failed due to a tie vote of 3:3. (Mr. Edgerton, Mr. Cannon and Mr. Craddock voted aye.) (Ms. Joseph, Mr. Strucko and Mr. Zobrist voted nay.) (Mr. Morris was absent.)

Ms. Joseph noted that the waiver requests were denied.

The Planning Commission took a break at 6:55 p.m.

The meeting reconvened at 7:01 p.m.

Neighborhood Model District Zoning Text Amendment
ZTA-04-02 Amend the Zoning Ordinance to modify setback requirements to support development in keeping with the Neighborhood Model in the Development Areas. (Elaine Echols)

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

There are two zoning text amendments. One was started back in 2004 and then another one that came this past year for the Zero Lot Line recommendation. Staff reminded the Commission about the form changes that they were trying to achieve with the Neighborhood Model so that they would have some images in mind as they talk about these particular changes. Staff discussed the Zero Lot Line proposal and asked for guidance from the Commission on several questions.

Is this something that the Planning Commission wants to advance in front of everything else?

It was the consensus of the Planning Commission to request staff to advance the Zero Lot Line proposal in advance of the total proposed Neighborhood Model Zoning Text Amendment.

Concerning lot coverage, it bothered the Planning Commission to have buildings close to each other with very little space in between. On a Zero Lot line buildings are going to be close to each other with very little space in between.

Mr. Cilimberg noted that at the last meeting the Commission decided that 10' separation was acceptable. What concerned the Commission was when they started getting three story houses 10' apart. Don Franco brought that up, but the Commission hesitated whether they could accept 10' when they might get some large houses that were potentially that close together. What he heard the Commission saying now was that was okay. If that was what the market demands, then the Commission is okay with it.

Mr. Cannon agreed. He added that they should not get into regulating lot coverage. That is another overlay of regulations that would just complicate things, which would go contrary to what they were trying to do to open things up and let people fill up the space in the growth areas. That is what this is about.
It was the consensus of the Commission that a 10' separation was acceptable and that lot coverage should not be regulated.

Ms. Echols noted that the zoning staff would be quite relieved to know that lot coverage is not something that they want to be getting into. She was quite relieved as well.

Ms. Joseph pointed out that she talked with Ron Higgins just to find out what they did in the city. She looked through the City Code and there is no coverage until they get to really dense zoning of R-15 or R-16. The city is not doing lot coverage.

Mr. Cilimberg noted that in some cases the market is not going to dictate that based on product type and type of development.

Ms. Echols said that the applicant requested Zero Lot Line just for the R-4 district. Staff thinks that all residential districts R-2 and above ought to be included in the Zero Lot Line.

It was the consensus of the Planning Commission that all residential districts R-2 and above ought to be included in the Zero Lot Line.

Should pools be permitted in side yards?

Staff had a hesitation about allowing a pool in a side yard because of the small side yard. In this much of a compact space does a pool really make sense because the 10' side separation was not sufficient area for a pool?

After discussion, it was the consensus of the Planning Commission that they would let the Building Code dictate depending on how much was there. Staff would talk to a building inspector to see what they have to say about that and whether there is any kind of a conflict.

The proposed ordinance amendment would regulate openings in walls on the zero lot line side at the building. Staff feels very firmly that the Building Code takes care of that. That is not something that the zoning staff needs to be getting into. The Planning Commission agreed with staff on this issue.

The applicant had proposed that they also get into requiring maintenance of building walls. Again, that is not something that they do right now. Staff would recommend not getting into that either.

Ms. Joseph noted that there should be some sort of an easement on the adjacent property so that it could be maintained, and Ms. Echols agreed that there needs to be an easement there.

Ms. Echols said that the applicant's proposal suggested that a building footing could be allowed on an adjacent lot. That really runs contrary to all of our Building Code requirements.

The Planning Commission was in agreement with staff on this issue.

Ms. Echols said that the applicant's proposal required a landscaping plan. They don't require landscaping plans. This one is to allow walls on the property to create an atrium.

Ms. Joseph asked if it was necessary to have a landscaping requirement if it is too close.

Mr. Zobrist replied no on zero lot lines. But, if there is a setback they ought to be able to landscape what is going to be there on the side yard.

Mr. Edgerton pointed out that there were existing neighborhoods that have worked with the houses being very close with no landscaping.

It was the consensus of the Planning Commission that the zero lot line side setbacks did not require landscaping.

Ms. Echols said that the last item is walls on the property line to create an atrium. The applicant had proposed an 8' wall. There would have been an 8' wall on the property line that would be allowed so that one could create an atrium on the lot.

Mr. Edgerton noted that he had a problem with two walls along the property line. He questioned how they could word it to encourage one party wall rather than two separate walls.

Ms. Echols replied that they could work with the building inspector on the proposed language.

Mr. Zobrist pointed out that many houses in Latin American have this, which provides a lot of privacy.

Ms. Echols said that this concludes the guidance that staff needed from the Commission in order to go to the next step and work with Mr. Kamptner on actually bringing the words to the piece of paper.

Ms. Joseph asked Mr. Kamptner when that might be.

Mr. Kamptner replied that at this time it would require repriorization. The day to day activities currently consumes all of his time. Hopefully, that will change shortly. He could not give them an estimate. If they give him a reasonable deadline he could work with it barring any emergencies.

Ms. Echols pointed out that the language would have to be drafted and then have it reviewed by zoning to make sure that it works for them before staff gives it back to the Commission. It is not something that staff would recommend Mr. Kamptner write and then bring it straight to the Commission without having zoning review it to make sure that it is workable for them.

Mr. Edgerton noted that it was the Board's prerogative to set the priorities. The most responsible thing they could do is to suggest to the Board that it is time to make this a priority. He felt that most of the Commission agrees with that.

Ms. Echols said that there is a resolution of intent in the packet. Ms. Joseph had a question on whether it was essential for it to be adopted. She deferred to Mr. Kamptner on that one.

Ms. Joseph pointed out that there were two resolutions proposed in the staff report.

Ms. Echols replied that there was the one back in 2004. But, this is a more up-to-date one that is really getting right at the zero lot line as opposed to all of the other things. The new resolution is more specific and would be conveyed to the Board of Supervisors.

Ms. Joseph asked Mr. Kamptner if this is something that they can do under the old resolution or do they need to adopt a new resolution that is specific to the zero lot lines.

Mr. Zobrist suggested that they reaffirm the resolution that they already did by motion.

Ms. Joseph agreed.

Motion: Mr. Zobrist moved, Mr. Strucko seconded, for approval of Attachment D of the staff report regarding ZTA-2004-02, the Neighborhood Model District Zoning Text Amendment.

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

Ms. Echols asked if the Planning Commission wanted to see the other ones or end now.

Ms. Joseph requested that they focus on the zero lot lines to get that moving down the pike in order to get approved. Maybe the other stuff could get jumbled in with the other changes proposed for the Neighborhood Model. She just wants this one to move forward.

Mr. Cilimberg noted that this one was not going to be held. Staff is going to move forward with the zero lot lines. Staff has gotten the answers from the Commission tonight. Staff wanted to try to complete the discussion they started several months ago on the other amendments that they would like to get in place for the Neighborhood Model generally sometime in the near future. That was a priority out of the DISC Committee actually. What Ms. Echols could do tonight was finish up on the non residential Neighborhood Model related amendments if the Commission wants to do that. That is what Ms. Echols was going to jump into when they went to zero lot lines. Zero lot lines are done for tonight since staff has gotten their direction.

Ms. Joseph asked if the Commission were ready to jump into the commercial aspect of Neighborhood Model setbacks.

Mr. Strucko asked if it would be prudent to consider waiting until January. There will be some new faces.

The Planning Commission asked that staff wait until January to hold the discussion on the commercial aspect of the Neighborhood Model setbacks.

In summary, the Planning Commission discussed the proposal and provided input on the questions posed by staff. The Planning Commission asked that staff focus on the zero lot line proposal and wait until January to hold the discussion on the commercial aspect of the Neighborhood Model setbacks.

Motion: Mr. Zobrist moved, Mr. Strucko seconded, for approval of Attachment D of the staff report. regarding ZTA-2004-02, the Neighborhood Model District Zoning Text Amendment.

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

Six Year Road Priority List (Juan Wade)
To review recommended secondary road improvement priority list.

David Benish presented a power point presentation on the Six Year Road Plan. (See Staff Report)

- This is the Six Year Secondary Road Plan review. The County Board of Supervisors reviews a priority list for secondary road improvements annually. The County has maintained this priority list for a number of years since 1986. It is an ongoing list. They don't make radical changes every year, but do update it based on various requests and changes in circumstance from year to year. The priority list forms the basis for VDOT's Six Year Secondary Road Improvement Program. That VDOT Improvement Program identifies how state construction funds are expended over the next six years.
- Under the Code of Virginia VDOT is supposed to follow the County's priorities for secondary road improvements. It is not necessarily the case for primary roads, but for secondary roads it is. The County does also maintain a separate list for primary and interstate road improvements. That is a separate list that is done separately. Primary road improvements are not included in this list.
- The number of projects on the County's priority list exceeds the funding that is typically available over the six years of the VDOT plan. There is a conscious effort by the County to keep an ongoing list so that they can keep a consistent priority of improvements.

- The budget for the upcoming six years of the VDOT Six Year Secondary Road Plan has not been released by VDOT to date. Staff has some tentative numbers, but they have not released the final numbers to the County. That six year period is FY '08/'09 to FY '13/'14. The list takes the priority list and determines how to spend the available funds over the next six years.
- The County's prioritization of projects as reflective of the Comprehensive Plan Goals for growth
- Management and facility and infrastructure planning and development. It also considers public safety and regional transportation network needs. Generally the list prioritizes projects within or serving the development area or projects in the rural area to provide for infrastructure to support the growth that is anticipated and recommended for the development areas.
- Rural area improvements by and large are focused on safety type of improvements and/or strategic improvements that would also serve to benefit the development areas. As an example, Rio Mills and Dickerson Road west of Hollymead are proposed for paving. They fall on the boundary or outside the development area, but they are a high priority because they create a paved parallel alternative to Route 29 for some traffic. It was given a higher priority even though much of those roads are in the rural area.
- The County has a rating system that has been established. It is a criterion based rating system that is reflective of the growth management policies and also evaluates design, safety and capacity measures. The first cut is almost always whether it is in the development area or rural area. So the first cluster would be development area projects. Then depending on the type of project they use traffic counts and capacity ratings. They also look at road design deficiencies, the pavement width, the shoulder width, vertical horizontal curvature issues and accident reports. County staff works with VDOT staff to develop the priorities. They also seek input from County Police, Fire/Rescue and School's Transportation Division. Also, Scottsville improvements need to be prioritized in the County's Priority lists for consideration by VDOT. Staff received their input as well. Staff also receives public comment and requests each year. This is the time in which they review those for inclusion into the list.
- Under the Rural Road Paving Project policy established by the County and held for a long time the County expends the minimum amount of funding on unpaved roads permitted by the state. That amount is established by a funding formula based on the amount of unpaved roads, population and a number of criteria. The County expends the minimum amount required. This past fiscal year that was about $540,000.

Ms. Joseph questioned how that works. The County has to receive X amount of dollars for the rural projects in order to receive X amount of dollars for the more urban projects.

Mr. Benish said that it is not necessarily related to urban or rural. For paving projects there is a specific amount of money that is set aside under the State distribution of funds. For paving projects there is a specific amount of money that is set aside under the State distribution of funds. There is a specific amount set aside that needs to be spent per locality. In Albemarle all of our roads except for Reservoir Road are in the rural area. So any expenditure that the County makes on rural roads is in the rural area. Our paving money is all used in rural area except for that one alternative

Mr. Cilimberg said that it has been the case over the years that the unpaved road allocation was formula driven and was actually based on miles of unpaved roads. They could make the choice not to spend the money on an unpaved road and use it on a standard secondary road. But, if that was the case the formula allocation would be treated as if they had reduced the miles on the unpaved road inventory. In other words it was a phantom paving of roads that never occurred because it was used on the secondary road in the urban area. That means that the unpaved road allocation falls over time because of that because they would show less unpaved road mileage even though it never got paved. That is an option the County has never pursued. They have just basically taken only unpaved road monies to pave unpaved roads. They have not used any of the other secondary road allocations.

Mr. Cannon said that it seemed that the state allocation of fund comes with the requirement that amount is to be used on paving unpaved road, which all in Albemarle County are in the rural area. VDOT's policy might be inconsistent with the County's land use plan. That is the question here.

Mr. Wade said that for folks that don't use that set aside money there is essentially a penalty that kind of sticks with the locality. The Board decided to use the minimum amount that is required each year that

they get. There is a lot of pressure at the State level to pave roads. But, VDOT has some strict standards. VDOT has had several programs being Pave in Place and Rural Rustic Road. The County is going through a test phase for the Rural Rustic Roads. They have done some paving on Gilbert Station Road. There is a concern that paving will increase traffic and make it more dangerous. VDOT does not want it to be a road with a lot of through traffic or the traffic count to be near 500. They don't want a lot of development planned for it. They want it to be a road where they don't anticipate a lot of through traffic. There are several guidelines that they have from regular paving.

Mr. Cilimberg said that paving unpaved roads in the in the rural area is generally not consistent with our Comprehensive Plan. What Mr. Wade was alluding to was discussed with the Board. Essentially it is enabling the potential for more lots to be developed. If they wanted to strictly stick with the Comprehensive Plan goals and objectives we would shift all of our unpaved road monies into the development areas and supplement our secondary road monies do improvements projects. Within a few years they would literally have no unpaved road monies anymore because the system would treat it as if they were paving it anyway. They have an extensive list of roads in the rural areas where citizens have asked for them to be paved. These are citizens that in many cases have moved into those areas and then asked for the paving of the roads. That very extensive list usually becomes the vocal group of people that come to the public hearing and say our road is in very bad shape, more and more houses are being built in the area and they are experiencing more traffic and they need their road paved. The Board is in a no win situation. If they do what the County policy says they will never pave these roads. They would be ignoring the citizens. But, they were not going to divert monies from their secondary funds into paving so they will just spend the amount that they have got and pave the road the best that they can. What the Rural Rustic Program has done is enabled some of the roads that would have cost a lot more to do as full paving projects to be paved for a much less cost. They will get more miles done for much lower dollars. As a result they would end up with a prime and double seal road. That is what he has seen so far.

Mr. Cannon asked if there was a process for people to come forward to express their opposition to the paving of a road.

Mr. Cilimberg pointed out that on a Rural Rustic Road that no right-of-ways have to be obtained.

Mr. Wade said that on Rural Rustic Road there does not have to be a public hearing because VDOT does not have to obtain right-of-way. When Rural Rustic Road projects come up staff contacts each adjacent property owner that this is what they plan to do in lieu of traditional paving. This gives them an opportunity to express their opinion. If it is more than 50 percent then they would have a community meeting with the Board member and Planning Commissioner to vent out the issues. This has never come up.

Mr. Benish noted that as per County and VDOT projects road projects are now to accommodate pedestrian and bicycle travel, particularly on urban roads.

Juan Wade discussed the changes and details of the Six Year Secondary Road Plan.

Ms. Joseph invited public comment.

Allison Mitchell, a resident of Route 640, presented a power point presentation. She asked that this portion of less than ½ mile be prioritized to the VDOT Plan for Secondary Roads. In July she went to the Board to request pavement. They now have spot improvements on this ½ mile section. In September she held a community with over 20 people in attendance to speak to VDOT and Ken Boyd about paving their road. She readdressed the Board in November at their monthly VDOT update meeting and she plans to attend the February secondary road meeting for the Board of Supervisors. In the meantime she requested the Commission's support for finishing this County project. She submitted a petition of over 60 residents and an agreement from the property owners and has gotten a verbal right-of-way agreement for every person along that ½ mile stretch. She asked that the Commission recommend to the Board to finish what they have begun by entirely paving this road to improve the safety of the community Fire and Rescue access and school bus access to the community. This would also create an access road to the Pantops area and 29 North. The road was not designed to carry the additional

subdivisions approved by the County. The trip for households has increased from about 770 to 1,520 in the past 6 years with the additional 3 subdivisions. By paving the road it would enhance the quality of life and safety and water run off that runs in creek. She asked that the County pave this less than ½ mile by using unpaved road funding road. (Attachments)

Jeanne Chase spoke in support of the Sunset Fontaine Connector. It is extremely important to prioritize this road to take the 6,000 vehicles that are currently going up and down a residential street as a cut through off the road. There are many safety concerns on the road due to the high volume of traffic. She urged that the infrastructure be in place first before any future development is done.

Lee Griffith. Resident of Ashley Subdivision echoed her comments. She understands the Comp Plan and realizes how important it is the development is already in place and needs the road paved.

Jeffrey Windset, resident of Ashley Subdivision, noted that it mainly has to do with safety. He supported Ms. Mitchell's request.

Mercer LeGosse said that the more traffic on that road that the more the road needs to be fixed since it was a very twisting road. He preferred that the road be paved.

Jamie Goldburg, live in Ashley Subdivision, asked that the road gets paved. He was trying to avoid a washboard road that people cross over into the other lane. At bridge turning into mud. Get stuck on mud or if go around are in the other lane. Getting muddier and more wash board can't keep up with the grading to accommodate the traffic.

Mr. Strucko asked why they paved everything except the ½ mile.

Mr. Wade replied that this particular section has to be done using regular paving standards. The cost will be more. They will have to have a public hearing and go through entire process including environmental review. Based on the criteria the Board set up it is behind other paving projects and it might be many years before it is done. The two sections done were straighter and VDOT felt it could be done.

Ms. Joseph pointed out that the Commission was not endorsing any other road than what they saw in Area Study B.

Mr. Benish said that the interchange would not be mentioned. The new inclusion is more specificity about the Sunset Road Connector being included. The Sunset Avenue upgrade now cites the connector road. The Board's strategic plan emphasizes that there are some local and regional road improvements that they wanted accomplished by 2010. Meadow Creek Parkway, Jarman's Gap Road and Georgetown Road were the 3 of those identified projects. All of their efforts are engages in getting those 3 projects done. That is what he was trying to get across to the Commission. This mechanism that they are looking at really just sets those priorities. They are working in those priorities to the extent that this scoping for the Georgetown Road project is trying to scope a project that can be funded with the existing funds available as opposed to what the ultimate cost would be. That further ensures that any additional funding can continue to go to Jarman's Gap Road to ensure that it is funded. If there is something on this list that they might want to focus in on is after Georgetown Road after they moved down the list once Meadow Creek is achieved and as they progress through Jarman's Gap and Georgetown what are the next strategic ones that they start to plan and scope for. What they see on the list are Proffit Road, the Southern Parkway and the Sunset Avenue, which includes the connector road. Then it is the Berkmar Drive Extended Bridge. He asked that the Commission think about the next strategic plan and the planning that they are doing besides the building planning that they are doing. Those are the next projects they are going to start focusing in on.

Mr. Strucko said that he heard a lot of comments about the need for Meadow Creek and he supports them. He asked to provide a scenario by pulling the money issues off the table and pretend that there are no restrictions how he would prioritize this list. The criteria he would use would be designated growth area and the biggest impact. He would guess Meadow Creek Parkway would stay number 1. Then he would look at Georgetown Road or Jarman's Gap Road and compare the 2 roads. Georgetown Road does have a higher traffic volume, but it has the infrastructure such as sidewalks, turn lanes, lights on

each end and lined. He looks at Jarman's Gap Road that does not have a lot of those amenities. He sees Jarman's Gap and Georgetown serving a growth area. Therefore, he gives Jarman's Gap Road the edger over Georgetown and would leave it in that order. Then he would not keep Profit #5. The Meadow Creek Parkway would have the big impact on that section of the designated growth area, but there is nothing happening south of town. So he would put the Southern Parkway, Fontaine Sunset Connector next and then possibly move Profit below them. That is probably a realistic response that his mind would take in terms of this list. Next, what would the Commission suggest to Ms. Mitchell in her situation? He only mentioned a half a dozen and did not get down to number 40 or whatever. The recourse to help this situation is to approach the Board of Supervisors and the Capital Improvement Program and look for specifically dedicated County monies to see if the County will get into the road paving business for at least a ½ mile stretch in your neck of the woods and fix that little anomaly that is there 2 paved sections separated by a dirt road. It does not make sense. He suggested that Ms. Mitchell approach the appropriators', which would be the Board of Supervisors and argue for a project on that list. He did not think it would cost millions, but just a fraction of a million.

Ms. Joseph said she could not suggest that it go up on the list. But, she felt that Mr. Strucko had given good advice because she needed to go and talk to the Board. She asked if the Commission wants to move the priority around like Mr. Strucko suggested and some of the southern roads go up higher than Profit.

Mr. Cannon said that he could not make an assessment because they don't have comparative data apart from the cost and traffic count. He did not have the information that would make him comfortable with to begin moving this priority list around.

Mr. Zobrist said that they could suggest taking the rural paving money and quite paving the rural area and put it on the Meadow Creek Parkway.

Mr. Cannon and Ms. Joseph noted that they would support that.

Mr. Cannon said that he did not know how to deal with any of these priorities.

Mr. Edgerton noted that staff had indicated that it would be charged against their balance.

Mr. Zobrist said that he was okay with that if they want to keep the rural area rural and not keep putting in roads. To get right down to it the only thing they have enough information to decide if they want to recommend changing that particular priority.

Mr. Cannon said that they don't actually lose the money, but just lose the ability later to spend the money on rural.

Mr. Cilimberg said that initially they don't lose the money because it is there based on the unpaved road miles. Once it is spent on another project it is going to be assumed that the unpaved road miles would reduce even though you never spent it on the unpaved roads. So eventually they would exhaust the miles.

Mr. Cannon said that they would have to pave their unpaved roads out of their own pocket if they wanted to do it at some later time. But, they would have had the benefit of that money to do something else.

Mr. Benish said that there were some general philosophical statements that the Commission was making about the plan as opposed to specific recommendations. He felt that the concern was expenditures within the rural areas primarily on paving projects are not consistent with the goal of the Comprehensive Plan and that is a concern of the Commission. Secondly, what Mr. Strucko was putting forth is that within the strategic priorities staff and the Board should consider perhaps providing greater emphasis on roads to the south as opposed to Profit Road and let the Board and staff relooks at those criteria without staff having to go into the durance of that. That is what he heard from what Mr. Strucko was suggesting.

Mr. Strucko agreed.

Mr. Benish noted that staff could be prepared to comment to the Board on that.

Mr. Edgerton asked that the recommendation include that if the Board is serious about protecting the rural areas that they need to be willing to address either the zoning or by right development in the rural area to minimize the expediential growth that is causing a lot of the pressures that they are feeling right now as evidenced by some of what was said by the members of the public tonight. This is unacceptable to say that they are going to protect the rural area and then allow by right developments in the rural area that exacerbates the situation and make it dangerous. They have to get the Zoning Ordinance and the zoning in the rural area consistent with the Comp Plan. Otherwise, they are kidding us.

Mr. Zobrist asked to add to that. If the word got out to the citizens that all of the developers representations about when that road is going to get built when they buy in a subdivision will go out the windows because it is a real poor message that those roads are not going to get paved.

Mr. Edgerton said that they remain a buyer beware state, unfortunately.

Mr. Zobrist asked Ms. Mitchell if they would have bought in their area if she had of known that.

Ms. Mitchell said that they enjoyed the rural road until the population increased with these 3 subdivisions. That is the main point. The road is now deteriorating because of the increased traffic.

Mr. Zobrist noted that they have it right in saying quite paving rural roads. He supported Mr. Edgerton.

Mr. Cannon said that it was the unanimous consensus of the Commission that it be represented to the Board that way.

Mr. Cilimberg said that they are back to the whole question of the zoning in the rural areas reflecting what the Comprehensive Plan calls for.

Mr. Cannon said that he would support serious reconsideration of making the trade that they have talked about. It was taking the money out of paving the rural roads and putting it to something else.

Mr. Zobrist felt that was what they had just said.

Mr. Cannon said that they should add that on to make it more specific.

Mr. Zobrist added the caveat except for the areas that create an undue and unreasonable safety risk to the residents.

Mr. Cannon said that Mr. Cilimberg and Mr. Edgerton are correct. The Board has wrestled with this. The Commission has just heard about and just figured it out and understands it. His concern is that they are being dictated to by Richmond about where they have put their resources in a way that is not just inconsistent with the plan, but is contrary to the plan. He wants to do something about it.

Mr. Edgerton asked that they add a friendly amendment that the Board looks hard at their previous decision to spend the minimum that was allocated to the rural area.

Mr. Cannon said that it would helpful to them for us to take a further and a more informed look at that.

Mr. Cilimberg noted that there was no road on the list that was not in the development area.

Mr. Wade noted that the only exclusion was in Scottsville.

Mr. Cilimberg said that Scottsville is a development area that they don't control since the annexation.

Ms. Joseph noted that Ms. Chase came in and talked about Sunset/Fontaine. She is correct in the way it was presented to the PACTEC meeting. It was presented by the University. She said she would support some kind of study, but did not support it in general because what the County supports are connecting

roads. What they were proposing was 2 little cul-de-sacs coming side by side. The more she thought about that road going on and using the interstate is that it is a one-way street and is not a connector road. There is no way anyone could go 2 ways on that thing. Sunset and Fontaine could be used to go 2 ways.

Mr. Cilimberg noted that what ends up happening is one gets off Sunset and goes around the Fontaine Park to Fontaine Avenue using the interstate and Route 29. It is not direct. His understanding was that it is PACTEC's interest just considers studying this, but they would not replace the Sunset/Fontaine Connector with that concept. His understanding from last week's work session on the Fontaine Research Park was that the Commission still anticipates that road being provided for until somebody shows a better alternative.

Ms. Joseph agreed. Staff needs to understand that the Commission is not endorsing any other road than what they saw in Area Study B.

Mr. Benish noted the new inclusion is more specificity about the Sunset Road Connector being included. The Sunset Avenue upgrade now sites the connector road. The Board's strategic plan emphasizes that there are some local and regional road improvements that they wanted accomplished by 2010 being Meadow Creek Parkway, Jarman's Gap Road and Georgetown Road were the 3 of those identified projects. That is all their efforts are engaged in getting those 3 projects done. That is what he was trying to get across to them. This mechanism really just sets those priorities. Staff is working in those priorities to the extent that the scoping for the Georgetown Road project is trying to scope a project that can be funded with the existing funds available opposed to what the ultimate cost would be. That further ensures that any additional funding can continue to go to Jarman's Gap Road to ensure that it is funded. One thing that is on the list that the Commission might want to focus in on is after Georgetown Road is done and as they move down the list and once Meadow Creek is achieved and as they progress through over many of the projects. They need to think about the next strategic plan and the 6 years and the planning that they are doing other than the building planning. Those are the type of project that they are going to focus in on.

The Planning Commission held a discussion and provided the following comments and suggestions for the Board as listed in the summary below.

In summary, the Planning Commission held a work session to review and comment on the proposed Priority List for Secondary Road Improvements in the County. Staff reviewed the proposed Priority List for Secondary Road Improvements and explained the procedure. The Commission discussed the priority list, took public comment and provided comments and suggestions. The Commission took no formal action.

- The Commission supported priorities 2 through 11, designated growth area roads.
- The priority list needs to be reviewed to possibly move Jarman's Gap Road up closer to priority #1. A strong statement should be sent to the Board of Supervisors to encourage the following:

    - The Commission suggested that the Board take the rural paving money and quit paving the rural area and put it on the Meadow Creek Parkway.

    - The concern was expenditures within the rural areas primarily on paving projects are not consistent with the goal of the Comprehensive Plan.

    - Within the strategic priorities staff and the Board should consider perhaps providing greater emphasis on roads to the south as opposed to Profit Road and let the Board and staff relooks at those criteria without staff having to go into the durance of that.

    - If the Board is serious about protecting the rural areas that they need to be willing to address either the zoning or by right development in the rural area to minimize the expediential growth that is causing a lot of the pressures that they are feeling right now as evidenced by some of what was said by the members of the public tonight. This is unacceptable to say that they are going to protect the rural area and then allow by right

developments in the rural area that exacerbates the situation and make it dangerous. They have to get the Zoning Ordinance and the zoning in the rural area consistent with the Comp Plan.

- The caveat was added except for the areas that create an undue and unreasonable safety risk to the residents.

- The Board should look hard at their previous decision to spend the minimum that was allocated to the rural area.

Old Business

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

New Business

Ms Joseph asked if there was any new business.

- The Commission set a 4:00 p.m. work session on December 18 due to the large work load. Sandwiches will be provided.

There being none, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:15 p.m. to the Tuesday, December 11, 2007 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)