Albemarle County Planning Commission
March 11, 2008

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, March 11, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Marcia Joseph, Eric Strucko, Thomas Loach; Jon Cannon, Vice Chairman; Linda Porterfield and Calvin Morris, Chairman. Commissioners absent was Bill Edgerton. Marcia Joseph arrived at 6:07 p.m. Julia Monteith, AICP, non-voting representative for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; Claudette Grant, Senior Planner; Megan Yaniglos, Planner; Summer Frederick, Senior Planner; Bill Fritz, Chief of Current Development; Tamara Ambler, Natural Resources Manager; Jonathan Sharp, Engineer and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris called the regular meeting to order at 6:00 p.m. and established a quorum.

Committee Reports:

Mr. Morris asked for committee reports from the Commissioners.

- Mr. Strucko noted that the Fiscal Impact Advisory Committee is attempting to schedule a meeting after a year or two lay off. The issue is the future role of the group and its relationship to the Board of Supervisors. There was sentiment expressed by someone that this group would serve as a council of economical advisors to the Board to discuss the financial impact of various policy considerations that are coming up. The impact of the proposed legislation for impact fees in lieu of proffers going through the General Assembly is what most likely triggered this. It is now stalled and postponed for a year. The committee meeting will be scheduled in late March or early April at which time he will have a report.

- Mr. Morris noted that the Charlottesville Albemarle Transportation Committee (CHART) met last Wednesday evening. They are moving right along with updating the UNJAM 5-year plan, which was the transportation program for our region. The committee is updating the plan and trying to determine if there is money available. The Eastern Connector Subcommittee as well as the Interchange Subcommittee for 250/McIntire Park will be meeting this month. Anyone interested in attending those meetings should keep looking at the Albemarle County web page for those meetings to be announced.

There being no further committee reports, the meeting continued to the next agenda item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris invited comment from the public on other matters not listed on the agenda.

Neil Williamson, Executive Director of Free Enterprise Forum, distributed copies of a report issued by the Free Enterprise Forum with regards to Places29. The Free Enterprise Forum commissioned an independent engineering analysis. After getting estimates, they ended up taking a look at the 1995 costs for the interchange at Rio Road specifically. The study raised a number of interesting concerns that as the Steering Committee for the Places29 project he hoped that the Commission will review and ask questions of the folks that are building the Places29 plan. The main question was whether or not it could be built with regards to detour capacity. The detour capacity is dictated because Route 29 is a federal primary aid route. There are some very significant concerns that during the detour time, which could be

up to two construction seasons, there would not be capacity to handle the through traffic required by the Federal Highway Administration. He raised this as a concern as the interchanges in the Places29 plan seem to be the backbone of the plan. He asked that the Planning Commission review the material. The report is available online at freeenterpriseforum.org and has been available for the public. But, he had not formerly presented it to this Steering Committee. (**ATTACHMENT A:** Letter dated February 7, 2008 addressed to Mr. Neil Williamson from Volkert & Associates, Inc. regarding the Analysis of Proposed Grade Separation at the Intersection of US 29 and Rio Road; Final Supplemental Environmental Impact Statement submitted by the U.S. Department of Transportation; and Virginia Department of Transportation Public Information Meeting Route 29 Interchange Design for Hydraulic Road, Greenbrier Drive and Rio Road for October 26, 1994)

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

Review of Board of Supervisors Meeting – March 5, 2008.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on March 5, 2008.

Ms. Joseph arrived at 6:07 p.m.

Consent Agenda:

AFD-2008-00005, Moorman's River Agricultural/Forestal District Addition - Planning Commission to accept application. Proposed addition is Tax Map 57 Parcel 69, 116.944 acres. (Scott Clark)

Mr. Morris asked if any Commissioner would like to pull the item from the consent agenda.

Motion: Mr. Strucko moved and Mr. Cannon seconded for approval of the consent agenda.

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

Public Hearing Items:

ZMA-2007-00022, Innovative Construction (Sign # 103)
PROJECT: ZMA 2007-022/Innovative Construction
PROPOSAL: Rezone .977 acres from HC - Highway Commercial zoning district which allows commercial and service uses; and residential use by special use permit (15 units/acre) to LI - Light Industrial zoning district which allows industrial, office, and limited commercial uses (no residential use) for contractor's office and storage yard.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service - warehousing, light industry, heavy industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood 4.
ENTRANCE CORRIDOR: Yes
LOCATION: 1811 Avon Street Extended (Route 742) across from Reynovia Dr.
TAX MAP/PARCEL: 90/35C
MAGISTERIAL DISTRICT: Scottsville
(Claudette Grant)

Ms. Grant presented a Power-point presentation and summarized the staff report. (**Attachment B** – Power-point Presentation)

- The request is for a rezoning for .977 acres from Highway Commercial to Light Industrial and to use the existing building that is on the site for a contractor's office and storage yard. The applicant would like to purchase the property and use it for a contractor's office and storage yard, which is permitted by right in the Light Industrial zoning district. It would require a special use permit in the Highway Commercial zoning district. The current proffers for the property restricts the Highway Commercial use to machinery and equipment sales, services and rental and uses in

the Highway Commercial zone are permitted under C-1, Commercial zoning as they may be established under the C-1 regulations. The contractor's office and storage yard is not a permitted use in the C-1 district. The applicant plans to use the property as is with no physical changes to the buildings or the site outside of what the County may require. The Land Use Plan shows the area as Industrial Service. The applicant is requesting rezoning to an industrial district.

- There are proffers as noted in the staff report in a more detailed description. The applicant is requesting a waiver of Section 26.10.3 of the Zoning Ordinance to allow the installation of a fence in the required buffer from a residential district. Granting the waiver will permit the fence, which is recommended by the Design Planner for the Entrance Corridor.
- Factors Favorable: The proposal makes the property more consistent with the Comprehensive Plan. The rezoning forms a logical extension of the Light Industrial district from the adjacent property. There are no proposed changes to the site. The rezoning to Light Industrial zoning will accommodate a small business, which is an identified need in the county.
- Factors Unfavorable: The proffers are in need of technical and substantive language revisions. An issue that has come up with this project is that the existing well and septic system are proposed to remain because of the cost for connections to public water and sewer. One of the issues with the proffer has to do with the need for a proffer that may require the applicant to connect at whatever time public water and sewer would be available to the site or closer to the site than it currently is.
- Recommendation: Provided that the technical and substantive provisions to the proffers are completed prior to the Board of Supervisors meeting, staff recommends approval of ZMA-2007-22 inclusive of revised proffers. Staff also recommends approval of the waiver request from 26.10.3 to allow the fence described in the proffer to be constructed in the buffer.

Mr. Morris invited questions for staff.

Ms. Joseph noted that in the proffers the applicant has taken the zoning ordinance and removed a lot of the uses in Light Industrial. She asked if there is any reason why a lot of these uses were eliminated, particularly because the county is looking for more Light Industrial land.

Ms. Grant replied that the applicant worked with zoning staff and decided that the uses that are not crossed out are the uses that would be sufficient for the site as it exists.

Ms. Joseph asked if the Health Department will be involved in this as the use changes.

Ms. Grant replied that at this point the Health Department has not been involved with this.

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

Catherine Womack, attorney for Innovative Construction Concepts, Inc., noted that the principals of the company are present tonight, Bill and Brady Sharr, to answer questions.

- Innovative Construction is the contract purchaser of this property. They are a locally owned small business that specializes in concrete forming and finishing. It purchases concrete from others and does not mix or store concrete on the site. Although it is described as a general contractor's office it is really not the typical general contractor because they don't have heavy traffic coming in and out of the site all day long. There is one main building on the site and another existing non-conforming storage building. Both buildings are proposed to remain and will not change. As shown on the physical survey there is a cluster of other small non-permanent utility buildings that are going to be removed. They will make that change on the site. In fact, those buildings encroach on adjacent properties and will be removed.
- The site was last used for farm machinery, sales, service and rentals. Farm machinery and equipment was stored on the site. In fact, it was stored well in front of the building. The physical survey shows a dotted outline of the gravel storage yard that extends in front of the building up towards the road. As noted from Innovative proffers that the storage is going to be limited to that beside and behind the building. There will be a screening fence that will hopefully take care of the Corridor issues.

- This is currently the only Highway Commercial District in the area. It is kind of odd because they could have proceeded one of two ways. They could have gone for a special use permit in Highway Commercial or they could have asked to rezone to LI. Because zoning to LI seemed to be more compatible with the Comprehensive Plan that is what they elected to do.
- In response to Ms. Joseph's question, they were working with staff and there was some intention to try to proffer out more intensive uses that may be not be appropriate for the Entrance Corridor. They proffered out manufacturing, assembling, warehouse and retail sales that they thought might generate more traffic and might not be desirable in this particular location. The current zoning is highly proffered as Ms. Grant has said. They are looking really not to have a big change in what is going on out there. There was equipment storage there and they are going to have some equipment storage. It will not be as much as was stored there for the sales and rental uses. They are not changing the size of the office space. The main building is approximately one-third office space and two-third garage bays that will be used for vehicle storage and storage of other kinds of equipment.
- What is proposed is consistent with the Comprehensive Plan for the Land Use Plan and the Economic Development Policy. Staff has asked for some technical changes in the language. She did not have any concern that they can satisfy that. That leaves them with the one substantive issue that is the sewer and water hook up.
- The estimated cost to hook up is over $40,000. It requires them to cross property over which they don't have easements. It is private property and they don't have the right to do that right now. The $40,000 number does not even include the cost of electric service to a pump and grinder station, rock excavation, bonds and some other things that would go along with this. This is a huge thing to ask a small business to hook up either now or in the future at that kind of expense. To ask a small business to commit to hooking up in the future at a time when they don't know when the easements might become available to them and they don't know the cost. They don't have any control over that timing.
- Ms. Joseph asked if she had information on what the water usage amounts might be. What she came up with was Service Authority numbers for waste water flow estimates. She distributed this information. (See Attachment – Albemarle County Service Authority – Contributing Waste) She did not find anything for commercial office space for water flow requirements. But, for waste water flow they have two full time employees and the two owners are in and out of the building. Most of the other workers go directly to the job site. It seems that the waste water would be comparable to what the uses of water would be. The closest they could come was for commercial office. Per 1,000 square feet it is 90 gallons per day of flow for duration of 12 hours. They have less than 1,000 square feet of about 600 to 700 square feet. So it is something less than 90 gallons a day, which would be the usage and waste water flow.
- What Innovative would like to offer is that it would not intensify its use, not enlarge its buildings or make other changes to its use or not add additional uses without hooking up to water and sewer. They hope that would be an acceptable compromise.

Mr. Morris invited questions for the applicant.

Mr. Loach asked if the capacity of the well and septic is enough to handle the needs of the business on a daily basis without change.

Ms. Womack replied yes that they submitted a report of inspection of their septic system showing that it was in working order and they don't have any problems with the water supply.

Mr. Morris invited public comment. There being none, he closed the public hearing to bring the matter before the Commission.

Ms. Porterfield said that since there are no easements and the water and sewer are not abutting the property she felt that they need to make some arrangements for that. If the water and sewer would come over and abut the property she thought that the property owner needs to go on the water and sewer. That would remove a large amount of the cost because somebody else would have brought it over and the easements would have been taken care of.

Mr. Cannon asked if there was a range of estimates that are available to characterize the cost if water and sewer became available in this sense.

Ms. Grant replied no, that the estimate is only if they were to connect to water and sewer at its current situation and not if it comes closer.

Mr. Cannon asked what the $5,000 and $6,000 numbers mean on page 4 of the staff report.

Mr. Strucko pointed out that those numbers were just the connection fees.

Ms. Grant noted that the numbers were for the current situation.

Ms. Joseph noted that if the line comes close enough the applicant would have to pay those connection fees anyway.

Mr. Kamptner noted that the Commission may recall a recent light industry rezoning up near the airport under similar circumstances. They created a proffer that required a connection once the lines came to the front of the property.

Ms. Joseph asked if the Health Department was part of that approval process.

Mr. Cilimberg replied that they did not. It is such a very similar case because at that time there was a utilization of the building as it was. So the occupancy would be as it had been. This case is very similar.

Mr. Morris asked if the Commission could request from the applicant that if and when water and sewer became available to their site that they could readdress the question based upon the historical data as to usage and so on rather than automatically saying that if it is there they will hook up.
Mr. Cilimberg asked if he was saying that they have the applicant come back to the Commission not for the use, but whether or not the requirements should be mandatory.

Mr. Morris said that it should either come back to the Commission or come back to staff for a ruling on it at that time rather than automatically having it done if they are only using 90 gallons per day. That is a small amount.

Mr. Cilimberg said that staff analysis, which does take place in the development areas when there is a site plan or subdivision and is based on the cost of bringing the service versus the cost of establishing it on site with well and septic. So by cost comparison anything even if it was right up to the property is going to be more than using what is there. There is not cost in continuing water and sewer. So their analysis is not going to show a favorable or a more cost efficient result from hooking to public water and sewer. Hooking to public water and sewer is really a question of the policies of the development area with the desire to have properties hook up. Right now by the proffers the project is limiting itself to no more than what they are proposing to do. So he did not think that was an issue. The real question is whether the Commission feels if water and sewer came to the site, as it did on the Dickerson Road project, they would want to have them hook up. It is really not much to analysis otherwise.

Mr. Kamptner said that where they have discretion is determining whether or not service is reasonably available. But, once it is determined that service is reasonably available connection is required under the regulations.

Ms. Porterfield said that if they are going to allow them to remain on the ground water and the septic that this goes with the land and should they wish to sell this property the next person cannot intensify the use.

Mr. Cilimberg noted that zoning would control that because of the proffers that they have offered on their limits of use types and their occupancy of the existing structure.

Ms. Porterfield asked Mr. Kamptner if it was a moot point about saying that they have to connect when it comes up to the edge of their property they would have to.

Mr. Kamptner replied that it appears that the regulations require connection in the service areas and site plan regulations.

Mr. Cilimberg noted that if there is no site plan required and they are just continuing their use, then he did not think they would be required to hook up. That is why they did that on Dickerson Road. If the Commission expects that it needs to be added. If they had a site plan and for whatever reason they were not intensifying their use, but needed to do something that required a site plan, then he thought that kicked that in at that time. But, they don't know if that is going to be the case.

Ms. Porterfield asked if the applicant could accept in a motion that if they would get water and sewer to the edge of the property so they could hook to it without having to work with the easement and bringing it across two other properties that they would connect to it.

Mr. Loach said that there is no quantifying level that it should be attached. If they were only using 90 gallons a day, which was a small amount, should it be something that they impose. On the Watkins request in Crozet he felt that since it was such a small amount that it should not be required.

Ms. Porterfield pointed out that when public water and sewer lines come up to a property she had an obligation to get people off the ground water.

Ms. Joseph noted that Mr. Watkins was really limiting himself to the landscape business. This has another listing. They are allowing manufacturing and could change the use of the site at some point in time. They could come in with a site plan, etc.

Mr. Loach said that if the applicant indicated that if they change the intensity that they would connect.

Ms. Joseph noted that if they wanted that it had to be included in the conditions.

Mr. Cannon said that they have two options here. They have the option that was suggested by staff, which is that the applicant be able to proceed with the status quo until water and sewer become readily available. There may be a definition of what that means. Or, as applicant has proposed, that the applicant continue with the status quo unless and until the applicant changes the intensity or the nature of the use. He asked Ms. Womack if that was her proposal.

Ms. Womack replied yes, that was their proposal.

Mr. Cannon said that was the alternative. He was not sure if the further implication of that is if the applicant or a successor to the applicant were to intensify the use and increase the water use that they would have to connect.

Ms. Womack said that if it was possible to connect that they would have to cross private property to get there. So they still have that hurdle to cross.

Mr. Cannon said that certainly if it was reasonable available they would connect. So what would happen if they intensify the use and they still would have to cross property? He asked if they would be in trouble at that point.

Ms. Womack said that they would not be allowed to intensify the use.

Mr. Cannon said that either way he felt it was okay.

Ms. Porterfield said that from what was just said that they don't intend to intensify the use so therefore they would not be asked to bring the water or sewer to the property. But, if the water or the sewer is brought to the property at that point they would connect.

Ms. Womack replied that is not their proposal, but is the staff's proposal. She was still asking her client to commit to an expense at some time that they don't know how much it is going to be and they don't know when it is going to be. They would prefer their own proposal. If they can only live with the second proposal they would certainly consider it, but she would want to talk with her client about it.

Ms. Porterfield said that she voted against the Watkins proposal and would vote against this one today if they don't at least have the assurance that when water and sewer reach the edge of their property that at that point they would connect.

Ms. Womack asked if under that circumstance there would be no prohibition on intensification of use.

Ms. Porterfield said that they can't have it both ways. What they are trying to do is keep the cost down completely. So they are saying that they can live without intensifying the use and everybody is saying okay fine that they are not going to use too much of it. They are saying that it is located too far away right now to ask the applicant to bring the water and sewer to the property. They were not asking them to do that. But, if somebody else brings the water and sewer to the property, then they have the ability to connect at much less cost.

Mr. Morris noted that once it come up to the property line that there would be a connection fee.

Ms. Womack noted that it would be the connection fee plus the cost of the work to connect it. She asked if they were talking about on their side of the road and not across the road.

Ms. Porterfield said they were talking about when it comes to the edge of their property. At this point it is two properties away and there is no discussion of extending it.

Ms. Womack said that Mr. Shea says that he would agree to that. But, she needs to clarify that their offer was not to intensify the use if they had not connected. But, she seemed to be saying even if they connect they can't intensify the use.

Ms. Porterfield said that she did not say that. They can intensify the use once they hook on to the public water and sewer.

Ms. Womack noted that they prefer the first alternative, but will live with the second.

Motion on ZMA-2007-00022

Motion: Ms. Porterfield moved, Mr. Strucko seconded, to approve ZMA-2007-00022, Innovative Construction, with the proffers as put forth by the applicant and additionally the proffer that if the water and sewer is brought to the edge of this property from any direction the applicant will connect to the public water and sewer within a reasonable time.

Ms. Joseph asked for a modification because they have already had one of these approvals written for another property that was very similar. Her expectation was that they would use the same proffer that they used for that so that it would be consistent.

Mr. Kamptner said that that language would fit for this situation as well and staff will review the wording to make sure it works.

Ms. Joseph did not want to hinder the applicant from intensifying the use and noted that at the point in time when the applicant intensified the use they would have to hook up to public water and sewer no matter where the waterline is located.

Ms. Porterfield accepted the amendments to the motion.

Mr. Cilimberg asked if the Commission expects a proffered plan with this project. The proffered plan would basically represent what is there, which was what the Commission did for Dickerson Road. If the

Commission expects the proffered plan it should be included in the motion. Attachment D shows the plat with the existing structures and intends to show where the equipment storage yard would be. He noted that basically the Commission was motioning for approval of staff's recommendations as outlined in the staff report.

Ms. Joseph noted that it also included the intensification of the use condition. The applicant agreed to hook up to water and/or sewer when either he expands his use or the water and/or sewer is brought to any edge of the property.

Motion: Ms. Porterfield moved, Mr. Strucko seconded, to approve ZMA-2007-00022, Innovative Construction, as recommended by staff in the staff report including the applicant's agreement to hook up to water and/or sewer when either he expands his use or the water and/or sewer is brought to any edge of the property.

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

Mr. Morris noted that there was a waiver being requested.

Ms. Porterfield asked if the fence was something that the ARB had requested.

Ms. Womack replied yes, that staff has asked for the fence.

Motion on Waiver Request:

Motion: Ms. Porterfield moved and Mr. Cannon seconded to approve the waiver request to Section 26.10.3 for ZMA-2007-00022, Innovative Construction to allow the fence in the proffer to be constructed in the buffer.

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

Mr. Morris said that ZMA-2007-00022, Innovative Construction, would go before the Board of Supervisors on April 9 with a recommendation for approval.

Deferred Items:

SUB-2007-00257, PJ Land Trust
The request is for preliminary subdivision plat approval to create 3 lots on 165.144 acres; associated with this request are requests for waivers to allow access to these lots via multiple private streets, including a waiver of the standards that would otherwise be required of these streets, and a waiver to allow this subdivision to gain access from more than one street. The property, described as Tax Map 43 - Parcel 18D is located in the Samuel Miller Magisterial District on an existing private street Catlin Road approximately 0.8 miles southeast of the intersection with Owensville Road [Route 676]. The Comprehensive Plan designates this parcel as Rural Areas in Rural Area 1. – ***DEFERRED FROM JANUARY 22 PC MEETING*** (Megan Yaniglos)

Ms. Yaniglos made a power-point presentation and summarized the staff report. (See staff report)

- The request is for preliminary subdivision plat approval to create 2 lots; associated with this request are requests for waivers to allow access to these lots via multiple private streets, including a waiver of the standards that would otherwise be required of these streets, and a waiver to allow this subdivision to gain access from more than one street.
- Staff has reviewed the request in accordance with the requirements of Section 14-404(C). The proposed subdivision is shown to be served by two private streets. The existing parcel is currently being served by two private streets: Garth Gate Lane and Yellowwood Drive. The applicant is proposing Catlin Road as a private street in order to provide proper access and frontage for one of the proposed lots (Z-1). Catlin Road can be extended to provide frontage on both proposed parcels Z-1 and Z-2. However, if Catlin Road is extended it would add an additional lot and traffic to the road.

Strict application of the applicable requirements would not result in significant degradation of the property or to the land adjacent thereto. Staff does note that approval of the waiver will not increase the number of entrances onto the public streets.

- Staff has made favorable and unfavorable findings for the approval of this waiver. However, without a compelling reason to grant approval, Staff must recommend that the requirements of the ordinance should be followed. Therefore, staff finds that the request to waive the requirement of Section 14-404(A) is not appropriate in this circumstance, and recommends denial of this waiver.
- In conclusion, the Planning Commission will need to act on the private street waiver, waiver of standards, and the 14-404 waiver. Staff recommends that the Planning Commission make the following motions:

Subdivision Ordinance Waivers:

1. Section 14-232(a) and Section 14-234(c)- Private Street request in the rural areas [recommendation, denial]
2. Section 14-412- Waiver of private street standards [recommendation, denial]
3. Section 14-404(A) – Request for the proposed lots to gain access from more than one street [recommendation, denial]

Mr. Morris invited questions for staff.

Mr. Cannon asked if staff suggests that if they were to grant permission for the applicant to use Catlin Road in its existing conditions that would increase the ability of the applicant to subdivide the land.

Ms. Yaniglos replied that it would allow additional lots, but there are easements on adjacent properties that the owner does not control.

Mr. Cannon asked given that it has to be a public street what part of the subdivision could not take place, and Ms. Yaniglos replied that it would require the road to be widened.

Mr. Fritz noted that only without the public street the subdivision that is before the Commission could not occur. It would allow for a subdivision that would not otherwise occur because these lots don't touch any public street. Unless they were to extend Yellowwood Drive, since it is an approved private street, they would still have to come in for a private street extension.

Ms. Joseph asked if the private road goes up to serve the Carrington parcel, and Ms. Yaniglos replied yes.

Ms. Joseph asked if parcel 18D has the right to use the road that goes right along its edge.

Ms. Yaniglos replied that the parcel has access to that but it has not been previously approved. There is a private easement associated with it.

Ms. Joseph asked if any of those parcels including Carrington have any rights to use that.

Mr. Fritz replied that through private agreements the lots have access to Catlin Road.

Mr. Morris opened the public hearing and invited the applicant to address the Commission.

Jeff Dice, registered land surveyor on behalf of Kirk Hughes, emphasized the primary point in all of this is that they don't intend with this division to add any uses to Catlin Road. His client currently owns a 165 acre parcel that has primary access to Catlin Road and secondary access over Yellowwood Drive. They could create 21 acre lots with the sole use of Catlin Road. He reviewed the standards on the road and the potential standards. He disagreed with several statements in the staff report. Given the conditions the difference between private and public is negligible since they were not adding uses to the road.

Ethan Miller, Attorney, said that this was part of the family parcel and Ms. Jones is making provisions of her plan. The proposal does not add any uses to Catlin Road and the additional lot is to be accessed

through Far Hills. The Far Hills residents were very concerned. He spoke to them and went to their meeting to attempt to address their concerns listed in their letter, as follows.

- There would be no cut through;
- Parcel z2 which would use Yellowwood Drive; and
- No further subdivision of the 66 acres.

He noted that PJ Land Trust is willing to cut off and close the road between Garth Road, but was not willing to limit further subdivision of parcel Z2. In other words, Far Hill owners were aware from the beginning that there was further subdivision and he would ask the Planning Commission to approve the request.

Ms. Joseph noted that it was a strange subdivision of land since the Carrington piece separates that piece.

Mr. Miller asked the Planning Commission to approve this and if the owner or successor wants to utilize those development rights they will have to come back to this body and meet the standards.

Mr. Cannon noted that there is not an attempt with this division to add uses to Catlin Road. There is a potential in the future with the development rights to Z1. At that time if that should happen the matter would come back before the Planning Commission and they would look again at the issue of Catlin Road.

Mr. Miller said that there would be no change to Catlin Road. As it exists today the historical access was Catlin Road. The applicant could sell today and use Catlin Road. There is no reason to require a public street.

Ms. Joseph noted that Mr. Payne was very thorough in his report. She heard that he would agree to some of the provisions but not all of them. He suggests further subdivision of Z2 be prohibited. The developers would enter into an agreement with Far hills.

Mr. Miller said he would be happy to agree to contribute to the maintenance of the road. There would be a physical cut off of the farm road that goes all the way through. The proposal today is to do that but not in the same spot as Mr. Payne suggested. It is a tree farm and they use the road to bring tractors up from the barn. If they cut off the farm road they would have to take the tractors out to the Catlin Road and Garth Road, which was a dangerous thing. That is not something they want to do at this point. There will be a cut off of that road, but will be further north. The third condition that Z2 never be subdivided would diminish the value of the property if it were ever sold. Most likely thing it would happen upon Ms. Edgerton's death. The proceeds would go to her heirs.

Mr. Kamptner noted that they were not intending to intensify with subdividing. If it was a private street what stops them from using all five development rights.

Mr. Miller said that if they want to divide the property further they would have to go back to the Planning Commission.

Mr. Kamptner asked as a follow up to the objective to the permanent restriction to further subdivision if he was willing to accept a restriction of a private street.

Mr. Miller replied as to Catlin Road yes. If is just to Catlin Road the applicant would be willing to accept the condition that it would have to come back to this Commission for review of circumstances. Unlike today it would be adding two more lots and it would be appropriate to look at it differently from tonight since they are not changing anything at all.

Mr. Morris invited public comment.

Tom Albro, Attorney, said they are concerned about the condition of Yellowwood Drive and its use for additional subdivision. Yellowwood Drive is not that nice or drivable since it is a narrow gravel road that hugs the hillside in some places as much as 15 percent. It is not suitable for rescue vehicles or school buses. The applicant cut trees on that road and it goes through a rural preservation tract. He did not think

that a road should go through a rural preservation tract to serve a subdivision. He opposed the subdivision and asked the Planning Commission to follow the recommendation of staff. He noted that he was here with the neighbors of 20 lots in Far hills and asked them to all stand as being opposed to the subdivision. He was pleased that 100 percent of the Farhill residents are opposed to this subdivision. He asked the Commission to review Mr. Payne's report filed on January 14 with the Commission. He noted that Mr. Payne was here and would answer any concerns.

Hunter Record, resident of Catlin Road, noted that his main concern is safety since many children live on the road. Through requests like this they might set standards that would allow further development that would create additional traffic on the road. He is against the proposal because he did not understand the potential for additional traffic on the road.

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

Ms. Joseph asked if Z2 has the right to use Catlin Drive, and Ms. Yaniglos replied for one parcel.

Mr. Cannon asked what would happen if Z2 was subdivided, and Ms. Yaniglos replied that the request would have to come back to the Planning Commission.

Mr. Strucko asked about potential divisions.

Mr. Fritz replied that there were five potential divisions with two on Z2 and three on Z3.

Ms. Joseph noted that would be in addition to 21 acre parcels on Z2.

Mr. Fritz replied that there could be two 21-acre lots and two lots less than 21 acres.

Ms. Porterfield asked if any proposed lot would have to come back to the Commission.

Mr. Fritz noted that the condition 1, 2 and 3 requires that any division has to come back.

Motion: Mr. Cannon moved and Ms. Joseph seconded to approve the three waivers for SUB-2007-00257, PJ Land Trust, with the conditions recommended by staff, as modified.

1. Lot Z1 and Z2 may not be further divided without further review and approval by the Planning Commission.
2. Lot Z1 and Z2 may not have more than one dwelling unit per lot.
3. The farm road shall be closed as described on note #5 on the subdivision plat.
4. A maintenance agreement must be submitted and approved by the County Attorney, as specified in Section 14-317 of the Subdivision Ordinance, for showing the subdivider's participation in the maintenance of the roads in the Far Hills (i.e. Yellowwood Drive) subdivision and Catlin Road. Approval of this agreement is required as part of the final plat approval.

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

The Planning Commission took a ten minute break at 7:34 p.m.

The meeting reconvened at 7:42 p.m.

Clarification on Prior Motion on PJ Land Trust:

Mr. Morris noted that Bill Fritz would like clarification, as well as some of the public, as to precisely what the Commission had in mind when they said that it included the road maintenance agreement. He asked what the Commission had in mind.

Mr. Fritz said staff understood it was for both Catlin Road and Yellowwood Drive.

Mr. Cannon replied that was correct that his intent was to include both roads as recommended by staff on page 4 of the staff report.

Regular Items:

SDP-2007-00150, Bonner, Lane - Critical Slopes Waiver

Proposal for a waiver to zoning ordinance section 4.2, Critical Slopes. The request is for a waiver to allow the disturbance of critical slopes in the development areas. The property, described as Tax Map 76C-02, Parcel 4, contains 2.795 acres zoned R1 [Residential]. The site is located in the Samuel Miller Magisterial District on Deer Path Road [Route 809] approximately 500 feet from the intersection with Old Farm Road [Route 846]. The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 6. (Megan Yaniglos)

- The applicant is requesting approval for the disturbance of critical slopes that was disturbed during construction of a driveway on the subject property. The applicant did not get a modification to disturb these critical slopes prior to constructing the driveway off of Deer Path Road and is currently under violation from the Zoning Division for the disturbance. The driveway that was constructed crossing an intermittent stream which runs parallel to Deer Path Road. There is an existing driveway that provided access to the property through the back of the parcel. However, the applicant has abandoned that access. The existing driveway appears to have provided access to the existing dwelling on a property from Edgemont Lane and not Deer Path Road.
- The applicant is the owner of the parcel under review, parcel 4, and was the owner of the parcel that the driveway crossed in order to reach Edgemont Lane, parcel 5. The applicant has entered into a contract to sell parcel 5; however, it is not known if that transfer has occurred. It is the county's position that the applicant's failure to preserve an easement for the driveway to serve parcel 4 does not entitle parcel 4 to any of the exemptions available by the ordinance for the disturbance of critical slopes. This situation has a self-imposed hardship and does not place the county in any position where a modification to allow critical slopes must be granted. However, if the modification is denied the applicant will need to remove the new driveway and restore the site to its original topography. The removal of the new driveway will require more disturbances on the site and may cause additional sediment into the existing intermittent stream.
- Since both favorable and unfavorable factors have been identified staff is unable to make an overall positive finding for the approval of the critical slopes modification.
- Staff presented pictures of the new driveway that had been installed and the areas where the critical slopes were disturbed.

Mr. Morris invited questions from the Commission.

Ms. Joseph asked if the applicant had received an entrance permit from VDOT.

Ms. Yaniglos replied that the applicant did not get an entrance permit from VDOT.

Ms. Joseph asked if Deer Path was a public road.

Ms. Yaniglos replied yes.

Mr. Cannon asked what would be the consequence of denying the waiver. He noted that the applicant would have to remove the driveway and restore the land to its original contours. He asked if there would be any access to this now separate lot or what would be the outcome.

Ms. Yaniglos said that there is existing access to the rear of the property. The applicant owned both parcels that are adjacent. Parcel 5 is apparently under contract and the applicant is proposing to close the access to parcel 4.

Mr. Cannon noted that lot could be sold subject to an easement adequate to assure access to the other lot.

Mr. Strucko noted that staff said the applicant would have to restore the land to its original contours and also that there would be some impact on the stream.

Ms. Yaniglos replied that there could be and suggested that the engineer could speak to what the Erosion and Sediment measures would be necessary.

Mr. Fritz said that in order to abate the violation the Zoning Division would be looking to work with the applicant to restore the streams and stabilize the slope. The applicant would be working with the county's Erosion and Sediment group to do it the best way possible.

Mr. Morris opened the public hearing and invited the applicant to address the Commission.

Lane Bonner, representative for the application, said that even though staff did not recommend approval he wanted to thank them for their hard work on this project. Prior to building the driveway he met with the planner from Albemarle County in April of 2007. He was told that his driveway was fine and there was no problem as long as he did not disturb 10,000 cubic feet of dirt. He started to build the driveway in May, 2007. It took about 2 ½ weeks to build the driveway. He had numerous inspections from Albemarle County and they found no violations. In November, 2007 approximately five months later they found a critical slopes problem, which he had apologized for. Staff wants him to use the old driveway, which he cannot do. The present driveway crosses the least amount of dirt and cuts down the least amount of trees. The critical slopes are about 25 percent and barely critical slopes. The driveway could be made wider, but would mean having to disturb more critical slopes. The best way to make the driveway safe is to install a guardrail. This is a chance for the Planning Commission to do some planning. He pointed out that he plans to subdivide the property next door.

Mr. Morris invited public comment.

Joel Loving, resident of 17 Deer Path Road in Bellair, opposed granting a waiver on an illegally placed driveway. In the staff report no one has recommended approval of this waiver. There is already another access to this house from Edgemont Lane which has existed since 1953. There is no physical reason why the driveway cannot continue to be used for this property. He questioned why disturb a County designated critical slope, tear up a perfectly serene green area and mow down 50 or more trees to put in an illegal driveway. He questioned who allowed the driveway to be put in and be used. He noted that there is a for rent sign on the driveway today. The Virginia Department of Environmental Quality has stated that the culvert crossing is not adequately counter sunk to maintain proper stream flow and that the property owner did not have Virginia Water Protection Permit to install the stream crossing. The Virginia Army Corps of Engineers inspected this stream crossing and failed to approve it. The recommendation was for the owner to remove it and then either use the pre-existing driveway already on the property or to use this new driveway only if there was a bridge installed across the stream. It has become apparent from the meetings that he has attended that no one likes what is going on here. There are three perfectly nice lots on this parcel that was purchased by Mr. Bonner that can support three homes, normal drainfields and green spaces in total alignment with the neighboring lots. It is the unanimous desire of the neighborhood in Bellair that they take a very careful and cautious look at this whole picture. There is an entire development underway. But they have been allowed to only see a small piece at a time. This plan to split up the three lots into five lots is a bad deal. It is bad for the neighbors, environment and Albemarle County. He asked that the County demand that the developer remove this driveway and return this area into the previous condition before the driveway was installed.

Katherine Almay, representative for her mother Nita Chisholm, spoke in opposition to the request. In looking at the hardship reason for this request she asked to bring to the Commission's attention a letter from Mr. Barnes attorney to Mr. Fritz dated January 12 of this year. He states that there have been sales contracts since October of last year on the contiguous parcel west of this driveway and there is no deeded access to the existing house. She asked that the Commission look at some of the correspondence from Mr. Bonner which starts from January 11 that is also in the packet. She noted that there does not appear to be a contract and this situation appears to be a hardship created by Mr. Bonner. She asked that they consider this as a larger proposal as proposed.

Ralph Feil, local attorney and resident of Bellair Subdivision, said that his neighbor Frank Featherstone who lives across the street from the driveway that was installed asked him to read a brief statement on his behalf, as follows. It is a note to Megan Yaniglos.

- Dear Meagan, As abutting property owners my wife and I daily look down on that ugly scar. The developer, Lane Bonner, rushed to complete last bay to give alternative access to the Priest house he had recently acquired. Considering the mad cap manner Mr. Bonner used to rush construction of the driveway my wife and I are not surprised that he is now making a request for a critical slopes waiver from Albemarle County. As an abutting property owner my wife and I feel strongly that Lane Bonner's request should be denied and that Lane Bonner should make clear is intentions for the three former Priest lots on the south side of Deer Path.

Bill McCartney, resident of Bellair, spoke in opposition to the critical slopes waiver. He said that it was in everybody's best interest to consider all aspects of what is going on. If at all possible in this process they need to see the entire picture and not just piece by piece what is being asked for incrementally.

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

Ms. Joseph felt that this was self imposed if they can't get to the other parcel. She asked Mr. Kamptner to comment on what Mr. Fritz had indicated that they were not creating a landlocked parcel by denying this.

Mr. Kamptner noted that was correct. As an update to zoning enforcement, the first civil case in General District Court concluded yesterday and Mr. Bonner paid the civil penalties. When that happens they dismiss the case and the next violation process begins and they file a new case. The zoning violation has been enforced in court.

Motion: Mr. Strucko moved and Ms. Porterfield seconded for denial of SDP-2007-00150, Bonner, Lane – Critical Slopes Waiver, for the reasons stated in the staff report.

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

Mr. Morris noted that SDP-2007-00150, Bonner, Lane – Critical Slopes Waiver had been denied. The applicant has ten days to appeal the decision to the Board of Supervisors.

SDP-2007-00155, Shadwell Market – Final

The request is for final site plan approval to demolish existing gas station/convenience store and construct new 3,200 square foot gas station/convenience store. The property, zoned C1-Commercial, RA-Rural Area, and EC-Entrance Corridor, described as Tax Map 79, Parcel 9, is located in the Scottsville Magisterial District at the intersection of State Route 22 and State Route 250. The Comprehensive Plan designates this property as Rural Area in Rural Area 2. (Summer Frederick)

Ms. Frederick summarized the staff report.

- The applicant requests final site plan approval to demolish existing gas station/convenience store and construct new 3,200 square foot gas station/convenience store. The applicant requests approval of a critical slopes modification of Section 4.2.3.2 of the Zoning Ordinance to allow grading required for the proposed development. The property is currently a site of a functioning service station and convenience store with associated gas pumps and parking.
- The proposed development is for an upgraded facility and reconfiguration of the site. County staff is currently working with the applicant to address administrative issues associated with the site plan. Primarily these issues are erosion and sediment control and some parking modification. A Tier III Groundwater Assessment was submitted today March 11 and is currently under review by the County Groundwater Assessment Manager. She offered to answer questions.

Mr. Morris opened the public hearing and invited the applicant to address the Commission.

L.F. Wood, property owner, said he had been working on this project since 1999. There was a safety issue in relationship with the Luck Stone Quarry across the street. They have been working together for years and he thought that they have come to agreement with the recommendations of staff in all areas. He had been working closely with Luck Stone on the intersection improvement. He offered to answer questions.

Mr. Morris invited public comment. He noted that he received a phone call from Luck Stone and they were very supportive.

Phil Ianna, resident of Cismont area, noted that he drove through that intersection often. He thought that it would be delightful to have that facility replaced. He asked if there is a lighting plan since he worried about the lighting levels.

Ms. Frederick replied that there was a lighting plan. This property is subject to the Architectural Review Board and their standards apply as well as the Lighting Ordinance standards. The plan is available for review.

Tom Williams, resident of Albemarle County and a Senior Regional Manager for Luck Stone, assured the Commission that they have been working very closely with Mr. Wood with all of his plans for the new entrance. He noted that Luck Stone is working with the Highway Department and the County on the new entrance. He supported the project as it goes forward.

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

Ms. Frederick noted that the Department of Environmental Quality permit is no longer needed. That permit comes after construction of the underground tanks.

Motion for SDP-2007-00155:

Motion: Ms. Porterfield moved and Mr. Strucko seconded to approve SDP-2007-00155, Shadwell Market - Final, with the conditions recommended by staff, as modified, excluding condition #2.

1. Administrative approval from County Engineering staff.
2. ~~Approval of Department of Environmental Quality permit.~~
3. Submission and administrative approval of Groundwater Assessment paperwork.
4. Approval from Virginia Department of Transportation staff.

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

Mr. Morris stated that SDP-2007-00155, Shadwell Market – Final was approved. This does not require Board of Supervisors action.

Motion for Critical Slopes Waiver:

Ms. Joseph noted that the critical slopes waiver is totally appropriate. It is a very small amount of the site that is being disturbed in critical slopes. It also appears that the critical slopes are man-made.

Motion: Ms. Porterfield moved, Mr. Strucko seconded to approve the critical slopes waiver for SDP-2007-00155, Shadwell Market - Final, with the conditions recommended by staff, as modified, to exclude condition #2..

1. Administrative approval from County Engineering staff.
2. ~~Approval of Department of Environmental Quality permit.~~
3. Submission and administrative approval of Groundwater Assessment paperwork.
4. Approval from Virginia Department of Transportation staff.

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

Mr. Morris stated that the critical slopes waiver for SDP-2007-00155 was approved.

SUB-2007-00282, Mechums Bluff
Request for preliminary subdivision plat approval to create 8 lots [7 development lots and one (1) preservation lot] as a Rural Preservation Development on 95.5 acres. The property, described as Tax Map 72 - Parcel 35 is located in the Samuel Miller Magisterial District on Dick Woods Road [Route 637] approximately .45 miles [2390 feet] northeast of the intersection with Miller School Road [Route 635]. The Comprehensive Plan designates Parcel 52 and Parcel 36B as Rural Areas in Rural Area 3. (Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint Presentation and summarized the staff report.

- This is a request for preliminary subdivision plat approval to create 8 lots [7 development lots and one (1) preservation lot] as a Rural Preservation Development on 95.5 acres. Staff has reviewed the by-right layout and found it to be possible to construct. The by-right plan contains one more additional lot than the proposed rural preservation development. However, the additional development right is being allocated to the preservation parcel in the rural preservation plan.
- Staff recommends approval of this preservation development.

Mr. Morris opened the public hearing and invited the applicant to address the Commission.

Justin Shimp, representative for the applicant, said that he did not have a presentation.

Mr. Morris invited public comment. There being no public comment, Mr. Morris closed the public hearing to bring the matter before the Commission.

Mr. Strucko said that the preservation plan is better than the by-right scenario.

Motion: Ms. Joseph moved and Mr. Strucko seconded to approve SUB--2007-00282, Mechums Bluff, with the conditions recommended by staff.

1. The plat shall be subject to the requirements of Section 14-303 [Contents of final plat], as identified on the "Final Subdivision Checklist" which is available from the Department of Community Development;
2. Prior to final plat submittal, address all minimum requirements from Design Manual Section 905, Final Subdivision Plat.
3. Road name approval by E-911 review for all proposed roads.
4. VDOT approval for all public roads and entrances, including road and drainage plans including drainage calculations and improvements to the intersections / connections to Dick Woods Road (Rte. 637). Subdivision plans need to be designed in accordance with VDOT's current Subdivision Street Requirements and the Road Design Manual. All commercial entrances and street connections must meet the minimum requirements as described in the Minimum Standards of Entrances to State Highways.
5. Approval of a groundwater plan, in accordance with Chapter 17, Article IV.
6. Health Department approval for drainfields.
7. Public Recreational Facilities Authority acceptance of easement for preservation lot.
8. The preservation lot shall be allocated two (2) development rights, as there is an additional development right not assigned.
9. Conceptual BMP #1 be removed from the preservation tract.

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

Mr. Morris stated that SDP-2007-00282, Mechums Bluff was approved. This does not require Board of Supervisors action.

Mr. Morris noted that next week the Commission would be meeting at 6:00 p.m. with the City Planning Commission in Room 241.

Committee Reports:

Ms. Joseph asked to go back to the first part of the meeting since she was absent and talk about committee reports. The MPO Tech Committee met a couple of weeks ago. There was a representative from the State Transportation Department present that discussed their new proposed regulations for secondary streets. The proposed regulations are what the Commission has been looking for. They talk about connectivity, allowances for utilities in the easement and all kinds of things within this. It is really good. She talked with a couple of the developers and asked them if they would weigh in on this because at the next MPO meeting they are going to be talking about this again and then sending back our comments to the State before they send out the proposal for everybody to review it. There are some very interesting things. They have really opened their minds about how roads work. The other thing they talked about is that the city and county are doing a climate change protection program. They had a presentation about that. What they are looking at is green house gas emissions. They are trying to find and gather information about a base line year and then check point years so that they can see how well they are doing with the green house gases.

Mr. Cilimberg noted that he had asked the city about the McIntire Park Committee and was told that committee was no longer meeting. That is why staff came back and suggested that Mr. Cannon could serve on another committee. He noted that he would ask the city about what meeting just took place since they recently met. He thought that recently they have re-geared based not only on Meadow Creek Parkway, but also the YMCA locating there. He thought that they have focused with city folks in looking at that.

Mr. Cannon noted that if it was appropriate for him to be there that he will.

Old Business:

There being no old business, the meeting moved to the next item.

New Business:

Discussion of Minutes:

Ms. Porterfield proposed that the Commission go to minutes that are of the actions that are taken and the other items that are needed for public information. They have pod cast as she understands that are kept. She felt that the minutes contain more information than what is needed. She would like to see Ms. Taylor have less work. She would also like to see all of the Commissioners actually read the minutes.

Mr. Morris asked Mr. Kamptner if there was a legal requirement on the minutes.

Mr. Kamptner replied yes, that he shared that with Ms. Porterfield yesterday.

What the Freedom of Information Act requires at a minimum is that the minutes contain the date, time and location of the meeting; members of the public body recorded as present and absent; a summary of the discussion on the matters proposed, deliberated or decided and a record of any votes taken. That is all that is required.

Mr. Cilimberg pointed out that Ms. Taylor has checked on this in the last year. One of the reasons that the minutes are done the way they are is because the Board relies on them in their deliberations and they have asked for these minutes to be of this form.

Ms. Porterfield asked to make a suggestion. She felt that made sense for something where the vote is close or it is denied. But, when the vote is 6 or 7 zip it is pretty clear. She could not quite comprehend people having time to read all of this and do a good job with it. In proofing the set of minutes assigned to her she felt like a goodly section of this were on items that were consensus here. Since they have the

staff report and all of the information that goes with it plus the pod cast if someone really was concerned for some reason something went through that should not have they could get those pieces. If it was a denial or the decision was close she felt that detailed minutes were a good idea.

Ms. Joseph suggested that they ask the Board how they want the minutes to be done.

Mr. Cilimberg noted that staff would look into that. That might be a good topic for the joint meeting coming up to talk about the level of minutes. What staff has been hearing is that some counties are going to literally no written record other than what is essentially an action memo, like the Commission sees each week from Ms. Taylor. They use the voice version of the meeting as the record. But, it is worth some discussion with the Clerk's Office and with the Board.

Mr. Morris said that would be a great item to bring up and should be placed on the agenda. He felt that the action memo currently being done by is very timely and thorough.

Mr. Strucko noted that they have had issues where they have been unanimous on the Commission and the Supervisors have denied. There are those issues. His Supervisor, Sally Thomas looks to the commentary and will key off of that. The podcast is not part of Albemarle County, but is part of a separate organization.

Mr. Cilimberg said that the County does not do a pod cast of the Commission meetings.

Mr. Kamptner noted that anyone could come in and listen to this recording. Tonight there was only one item that will go to the Board of Supervisors. The denied critical slopes waiver for Lane Bonner could be appealed. They would know within ten days whether or not that is going to the Board of Supervisors. So the items that are not going to the Board could just rely on the action memo as the minutes.

Mr. Cilimberg felt that Ms. Taylor could follow that very easily.

Mr. Cilimberg pointed out that on work sessions Ms. Taylor uses a synopsis, which is what is really important other than having a lot of other commentary.

Forest Lakes Pedestrian Connections:

Ms. Joseph noted that Forest Lakes has decided that they are going to close all their pedestrian connections to the outside world. They are putting up no trespassing signs. The Commission has been working very hard trying to make interconnections and they don't want it to happen. She talked with Dan Mahon who has been working on the trails. As a result of this conversation she suggested that the Commission have Dan Mahon come in and talk about what is going on with the trail system. From her discussions she found out that the county has a 120' right-of-way out there because they thought that was going to be a connector road. In that 120' there could be some really nice multi walking and biking trails through this area.

Mr. Morris noted that this was denying access for children to walk to school from one subdivision through another subdivision. Of course, the item is that they could be liable if something happened to one of those children.

Ms. Joseph questioned whether the county would ever consider taking those easements and accepting the liability.

Mr. Cilimberg noted that Dan Mahon has worked hard to try to get them to give that kind of access. That was part of the overall greenway system that was in the plan, which was to incorporate the trails coming out of Forest Lakes. There is a trail that runs all the way down a good portion of Timberwood Parkway that is in the open space of Forest Lakes. It is not public, although people from Hollymead use that.

Discussion on Affordable Housing:

Mr. Loach pointed out that he went to the meeting last night on IMPACT for the discussion on affordable housing. There were about 2,000 people in attendance. It seemed that IMPACT was asking for money. From his perspective they were missing the forest for the trees in a growth area community. Old Trail has 15 percent affordable housing. He asked if Old Trail verbally committed to the 15 percent affordable housing or did they have to submit a plan on how that affordable housing is implemented. The Crozet Master Plan is fairly specific and it talks about incorporating affordable housing in to the fabric of the community. When they did the original Neighborhood Model the model was supposed to be that affordable housing would be incorporated again into streets and roads. The difference between the affordable housing and the regular housing would be the square footage. But essentially there would be no segregation even within the developments of affordable housing. He wanted to make sure that is going to happen. He asked if there is a submitted plan for Old Trail's affordable housing.

Mr. Cilimberg replied that in each development with proffers they have been worded a little bit differently, but what they try to do is establish section by section minimum to maximum percentages of affordable housing so it was not concentrated in one section of the development. Then they had to achieve 15 percent overall, but not 15 percent in each block.

Mr. Kamptner said that in a number of the larger projects, the proffers would allow the developer and owner to bank a certain percentage so that when there was 22 percent provided in one phase they could bank that 7 percent and get credit in a later phase.

Mr. Loach said that when they started with the Neighborhood Model that was not the intent. He guessed it was easier to implement that way, but it certainly was not the intent when they did the Neighborhood Model. The Neighborhood Model went so far in the page on affordable housing to have a picture of how it should be implemented and how it was implemented in some place in Maryland. He felt that they should be doing a better job in developing these communities.

Mr. Kamptner said that he recalled the Maryland example that he was speaking to. He could not recall that they have any proffers that expressly require that kind of integration. He noted that Avon Park 1 is the first project that they have actually constructed affordable units. It might be good to hear from Ron White as to how those units compare and how they are integrated into Avon Park.

Mr. Cilimberg noted that in some of our projects there is actually a designation of where the units will be. Particularly in the small projects there are actually units that are not concentrated, but the units are not something like every third unit either. There are different types of units. In one condo project there were two or three units that were actually integrated where the upper unit was a market unit and the unit below was affordable.

The Planning Commission discussed affordable housing, but took no action.

Ms. Porterfield suggested that if an item is deferred that big plans be given back to staff to use for the next meeting. Mr. Cilimberg agreed that was a good idea.

Adjournment

With no further items, the meeting adjourned at 9:00 p.m. to the Tuesday, February 18, 2008 meeting at 6:00 p.m. at the County Office Building, Room 241, 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)