Albemarle County Planning Commission
July 22, 2008

The Albemarle County Planning Commission held a meeting, public hearing and work session on Tuesday, July 22, 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, Linda Porterfield and Calvin Morris, Chairman. Thomas Loach, Bill Edgerton and Jon Cannon, Vice Chairman were absent. Julia Monteith, AICP, non-voting representative for the University of Virginia was absent.

Other officials present were Susan Stimart, Business Development Facilitator, Amy Pflaum, Senior Engineer; David Benish, Chief of Planning; Patrick Lawrence, Senior Planner; Meagan Yaniglos, Senior Planner; Wayne Cilimberg, Director of Planning 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.

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. There being none, the meeting moved to the next item.

Review of Board of Supervisors Meeting – July 9, 2008

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on July 9, 2008.

Consent Agenda:

a. **Approval of Minutes**: October 2, 2007, April 1, 2008, and June 3, 2008

b. **SUB-2008-00138 Westhall V Lots 93-125 – Final**
This proposal is for final plat approval allowing thirty-three (33) lots [#93 - #125] within the Westhall Phase V Subdivision. The property, described as Tax Map 56H - Parcel A, contains 8.575 acres zoned Planned Residential Development (PRD). This site is located in the Whitehall Magisterial District along both sides of proposed Treemont Road and along the east side of Park Road, State Route 1204. The Comprehensive Plan designates this property as being in the Crozet Community. (Patrick Lawrence)

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

Ms. Porterfield asked that the applicants for Westhall V be invited to answer some questions.

Mr. Morris invited the representatives for Westhall V to come forward to answer questions.

Justin Mallory and Chris Schooley of Stonehaus, represented the request.

Ms. Porterfield pointed out that she had two concerns. First, why did they choose to put a private street into a section of affordable housing homes? Also, who is going to maintain that private street? She was concerned that the six owners of the affordable housing lots would have to maintain the private road themselves.

Mr. Mallory replied that the private street is set up so that the overall home owner's association would maintain it. The reason that was done was so the lots would have enough area to access their homes across access easements. The future phase V will be incorporated into the home owner association's existing declaration. The overall home owner's association will bear the cost of the private street.

Ms. Porterfield said there are three different parts that are going to be dedicated. The land will be deeded over to Albemarle County. She asked who will maintain that.

Mr. Mallory replied that the maintenance of the open space parcels will be the responsibility of Albemarle County Parks and Recreation Department. That is a proffered condition. They are providing some amenities, such as a connection to the greenway and a play area for children.

Ms. Porterfield asked if the item needs to be pulled off the consent agenda to add the condition that the overall homeowner's association will maintain the private street for the affordable housing.

Mr. Fritz replied that the private street, just like the open space and storm water management facilities, are part of the common features of the subdivision and will be maintained by the homeowner's association.

Ms. Porterfield asked if staff would have any problem with enforcing that, and Mr. Fritz replied that the ordinance language already requires that.

Mr. Morris noted that all of the items would be maintained on the consent agenda items. However, the consent agenda items would be slightly altered because one commissioner was not here in 2007 and would abstain from voting on that set of minutes.

Motion: Mr. Strucko moved, Ms. Joseph seconded the approval of the minutes of October 2, 2007.

The motion passed by a vote of 3:0:1. (Ms. Porterfield abstained)

Mr. Morris noted that the next action would be on the other minutes for April 1, 2008 and June 3, 2008 as well as Westhall V Lots 93-125 - Final.

Motion: Ms. Porterfield moved, Mr. Strucko seconded the approval of the minutes of April 1, 2008 and June 3, 2008 as well as SUB-2008-00138 Westhall V Lots 93-125 – Final subject to the following condition.

1. Approved with understanding that maintenance of the private street would be the responsibility of the entire Westhall homeowners association and not just the responsibility of those fronting on the private street.

The motion passed by a vote of 4:0.

Mr. Cilimberg asked if the first motion on the minutes of October 2, 2007 was official because there was no quorum with Ms. Porterfield's abstaining.

Mr. Kamptner noted that because the Planning Commission acts as a body it does not matter whether or not a particular member was present in order to act on the minutes.

Mr. Cilimberg pointed out that she was not voting on them.

Mr. Kamptner said that the three votes of the four commissioners present were sufficient for the motion.

Items Requesting Deferral:

SP-2008-00016 David Turner/The Marketplace/Verizon Wireless- Tier III PWSF
PROPOSED: Co-location of a personal wireless service facility on an existing tower
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas
SECTION: 10.2.2 [48] Special Use Permit, which allows for Tier III personal wireless service facilities in the RA Zoning District.
COMPREHENSIVE PLAN LAND USE: Office Service uses in Hollymead Community

LOCATION: Tax Map 32 Parcel 41: On the south side of Airport Road, approximately 1/8 mile west of the intersection with U.S. Route 29 North. MAGISTERIAL DISTRICT: Rio (Megan Yaniglos) ***APPLICANT REQUESTS INDEFINITE DEFERRAL***

Motion: Mr. Strucko moved, Ms. Porterfield seconded to recommend approval of the applicant's request for indefinite deferral of SP-2008-00016, David Turner/The Marketplace/Verizon Wireless- Tier III PWSF.

The motion passed by a vote of 4:0.

Mr. Morris said that SP-2008-00016 David Turner/The Marketplace/Verizon Wireless – Tier III PWSF was indefinitely deferred.

Regular Items:

SDP-2008-00066 Hunters Way Site Plan Amendment – Major Amendment
The request is for site plan approval to allow the construction of a 12,000 square foot indoor athletic facility, with a waiver in accordance with Section 18-4.2.5 to allow for disturbance of critical slopes. The property, described Tax Map 78 - Parcel 49B1, contains approximately 2.187 acres and is zoned HC, Highway Commercial. The site is located on the west side of Hunters Way (Route 1146) approximately 650 feet north of the intersection with Route 250. This parcel is located in the Scottsville Magisterial District and is designated as Rural Area 2 in the Comprehensive Plan. (Summer Frederick)

Mr. Fritz noted that the applicant requested deferral to an indefinite date in an email to the Commission and a letter to staff.

Motion: Mr. Strucko moved, Ms. Porterfield seconded for approval of the applicant's request for indefinite deferral of SDP-2008-00066, Hunters Way Site Plan Amendment.

The motion passed by a vote of 4:0.

Mr. Morris said that SDP-2008-00066, Hunters Way Site Plan Amendment was indefinitely deferred.

SDP-2008-00087 Charlottesville Albemarle Airport-Major Amendment
The request is for approval of a major site plan amendment in order to improve the existing Runway 21 Extended Runway Safety Area (ERSA) at Charlottesville Albemarle Airport. The proposal will include the extension of the runway, grading, erosion and sediment control measures, and the relocation of the airport perimeter access road. The property, described as Tax Map 32, Parcel 10 is zoned RA, Rural Areas, with EC, Entrance Corridor Overlay. The property is located in the Whitehall Magisterial District at the intersection of Airport Road [649] and Dickerson Road [606], approximately .75 miles from the intersection with Seminole Trail [Route 29]. The Comprehensive Plan designates this property as Institutional in Hollymead Community. (Megan Yaniglos)

Ms. Yaniglos presented a power point presentation and summarized the staff report. (Attachment – power point presentation) (See staff report)

- The plan has been reviewed by the Site Review Committee and has also been reviewed for compliance with the Airport Master Plan. The plan was found to be in general accord with the master plan and has met the requirements of the ordinance except for the outstanding erosion and sediment control measures, which will be resolved among engineering staff and the applicant.

- Staff recommends approval of SDP-2008-00087, Charlottesville Albemarle Airport with the condition that the site plan will not be signed until approval of the erosion and sediment control plan is received as stated in the staff report.

Mr. Strucko noted that as per their email exchange and as a matter of public record there was an administrative decision to treat this runway as the equivalent of a driveway for the purpose of encroaching upon critical slopes and stream buffers. He asked if that was correct.

Ms. Yaniglos replied that was correct.

Mr. Strucko noted that Mark Graham was responsible for making that decision. As stated in his email his rationale was that this is tantamount to an access way for a vehicle to a structure on the property.

Mr. Fritz replied that was essentially correct.

Mr. Strucko said that personally he had a tough time accepting that rationale because it is not a driveway, but a runway. He felt that certainly the dimensions alone create significant differences between the two. He asked how other commissioners felt about that during their discussion.

Ms. Joseph noted that the section copied for the Commissioners by Mr. Graham was Section 17.3.20.d that talks about stream crossings. What he is proposing is that runways with public airports be added to the list of roads, streets or driveways. She asked if that has to do with the Water Protection Ordinance.

Mr. Kamptner replied yes, that is a section of the Water Protection Ordinance. That section lists the types of development that are authorized within a stream buffer.

Ms. Joseph questioned if the Water Protection Ordinance was looked at by the Board of Supervisors and not the Planning Commission.

Mr. Kamptner replied that was correct. Unlike the Subdivision and Zoning Ordinances when the Water Protection Ordinance is amended only the Board of Supervisors is required to act on it. Traditionally a number of the amendments and discussions regarding the Water Protection Ordinance have come through the Planning Commission for its information and for input. But, not all of the amendments have come through that process.

Ms. Joseph asked if the waiver process in the Water Protection Ordinance does not come through the Commission, but goes through the Board of Supervisors.

Mr. Kamptner replied that it goes through the Program Authority, which is Glenn Brooks and his staff, and an appeal of any decision of the Program Authority is directly to the Board of Supervisors.

Ms. Joseph asked if the Program Authority has been given the authority to make these types of interpretations, and Mr. Kamptner replied yes.

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

Barbara Hutchinson, Executive Director for the Charlottesville-Albemarle Airport, asked to introduce how this project arrived before the Planning Commission tonight.

- The Airport undertook a master plan in 2003. As a result of the master planning process they identified a need to extend the runway to accommodate the current aircrafts serving the airport. Specifically, they experience high density altitude due to the humidity and high temperatures and the regional jet is not able to perform at maximum loads on the 6,000 foot runway. Therefore, the extension would allow an aircraft to take off fully loaded. Right now, for example, when the airline operating a regional jet takes what they call a penalty because they have to remove as many as 4 to 8 passengers from the plane during times of high density altitude. Unfortunately, it is not just the month of August or July. They end up even having days in the winter that they experience high density altitude.
- The other issue with the length of the runway would be for the larger aircraft that served the community. An example is the UVA Athletic charters. Frequently, depending on the length of the charter, long haul charters cannot take off fully fueled because of weight. Therefore, they have to leave the airport and stop in their flight to refuel. That means revenues leaving the airport and

community. Therefore, the master plan anticipated the extension of the runway. In fact, they desired a 1,200 foot extension, but the FAA wanted it to 800 feet.

- The master plan was accepted by the County. They then undertook a benefit cost analysis, which was a requirement of the FAA. Once that was submitted and accepted they undertook an environmental analysis, which was completed this past January. That was a two year process that included reviews by 27 agencies. Ultimately, that ended with a public hearing with DEQ who accepted the project and forwarded its approval to the FAA. In January the FAA issued a finding of no significant impact with respect to environmental concerns. They still do not have the full runway extension project funded. The purpose of this preparatory phase is to allow them to take advantage of funds that the Virginia Department of Aviation might have available later this summer. As stated by staff this will include the relocation of the Airport perimeter road and installation of the erosion and sedimentation control, wetlands mitigation and the placement of some embankment. The embankment, however, is being excavated as part of the project so it is not coming from off site.
- With respect to the grade transitions they do impact the critical slopes because they are required to meet FAA standards for grade transitions. That is something that they have had to deal with in the past. They are held to a high bar with respect to environmental conscientiousness. Their recent completion of the south end roundabout and roadway relocation would show that they go beyond what the County has required. They have received high marks locally and outside of the community for that project. They intend to approach this with the same zeal that they have with previous projects. The staff did have comments regarding the erosion control that was designed. The engineer has taken those comments, which were received Thursday, and have started revising the design of the erosion sediment control and anticipate having those resubmitted to staff by the end of the week. It appears from their discussions with the engineer that they have been able to meet what staff has requested. Ultimately it should perform as is expected to perform with respect to erosion and sediment control. The engineer is present and can answer specific questions about the project.

Mr. Morris invited questions.

Ms. Porterfield asked if they were not extending the runway to accommodate larger planes, but just trying to accommodate what is coming into the airport at this time.

Ms. Hutchinson replied that was exactly correct. Especially in light of the industry crisis they consider it survival. In order to maintain their current air service it is necessary to undertake the extension. Basically, airlines at this point in time are reviewing stations for revenue production. It is a significant amount of revenue per flight that Charlottesville is losing when they automatically have to kick 4 to 8 people off a flight. They are afraid that if it continues with the rising fuel prices it puts them on the map of the airline looking to potentially discontinue service.

Mr. Strucko asked will the runway extension permit them to land larger aircraft there than currently.

Ms. Hutchinson replied that it will make it easier for larger aircraft to operate. It is an economic issue not just for the airline, but really for the community in general because they were not able to successfully work with the airlines. This will not put the airport into a different category of airport.

Mr. Morris invited other public comment.

Allan Kindrick, resident of 4815 Jacobs Run, said that he and his wife own property at either side of this end of the runway. He noted that he had several concerns that he had not heard answers that would satisfy him for putting that extension on the existing critical slope. Putting the runway on that area creates more critical slope than exists now. The second concern is the sewer lines running off the property. Apparently there is an additional sewer line being run across that property just north of the extended runway. There does not appear to by any system there that works to keep this overflow of chemical discharge from going into Chris Green Lake. Chris Green Lake has been there for a long time. He has been living by it for 50 years. When it was first built it was inhabited by beavers, etc. Shortly after the runway was extended the other way and new stormwater system was put in that carried off the debris,

chemicals and what have you would drop on the runway. Immediately the beavers abandoned it. That said to him that it was contaminated at that time. It has gradually gotten worse. He really believes that it is unsafe for a recreational facility and for drinking, which is its secondary purpose for being there. Since the airport owns land enough land on the other end to avoid putting the strip on this end he did not understand the plan to go out there and further damage Chris Green Lake.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Ms. Joseph invited the county engineer's staff to come forward to answer some questions. She questioned the stream buffer mitigation, the chemical runoff and mitigation for disturbing critical slopes.

Amy Pflaum, Senior Engineer, said that with the administrative decision that was made to allow this development as a driveway no mitigation for stream or critical slopes is required.

Ms. Joseph asked about the runoff.

Ms. Pflaum said that they have met with the applicant regarding their erosion control plan, which was a plan during construction, and are now waiting for them to resubmit based on some of their discussions. The erosion control measures are going to include a sediment basin, which is to allow the sediment to drop out of runoff prior to leaving the site. She did not know if that was going to be maintained on the site post construction in a bio-filter type of apparatus. She suggested that possibly their engineer could discuss that.

Ms. Joseph asked if they discussed at all any of the chemicals that would be leaving the site. She asked if as far as a bio-facility they have not gotten into the stormwater management.

Ms. Pflaum replied that was correct. They have talked about erosion control at this point.

Ms. Hutchinson asked to answer the question about the runoff. There is no de-icing of aircraft on the active runway. That is the only EPA control substance. It happens on a special ramp. The airport falls under stormwater regulations to test all outfalls during any storm event. The only chemical used on the runway is potassium acetate, which is not considered a hazardous material and not governed by the EPA.

Ms. Joseph asked if there is a de-icing area that they have and they capture that water.

Ms. Hutchinson replied yes noting that the area was adjacent to the terminal building. They have a vacuum truck used after de-icing by airlines.

Mr. Morris invited the engineer for the airport to come forward and answer some questions.

Ms. Joseph asked if there is any room on this site for mitigation measures for either the intrusion into the critical slopes or the intrusion into the stream buffers.

Bill Eshenshelter, a consultant with Delta, replied that all of the storm water management basins proposed would have water quality measures built in. Upon completion those measures will stay intact and sediment and also chemicals will be basically captured in the grass swales and just settle into those storm water management basins, the idea being that it will be removed through natural processes before removing off site. The existing critical slopes will have to be disturbed. In all their grading work they are trying to make sure that the slopes are at a maximum of 4:1, which is a manageable slope. It is a mow able slope. It is a slope that the airport can maintain and will be able to prevent further erosion. The existing critical slopes are in and around the stream areas. Unfortunately, those have to be captured to meet the FAA grade criteria. The stream impacts will be mitigated off site.

Mr. Strucko noted that it sounds like he has a plan in mind, and Mr. Eshenshelter replied yes and that it has been submitted in the plans with the County review.

Mr. Fritz pointed out some of the basins and structures shown in the plan in the slide.

Mr. Strucko disagreed with staff's opinion that this should be treated as a driveway and therefore creates a circumstance where no mitigation plan is required. He could not approve this knowing that there is no formal mitigation plan in place expressly written and submitted to the County. This is in a critical slope area and a stream buffer and in an area as the public speaker mentioned next to Chris Green Lake, which is also part of a long term water supply plan. He could not understand why they would not want to have a mitigation plan on this project.

Ms. Porterfield asked if there is any reason they cannot require a mitigation plan. Is the airport willing to do that?

Mr. Fritz noted that the ordinance requires a certain amount of stormwater management facilities, which will be required. If they are looking for something above and beyond that that would be something the applicant would have to volunteer. They don't have any authority to require anything above and beyond what the ordinance already requires.

Mr. Strucko asked if this was not considered a driveway what the County would require.

Mr. Fritz noted that there are two issues. First, there is the WPO issue, which is something that is up to the Program Authority and ultimately the Board of Supervisors. As was discussed earlier there are no provisions for the Planning Commission to review waivers, modifications and the like. As regards to the exemptions for critical slopes there are two issues there. One is roads; driveways and the like are exempted from critical slopes. But even beyond that public facilities are exempted from critical slopes. So it is not subject to the critical slopes requirements. So there is no waiver or modification that is occurring there. Typically when they have these kinds of increased stormwater facilities they are some how tied to the granting of the waiver or modification for disturbance of critical slope or some other kind of buffer. They don't have that in this case. There is no waiver mechanism or trigger. The stream buffer is something that is the preview of the Program Authority and the Board of Supervisors. So there is no waiver or modification to be granted there. That was a decision of the Program Authority. He said that he could not find a waiver or modification or trigger that would the Commission to require something above and beyond the ordinance requirement.

Ms. Joseph noted what she heard from the engineer was that they are doing 4:1 slopes, which is very different from what they normally see. They normally see 2:1 slopes, which is hard to get a stand of grass on. It is hard to mow and maintain. A 4:1 slope is easier to maintain and more likely to have grass. The run off that they would be worrying about into Chris Green is going to be a whole lot less. She could read that as a mitigation measure.

Mr. Fritz noted that they were trying to get 3:1, which is milder than the most common 2:1. It is true this is a much gentler slope than normal.

Ms. Joseph said that she felt a lot better about the chemical run off because she was wondering about what happens when they put it on the runway. She recalled a previous site plan review years ago where they had the de-icing area.

Mr. Fritz noted that there was a site plan amendment many years ago with a de-icing facility with special containment right around where the de-icing was. There were special protective measures for the de-icing.

Ms. Joseph asked Mr. Eshenshelter to come back up and address what he was talking about when he mentioned stream mitigation off site.

Mr. Eshenshelter replied that during the environmental assessment process there was credits that needed to be acquired for the mitigation of the streams.

Ms. Joseph asked if they have to do that.

Mr. Eshenshelter replied yes that was submitted to DEQ.

Ms. Joseph asked that copies of the State's agency, DEQ, stream mitigation come to the County. She asked if they were looking at stream buffer mitigation also.

Mr. Eshenshelter replied that they were looking at the actual length of stream that is impacted.

Mr. Fritz asked to give one update since Ms. Pflaum stated that she may have misspoke or did not make clear that even while the stream buffer is exempt and the disturbance can occur, the Water Protection Ordinance still does require a certain amount of mitigation or payment into the mitigation fund. So that would be happening also. But, the specifics have not been worked out yet.

Mr. Strucko asked why they request a mitigation plan.

Mr. Kamptner replied that a mitigation plan is a term of art in the Water Protection Ordinance. There are a number of types of development that are allowed in stream buffers. This particular project was deemed to fall under a particular section under the roads and driveway standard type of project. There are performance standards that are required for this particular development to satisfy in order to proceed without a mitigation plan. Other types of development for a number of reasons can be approved by the Program Authority, but they have to have a mitigation plan. One type of development is a road or driveway that encroaches into a stream buffer that can't meet the performance standards in Section 17-3.20. A mitigation plan is a plan that is submitted by the applicant and is reviewed by the Program Authority to address the impacts resulting from the particular development. So there is a hierarchy of types of projects. There are three different sections that list a number of types of projects that can be constructed within a stream buffer.

Mr. Strucko asked what the impact of the driveway designation here. He was trying to sort that this runway was designated a driveway administratively and as such they are exempt from certain requirements. But, if it was not designated a driveway what requirements would they have to fulfill.

Mr. Kamptner noted that first staff would have to figure out if it fits within any other type of project classification.

Mr. Fritz noted that first staff would have to decide whether it was a permitted use within the stream buffer period. For example, a building cannot be built within the stream buffer. So a mitigation plan kicks in for situations where they are allowing some sort of activity within the stream buffer. It may grading or for the establishment of a driveway. For example, with grading they are able to go in and do the grading and then do the replanting and substantially restore the stream buffer. With a driveway or a road crossing a utility crossing they can't completely restore it because they have a driveway, road or utility crossing or something there. So a mitigation plan would look different.

Ms. Joseph asked that they talk about the Earlysville Forest Homeowner Association letter received. She asked if the applicant received this letter.

Ms. Yaniglos noted that she just received the letter this afternoon. (Attachment – Letter from Earlysville Forest Homeowner Association)

Ms. Joseph pointed out that the Earlysville Forest Homeowner Association was concerned about the time of take off, the environmental impact which is the filling and some of the concerns they already spoke of. She asked if this area was in the Airport Impact Overlay District.

Mr. Fritz said that there was an AIA, Airport Impact Area, which is a very large area. Within the Airport Impact Area there are different levels of regulation. First it is a comical impact area where planes are flying higher and further than the airport and it regulates the maximum height. Then right around the airport there is a protection zone called the Noise Impact Area. The Noise Impact Area requires that any

structure built within the Noise Impact Area be built to a certain sound attenuation level. One hundred percent of the Noise Impact Area is on the airport's property. The Noise Impact Area has changed over time as the mixture of aircraft has changed.

Mr. Morris asked to personally thank the gentleman whose property is being impacted on this. As he said his family has been a good shepherd of that property for over 50 years and members of his family have been on the property for a number of years prior to that or 200 years. So he has a real concern. He had gotten the impression, however, that the airport is taking all precautions to ensure that the run off is not going to effect the Chris Green lake and so on. He felt that the economics that the airport is in has to be considered as well as the impact it has on the land around it.

Ms. Joseph pointed out that the Commission received some letters of opposition from adjacent property owners, which was one reason she did not think it was a good idea to change Willow Glen to residential.

Motion: Ms. Joseph moved, Ms. Porterfield seconded, for approval of SDP-2008-00087 Charlottesville Albemarle Airport - Major Amendment with the conditions outlined by staff.

1. The site plan will not be signed until approval of the Erosion and Sediment Control Plan is received.

The motion passed by a vote of 3:1. (Mr. Strucko voted nay.)

Mr. Morris noted that of SDP-2008-00087 Charlottesville Albemarle Airport - Major Amendment was approved. This item does not go before the Board of Supervisors.

Public Hearing Items:

ZTA-2006-00001 Country Stores
Amend Sections 3.1, Definitions, 6.4, Nonconforming lots, 10.2.1, By right, 10.2.2, By special use permit, and 10.4, area and bulk regulations, and add Section 5.1.45, Country store and non-country store uses in historic country store buildings, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Section 3.1 by defining certain terms related to country stores; Section 6.4 by adding regulations pertaining to country stores on nonconforming lots; Section 10.2.1, by adding Country stores, Class A, as a by right use in the Rural Areas zoning district; Section 10.2.2, by adding Country stores, Class B, and non-country store uses in historic country store buildings as uses allowed by special use permit; and Section 10.4, by adding an introductory statement. This ordinance also would add Section 5.1.45 to establish supplementary regulations for country stores, Classes A and B, and non-country store uses in historic country store buildings. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Joan McDowell)

Mr. Benish presented a power point presentation and summarized the staff report to explain the background and intent of the ordinance. Mr. Kamptner and Mr. Fritz will help with the mechanics of the proposed ordinance. He pointed out that previously there has been an indication at the Board of Supervisors if the Planning Commission acts tonight it would be reviewed on September 10 as a public hearing. If it goes to the Board on September 10 it will go as a work session and not as a public hearing.

Mr. Cilimberg noted that it would likely be at the day meeting, which is September 3 rather than September 10 as a work session. It would either be that or the October day meeting.

Mr. Benish noted that the point was that the Board will not go directly to a public hearing, but will hold a work session first. This is ZTA-06-01 which is a request to amend existing ordinances to allow for the sustainability and the economic opportunity for country stores in the County. (See power point presentation.)

Staff has met with citizens and country store owners to get input on issues and concerns related to country stores and a frame work ordinance. Staff has met with the Planning Commission in two work

sessions on the text amendment. There are approximately 83 known country stores surveyed. Forty-nine of those are in the designated Entrance Corridors leaving 34 outside the Entrance Corridors. When staff met with the Planning Commission last three primary areas were identified when looking at the frame work ordinance. There was an extensive amount of discussion about alternative septic systems, which is an important issue in allowing country stores on small parcels to be able to sustain themselves on those existing small parcels. The Commission requested staff to tighten up on those provisions. Specifically what staff has done is establish a tiered system for review of alternative septic disposal systems on site, which first requires that the alternative system is needed solely for the country store use itself and not any other uses on the property or in the building. It further requires that in the process of allowing for an alternative system that there is no other on site options for a conventional drain field or on adjacent properties. So essentially there is no remedy other than an alternative system and that alternative system meet Health Department approval. In the tier approach one would have to achieve all those levels in order to be allowed an alternative septic disposal system.

The other issue discussed was the mix of uses within the country stores. It was concluded that the country store use needed to be the predominant or primary use and the current ordinance requires that 51 percent of that use be the country store use. That was the primary change.

The Planning Commission supported staff's recommendation to make the process an expeditious one for country stores. There had been a number of classes identified for country store reviews. Those classes have been consolidated essentially into two.

There is the class A, which would be a by right or administrative approval for country stores that are located within historic country store buildings. Those are buildings that are 50 years old or older and had been used for country stores in the past. They would then become conforming uses and would be exempt from certain standards in the ordinance, such as setbacks, parking and landscaping. The alternative septic disposal option would be available to them subject to the three tiered review.

Then there is a class B, which is in essence all other applications for country stores, which would be by special use permit for country stores located in non-historic country store buildings.

In summary, the consistent standards that in common between both classes is a maximum square foot size of 4,000 square feet with potential for a mix of uses that includes office or residence, which has to be subordinate of 49 percent or less. The country store use then has to be 51 percent. Food service would be allowed within 20 percent of the country store area with up to 20 percent for outside dining/seating area. VDOT standards for site distance would have to be met. Gasoline sales would be by special use permit and the extent of that service is limited to a certain number of dispensers, essentially one multi-fuel type dispenser. Entrance Corridor review would be provided for signs and stores within the Entrance Corridor. Accessory uses would be allowed to continue for not more than two years if the country store use is discontinued.

There is an issue that staff will address in more depth with the Board of Supervisors is that the implementation of this ordinance may create some staffing issues. The primary impact envisioned is the impact of staffing for the additional work that this ordinance might create on the design review staff. That staff right now is at full capacity, particularly given the status of some of the frozen positions within the department. That is an issue that needs to be looked at in more depth to ensure that they can adequately implement this ordinance if adopted.

Staff recommends that the draft ordinance be adopted. This is an opportunity for the Planning Commission to hear from the public and address concerns with the draft.

Mr. Morris asked for some clarification. Over one-half of the 83 country stores are on the Entrance Corridor. Of that 49 how many are currently in use.

Mr. Benish replied that he was not sure he could give a rough answer to that question. He suggested that Ms. McDowell might be able to answer the question. They don't have a lot of active country store. Some seen on the Entrance Corridor are not country stores, but actually commercial uses within old zoning.

One example is the Shadwell Market, which technically is not a country store. That is a use that is on a C-1 zoned property. He estimated that there were 15 or 16 operational country stores that are probably within Entrance Corridors.

Mr. Morris noted that there were15 plus country stores on the Entrance Corridor. He asked if this is enacted if the Architectural Review Board would go back out and put new restrictions on signs or anything else.

Mr. Benish noted that any store within an Entrance Corridor is going to be subject to ARB review.

Mr. Morris asked if the country stores are in conformity there are no further requirements that they would have to meet.

Mr. Benish replied that there were no further requirements. These are only requirements for new stores.

Mr. Cilimberg note that there would be in any case an Entrance Corridor review for building permits, signs, site plans for any kind of development. The additional consideration here, which Mr. Benish touched on, are some new standards regarding protecting some of the historical characteristics of those country stores that are beyond what are in the guidelines of the ARB right now.

Mr. Benish asked to clarify the general number he gave because he was thinking of actual buildings that he know are country store and not necessarily operational.

Ms. Joseph said that there were 34 country stores that were not on Entrance Corridors. That means that they have about 49 country stores that will be subject to the Secretary of the Interior Standards and ARB review. That can be a lengthy process. Then they have the 34 country stores that are not on the Entrance Corridor. So there would be no design review for those.

Mr. Cilimberg noted that what Mr. Benish was referring to would be those who qualify as class A.

Mr. Morris opened the public hearing and invited public comment since staff is the applicant.

Dave Wyant said he was the fourth generation owner of their country store in White Hall. Joe Jones, who was in the audience, has the other store up the road about 150 yards. They are both proud owners of their family stores. The restrictions do concern them. He felt that staff has done a great job on this, but he had several issues to discuss. He has always said that their little country stores was not a place to get wealthy, but a place just to make a living. It is extremely difficult to provide gasoline in the country due to the high prices. Most people only buy a few gallons to get to town to purchase cheaper gas. It does cost more to get the gasoline out to the country. There are number of restrictions, which include DEQ that is getting extremely costly. Having a special use permit considering the cost might put them at the point that they might consider taking out the gas. They use to have two pumps. It is very hard to find a pump that is fairly inexpensive and has a large number of dispensers. They have to have some monitoring systems. There are more and more of that being required every year. That is a major concern. Another issue is with the food. They have 20 percent gross seating and preparation area. In their country store they have a large table that is used for gathering. The real key to a country store for most is like a little community center. It is not a restaurant, but it is a convenience to be able to pick up snacks or something for lunch or breakfast. He agreed that a standard entrance would put them out of business. There has to be some leniency on that because of the farm equipment and large trailers to make it a little easier on them in the rural area to make the business thrive. He was asked that some consideration be given to increasing the 4,000 square foot area particularly due to the mix of uses proposed. If they want mixed use staff might want to adjust that.

Joe Jones, owner of a country store in White Hall, said that he had some of the same concerns as Mr. Wyant. He felt that the 20 percent for accessory food sales was too limited. He suggested that they raise it higher than 20 percent. He felt that in other country stores in other counties that he knew of probably make up a third to one-half of a store. He suggested that the percentage should be eliminated or increased. He could foresee that as being a problem. It states that a historic building cannot exceed

4,000 square feet. Many country stores are already bigger than that. If the building is already bigger how can they come up with 4,000 square feet. Many old stores had a food room, which was probably 15' X 20'. A lot of the stores had a residence on top, a feed room and the store itself. He saw the 4,000 square feet as being a limiting factor or a problem for some. Obviously, they can control it with the class B stores. It is hard to keep gas out in the country due to DEQ regulations. They have to put up bonds and various things to keep gas available. A lot of the community looks to the country store for gasoline sales as a public service. He has to fill up his farm truck at the country. He asked that the Planning Commission do anything possible to help the old buildings and relax the regulations so they can keep in operation is helpful.

Neil Williamson, with Free Enterprise Forum, said that he worked with Joe Jones on the Rural Areas Committee discussing country stores. He is encouraged that they have recognized the resource, protecting it and encouraging enterprise. He was troubled, however, by the continued conflicts that he sees between the Architectural Review Board and other goals of the Country. Most recently it was with LEED Certification. The Montessori School was the applicant in that case. When the Entrance Corridors were set there was a limited number. He continues to be concerned that there are 22 Entrance Corridors to Albemarle County and a higher level of regulation in those areas. He would encourage the Planning Commission to look at that at their earliest convenience.

Chip Hoyer, an attorney in town, said that he was also counsel and an owner of Boyd Tavern Market, which is in Keswick. He appreciated the Commission's interest in this. He has specialized in economic redevelopment opportunities, which was exactly what this particular market is. They bought it in January when it was going to be closed. He has not been contacted yet for any discussion about this subject. He would love to be put on the list. These stores are an important part of the community, which was why they identified this for purchase. There are a lot of disadvantages to these types of businesses. They are already restricted and almost self regulated by these buildings and the limitations that are there whether it is the sewer system, floor plans, footprints that simply can't be changed because some of these buildings are so old. They also have the competition factor of the other folks that are out there. Regarding gas, they can't take advantage of the economic as a scale of larger businesses. They don't trade at high enough volume to get the best deals on gas. Food is where the advantages are and he was very concerned to see the 20 percent number. Based on the footprint of his business, that number will not work. If they want these stores to be viable long term they are going to need some flexibility. The gas market is changing. The consumer convenience market is changing even as people drive less distance for goods. These stores in order to make it long term and preserve them as part of the County are going to need to be able to sell food and distinguish themselves whether it is at the deli counter or out of the refrigerator selling a Coke or Pepsi to passers by. He was very concerned about that issue. The last thing is that he would be concerned about work sessions being held in the day for a lot of folks who actually work these stores and can't be present. He thinks there is a great opportunity for these stores to actually come together and share some experience with each other and continue to push along.

Mr. Morris noted that generally the Commission holds work sessions at 4 p.m. But, it is a tough call because many people don't drive at night.

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

Mr. Morris noted that everyone that has spoken had a concern with the 20 percent. He asked if they could make that a range rather than a solid 20 percent.

Mr. Benish asked to first explain how the ordinance operates. One of the changes discussed was to take the 4,000 square feet. One of the issues was the size. That use to be in the definition of the ordinance, and therefore could not be waiveable. That standard is now in the supplementary regulations, which allows the Planning Commission to waive or allow for a larger size. That was a conscious decision that was made to give that flexibility to this process, but set some perimeters for what they thought was a reasonable size for a county store. Along those lines the 20 percent is in that same category of the supplementary regulations that can be waived able in certain circumstances. It is the issue of whether 20 percent is the best approach, which is a valid issue to discuss. One of the primary goals is to ensure that

the use is a country store use and not a restaurant use. So much like the primary and accessory uses staff wanted to ensure that a country store did not in effect become a restaurant. The idea was to keep some predominant use. But, that does allow for a much broader range than 20 percent.

Mr. Cilimberg said that one thing to note is that if they look at page 3 of the ordinance under accessory uses where accessory food sales are listed it would be 5.1.45.b.2.a. The 20 percent is actually for the seating area. It is not for the full service area. So the counter and the prep area is not part of the 20 percent. It is just the area of seating once they had gotten what they will consume on the site. It was intended to make sure that the seating area was a reasonable area within the operation of the total country store. It also allowed outdoor seating for up to 20 percent of the gross floor area. That was just to clarify what the 20 percent really applies to.

Mr. Strucko asked what the tipping point is to move from accessory food sales to restaurant. He asked if it was a matter of square footage. He was sure there are other criteria.

Mr. Fritz said that there are other criteria they could use. But, they are very difficult. They could use dollar sales. But, it was problematic in terms of the enforcement. So they have utilized floor area as their standard measure.

Mr. Cilimberg noted that it can be modified by the Planning Commission as the total size of the store can be modified.

Mr. Morris asked if they do have flexibility there, and Mr. Cilimberg replied yes.

Ms. Joseph said that if they could modify the area her major concern has to do with these alternative septic sites. When talking about restaurant use they are usually talking about large water users and the need for a larger septic site normally. She suggested that a restaurant might require more than a single family home.

Mr. Fritz agreed that it probably does.

Ms. Joseph said that if the Planning Commission waives that then do they also have any control over whether or not an alternative drain field was used.

Mr. Fritz said that they put as a condition of granting a modification to specify that the opportunity for an alternative system not be available. He noted that a modification is granted provided it utilizes a conventional system.

Mr. Benish noted that the alternative system is going to be measured against that Health Department approval, which should be based on the plan for that new country store being approved. The Health Department would need to know the level of the food service activity.

Mr. Fritz pointed out that many of these country stores are on very small parcels. If they start to use a substantial portion and want to go above the 20 percent it is very possible that they could also start to exceed the 400 gallons per acre per day requirement in the ordinance, which would kick in the need for a special use permit to consume more than 400 gallons per acre for a day. So they might have multiple things going on simultaneously.

Ms. Porterfield noted that was her question. She asked if this does not preclude that regulation from kicking in.

Mr. Fritz replied no.

Ms. Joseph said she was not in favor of the Secretary of the Interiors standards. They were talking about how to make this easier for people to use these and to place that more level of detail with ARB review she just feels really uncomfortable with that. In emails Mr. Fritz talked about the current ordinance standards. The current ordinance talks about allowing as an exemption if someone comes in with a property that is

on an Entrance Corridor and wants to repair/maintain that does not require ARB approval.

Mr. Fritz replied that was correct because there was no building permit.

Ms. Joseph said that if they want to add on as long as they continue with the same style and same materials, then they would be considered exempt. That is determined by the zoning administrator. The country store in Cismont completely redid the property. It does not look like an historic property, but it is in use and it is serving the public. It is where she buys gas for her lawn mower and old truck. These kinds of things are important. She felt that they are putting a real stumbling block by requiring the Secretary of the Interior standards. That part she cannot support.

The Commissioners agreed with Ms. Joseph about not requiring the Secretary of Interior standards.

Mr. Benish noted that there was concern expressed previously about granting country stores by right with great flexibility without any insurance that the historic resources are protected.

Ms. Joseph said that it makes it so unfair because there are 34 country stores out there that are not on the Entrance Corridors and they can just keep maintaining whatever it is they are doing. Then the other 49 country stores on the Entrance Corridor seems as if they are going to bear this incredible burden in one more level of review that the others don't.

Mr. Cilimberg said that for signs they would not expect them to be considered under the National Park Service Preservation Brief, which would be in addition to the Secretary of Interior standards.

Ms. Joseph agreed with that because the signs in the Entrance Corridor are going to be reviewed by the ARB.

Mr. Cilimberg replied that was correct.

Ms. Porterfield suggested that they look again at the regulations for the gas pumps. As someone who drives a diesel car and use to live on an island she understands what they are talking about. If she can't get a diesel nozzle that fits into her car the truck ones won't go in. The diesel was in there, but it looked like it was removed from consideration. But, she was not sure that the pumps for regular gasoline with the six dispensers with three on each side are economically prudent if they are buying one. They need to be able to be in the economy that they can support still giving the buyer the ability to buy gas. She would use the island as a good example of this. They went ahead and used pumps that were up there rather than going because it was going to price it out of existence.

Mr. Fritz pointed out that what they wanted to make sure that this did is fuels other than gasoline such as kerosene, diesel, propane, etc. that there are no limits to those. It is only the gasoline that has a limit on it. So it is limited to the single pump with the six products for gas only.

Ms. Porterfield noted that she thought that the diesel was not included in that. She noted that in the rural area they were going to need diesel. But, she was still not sure that what they see in their developed area with the six nozzles is something that is necessarily going to work well for some of these people. She thought that the speakers spoke to this issue that they would prefer to keep the pumps they are using.

Mr. Cilimberg noted they could keep their old pumps unless they ask to upgrade.

Mr. Fritz noted that it would be more of an issue if they were attempting to expand. If they were simply upgrading the pumps that they had to a new pump that would just be the maintenance of the non conformity. If they wanted additional fueling stations, then it would be subject to that.

Mr. Cilimberg noted that was a special use permit, which he thought the Commission wanted to have. At the time of the special use permit if he Planning Commission felt they in their reasoning needed to have more than one dispenser with the six nozzles they could grant that. Again, that is part of the

supplementary regulations. The Commission has done that with home occupations where they have granted modifications as part of special use permits. Therefore, they can do that in that process.

Mr. Strucko asked for some clarification on the 20 percent restriction. From the testimony it was compelling that the food is where the store keeps financially viable.
The regulation for the 20 percent restriction is just for the sitting area. He asked one of the applicants to come up and say whether that is something they could work with.

Chip Hoyer asked that was okay as long as it was flexible in their enforcement and they keep in mind that these buildings are typically restricted to an age old space. There was a real concern around the preparation and service area because currently it was probably around 35 percent. The food portion is probably about 60 percent of the revenues, which was not a restaurant. That is where the margins are and the things that help pay to have the gas in the tanks at the station.

Mr. Fritz clarified that preparation area, storage, display and all those other things are not included in the 20 percent. It is strictly the seating area.

Mr. Strucko said that he would be more comfortable if that number was 33 percent. The store should have flexibility to emphasis that piece of their business that is lucrative at the time and have the flexibility to adjust their operation accordingly. Therefore, he was throwing out a third.

Mr. Morris noted that if someone wanted one third they could come in and request it as a modification.

Ms. Porterfield suggested if they are going to adopt this that they need to send along with the recommendation that the Board should unfreeze historic planner position. They need to have someone available to actually make it work. It does not make sense to change regulations if they can't really make them work.

Ms. Joseph noted that a lot of that review is taken away by removing the review of the Secretary of Interior standards.

Mr. Cilimberg noted that one thing they should review with the Board is an expectation that they may have increased activity that will require ARB review because it is in the Entrance Corridor. Having the standards or not they will still have the time they will need to spend on the review. The standards play a part because they are an additional consideration during the review. It is going to be the volume of reviews that they have to do that has to be more of a driving factor in terms of staff implications. It is hard for staff to project what it is going to turn out being. If they base it on special use permits for country stores they have gotten two in ten years. They think this is going to spur more activity, particularly in the first year or so, that will mean more review that they have to do in Entrance Corridors even under the architectural guidelines that exist. Removing the historic standards from that review process will certainly simply the reviews and probably reduce some of the time the reviewers need to spend. But, it is probably not going to make any difference in terms of the number that they get.

Motion: Mr. Strucko moved, Ms. Porterfield seconded to recommend approval of ZTA-2006-00001 Country Stores.

Mr. Kamptner noted that Mr. Jones had raised the point that there are a number of existing county stores out there that exceed 4,000 square feet. As such they are now and will continue to be non-conforming, which allows them to continue as they are. But, it also would impose some limitations on what they can do as far as expanding and things like that. One of the things the Commission might want to consider, too, is the flexibility to consider grandfathering the existing country stores so that they are conforming for the purposes of the country store use, which would remove some of the impediments to whatever they need to do to remain viable.

Amended Motion: Mr. Strucko moved, Ms. Porterfield seconded to revise the motion to include the amendment as made by council.

Mr. Cilimberg reiterated the Planning Commission's review noting that it was important for this to be in the motion to move forward.

- The grandfather provision as stated by Mr. Kamptner to grandfather the existing country stores so that they are conforming for the purposes of the country store use.
- Remove references to the standards that are for preservation briefs of the National Park Services or the Secretary of Interior's standards.
- Other than that, the Commission agreed to stay with the rest of the ordinance as recommended.

Mr. Strucko agreed that was his understanding when he made the motion.

Mr. Morris agreed as long as they fully understand that anyone can come in and ask for a waiver.

The motion passed by a vote of 4:0.

Mr. Cilimberg noted that most likely this item would go before the Board for a work session at the September day meeting.

Ms. Joseph suggested that the Board of Supervisors consider doing the work session at night so more farmers could attend.

Mr. Cilimberg pointed out that the September evening meeting has been cancelled for the Board at this point.

Motion: Mr. Strucko moved, Ms. Porterfield seconded to recommend approval of ZTA-2006-00001 Country Stores as recommended by staff, as amended, with the changes summarized by staff, as follows:

1. Include provision as stated by Mr. Kamptner to grandfather the existing country stores so that they are conforming for the purposes of the country store use.
2. Remove the references to entrance corridor reviews by the architectural review board based on the Secretary of the Interior Standards for Rehabilitation and the National Park Service's Preservation Brief #25, The Preservation of Historic Signs.

It should be noted that there are resource implications to the adoption and implementation of the ordinance (as described in the staff report) that need to be addressed by the Board of Supervisors before this ordinance is adopted and put into effect.

The motion passed by a vote of 4:0.

ZTA-2006-00001, Country Stores was recommended for approval and will go before the Board of Supervisors on September 10, 2008. The Commission asked staff to suggest that the Board's hearing be held in the evening.

The Planning Commission took a break at 7:30 p.m.
The meeting reconvened at 7:38 p.m.

Mr. Strucko left the meeting at 7:38 p.m.

Work Session:

Work Session:

Economic Development Policy – LI Land (Susan Stimart)

Ms. Stimart presented a power point presentation and explained the staff report regarding light industrial land. (Attachment: See staff report and power point presentation)

This is a continuation of the Economic Development Policy update process. The recent update of the Economic Policy data indicated a lack of light industrial land available for local business expansion in Albemarle County. The purpose of the work session is to consider new Comprehensive Plan strategies to better support the Policy's Objective V. "Objective V – Provide local business development opportunities." From the 1995 document they have two strategies:

1. Support existing businesses and industries through an open door policy of communication, and exchange of information and concerns.
2. Coordinate with existing entities, such as the Small Business Development Center, that assist new small, locally-owned, and minority businesses and micro-enterprises in their start-up and early operation efforts.

The Director of the Small Business Development Center is present.

Tonight's discussion should focus on staff obtaining the Planning Commission's support for the two existing strategies and determine whether there are some other strategies that might be helpful to address the shortage of light industrial land.

An analysis of 2005 real estate records, excluding land in critical slopes and floodplains, shows an inventory of vacant LI-zoned land of 333 acres. Of that, 111 acres is also designated for industrial service meaning that it has a long term view to it. To better understand what they might need in the future staff worked with the 2006 employment base and looked at all the uses allowed in the light industrial zoning. (See Future Demand Analysis in the staff report.) Light industrial use includes a very broad spectrum, which include bio-tech companies, lumber mills, office uses, veterinarians, etc. It is a very wide variety of things.

Taking out what was already developed and accounting for what is presently vacant LI land, staff then used a 3.5 percent annual average growth rate to project over a 20-year time frame. This resulted in a potential future deficit of between 121 acres and 339 acres. That is what the long term pictures looks like for us.

Next staff discussed recent trends with LI land. Staff identified land that was designated in the Comprehensive Plan for Industrial Service and later converted to higher priced uses such as retail or residential development. There was 35 acres for the Hollymead Town Center, 50 acres for the Willoughby CPA, 40 acres for Albemarle Place and 23 acres for the Willow Glen residential project. Also, they had plant closings. Avionics Specialties and Badger are the most recent. Another important trend to pay attention to is cottage industry or typically home occupation, class B, which are behaving in a way that leads towards zoning violations.

Staff asked for Commission input on what strategies or directions they could consider to address this shortage. She presented several options as referenced in the staff report and discussed the pros and cons, which included constraints, of the various approaches. There is a limited inventory of county owned land.

Staff Recommendations:

For the purposes of maintaining a sustainable economy, economic vitality and of providing space for local business expansion, staff recommends, at a minimum, a hybrid approach be pursued that combines the first two options described in the staff report:

- #1 – As part of the Master plan process, consider designating and proactively rezone property to LI.
- #2 – Modify the zoning as regards to allowed uses in the LI and other zoning districts.

Staff seeks the Planning Commission's input to provide direction regarding its question posed in Option 3:

- Are there certain location conditions, that if met, the Planning Commission would support modifying current growth management policies to meet LI need in support of that activity, such as

1) adjacency to an existing Development Area, 2) location proximate to an interstate interchange and/or 3) availability of sewer and water?

Mr. Morris invited public comment.

Neil Williamson, of The Free Enterprise Forum, looked for Planning Commission discussion with regard to the options before them and the potential conflicts and the philosophy behind LI in the development area. There have been instances of conflicts in the development area with light industrial uses. He thought that it would be a worthwhile discussion to where it should be located whether that is in the development, adjacent to the development area or in a pocket all by itself, which he felt was the old time planning school. He looked forward to the Planning Commission having an opportunity to discuss that.

John Chavan, county resident, congratulated staff for their excellent job and time spent in their research in getting the LI on board. He questioned how soon they could get this finalized.

Mr. Morris closed the public comment to bring the matter before the Planning Commission for discussion.

Ms. Joseph said she felt bad because there were only three commissioners present because it is a very important topic. She felt that they need more input because there were varied opinions. She suggested that they discuss this at another time with more members present. Obviously, there are people in the audience tonight that are interested in a conversation.

After discussion, the work session was rescheduled to next week's July 29 Planning Commission meeting in order to obtain feedback from all Commissioners. An email should be sent to advise other Commissioners to hang onto the material for next week's discussion.

Mr. Morris suggested that Ms. Joseph provide input tonight since she would be absent next week and then the Commission could continue the discussion next week.

Ms. Joseph pointed out that she listens to other people's opinions before formulating her opinion. That was one of the reasons why she felt it was so important to have other members here. She needs to hear some discussion from other Commissioners. Right now she would say absolutely not that some industry should be put in the rural area.

Mr. Benish noted that they would have to have a second meeting anyway to hear from everyone else. There needs to be an additional work session to discuss agricultural issues. They could come back a third time with the consensus of comments from the prior two meetings and sort of wrap up the discussion. There is a way in which they can pull all the comments together in the next two weeks and then wrap it up in a third work session.

Mr. Morris said that would be great. He felt it was great the way staff had presented the options. He agreed with Ms. Joseph that he liked staff's recommendations the way they are. However, having listened to at least one public member who would like to move it into the rural area that he felt it is a point that needs to be discussed. Therefore, he would rather do it thoroughly because it is too important.

Ms. Joseph agreed. She asked staff to provide some information on who she is talking to. She said that it was hard to understand where staff was going in how they determine the needs. She asked where staff got the 3.5 growth because she thought they were less than 2 percent now.

Ms. Stimart noted that the population growth rate is different from their employment base.

Ms. Joseph said that she needed to hear that sort of thing. They hear that there are all kinds of things happening with NGIC and more people may come down. She asked if it might be more than 830. She asked if that figured into it. She asked if staff had realtors calling or if it was more the state calling. Those are the kinds of things that are important to know. It could include some of the antidotal stuff that is happening to perhaps include information from people who have tried to come in to do rezonings. That information could be helpful to justify what is going on here. She knew of several pieces of light industrial

land that are not being used. She would like to talk about how they are going to reuse some of these places. She asked if that was a possibility. She asked if it was possible that they could get a little more lax so they could get Badger or Avionics up and running again.

Ms. Stimart noted that Avionics is in the middle of environmental mitigations, which would be another year or two.

Ms. Joseph suggested that they talk about Comdial people and what uses are currently in there and if it is successful. She asked if it was a kind of use that they anticipate in other spaces.

Mr. Cilimberg said that her interest would be to have more information on existing land and buildings that have been utilized in order to weigh that into their consideration of the need for additional lands.

Ms. Joseph agreed that kind of information is important. She asked what kinds of things they could offer taking into consideration their location.

Ms. Porterfield noted the slide currently on the screen was an option that would work in her district right now due to it being located close to a development area and the I-64 interchange. That area has public water and possibly sewer by boring under I-64 or having a developer put in their own sewer plant. The area contains a lot of old zoning that is primarily commercial. The area also does not appear to have land that is rural in the agricultural sense--being farmed and/or containing large stands of trees. It would be good to look at unusual land such as this with an eye to putting some of this land to better use.

Mr. Morris noted that was a perfect example of diverse opinions, which need to be shared with the other Commissioners. It would be very helpful.

Ms. Joseph noted that she disagreed with Ms. Porterfield.

Mr. Morris apologized to the public for deferring their discussion to next week, but the issue was too important.

In summary, the work session was rescheduled to next week's July 29 Planning Commission meeting in order to obtain feedback from all Commissioners.

Old Business:

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

New Business:

Mr. Morris invited new business.

- Ms. Joseph will be absent next week on July 29.
- On August 5 there is a joint meeting of the City Council and the Board of Supervisors regarding the Regional Transportation Authority from 10 a.m. to 1 p.m. at the Charlottesville Community Design Center. Anyone interested in hearing the conversation at that meeting is welcome to attend.
- Staff was requested to take contact the City Planning Commission to set up a joint meeting.
- Commissioners should hold on to their staff reports for Water Protection and the Economic Development Policy to bring to next week's meeting.

Adjournment

With no further items, the meeting adjourned at 8:05 p.m. to the Tuesday, July 29, 2008 Planning Commission Meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

(Recorded and Transcribed by Sharon Claytor Taylor, Clerk to Planning Commission and Planning Boards)