**Albemarle County Planning Commission**
**October 21, 2008**

The Albemarle County Planning Commission held a meeting, work session and public hearing on Tuesday, October 21, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Linda Porterfield, Thomas Loach, Marcia Joseph, Bill Edgerton, Eric Strucko and Jon Cannon, Vice Chairman. Calvin Morris, Chairman was absent. Julia Monteith, AICP, non-voting representative for the University of Virginia was absent. Mr. Strucko arrived at 6:02 p.m. Mr. Loach arrived at 6:15 p.m.

Other officials present were Phil Custer, Engineer; Susan M. Stimart, Business Development Facilitator; Elizabeth Marotta, Senior Planner; Summer Frederick, Senior Planner; Wayne Cilimberg, Director of Planning; David Benish, Chief of Planning; Bill Fritz, Chief of Community Development and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

Roger Ray, land surveyor and land planner, requested help from the Planning Commission on the waiver process. He asked that the waiver process be improved by having the waiver requests follow the same schedule as the site plan and subdivision submittals.

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

**Presentation**:

**ASAP Presentation – Jack Marshall**

Jack Marshall, President for Advocates for a Sustainable Albemarle Population, thanked the Planning Commission for the opportunity to talk about the progress of ASAP's optimal sustainable population size project. Their purpose in designing and implementing these studies is to help develop a new planning tool. He presented the summary progress report on their study about sustainable population growth in the county. In the presentation they explained the following:

- why it was important that a thoughtful community have a clear idea of the population range at which it hopes to level off;
- the history of this ASAP project,
- briefly described the two studies that are underway for which they have interim reports, and
- provide an idea of what they expect in the coming months.

Mr. Loach arrived at 6:15 p.m.

Others present included Nick Evans, geological consultant, Regime Kennedy, head of team research, Tom Olivier, and Claire Jens.

Mr. Marshall noted that they are planning an outreach program. They plan to go into local groups to provide information and get feedback to see if the results have any impacts.

No formal action was taken by the Planning Commission.

**Consent Agenda**:

**a. SUB-2008-00211 Jefferson Ridge Phase A**
Woodridge Phase A - preliminary subdivision plat approval to create 20 lots (19 development lots and one (1) preservation lot) as a Rural Preservation Development on 240.66 acres. The property, described as Tax Map 124 - Parcel 1 (portion), 5 (portion), 6 (portion), 7 (portion), is located in the Scottsville Magisterial District on Jefferson Mill Road [Route #618] approximately 2.4 miles southwest of the intersection with Rollings Road [Route # 620]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Gerald Gatobu)

**b. SUB-2008-00212 Jefferson Ridge Phase B**
Woodridge Phase B - preliminary subdivision plat approval to create 20 lots (19 development lots and one (1) preservation lot) as a Rural Preservation Development on 249.84 acres. The property, described as Tax Map 115 Parcel 14 (portion), Tax Map 124, Parcels 5 (portion), Parcel 6 (portion), and parcel 7 (portion), is located in the Scottsville Magisterial District on Jefferson Mill Road [Route #618] approximately 2.4 miles southwest of the intersection with Rollings Road [Route # 620]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Gerald Gatobu)

**c. SUB-2008-00213 Jefferson Ridge Phase C**
Woodridge Phase C - preliminary subdivision plat approval to create 15 lots (14 development lots and one (1) preservation lot) as a Rural Preservation Development on 184.80 acres. The property, described as Tax Map 115 parcel 13 (portion), Tax Map 115 parcel 14 (portion) Tax Map 124 - Parcel 1 (portion), 2(portion), 6 (portion) is located in the Scottsville Magisterial District on Jefferson Mill Road [Route #618] approximately 2.4 miles southwest of the intersection with Rollings Road [Route # 620]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Gerald Gatobu)

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

Mr. Edgerton asked Mr. Fritz to point out which lots they were talking about.

Mr. Fritz pointed out the plat that establishes the parcels as they currently exist and explained the road system and how the lots were laid out in relations to the development track. One factor that the Commission might want to consider was that the three preservation developments were previously approved and had expired.

Ms. Joseph noted that the staff report said it did not meet the final requirements.

Mr. Fritz explained that the requests were back before the Commission because the one-year period to receive preliminary approval had expired.

**Motion**: Ms. Porterfield moved and Ms. Joseph seconded for approval of the consent agenda.

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

Mr. Cannon noted that the consent agenda was approved with the following conditions as listed in the staff report.

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 Planning and Community Development;
2. All State and Federal permits are required prior to final approval including but not limited to, Army Corps of Engineers approval for impounding State Waters.
3. Mitigation plans will be required for the stream buffer disturbances prior to final approval.
4. VDOT approval for proposed State maintenance is required.
5. Prior to final plat submittal, address all minimum requirements from the Design Standards Manual and Water Protection Ordinance.

6. Road name approval by E-911 review for all proposed roads.
7. VDOT approval for all public roads and entrances. Submittal of Road and drainage plans including drainage calculations. Improvements to the intersections / connections to Route 618. 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.
8. Submission of a final Tier III Groundwater Assessment prior to final subdivision plat approval for phase A.
9. Health Department approval for drainfields.
10. Public Recreational Facilities Authority acceptance of easement for preservation lot.
11. Ensure bridges and stream crossings are designed to carry the load of fire apparatus (Virginia Statewide Fire Prevention Code 503.2.6).
12. Stream buffers must be shown correctly before final subdivision plat approval can be granted.
13. Provide confirmation that coordination has taken place with VEPCO and AEPC for grading, construction, and improvements proposed within their easements.

**Public Hearing Item:**

**CPA-2008-00004 Economic Development Policy**
Draft Policy changes to address key areas of rural vitality, LI land and workforce development (Susan Stimart)

Susan Stimart, Business Development Facilitator, presented a Power-Point presentation and reviewed an outline of the project, which included the time line, the policy's goals, guidance and changes made to date. (See Power-point presentation and staff report.)

- Staff explained the changes made since the 9-30-08 Planning Commission meeting. With those changes, staff recommends adoption of the drafted amendment in Attachment A of the staff report.

There being no questions for staff, Mr. Cannon opened the public hearing and invited public comment.

John Chavan, resident of Albemarle County, said that he had been following the Economic Development Policy update for a while. He supported staff's research and the input and support from the Commission. He recommended that this plan be adopted today.

John Lowry, Chair of the Economic Development Authority of Albemarle County, said that he was here last month picking up a packet upstairs on a bond hearing and heard about the Planning Commission's meeting on the Economic Development Policy. Therefore, he came to the meeting to hear the discussion and actually spoke. He seconded Mr. Chavan's remarks. It is a little adversarial when you are not invited to be a guest speaker on a subject. In a non-gratuitous way he appreciated the Commissioner's contributions to the county. He was also a volunteer. After hearing Ms. Porterfield's remarks on what was being discussed as policy that had come to them in a fashion as that could have been considerably differently. His thought was that it could have come as a request to have a business consultant hired to do a study of the policy. He thought after the meeting that he did not mean to in any way to be disrespectful to Ms. Stimart's hard work and efforts. He appreciated all of the factual accumulation that she has done. It is a good work and they are doing it in an interesting way. A couple days later he went to his office and looked at James City County web page to see how they do it since it is a state requirement to update the Economic Development Policy. He chose James City County because of its similarities to Albemarle County with the university and similar growth patterns. James City County had a nice big study on their web site, which was done by a consultant. He expects even though they are going a different path that it was long past the time to hire a consultant. They could have gone about what they are doing in a different way. All he wanted to do tonight is ask a couple of questions. It seems that this would be the appropriate time to bring up this subject. He did not see where an executive in charge of economic development is named in the county. Should we not have a person in this building or on Fifth Street who is in charge seeing through what our Economic Development Policy is? In fact, they could have an Economic Development Commission who is different stakeholders in the community. Is this the

appropriate time to discuss it and why don't we, like our sister City of Charlottesville has, an Economic Developer Director? He would like to reserve the right to come back and speak to the Commission again.

Neil Williamson, representative for the Free Enterprise Forum, thanked staff and the Commission for their work on this project. They are supportive for the changes that have come through.

Morgan Butler, with the Southern Environmental Law Center, asked to make one suggestion, as follows.

- On page 4 of 45 of Exhibit A in Objective IV, Strategy 4 - which was one of the strategies added at the recommendation by Neil Williamson – "Recognize, identify and quantify new cost burdens for business and citizens imposed by any proposed ordinance or policy change on business prior to taking action. He was struck by the way it is phrased because it focuses only on burdens. It would also be good to recognize that proposed policy or ordinance changes often times can have a positive impact on business. It is also important that the positive impacts be evaluated and quantified in addition to the burdens. He would suggest that language be added there.

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

Ms. Joseph asked Ms. Stimart what her job title was, what were the expectations from the Board of Supervisors and how is the job described. She questioned if she was the County's Economic person.

Ms. Stimart replied that her title was Business Development Facilitator primarily tasked with assistance in implementing our master plans, helping foster jobs and housing bounds primarily focused on local business expansion. She reports to Mark Graham and Tom Foley.

Ms. Joseph asked if businesses are funneled to her if they are in need of any particular properties and she talks to them about what is available, what they need to do and the processes.

Ms. Stimart replied that was correct. They help them if they are able to qualify for state incentives to work through those processes.

Mr. Benish noted that on page 2 of 45, in number 6 it identifies her role as a strategy in this.

Mr. Loach said on page 2 of 45 it says maintain cooperation with the City of Charlottesville, Thomas Jefferson Partnership for Economic Development, and other jurisdictions. He asked if that falls under her job, too.

Ms. Stimart replied yes regarding economic development questions. She noted that Bob Tucker sits on the Board of Thomas Jefferson Partnership for Economic Development. She serves on the TJPED Advisory Board. She also sits on the Board for the Piedmont Workforce Network and the Central Virginia Small Business Development Center.

Mr. Edgerton said that he had a few specific questions. In the background statement in the staff report it mentions that the board had asked for updating the economic development policy to address three key areas – work force development, light industrial land development and agricultural vitality. In reading this he did not see that being addressed as a part of this. He asked staff to help him see if he had missed something regarding the agricultural vitality issue.

Ms. Stimart replied that under Objective I, Strategy 4 staff modified that strategy towards that purpose. There are three additional bullets that are supposed to provide guidance for helping to enhance agricultural vitality in the rural areas.

Mr. Edgerton asked if it was those bullets that she was hoping would address that. He pointed out that he had several questions on that. The first bullet at the end of the sentence says, "(the agricultural infrastructure provides markets and supplies to farmers and significant economic activity to Albemarle County as a whole." He was trying to get a measurement of what was meant by significant. He asked if they were talking dollar value.

Ms. Stimart replied in terms of overall employment it is not significant, but it does tie into our rural protection policies. They do have certain areas where they really excel within the state in grape production and the tourism that is associated with that along with equine or the raising of horses. She asked if he felt that the adjective is too strong.

Mr. Edgerton replied no, but was just wondering because he struggles with this. Personally he saw enormous value in that. But, he worries at times about the economic viability of some of the agricultural lands and was hoping that possibly they could come up with some creative idea that would really be something specific that the county could do to stimulate more appreciation of these agricultural lands. He felt that the language here seemed real general. In response to the board's request, he was hoping they could come up with something a little stronger than that.

Mr. Benish noted that the rural areas section of the plan lists a number of items that they would want to undertake to support agriculture and forestry. Some of those are more direct economic issues and other more indirect allowing certain uses in the rural area that might make farming more viable. So in this amendment staff relied on references to the goals, objectives and implementation strategies of the Comprehensive Plan and didn't provide all of those bullets that are in the rural areas section. He felt that it was a very valid point.

Mr. Edgerton suggested adding a bullet to direct the reader to that in the way a dictionary does if that is where they are putting the value. He suggested adding a fourth bullet because it continues to be a pretty vital part of our program. Another question is on page 245, item 9. It says encourage all commercial businesses to adopt environmentally sustainable measures. He asked why they would encourage all businesses to adopt environmentally sustainable practices. He would prefer to take the work "commercial" out. At the last work session they discussed taking out the specific names of different software packets with the reason being that they would become outdated if they found a better packet. On page 3 of 45, under Strategies, Objective 3, he noticed that they were still listing Business First. It was listed again on page 5 of 45.

Ms. Stimart explained that was a typo. She noted that the business retention program is called Business First and she needed to take out the reference software. It is actually called Executive Pulse and is trade marked. So Business First is our own program name that has been adopted regionally.

Mr. Edgerton said that he thought they had a discussion about this in the last session where they decided that they would try to come up with a generic description of the kind of software that would be helpful to use and not specifically name a particular software packet.

Ms. Stimart noted that the software is called Executive Pulse. It is a company product. Our business retention program that rolled out a few weeks ago for the region is called Business First, which is not software but a program for several counties.

Mr. Cannon noted that staff needed to take out the word "software" because it is a policy program.

Ms. Stimart agreed that the word "software" would be deleted.

Mr. Edgerton noted that on page 5 it says use unfamiliar software such as Business First. It sounds like a software name and it needs to be clarified.

Mr. Benish suggested that they go back to the first bullet on page 3 of 45 and leave it as "the development of a coordinated economic database."

Ms. Joseph said that suggestion sounded good.

Mr. Edgerton said that he would appreciate that change. He said that he had a question on the third bullet on page 3 of 45 at the bottom, "Distribution of information about development opportunities in the Thomas Jefferson Planning District Commission …." He got a little worried when he read that since

based on some of the stress they currently face that this could get to be overwhelming. He suggested adding some language to the bullet that suggests the businesses that would be benefiting from this could share in the expense of this distribution. One of the things that Ms. Porterfield has pointed out is that other communities when short of staff ask the development community to accept some of the expense of distributing materials. He knew this was a problem that they encounter.

Mr. Cilimberg believed that the third bullet has been a fairly prominent function of TJPED. He questioned if that was correct. It was the distribution of information about development opportunities in the Thomas Jefferson District Commission to those who request it. He thought that was a TJPED function primarily since they produce the information. But, certainly staff or any member can provide it.

Ms. Stimart replied that was correct. She noted that they cost share their operations now with other jurisdictions and the private sector.

Mr. Edgerton agreed that it was just a worry he had and it might never become an issue. On page 4 of 45, Objective IV in the new strategies he strongly supported the suggestion by Morgan Butler for Strategy 4 to be amended to "quantify the positive impacts as well as the cost burdens."

Mr. Strucko noted that he was going to suggest the same thing. He suggested adding the language as "New benefits and costs" with the elimination of "burdens."

Mr. Loach suggested a change on page 1 of 45 in the policy heading that says, "We will work to find appropriate development area sites to accommodate this positive growth." He asked to add, "Within the context of the master planning process" so that development area growth is tied to the master planning process. This is the Comp Plan and he was saying that the subsection of this is within the context of the master planning process.

Mr. Strucko noted that he had several sections that probably would not be unanimously accepted. He asked to add language on page 3 of 4 under Objective II plan for land and infrastructure to accommodate future business and growth Strategy 2. He asked to change it to,"Designate areas for office, commercial and industrial development . . ." adding "within the designated growth area that meet the development standards of the Comprehensive Plan and will provide a sufficient land to meet community needs through the next Comprehensive Plan revision." He suggested deleting the last sentence since it was redundant. He asked to add language in Strategy 4 changing it to read, "Encourage infill development of business and industrial uses in areas designated for growth in the land plan." It removes the word "appropriately" and inserting "for growth" after the word designated.

Ms. Joseph and Mr. Edgerton supported both requested changes.

Ms. Porterfield objected to the changes. She suggested adding bullet 7 to Objective II Strategies, as follows: In view of the 2008 financial problems faced by city, county and state governments, it is imperative to seek additional sources of revenue which could avoid placing additional tax burdens on individual property owners. Therefore, Albemarle County government should entertain discussion of business and/or industry proposals for land not currently in the Development Areas but having one or more of the following attributes: location proximate to an I-64 interchange, location abutting a Development Area and/or location currently possessing or abutting public water and/or sewer services.

Mr. Strucko said that he could not support that addition because it would have an opposite effect and increase the tax burden.

Ms. Joseph noted that Comp Plan amendments are looked at twice a year. She looked at the burdens it would put on the community. Therefore, she did not agree with the addition of #7.

Mr. Loach noted that the Crozet Advisory Committee met last week and discussed the matter about the potential of adding land to the designated growth area. Their position was that any discussion of any additional land as proposed by Ms. Porterfield's #7 should be done in accordance with the master plan.

Mr. Strucko moved for approval of CPA-2008-00004, Economic Development Policy with the following changes, as follows:

- The changes as proposed by Mr. Edgerton including the change on page 4 of 45, Objective IV, Strategy 4 to read, "Recognize, identify and quantify new benefits and costs . . ."

- The changes as proposed by Mr. Loach on the policy statement in the introduction in the sentence a half way in the paragraph, "We will work to find appropriate development areas sites to accommodate this positive growth . . . " with the addition of "within the context of the master planning process."

- Changes to Objective I, Strategy 9, to remove the word "commercial" from "Encourage all ~~commercial~~ businesses to adopt environmentally measures."

- Changes to Objective II, Strategy 2 to read, "Designate areas for office, commercial and industrial development within the designated growth area that meet the development standards of the Comprehensive Plan and will provide sufficient land to meet community needs through the next Comprehensive Plan revision" and striking the last sentence.

- Changes to Objective II, Strategy 4 the first phase to read, "Encourage infill development of business and industrial uses in areas ~~appropriately~~ designated for growth in the Land Use Plan, . . ." striking the word appropriately.

- Remove all specific references to software titles.

This excludes suggestion from Commissioner Porterfield to add her Strategy 7.

Mr. Edgerton seconded the motion.

Mr. Benish asked for clarification on Mr. Loach's comment. He asked to add, "Within the context of the Comprehensive Plan/Master Planning process.

Mr. Strucko amended the motion to include the suggestion made by Mr. Benish.

Mr. Edgerton seconded the amended motion.

Ms. Porterfield said that based on the fact that she thought that this is dated even before it is going to be voted on she could not support it and would vote nay.

The motion carried by a vote 5:1. (Ms. Porterfield voted nay.) (Mr. Morris was absent.)

Mr. Cannon noted that CPA-2008-00004 will go to the Board of Supervisors on November 12 with a recommendation for approval with the changes as recommended.

Ms. Joseph thanked staff for a good job. She understood Mr. Lowry's suggestion about getting professionals as consultants. She honestly thinks that staff knows the community and all of the players and got them all to speak. She appreciated Mr. Williamson's contributions because at the end of this all they had were positive comments from the community. That says a lot. She really appreciates what staff has done.

**Regular Items**:

**SUB-2008-00205 Dennis Morris**

This proposal is for a waiver to Subdivision Ordinance Section 14-404, "Lot location to allow access from lot onto street or shared driveway" in order to allow one (1) new lot. The property, described as Tax Map 26, Parcel 49, contains 9.40 acres zoned RA (Rural Areas). This site is located in the Whitehall Magisterial District on the south side of Break Heart Road [State Route #674] approximately 0.40 miles

from its intersection with Brownings Gap Turnpike [Route #810]. The Comprehensive Plan designates this property as Rural Areas in Rural Area #1. (Elizabeth Marotta)

Ms. Marotta presented a Power-Point presentation and summarized the staff report. (See Staff Report)

In staff review, unfavorable and favorable factors were found.

Favorable factors are:

- VDOT does not object to two entrances.
- Permitting two entrances would help to maintain integrity of the pasture.

However, the ordinance does state that in granting a waiver the Commission can consider whether the county engineer has recommended an alternative to the 404 standards or whether there are unusual environmental conditions that would result in significant degradation of the property. In this case the engineer does not recommend an alternative to the 404 standards. There are no unusual environmental conditions on the property that would support the waiver since design alternatives exist. Staff's opinion is the request is not in conformance with the requirements of Section 14-404C, and that the unfavorable factors outweigh the favorable factors. Therefore, staff recommends denial of this waiver.

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

Roger Ray, surveyor, said that he prepared the plat for the Morris family and assisted in the waiver request. The summary of recommendations was fair and identified two factors that are favorable and two that are unfavorable. The request was not considered within the spirit of family division. He started working on this subdivision in 2005 for the Morris family, but then Ms. Morris got sick and passed away. The land was given to Ms. Morris' daughter before her death. This is a true family division even though it does not qualify under the ordinance, which should be a favorable factor because the lots will be given to the two brothers. He asked for favorable consideration by the Planning Commission.

Dennis Morris said that he grew up on this piece of property. The only asset they had as a family was this piece of property, which was used as collateral for their mother's assisted care. Due to the situation their only choice was to put the land in his sister's name. Now they would like for the brothers to have a chance to own a home. They will have to back the note for the care of their mother and all of the additional costs. He wished they had done this years ago, but due to family circumstances it was not possible.

Mr. Cannon invited other public comment. There being none, public hearing closed and the matter before the Planning Commission.

**Motion**: Mr. Loach said that because VDOT has determined that there are no adverse effects because of the road he moved for approval of SUB-2008-00205.

Mr. Strucko noted that he had one clarifying question. He asked staff to clarify that VDOT had no problem with the two entrances within this proximity.

Ms. Marotta replied that VDOT did the proposal for the joint entrance and determined that there would be no adverse impacts.

**Second**: Mr. Strucko pointed out that would be an additional entrance with the existing driveway being intact. Therefore, he seconded the motion.

Ms. Joseph asked Mr. Kamptner about the family division status. It appears a little odd that it can't be considered a family division if it is going to be given from a sister to brothers.

Mr. Kamptner replied that is correct because the members of an immediate family are defined in such a way that the transaction goes vertically through the line of descent up or down, but not horizontally.

Ms. Joseph noted that she would consider this as a family division.

Ms. Porterfield noted that like Ms. Joseph she would consider this as a family division and would vote in favor of the request.

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

Mr. Cannon noted that SUB-2008-00205, Dennis Morris was approved.

**SUB-2008-00210 Robert Martin**
This request is for final plat approval to create four (4) lots on 3.18 acres. Approval of a waiver of Section 14-404(A) is requested in association with this application. The property is zoned R2-Residential, is described as Tax Map 56 Parcels 45A and 45A1, and is located in the Whitehall Magisterial District on Park Road approximately 0.35 mile of the intersection with Tabor Street. The Comprehensive Plan designates this property as urban Edge in the Crozet Community. (Summer Frederick)

Ms. Frederick presented a Power-Point presentation and summarized the staff report. (See Staff Report)

The applicant submitted a subdivision plat proposing the creation of four new parcels from two. Two of the existing lots currently share an entrance onto Park Road. In order to establish individual entrances for each proposed lot a request for a waiver of Section 14-404(A) was submitted in conjunction with the subdivision plat. It is this waiver request that is before the Commission. Pursuant to Section 14-404 each lot is required to have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision.

Staff has reviewed the request in accordance with the requirements of Section 14-404(C). No alternative standard is recommended by the County Engineer, and engineering staff feels it possible to design an internal road to serve the proposed lots. While Individual entrances would not be out of character with existing development, staff believes additional entrances onto Park Road present unnecessary conflict points with traffic flow. Staff finds that the request to waive the requirement of Section 14-401(A) is inappropriate in this circumstance, and therefore recommends denial of this waiver. However, the applicant had not submitted a plan showing an internal road.

In summary:

Staff finds the following factors favorable:
- The individual driveways would be in general relative accord with existing development.

Staff finds the follow factors unfavorable:
- That construction of an internal road would not result in significant degradation. Topographical constraints may present issues with establishing adequate site distance for each proposed driveway.753

Staff has reviewed the request in accordance with the requirements of Section 14-404(C). No alternative standard is recommended by the County Engineer, and engineering staff feels it possible to design an internal road to serve the proposed lots. While Individual entrances would not be out of character with existing development, staff believes additional entrances onto Park Road present unnecessary conflict points with traffic flow. Staff finds that the request to waive the requirement of Section 14-401(A) is inappropriate in this circumstance, and therefore recommends denial of this waiver.

Should the Planning Commission grant the waiver, staff recommends the following condition:
1. The applicant graphically establishes adequate sight distance for each new driveway on the final plat.

Staff noted that late this afternoon the applicant did provide an addition to the packet, which was distributed to the Commission. It puts forth two drawings with one being an option of an internal road that is relatively consistent with public street standards. The second drawing is an alternative proposal for three entrances onto Park Road. It also provides information specific to the public street. It does not

provide information for individual driveways as a point of comparison for the degradation factor. The information has not been reviewed by staff since it was received today, but is here for their review.

Mr. Cannon invited questions for staff.

Mr. Strucko asked if the speed limit on the road was 25 miles per hour, and Ms. Frederick replied the speed limit was 35 miles per hour.

Mr. Strucko asked if the sight distance calculation take into account the speed limit, and Mr. Frederick replied yes.

Ms. Frederick noted that VDOT staff has visited the site and verified that each new lot possesses a location for an individual entrance onto the four proposed lots
Mr. Strucko asked if this was the designated growth area with public water and sewer, and Ms. Frederick replied yes.

Ms. Joseph asked that the engineering staff, Mr. Custer, come forward and address the Commission.

Phil Custer said that he did the engineering review for this project and would answer any questions.

Ms. Joseph asked if he had a chance to look at what Mr. Ray submitted.

Mr. Custer replied that he had looked at the information briefly, but not the drawings for an extended period of time. He said that there are two driveways that merge to one point that is a 20' to 30' wide slot.

Ms. Joseph pointed out that Mr. Ray is proposing to have three instead of four entrances.

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

Roger Ray, surveyor, said that his firm completed the plan and waiver request for the applicant.

- This particular plan is the reason he came up earlier about matters not listed on the agenda. They had a pre-submittal on this project with county staff back on August 11. They prepared this plan and our waiver request what they believed was a pretty clear understanding at that pre-submittal on August 11. They went to site review on September 18 to review the details of the subdivision plat. But at that time staff had not finished their review of the waiver request. So they received no comments on that. They got their comments about the waiver request the same time the Commission received their information a few days ago. It did not afford them the opportunity to discuss these issues with staff. They did not have an opportunity to have any interaction with staff from August 11 until a couple of days ago. Today he had diligently worked out what staff said what maybe they should have did. He worked out an assessment.
- Staff's assessment was that there was no environmental degradation if they did an internal road. He thought that he had worked out the details of what that environmental degradation would be. It would be approximately 14,000 square feet, which is about one-third of an acre of area, of disturbance and tree removal for the grading of the street. Putting in a VDOT public street would entail about 6,000 square feet of impervious area. There would be extensive grading adjacent to a stream buffer and adjacent to a ravine to the rear of the property. There would be storm water facility construction and maintenance if they have to construct a VDOT street. He was not sure he could even design that street, but had it sketched schematically positioned exactly 25' off buildings, which was the minimum setback.
- Once they get into the design he was not sure he could design the internal road, but if he did it would not lessen the impact that street would have as shown on sheet #2 of the exhibit. He felt that staff has counted the driveways inaccurately. Now they have two parcels of land and two driveways serving those two houses that come together out on Park Road at the same place, which is a conflict in maneuverability even today. He met on site with Charles Baber, of VDOT, before he prepared this plan. Mr. Baber's recommendation at that time was that was a conflict point where both of the driveways come together and that it would be better served if this second

house was served by a different driveway at a different location. He also checked for safe entry ways on each one of the next two proposed lots and his assessment was that each one of these lots would have a place for safe entry way that met VDOT's criteria for entrances onto this street.

- He was really surprised that staff has taken the position of intervening between the property owner and VDOT about the safety of an entry way. That be what it may, if they would look at the third sheet he would like to entertain a suggestion that they get the waiver request, leave the existing driveway to the existing house on parcel 45A1 as it is now, close the entry way that is in conflict that goes to the second house, construct a joint driveway that would serve lot A and B, as shown on the diagram, and construct one new single-family dwelling for lot C. They have the right to have two driveways to serve the two existing dwellings. If this plan is approved they will only have three driveways, which will be a net increase of one driveway along Park Road with what they have a right to have today in lieu of building a public subdivision street and all of the environmental impact that goes along with that.
- Again, he thought that if they change the schedule for waiver requests so that the applicant has interaction with the Planning staff before they get to this point it does not put them through the challenge of coming before the Planning Commission. If this waiver review had run concurrent with the review of the subdivision plat then he thought that all of these issues would have been non-issues by the time they got to the meeting tonight. He asked the Commission to approve this waiver request that would allow them to have one more driveway on to Park Road, which is the growth area. VDOT met and were satisfied that each lot would have a safe place for an entry way onto the property.

Bob Martin said this land has been in his family for 50 years. They would like to divide the property and create two more lots in the designated infill growth area of Albemarle County. There is public water at the street and sewer available at the rear of the property. He asked the Commission to approve the waiver request.

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

Mr. Loach asked if staff agreed that those driveways under VDOT are safe to put there.

Mr. Fritz noted that staff passes sight distance requirements on from VDOT. Staff is trying to say yes it meets VDOT requirements but beware that there is this hill there which might not be an optimal situation. But, it does meet VDOT requirements.

Ms. Joseph supported the three entrances that Mr. Ray has suggested. She assumed that the condition would be VDOT approval of entrances because they would have to get entrance permits. Everything would have to be approved by VDOT before they can get the subdivision approved.

Mr. Fritz noted that they grant a partial waiver based on entrance locations as shown on this sketch. Then all of the other VDOT requirements will automatically kick in and the Commission does not need to worry about crafting that.

Mr. Fritz said that the Commission could grant a partial waiver based on entrance locations as shown on the sketch submitted by Roger Ray since all of the other VDOT stuff would automatically kick in. The Commission does not need to worry about crafting that.

Ms. Porterfield questioned if it sets precedence for larger properties.

**Motion**: Mr. Loach moved for acceptance of a partial waiver for SUB-2008-000210, Robert Martin as recommended.

**Second**: Mr. Strucko seconded the motion.

Mr. Edgerton agreed that Ms. Porterfield's question was right on target. If the Commission grants this waiver and the one they just granted that they both set a precedent that are in total conflict of the

ordinance. The concern is the safety of the number of entrances onto the road. But, he felt that the proposal in this situation makes more sense in this case.

Ms. Joseph disagreed that this would be setting a precedent because they are supposed to look at this on a site by site basis. She felt that this particular site because of the development all along here the expectations are that there are these entrances coming along. She felt that most of the people that drive on the roads would do so appropriately because that is the kind of road this is. She viewed this as adding one more entrance and not two. From the picture it looks like two entrances. She felt it was misleading because the cul-de-sac would not be all paved area. What they are looking at is a right-of-way with some disturbance. But, it is a big intrusion on this little space.

Mr. Kamptner asked if there would be a condition that tied the approval to the sketch submitted by Mr. Ray.

Mr. Loach agreed that the condition was included in the motion to grant a partial waiver based on entrance locations as shown on the sketch submitted by Roger Ray.

**Amended Motion**: Mr. Loach moved and Mr. Strucko seconded for approval of SUB-2008-00210, Robert Martin to grant a partial waiver based on entrance locations as shown on the sketch submitted by Roger Ray on 10/21/08.

The motion passed by a vote of 5:1. (Ms. Porterfield voted nay.)

Mr. Cannon noted that the SUB-2008-00210, Robert Martin was approved.

**Work Sessions**:

**Six Year Secondary Road Plan**

The Six Year Secondary Road Construction Plan is VDOT's Plan for the allocation of road construction funds for improvements to Secondary Roads (Route 600 and above) for a six year period. The purpose of the Planning Commission work session is to discuss the County's other potential projects/issues not on the Priority List. Staff will incorporate the Planning Commission recommendations to the Board of Supervisors for discussion. (Juan Wade)

Mr. Benish summarized the staff report.

- He apologized that the map was omitted from the staff report. It is the same map from last year. Staff is not recommending any changes. The Six Year Secondary Road Plan is VDOT's plan for the allocation of road construction funds for the secondary road system. VDOT's financial plan is based on a set of priorities adopted by the Board of Supervisors. Essentially that is what the Planning Commission is looking at, which is the County's priority list for improvements. At this point in time in the process VDOT has not even developed a draft budget. That is something that they do now at the beginning of the year, which the Board will receive towards the end of their review process.
- In summary, staff has not recommended any changes to the plan this year. Staff did not receive any public requests. Staff did receive several project issue areas from Pupil Transportation in the School's Division and Fire and Rescue. Those comments were forwarded to VDOT. Most of those requests are for paving and all are within the rural areas. Staff will discuss that policy, but is not recommending any paving projects in the rural areas at this point in time. None of the projects appear to have any significant safety issue related to them. In fact, a number of the projects have very low counts. None of these projects were deemed so unique or safety issue related enough that merited adding to the strategic list of improvements. Staff has forwarded these project areas to VDOT.
- VDOT staff is looking at ways in which they can use maintenance funds in their existing forces to address some of the issues, such as the narrow roadway and if there is some bush cutting and general grading and maintenance on the roads that could improve the conditions. So that is the approach that they are taking. The two bridge projects that Fire/Rescue identified were on the

road that serves the Gleco Mills area. While the weight limits are relatively low, the traffic volume on that roadway is pretty low. It is a loop road so one can access either side of the bridge if necessary in case of an emergency.

- The status of unpaved road projects was a big issue at last year's discussion. The Commission recommended that there be no new paving projects in the rural areas. The Board of Supervisors did discuss the issue and directed staff to apply all funding of unpaved road funds to two road projects that are adjacent to or serve the development area, being Dickerson Road and Rio Mills Road in the Hollymead development area. Those projects will use a substantial amount of the unpaved road funding source for the next six years. In the current priority list for the unpaved road projects the list only consists of those two road projects. The Board did say that they would consider or take a look at projects that perceive to have a significant safety consideration to them. The Planning Commission also mentioned this in their action.
- Staff provided some general guidelines as to how they would try to measure what a significant safety issue is, which is provided in the staff report. They would look at crash data for the road segment and then look at the type of crashes to see if it relates to the road surface. The daily volumes on the roadways and if there is any unique traffic issues related to the volume would be considered. If there was a substantial amount of wide bodied equipment on the roadway and it was a farm route, then they might want to encourage the paving of that road way for agricultural support. They would look at unique conditions. Staff would also look at Fire/Rescue requests to see if there was a significant access issue with providing access, such as if there was an unpaved road in the center of a high response area. If there are significant road geometric issues that might relate to significant erosion problems that create an unsafe surface it could be taken into consideration. The bottom line is that it is going to be kind of like you will know it when you see it. These would be the criteria that staff will try to measure on a case by case basis.
- This information has been provided for the Commission's general input. The Commission's comments will be provided to the Board of Supervisors when they review this in December for their initial work session.

Mr. Loach questioned #18 regarding Main Street in Crozet. He noted that the entrance into the new library might need to be extended off of Main Street. He questioned if there was money available for that.

Mr. Benish replied that at least a portion of Main Street will be built into the entrance to the library. It is a small portion.

Mr. Loach noted that it was an entrance off of Crozet Avenue and Crozet Main Street that will feed into the library. Because of the site and the elevation for the library they felt that the entrance would have to be moved towards the back of the parking lot, which meant that there would be more paving of that.

Mr. Benish said that will be looked at primarily as a county project probably through CIP funding. Based on the priorities and the available funds in VDOT's allocations they are going to be hard pressed to keep Jarman's Gap Road on schedule. It looks like it is okay as of today. There is one potential option to use revenue sharing monies, which are VDOT monies for that. But, right now they are anticipating just CIP money. He noted that they are now discussing continuing that road back to Park Road so that it creates that loop. But, he did not know if there has been a decision on it.

Mr. Loach said that they had talked about bringing the trucks out from Barnes Lumber Company through that area.

Mr. Strucko noted that he was looking at the priority list and how they came up with the ranking. He asked to move Eastern Avenue, #15, on the priority list up to the top ten after the Sunset Fontaine Connector. He felt that they need to make at least a symbolic commitment to the designated growth areas and the planning for the road way infrastructure that they have there. He thought that particular project would do a lot to improve the situation within Crozet. But, he would put it after the Fontaine Sunset Connector because in just looking at the traffic counts it would have a bigger impact for that particular growth area. He felt that Eastern Avenue should be a higher priority than it is.

Mr. Benish pointed out that one factor that was considered was that at this time Eastern Avenue does not qualify for VDOT funding. It may in the future. But, it is a fair statement. This is used for creating priorities for VDOT's secondary plan. But, the county does use it as our priority for roads in the county whether funded through the CIP or VDOT. It is still a fair statement and issue if there is an agreement to move it up.

Mr. Strucko asked how proffers factor into staff's determination in the ranking. For instance, in looking at Old Lynchburg Road around the Biscuit Run development the county did get a proffer from the developer for so many dollars for road improvements in and around the development.

Ms. Joseph noted that when that went to the Board of Supervisors they decided that funding would not go to these specific roads, but it would go into the pot.

Mr. Benish replied that is correct. Those monies could be used for the Eastern Connector, Sunset Avenue or the Southern Parkway.

Mr. Strucko noted that they have not collected proffers because they are contingent upon the certain number of building permits issued. He thought that 830 was the threshold. He asked if there have been proffers paid that have gone into the road pot yet in general.

Mr. Benish replied yes, there are proffers monies in the pot. In fact for the Route 22/250 intersection improvement the county share of that private public partnership was proffer monies from the Glenmore proffers.

Mr. Strucko asked if staff knows the balance of the pot.

Mr. Benish replied that he did not know the total amount off the top of his head. Staff can get that information through the proffer planner.

Mr. Strucko said that at some point they could as communities, with the Board of Supervisors being the appropriation body, dedicate those monies for a particular road project. The county could be in the road building business on a case by case basis.

Mr. Benish replied that is correct. As an example, the road proffers from Glenmore were proffered for improvements to Route 250 east and/or other improvements that are deemed appropriate by the county. When Luck Stone and Williams Paving Company came with a proposal for a partnership with VDOT staff let the Board know that they would want to enter into that project and use this funding. The Board of Supervisors has to actually approve the use of those proffers. That is typically the process they go through.

Mr. Edgerton asked how long ago those Glenmore proffers were made.

Mr. Benish replied that the original proffers were made in 1991 and 1992. The proffers were then modified with several other rezonings for other areas added to Glenmore. Some of that money dates back for a long time.

Ms. Joseph asked if any of this money was for bike trails and sidewalks. They hear about people really wanting to get around in something other than an automobile. She asked if there was any way they could stretch our dollars by focusing on those sorts of things for a while.

Mr. Loach pointed out that Jarman's Gap design was for a bicycle lane and sidewalk.

Mr. Benish noted that almost all the road projects that they propose to build, particularly those in the urban area, have bike lanes and sidewalks associated with them. The Profit Road improvements would be just like Jarman's Gap. Other than geometrics Jarman's Gap improvement is really bike lanes and sidewalks. As a standard now, which is a change from where VDOT was a dozen years ago, they are actually through their policies almost mandated to provide for some level of bike and pedestrian facilities.

It is much easier to get those incorporated into the projects. The specific designs are somewhat debatable from time to time. The other thing that they have been trying to do in the rural areas is strongly encourage with plant mix projects that shoulders be paved in rural routes. He noted that a little of that took place on Garth Road/Barracks Road. There was a project that VDOT actually received a grant for several years ago on Route 29 North to do shoulder paving. The topography does not allow for 4' lanes, but to the extent that they can widen the shoulders beyond the outside edging they are trying to do that. Part of that is to make roads a little more accommodating to bikes in the rural areas.

Mr. Cannon noted that does help bikers. Even if the bikers don't ride on the shoulders of the road they can get off on it if they need to.

Mr. Benish said otherwise for the rural area those roads would not be subject to the same development standards for bike lanes and sidewalks as the development area roads according to VDOT standards. But, as an example, the Advance Mills Bridge is being constructed with shoulders for bike lanes and pedestrians.

Mr. Cannon asked if there is no money for rural road paving.

Mr. Benish replied that there is money for rural road paving that is an annual minimal allocation. The list of approved road paving projects is on the second page of the attachment. It is essentially those two roads that are located in the urban area. That was the policy that was agreed to by the Board of Supervisors to use that funding on unpaved roads in the urban area. These are the only two roads.

Mr. Canon asked if these are the only two unpaved roads in the rural area that are going to get done.

Mr. Benish replied that is correct. There used to be a list, which staff will continue to keep as an inventory of roads. Staff had a list of about 20 to 30 projects that had been identified for road paving. But, they are no longer roads that they have been identified on our priority list for paving. The list now only includes these two road ways.

Mr. Cannon asked if an action was being requested from the Planning Commission.

Mr. Benish replied no, that this was just an opportunity for the Commission to provide comment to the Board of Supervisors if they want to act on it. There was a suggestion for a change in priorities. If there is a consensus from the Commission for that, it would be good to have a clear direction from the whole Commission.

Ms. Porterfield noted that was the one road that was not qualifying at this point for VDOT funding. Therefore, it would not be helpful to move it up at this point.

Mr. Benish noted that it is only helpful in the sense that this list is also used by staff when making CIP requests for road improvement projects where it is identified for importance. It does have values if the Commission thinks it is more important than other projects to move it up. But, for the VDOT process and the allocation of state funds it would not make that much difference.

Mr. Cannon asked if there is a desire to resolve on that particular issue or is Mr. Strucko content with just having his comments noted in the record.

Mr. Strucko said that he offered a suggestion and the Planning Commission can weigh in. His rationale was that he thought it was probably an importance after Sunset Fontaine. He thought that on the projects for Berkmar Drive Extended and Old Lynchburg Road they can handle it potentially through proffers. He stressed how important that particular road, Eastern Avenue, is to the Crozet Master Plan. Therefore, he would like to see it moved up.

Mr. Cannon asked staff to convey that point of view to the Board of Supervisors when they take this up as Mr. Strucko's point of view.

Mr. Loach supported Mr. Strucko.

Ms. Porterfield supported Mr. Strucko, but wanted to be on the record to say that they need to figure out how to bring some more money into the bottom line of Albemarle County. This is a good example of it.

Mr. Strucko noted that with the proffers that they imposed and with the monies that they would collect when development would happen they would have enough money for the infrastructure if the state can't afford to abide by its obligation to the great Commonwealth of Virginia.

Ms. Joseph said that staff and the Board have really looked at this as the whole county. So it appears as she looks down this list that they are trying to provide improvements all over instead of just in one area of the county. She thought what they would be doing when moving up the Eastern Avenue is that they are focusing more on Crozet than the rest of the community. She supported staff explaining that Mr. Strucko and Mr. Loach think this is important, but she could support the rest of the list in how it has been arranged because it looks like they have tried to really address the needs of the entire community.

Mr. Benish noted that #12 was actually Scottsville's request. Any request for secondary road improvements for the Town of Scottsville has to be in VDOT's priority list for the county. That is the one project that they have requested. Staff tries to keep that reasonably high in respect to a project that the Town of Scottsville wants to do. He felt it was important to note that Scottsville does not have a separate process for improvements, but has to be incorporated into the county review.

Ms. Joseph noted that the county was working with the city to make the Hillsdale Drive project happen.

Mr. Benish said that the Hillsdale Drive is really reflective of the 29H250 recommendations, which is why it was a high priority. There is a very small segment in the county. That is why staff included it.

**Old Business**:

Mr. Cannon invited old business.

- The joint meeting with the City Planning Commission is set for 6:00 p.m. on October 28. It will be at the City's Basement Conference Room.
- An email will be received from Mr. Cilimberg regarding scheduling the retreat for the first or third Tuesday in December.

**New Business**:

Mr. Cannon invited new business. There being none the meeting moved to the next item.

**Adjournment**

With no further items, the meeting adjourned at 8:41 p.m. to the Tuesday, October 28, 2008 Joint City/County Planning Commission Meeting at 6:00 p.m. at Charlottesville City Hall, Basement Conference Room, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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