Albemarle County Planning Commission
November 11, 2008

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

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

Other officials present were Gerald Gatobu, Senior Planner, Ron Higgins, Chief of Zoning; Scott Clark, Senior Planner, Claudette Grant, Senior Planner; Rebecca Ragsdale, Senior Planner; Wayne Cilimberg, Director of Planning; David Benish, Chief of Planning; Amelia McCulley, Director of Zoning/Zoning Administrator; Mark Graham, Director of Community Development; Bill Fritz, Chief of Community Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Morris invited committee reports.

- Ms. Joseph reported that the PACC Tech Committee and MPO Tech Committee met last month. At the PACC Tech meeting discussions were held on the following:
    - The University is using LED lighting at cross walks
    - The City and UVA hired a housing coordinator for the University area.
    - Bike path connections addressed by Chris Ginseng, City representative and Julia Monteith, UVA representative. Parallel bike routes are being planned on such roads as Old Lynchburg Road. Juan Wade is on a committee to make sure the bike paths connect.

  At the MPO Tech Committee discussions were held on the following:
    - The City did a safety study at a lot of intersections and are planning to upgrade some with LED lights. The intersection at McIntire and Preston was not studied. The City is starting to think about that intersection and the one at the recycling center.
    - VDOT Access Management is going to be reinforced by VDOT requirements, which are being worked on and should be finalized sometime next year. Requirements deal with limiting access and making sure there is interconnection between different parcels.

- Mr. Strucko reported on the Albemarle County School's Long Range Planning Committee and the Fiscal Impact Advisory Committee. The controversial issue that the School Board is taking up with that committee regards the southern elementary schools, Red Hill and Yancey, combining into one location.

- Ms. Porterfield reported that the Historic Preservation Committee made a presentation to the Board regarding their draft ordinance.

- Mr. Loach reported that the Crozet Library Committee met last week and reviewed recommendations. The CHART Committee met during which Dan Mahon gave an overview on pedestrian and bicycle paths, particularly south of the city.

- Mr. Edgerton reported that the ACE Committee did not meet this month, but has already sent recommendations to the Board for last year. Eleven new requests have been received for

review. The Joint City/County Task Force on Affordable Housing gave a report to the Joint City/County Planning Commission meeting. The input has been worked into the report and will be finalized in order to be released.

- Mr. Morris reported that the Interchange Steering Committee and the Eastern Connector Steering Committee currently is dormant. The Pantops Master Plan Steering Committee has been very active in looking at things that they have a possibility of doing. The biggest issue is how to get people across Rte. 250 from the residential side to the commercial side.

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

Other Matters Not Listed on the Agenda from the Public:

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

Brian Wheeler, Executive Director of Charlottesville Tomorrow, commended staff and the Planning Commission for linking documents from their agenda on the website to the backup material so the public can benefit in a timely fashion. It is a huge value to the media and the public to be able to access the material electronically and not have to make a trip to the County Office Building. He acknowledged that it was a lot of work for staff to scan in all of the materials, but it was really appreciated.

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

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

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

Consent Agenda

a. **Approval of Minutes:** September 16, 2008; September 30, 2008 and July 29, 2008

b. **SDP-2001-00113 Precision Sports** (Tax Map 58, Parcel 37G)
The request is for an extension of the final site plan approval, in accordance with Section 32.4.3.8 of the Zoning Ordinance. Final site plan approval was granted January 4, 2002 for the construction of a new 7,200 square foot building (Phase I) and a new 4,800 square foot building (Phase II) to replace an existing building on site. The site is zoned Light Industry, LI, and is described as Tax Map 58, Parcel 37G. The property is located in the Samuel Miller Magisterial District at the intersection of Dettor Road (private) and Lobban Place (private), approximately 1000 feet from Route 250 East. (Megan Yaniglos)
- Staff recommends approval of the extension of final site plan approval for the two (2) years requested by the applicant. If approved by the Planning Commission, the plan will be valid until January 4, 2011.

c. **SDP-2008-00136 Airport Road Office Plaza** (Tax Map 32, Parcel 41E)
The request is for preliminary site plan approval for the construction of a 61,180 square foot commercial office building. (Elizabeth Marotta)
- Staff recommends approval of a waiver of Section 4.2.3.2 to allow activity on critical slopes.

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

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

The motion passed by a vote of 7:0.

Mr. Morris noted that the consent agenda was approved, which includes the following conditions on SDP-2004-00113 and SDP-2008-00136.

SDP-2004-00113 Precision Sports - The Planning Commission approved SDP-2004-00113 Precision Sports for the extension of final site plan approval for the two (2) years requested so that the plan will be

valid until January 4, 2011.

SDP-2008-00136 Airport Road Office Plaza - The Planning Commission approved a waiver of Section 4.2.3.2 to allow activity on critical slopes.

Regular Item:

SDP-2008-00139 Green House Coffee – Preliminary
The request is for preliminary site plan approval for the use of an existing 1,485 square foot building as a neighborhood coffee shop/café in the new Downtown Crozet District. (Gerald Gatobu) (Tax Map 56A1, Section 1, Parcel 120)

Mr. Gatobu presented a Power-point presentation and summarized the staff report.

- Applicant is appealing the agent's denial of a sidewalk waiver request. The request is for a waiver from Downtown Crozet District (Section 20B.7. (A) Sidewalk Design, which requires a 10-foot wide sidewalk along Crozet Avenue. (Route 810) The applicant is requesting to use the existing 4-foot wide sidewalk.
- VDOT said that if the waiver is granted they would accept it. But, if the waiver is not granted, then the applicant would have to provide the curb and gutter.
- Staff recommends denial.

Mr. Morris invited questions for staff from the Commissioners.

Mr. Edgerton asked if the PC required the 10' sidewalk, at least 4' of it would go into the retaining wall.

Mr. Gatobu replied that was correct.

Mr. Loach asked if the sidewalk could be widened to match the width at Dairy Queen.

Mr. Fritz replied that for staff it was a "yes or no" answer. The only way staff could reduce the 10' sidewalk width would be if there were easements that prohibit it or VDOT recommends against it. Then staff could grant the waiver. Staff could reduce the width to 8' or whatever the restricting factor was. In this case the only restricting factor is the presence of the retaining wall. Therefore, staff does not have the administrative authority to grant the modification.

Mr. Cannon asked if the Planning Commission has discretion that staff does not.

Mr. Fritz replied yes.

Mr. Cannon asked if the Commission had the discretion to approve it at 6' or whatever.

Mr. Fritz replied that was correct. The Commission could transition it out from 6' to 10', leave it at 4' or have it match. The Commission has to make that decision.

Ms. Porterfield asked if a curb was needed in this area.

Mr. Gatobu said that if the Planning Commission denies the waiver, then the applicant would have to put in the 10' sidewalk. If the applicant has to put in a 10' sidewalk, then the applicant has to put in curb and gutter and meet all VDOT standards.

Ms. Porterfield asked if a 6' sidewalk was granted could curb and gutter be required, and Mr. Gatobu replied yes.

Ms. Joseph asked if they could do a 6' sidewalk without curb and gutter.

Mr. Gatobu replied that as long as the modification was granted, then it would depend on what VDOT required. But, VDOT is fine if the sidewalk is left as is.

Mr. Kamptner noted that in looking at the appeal standards for the Commission it says in considering a waiver on appeal the Commission or Board may grant or deny the waiver based on its determination of whether one or more applicable circumstances exist or a criteria are satisfied, and some other provisions with respect to conditions and modifying or imposing conditions. He noted that he had not discussed this with staff, but if the Planning Commission determines that the applicable criteria for the sidewalk waiver don't apply on an appeal what criteria should they be applying.

Mr. Fritz said that was staff's interpretation based on the work they did with developing the Downtown Crozet District and the flexibility of modifications and appeals. Staff believes the Planning Commission can apply criteria above and beyond what staff can approve as an administrative waiver.

Mr. Cannon asked if those would be the Commission's interpretation of public health, safety and welfare, and Mr. Fritz replied that was correct.

Mr. Morris noted that in the photos on the last page of the staff report, right on the street it looks like there is a drainage system. He asked if that is correct.

Mr. Gatobu replied yes, there is an existing drainage system in place

Mr. Morris noted that there is a drainage system already in place as opposed to curb and gutter.

There being no further questions, he opened the public hearing and invited the applicant to address the Commission.

Chris Sonne, with Civil and Environmental Services, represented Green House Coffee. He said that Mr. Gatobu did an excellent job of outlining the current and existing conditions at the site. In regards to the question on drainage, this section of sidewalk is unusual. The Virginia Department of Transportation installed a slot drain, so there is no curb and gutter. There is actually a tapered sidewalk. The sidewalk slopes continuously toward that slot drain. That was done because there was a huge amount of drainage from the Dairy Queen, which was resulting in the adjacent house just about being washed away. There was a fairly sharp curb there; and when it rained, that property owner had water trying to run into his car down that gutter line. This was an attempt by VDOT to remediate a problem drainage situation. From the drainage standpoint, it has worked quite well. The reasons they are requesting this waiver from the Downtown Crozet District requirements are three-fold. As noted in the previous discussion, they have a retaining wall that restricts the width at one side of the property. There is also a four-foot wide sidewalk on the north side of the property. That property is all within a restrictive drainage buffer. The likelihood of that property ever being developed with an increase in the width of the sidewalk is very small. Any additional hard surface they put in this area would be within part of a restrictive drainage easement for this same stream. There is a stream located two lots over, but within 100' of their site that does drain to a drinking-water reservoir. So any additional hard surface such as a wider sidewalk is going to add to the impervious area within that drainage area. Finally, aesthetically if they widened the sidewalk to ten feet, they would create a ten-foot long section of sidewalk less with a four-foot wide sidewalk on either side of it. They do not have curb and gutter on their sidewalk. But there is curb and gutter on the Dairy Queen's sidewalk. There is also a power pole. He did not think the sidewalk looks substantially different. He asked for a favorable consideration of their waiver request.

Mr. Loach asked if the driveway shown would be the potential entrance to the commercial establishment.

Mr. Sonne replied yes that it would be. He noted that the property line extends to the other side of the driveway. He pointed out VDOT had indicated if they make any modifications to the driveway,

then it all has to be brought up to current standard. One concern is that if they had to add 6" or 1' of hard surface to have a consistent length all the way down, they could be adding considerably expense to a relatively small budget project. That would essentially bring the entire sidewalk and potentially the drainage system into significant modification.

Mr. Strucko asked if they were going to use the existing house more or less as it stands for this shop. He asked if there are any on-site parking requirements.

Mr. Sonne replied yes. He noted as it stands right now, they would have eight parking spaces that would include one handicap space. All of the parking would be located behind the building. The minimum parking required would be one space for this particular zoning.

Ms. Porterfield noted that there will be a lot of modifications within Downtown Crozet. The question is without curb and gutter how are they going to repave the street as it is needed for more commercial. Usually the pavement comes up to the curb.

Mr. Sonne replied that the way the slot drain is installed that it is basically a 2" slot that drops directly into a corrugated pipe that is delivering the stormwater to this stream bed. There is asphalt on one side of that slot and hard surface concrete on the other. So to keep from creating a little bit of a canyon there, they would have to mill the asphalt down. VDOT designed and installed this drain. He would assume that they had put some thought into future paving needs.

Ms. Porterfield noted that it looked in the pictures that they have come back already and put some new asphalt in at some point. She asked if this was going to continue all the way down the street.

Mr. Gatobu noted that the Crozet Downtown District ends at the next parcel.

Mr. Strucko asked if they are adding impervious surface to the front as a turn lane.

Mr. Sonne replied that they would be required to meet the VDOT entrance requirement. They would be required to have a 24' wide entrance. They would widen the existing driveway.

Mr. Strucko noted that the parking lot in the back is labeled as porous concrete.

Mr. Sonne said that porous concrete is essentially Portland cement concrete which stormwater passes right through. It is not an impervious surface.

Mr. Morris invited public comment.

Mary Rice, a member of the Crozet Advisory Council, encouraged the Commission to allow this business to operate with the 4' sidewalk. This seems like the essence of the kind of business that they are looking for in Crozet for a gathering place. It is a little ironic that there is a coffee shop opening up in Old Trail when the essence of the master plan was to design Downtown Crozet so it was competitive with the surrounding shopping areas. She encouraged the Commission to look beyond the strict guidelines because the 4' sidewalk seems to be working quite well.

Joan Albertan said that she participated on the design of this use. It is important to note one factor that she would be concerned with as a resident, which is the safety factor of widening the sidewalk to 10'. They would be directing people who may not be looking up all the time into the retaining wall without any warning. She was concerned that there might be a few bumped heads.

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

Mr. Loach noted that he could see why they would not want to widen the sidewalk to 10'. But, he questioned why the sidewalk should not have to match Dairy Queen's sidewalk width, which was

consistent with the commercial district of Downtown. He asked if the sidewalk, curb and gutter would be a safety factor in keeping cars and people away in an area that is now commercial rather than residential.

Mr. Fritz replied that it would provide a visual barrier. It is also an issue of what VDOT would accept within their right-of-way for maintenance. VDOT would determine whether curb and gutter is required.

Ms. Porterfield asked if parking was allowed on this street.

Mr. Fritz replied no.

Ms. Porterfield noted that was another reason to have a curb because it would not allow cars to park on the sidewalk.

Mr. Edgerton asked if they could widen the sidewalk to match Dairy Queen's without requiring curb and gutter.

Mr. Fritz replied that would not be their call because it is within the right-of-way of VDOT. Any work being done in VDOT's right-of-way has to be done to their specifications.

Mr. Strucko asked if VDOT had installed the drainage.

Mr. Fritz replied yes that VDOT had installed the drainage, which was unusual, but noted that it was working quite well.

Mr. Strucko asked where the Downtown Crozet District ended.

Mr. Gatobu replied that this was the last parcel.

Mr. Fritz noted that this was the first application staff has had like this in the Downtown Crozet District. Typically staff looks at what purpose granting the waiver serves. Staff would like to leave this meeting knowing what purpose the modification serves if there is a similar application in the future. If the Planning Commission approves the request, then staff asks what public health, safety or welfare purpose the modification serves.

Mr. Strucko said that he did not see a detriment to public health, safety or welfare to leaving the sidewalk at its current width. He also would like to offer the downtown area a competitive advantage commercially by making it easier for businesses to locate in the Downtown Crozet District.

Mr. Morris noted that he did not want to make it cost prohibitive for a small business to locate here.

Ms. Porterfield said that it needed to be noted that this parcel was on the edge of Downtown Crozet. She was not sure if someone came back and wanted a similar modification in the middle that it would work out. This site is on the edge of the Crozet Downtown District and approaching the water protection area.

Mr. Strucko agreed.

Motion: Mr. Strucko moved and Mr. Loach seconded for approval of the applicant's appeal of the agent's denial of the waiver from the sidewalk requirements from Section 20B.7.(A) for SDP-2008-00139, Green House Coffee - Preliminary to allow a 4' wide sidewalk along Crozet Avenue. The Commission noted that the sidewalk was on the edge of the Crozet Downtown District and approaching the water protection area.

The motion passed by a vote of 7:0.

Mr. Morris noted that the SDP-2008-00139, Green House Coffee - Preliminary was approved.

Public Hearing Item:

ZTA-2008-00003 Administrative Waivers
Discussion held on the Implementation of Development Review Task Force recommendations for certain Administrative Approvals in the Development Areas. (Ron Higgins)

Ms. McCulley noted that the results that are within the draft ordinance tonight show a lot of work and thought by the Planning Commission. She thanked the Commissioners for their valuable input on the draft ordinance language.

Mr. Higgins presented a power-point presentation and summarized the staff report. (See staff report and power-point presentation)

- One of the Development Review Task Force's recommendations was to look at administrative waivers and administrative approvals. The fourth priority in the May 2007 report to the Board of Supervisors recommended adoption of standards that would allow certain items to be handled administratively by staff, which would have a significant impact on streamlining the approval process including private roads, critical slopes in some areas and buffers. The fourth priority was "to establish staff authority for waivers and modifications in the development areas." The Board endorsed the recommendation provided that staff considers the impact on the public input process and that staff would receive policy guidance from the Planning Commission and Board regarding the implementation.
- Staff examined Planning Commission agendas to determine any recurring waiver requests that could be very clearly codified. Staff found a total of six. Those are certain 404 separate access requests, site plan waivers in certain cases and open-space dedication. The 404 separate access requests occurred when there is a property split by a road, which would be a Subdivision Ordinance text amendment. Staff supported five of the six items for exemption or administrative review. The private road waiver was left out because staff found that it was not a frequent request in the development areas and the current subdivision ordinance already provides for administrative approval of the most common request. The few times that it came before the Commission it had already been handled in an administrative process in the current ordinance. Therefore, staff dropped that one.
- Regarding the public input concern, staff suggested providing written notice to adjacent owners upon submittal of waiver requests to allow for public comment prior to rendering the decision. The Planning Commission in a work session suggested that notice and provisions for call-up to the Commission be codified. That has been done.
- The Planning Commission has held three work sessions: November 20, 2007; March 25, 2008 and August 26, 2008. At each work session the Commission reviewed and refined staff's concepts. The Planning Commission adopted a resolution of intent on February 20, 2008 agreeing with the five items suggested by staff. The Commission agreed to permit administrative approvals for:
    - Limited authority to allow critical slope disturbance;
    - Open-space dedication;
    - Buffer disturbance in limited circumstances;
    - Waiver of drawing a full site plan.
    - 404 exemptions for lots split by a public road. (Note: The 404 exemption will be brought back to the Commission at a later date as a proposed subdivision ordinance text amendment.)

The proposed ordinance changes include:

- Process for notice to abutting property owners – A new procedure is outlined in Section 2.5, paragraph B.
- Ability to call review up to the Commission –Paragraph C in the same section allows abutting owners and Planning Commissioners to call the item up for review in writing.

The Planning Commission had a great deal of concern over critical slopes and what they thought would be appropriate. They came up with two ways this could be done administratively:

- When the critical slopes were created as part of an approved site plan.

- When replacing an existing structure with a new footprint no larger than that of the structure being replaced.

There are benefits and implications of the proposed amendments.

- The public purpose is served as the time and cost to process certain applications is reduced. If they codify the criteria and make them clear they can be met and their history of actions can be carried out administratively in the same way that they were carried out when the Commission acted upon them.
- It provides a more appropriate level of review for such requests.
- It will allow the Commission and Board more time to focus on policy matters.

- Staff recommends approval of the draft zoning text amendments (Ordinance No. 08-18, dated October 3, 2008).

- The public hearing with the Board of Supervisors has been tentatively set for January 7, 2009.

Mr. Morris invited questions.

Ms. Porterfield noted that Section 2.5 B indicates that the agent shall send written notice of the waiver request. She was in favor of placing the burden of these notices on the applicant. She wondered if this section might be a good starting point in order to remove this as a duty of staff. Staff can provide the list, and the applicant would send out the notifications. Secondly, in that same section it says mailed or hand delivered at least five days prior to the date by which the agent will act on the waiver requests. Personally, she did not think that was enough time because she had trouble getting her mail. She suggested they work with business days. If they want to keep it a shorter period of time, she suggested ten business days. That would assure that anyone should get the notice prior to the action point. She questioned if something should be included if they were going to place the notification burden on the applicant that it should be sent by certified mail. The applicant can bring the certified mail slips in to show staff that they have done the mailings. She suggested that section D be changed from 30 to 45 days to give staff additional time to get the item on the agenda.

Ms. McCulley pointed out that the comment about having the applicant mail rather than the agent is a valid comment and staff appreciates that thought. It would probably make sense for staff to address that issue comprehensively since there are a lot of other notice requirements in the ordinance. This one just relates to waivers. If they changed only this one, they would just be doing it piecemeal. It would be best to handle all of the notice requirements at one time to put the burden on the applicant. She asked that they handle it that way, but that it was at the Commission's discretion. This discussion about the number of days notice prior to the decision came up at the last meeting. She asked Mr. Kamptner to talk about that.

Mr. Kamptner said that he could not specifically recall how they came up with 30 days. But assuming that some of these are going to be brought in the context of a subdivision plat or a site plan, they are already under a tight time frame to approve. Therefore, they wanted to be certain that the waivers would be addressed within the outer limits of the review time that is allowed for site plans and plats.

Mr. Graham pointed out that that they talked about notices with respect to the subdivision ordinance, which is coming back to the Commission in January. They are going to be doing the same thing as far as zoning ordinance fees. He encouraged the Commission to allow staff to work on that comprehensively where they can look at all of the notices as Ms. McCulley said for the rezoning, special use permits, etc. That way they can look at the whole thing and also assign fees as appropriate at that time.

Ms. Porterfield asked if they all require a five-day notice.

Mr. Kamptner replied that five days is pretty much the standard. They begin with the notice requirements in the State Code, which require five days to the land owners who abut land that is subject to a rezoning application.

Ms. Porterfield questioned if it was five days and not five business days.

Mr. Kamptner replied that was correct.

Ms. Porterfield pointed out that the 24th of December is on a Wednesday. Then there is Christmas, the 26th and a weekend. She noted that five days would be over before anybody would get anything. She wondered if they want to continue this.

Ms. McCulley noted that this point came up at the last work session. Even though the ordinance language for notice is the five days, staff practice actually is something like 21 days in advance.

Mr. Cilimberg said that the five days is really a safeguard in the event that something needs to be sent out that is a late-comer or revised from the original mailing. Staff would have that period of time to still get something out and meet the time requirements. But staff's actual procedures are to send out those letters much more in advance than five days.

Mr. Cannon asked if the five days were constrained by the overall schedule for review and approval. He asked if that is part of the constraint that they need to operate under to meet those deadlines.

Ms. McCulley asked Mr. Fritz to speak because his division handles these issues.

Mr. Fritz said that the current process is that the application is received and 24 days afterwards there is a Site Review Committee meeting. About 10 to 12 days prior to that meeting, staff sends out a notice. The way staff envisions this working is that when they get applications, they would simply include not only a description of the project but whether or not there was or wasn't an administrative waiver that was included as part of it. There would be a distinction noting that two distinct actions would be taking place. The applicant would then go to the Site Review Committee meeting. Staff envisions setting the appeal date the same as the appeal date of the site plan. It makes little sense to grant a buffer waiver administratively only to have the project appealed and presented to the Planning Commission. That way staff would just give the Commission everything. That is how staff sees it happening. These timeframes are exactly the same and ensure that staff sends the notices out. There will be some cases where the request may not have to go to the Site Review Committee and staff will have to develop some sort of review process.

Mr. Cannon said that he had some concern with regard to Ms. Porterfield's point that five days, which includes the time it takes to get from the mailbox into somebody's hand, is not enough. He disagreed that it should say working days, but that ten days might give some assurance that people would receive the notice with enough time to read it and react if they were concerned. He asked staff if they have cases within this five-day regime that seems to be standard where people come in saying that they did not receive the notice or did not have enough time to read it.

Mr. Fritz replied that staff does not generally get a lot of those comments. Staff generally gets the comment that they did not have enough time to look at it very near the end of the project and would not know how long they did or did not have the notice. The person may not have been an abutting owner and did not receive a notice. It may be because of the process they have set up where they have this review cycle. The most common response is that someone says they were out of town and could not respond to it. That will happen anyway regardless of what kind of time frame is set.

Mr. Cilimberg noted that the notification on site plans that would be subject to a waiver request would go out much earlier in the process because staff notifies them before the Site Review Committee.

Mr. Fritz said that the Site Review Committee meeting occurs 24 days into the process. Staff is notifying people of that meeting that includes the site plan project information and that there is a request for an administrative waiver of a certain section to allow disturbance of buffer or whatever it may be. Instead of sending out an extra mailing, staff is trying to incorporate with whatever mailings they might have unless in those few cases where there might be something else. One other question the Commission had was in

regard to whether staff could get the request to the Commission within the 30 days. Staff is getting any appeal to the Commission within 30 days. Therefore, staff is already doing that.

Mr. Morris invited public comment.

Morgan Butler, representative for the Southern Environmental Law Center, said that at the last public hearing on this item he raised a number of questions and concerns about the way the critical slope waivers had been drafted. He thanked and commended staff for the way they resolved those issues in the draft that is before them tonight.

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

Ms. Joseph noted that the way this was written, if any member of the Commission wants to bring an item before the Commission they have to request in writing that the item be received by the Commission. She questioned whether that is something they want to do. She asked if they want to subject this Commission and future Commissions to sending Ms. McCulley a formal letter regarding hearing a waiver request.

Ms. McCulley pointed out that the letter needed to include a justification.

Mr. Strucko asked if an email would be allowed.

Mr. Kamptner replied yes that an email would be sufficient.

Ms. Joseph said that a simple phone call would no longer work any more. It would have to be in email form.

Ms. Porterfield asked if the request has to be in written form.

Mr. Kamptner replied that the way the draft is written right now it does not have to be. In fact, when they were discussing it today by email, one of the possible ways to deal with it was that any Commissioner could request it at a public meeting. Or, they could eliminate the requirement for Commissioners to submit something in writing altogether. There are options available as to how they want to do it. They wanted to have some kind of paper trail or an electronic trail as to the request actually being made.

Mr. Kamptner noted that there are options available as to the request being made.

Ms. Porterfield suggested that a request could be made by telephone and followed up with a written request, which would be more timely and helpful if a Commissioner was out of town.

Mr. Cilimberg said that sometimes staff receives telephone requests to defer an item, which they then know needs to be deferred in their scheduling. But they require that there be a written follow-up. It is not changing the ordinance for the Commissioners to call first and then provide it in writing. The writing would be the assurance that it is being requested.

Ms. Porterfield asked if there was a time limit. If they don't have the request in writing by a certain time does that make the other null and void?

Mr. Morris said that they were getting back into the standard business mode of "if it is not documented it did not happen." He thought that was what he was hearing Mr. Kamptner saying.

Mr. Kamptner replied yes. They would need to adjust the ordinance unless the phone call and the request in writing fell within the period that is stated in the regulations. But, staff can do that.

Mr. Edgerton agreed that Ms. Porterfield made a good point that this would be a good place to start the notification by the applicant. If they address it holistically, it might be a year or two before it comes back up on the agenda. He was not saying that in a critical way because it was just the reality of the pressure.

He agreed that they should make the notification the applicant's burden because they are requesting the service. He was inclined that it might be a good idea as they review this to make that change. He felt that there was some validity to that. There was a statement on the second page in the last sentence of B under section 2.5 that talks about all of the different things and how the notice gets out. Then the last statement says the failure of any person who received the notice required by this section shall not affect the validity of a waiver. It shall not invalidate a waiver if granted. That is a catch-all phrase and worries him a little bit. He asked if it was necessary to have that in there.

Mr. Kamptner replied that the notice that they provide in this regulation is above and beyond what is required by law. If a waiver is granted, they don't want it to be invalidated simply because they made a mistake in doing something above and beyond what is required. That language is also used in the site plan ordinance and the subdivision ordinance and for the posted signs that the county uses for most zoning applications.

Mr. Edgerton noted that his read of this is staff will do all of this, but if they forget, it does not matter anyhow.

Mr. Kamptner said that if someone actually shows up at the public hearing and participates, they are waiving all of the notice requirements that are required by state law. So there is a safety valve there, too. It is different, but even state law recognizes safety valves.

Mr. Edgerton noted that it just seems to be kind of a catch-all to cover our responsibility and he was a little uncomfortable with it.

Ms. Joseph noted that the only two entities that can request the review are an abutting owner and the Planning Commission. She asked that 2 C be changed to add the Board of Supervisors to the list.

Mr. Kamptner agreed.

Ms. McCulley asked if 2 B would need to be changed to require that they provide notice to the Board in addition to the Commission. Or will they just assume that they will receive notice somehow and will have the right to appeal.

Ms. Joseph agreed since she just did not want to exclude the Board from this part.

Ms. McCulley noted that would make it less complicated doing it that way.

Mr. Morris asked for a recap of what changes were recommended.

Ms. McCulley noted that if the Commission decides to require the applicant to do this mailing, then they would have a mailing from the applicant and the county on the same site plan. They may be getting different messages that will confuse them. She did not know what timeline Mr. Graham was looking at for the zoning fees and getting the zoning amendment to public hearing. She would like to ask that they do it holistically if that was possible. She asked Mr. Graham what the timeline was for getting the notice issue to the Commission.

Mr. Graham replied it was this fiscal year.

Mr. Cilimberg noted that staff appreciates the concept of going to that kind of mailing, but he did not think this is the place to do it.

Ms. Porterfield suggested then that the applicant have to pay the cost for the notification.

Mr. Cilimberg noted that would become a fee change.

Ms. Joseph noted that is a different section of the ordinance.

Mr. Kamptner said that is being addressed with another amendment on which Mr. Graham is currently working.

Mr. Fritz said that it would much more difficult if they had two mailings going on. It would be more difficult if the applicant is doing one and staff is doing another. Staff would develop the mailing list. Staff would give the same mailing list to the applicant and then ensure that they sent the letters out. That is one of the things they would have to be sure that they are doing. So staff would be doing more work if they had the waivers being sent out by the applicant and staff was still under the current ordinance sending out the notices. There is some work that they would have to do to verify and coordinate with the applicant. They have to make sure that the applicant has the right date and so forth. So either they should give it all to the applicant or keep it all with staff, which would make it much easier.

Ms. Porterfield asked if they could move that idea forward.

Mr. Cilimberg said that staff was already working on it.

Mr. Higgins reiterated the Commission's suggested changes as follows:

- Under the section requesting Commission review add the Board of Supervisors as an entity that can request the review.
- The applicant will not be doing the letter notifications yet. That is part of their overall ZTA's.
- The five (5) day minimum notification will be kept acknowledging that our current procedures allow much more time than that.
- It is standard for staff to get the item to the Commission within thirty (30) days for an appeal.

Ms. Porterfield asked to add what Ms. Joseph requested: a Planning Commissioner or BOS call-up request may be submitted orally and followed up by a written confirmation.

Mr. Higgins added a modification to the request causing it not to be only to be in writing.

- Make change so the request does not have to be entirely in writing so that a BOS or Planning Commissioner could make a phone call and then follow it up in writing or by email and be within the suggested timeframe.

Mr. Kamptner noted that the issue of the five day mailing was that they would stick with it based on Mr. Fritz's comments.

Mr. Morris agreed.

Ms. McCulley pointed out that would be reviewed when they codify the section on the applicant doing the mailings because they want the date much farther out than that.

Motion: Mr. Cannon moved and Ms. Porterfield seconded to recommend approval of ZTA-2008-00003, Administrative Waivers in Attachment A of the staff report with the modifications recommended by the Commission.

The motion passed by a vote of 7:0.

Mr. Morris noted that the ZTA-2008-00003 Administrative Waivers would go to the Board with a recommendation for approval on January 7 with the following modifications to the text.

- Under the section requesting Commission review (Sec. 2.5 C.) add the Board of Supervisors as an entity that can request the review.
- Under that same section add that the request can be made with a phone call within the suggested time frame and then followed up in writing or by email.
- The applicant will not be doing the letter notifications unless and until this is changed as part of the overall ZTA's now being developed for all processes.

- The five (5) day minimum notification will be kept, acknowledging that staff's current procedures allow much more time than that.
- It is standard for staff to get the item to the Commission within thirty (30) days for an appeal. Therefore no change to this time-frame is needed.

SP-2008-00033 Shadwell Market (Sign # 8 & 20)
PROPOSED: Use of more than 400 gallons of groundwater per site-acre per day for convenience store. ZONING CATEGORY/GENERAL USAGE: C-1 Commercial - retail sales and service uses; and residential use by special use permit (15 units/ acre); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access
SECTION: 22.2.2.11, Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots). ENTRANCE CORRIDOR: Yes LOCATION: Intersection of US 250 (Richmond Road) and Route 22/231.TAX MAP/PARCEL: Tax Map 79 Parcel 9. MAGISTERIAL DISTRICT: Scottsville. (Scott Clark)

Mr. Clark presented a Power-point presentation and summarized the staff report.

- This is a special use permit request for water usage at the Shadwell Market, which is being redeveloped at the intersection of Routes 250 and 22. This property and the adjacent property are zoned C-1, Commercial. Section 22.2.2.11 requires that any use not served by public water that uses 400 or more gallons of water per site acre per day apply for a special use permit to use that much water. This permit request is for approximately 1,000 gallons of water per day on a site of 1.1 acres or 847 gallons of water per site acre per day. The request is not for the store itself, which is a by-right use. It is simply for the volume of water used.
- There are two main issues with this type of permit. There is water safety for the use itself and the impacts on the adjacent uses as far as affecting their water supply. As indicated in the staff report, the Groundwater Manager's review shows that there is not any expected impact on the neighboring water supplies because there is such a high-volume well on this site that uses such a low percentage of that potential volume. Therefore, it is unlikely that it will affect the neighboring properties. Regarding water safety, there is a known spill of MTBE, a fuel additive, on an adjacent site. Again, however, due to the low volume of use on the site it is not expected that pollutant would be pulled into this direction. The site has been tested several times including earlier this year. There is no sign of MTBE in the well on this site. Even if it were to occur on the site, it would be noticed at very low concentrations by anybody that drank the water. It is not a regulated substance. Therefore, they are not able to establish a standard at what point it becomes unsafe. But it does become obnoxious to anybody that drinks the water at that time. It can be filtered out. They don't expect that the MTBE will move over to this site and be a pollutant to this well.
- In summary, staff did not believe that the water availability in the neighboring properties would be affected. Staff does not believe that there is any practical health concern. Even if there is some future concern with MTBE, it can be filtered out. Staff recommends approval of the special use permit request.

Mr. Morris invited questions from the Commissioners.

Mr. Loach asked regarding the MTBE if there is any test monitor protocol so that this gets tested routinely to see if it is moving or migrating.

Mr. Clark replied that the only testing he was aware of is the occasional testing that has been done in the past by DEQ. DEQ has checked the site for MTBE, but he did not know if that would continue in the future. DEQ may consider this as a closed case at this point.

Mr. Edgerton suggested one way they could address the possible health/safety issue here would be to perhaps add a condition that they put a filtration system on the water supply at the store. That would, in fact, deal with this if it ever became a problem.

Mr. Loach suggested that a condition could require testing.

Mr. Clark pointed out that right now there is nothing to be filtered.

Mr. Kamptner noted that the condition could require periodic monitoring and once levels reach a certain level, then the filtration could be required. He clarified that this was not an active DEQ site.

Mr. Clark replied that it was a closed case. The problem with trying to set a value for monitoring is that there have been no federally established thresholds at which MTBE becomes unsafe. They have not been able to get any results to show that.

Mr. Kamptner said that in their building regulations in Chapter 5 of the County Code they have some prerequisites for getting a building permit in an area that is identified as an active zone so that they are not doing draw down that is going to cause a contamination plume to spread. They did establish levels for various pollutants in that chapter.

Mr. Graham said that is what they call BETEX, (benzyl, toluene, ethyl and zyline). MTBE is not one of those compounds.

Ms. Joseph noted that in a conversation this afternoon with Josh Rubinstein, Groundwater Manager, he said that there was ongoing testing on these sites that have been identified by DEQ. They do testing periodically. He said that each of the wells surrounding this area has been tested and they had not found anything within there. They are also doing some ground testing from time to time. He explained that because of the draw down, he did not feel as this thing was migrating. They talked about the migration habits and whether it is diluting as it migrates and they don't know. Therefore Mr. Edgerton's comments about some sort of a filtration system might be appropriate. The other thing Mr. Rubinstein was talking about was that there are some little organic creatures apparently that eat this stuff. So they are working on that aspect, too. Therefore, the county is making an effort to find out what is going on in this area.

Mr. Cilimberg pointed out that recently they dealt with a jurisdictional area request where an owner had MTBE in the water supply and asked for public water. He thought that it ends up becoming an owner concern before it really would become a public issue. An owner will then say that they have this problem and have no alternatives to deal with it and might ask for public water. There is the opportunity through the Board of Supervisors in the jurisdictional process to receive public water if there, in fact, is a problem that arises. In this case there is a water line out in that area. It has been granted in this area on two occasions with GOCO and one other property in the area. If it were to arise, first it would be an owner concern. Secondly, there is that remedy if there is no other alternative to deal with it.

Ms. Joseph said that the difficulty is the remedy is there, but a lot of this zoning is stale old zoning.

Mr. Cilimberg said that they dealt with it by the jurisdictional area designation of the two existing structures only. That is a designation that is fairly commonly used in the rural area where they have existing structures within existing problems.

Ms. Joseph questioned if they are creating a problem in the future by allowing this water usage. She understands that the water usage is based on the size of the septic. That is the septic determines the amount of water that can be used in terms of 1,000 gallons per day. What they are looking at is this septic field can handle that amount of water per day.

Mr. Morris opened the public hearing and invited the applicant to come forward.

Lloyd Wood, property owner, said that they have discussed every issue that the Commission has raised over the many months since late last spring when their original site plan was approved. The

only reason, as stated by state, that they are here is that the old store that there was there used about 135 to 150 gallons of water a day. It was very low usage. They did not know about this until they had the site plan before us and they just guessed that the new store would use more than 400 gallons. After going through hours of discussion with staff to come up with a formula to determine whether they did, there is no formula. They checked with the health department and EPA. They even did their own study on how many gallons they thought they were using in the store. In a discussion with the staff he asked that they come up with something. He noted that Ms. Joseph was correct that the way they come up with the 1,000 gallons a day approximately that is the capacity of the drainfields which are on the other side of Route 250. As far as the GOCO situation, it is not adjacent to their property but on the other side of the rail road tracks. At the request of the county, they had an extensive ground water assessment done by a professional assessor out of Culpeper. They gave that information to the staff and they tested everything within 1,000 feet, which included all of the sites Ms. Joseph referred to and says have been tested. Since he has been associated with the property in the early thirties they have never had a DEQ problem. Their site has been tested as well as the other locations around them. That was their big concern when they found out that they would be using more than 400 gallons per day. Most of this will be used in his and her facilities and very little will ever get to the consumption of humans.

Mr. Morris invited questions for the applicant.

Ms. Joseph said that she keeps trying to figure out what food service means. She asked if they are doing take out food, which is the other big water user.

Mr. Wood replied that it would be like a normal convenience store with sandwiches and carry-out items. There will be no seating in the store. It will mainly be a country store like it has been for all these years. They are just bringing it into the present day existence. He noted that his father built the original store in the mid-thirties. If they had not gotten to this point, it would soon have fallen in. He agreed with the staff report. They have worked very closely with staff since this issue came up. They think that what they have come up with is something that the Commission will be proud of.

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

Motion: Ms. Porterfield moved and Mr. Edgerton seconded to approve SP-2008-00033, Shadwell Market based on the findings in the staff report.

The motion passed by a vote of 7:0.

Mr. Morris said that SP-2008-00033 would go to the Board of Supervisors on December 3, 2008 with the recommendation for approval, as follows. The Planning Commission recommended approval of SP-2008-00033 to the Board of Supervisors to allow the use of more than 400 gallons of groundwater per site-acre per day for a convenience store.

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

The meeting reconvened at 7:44 p.m.

ZMA-2008-00005 Old Trail Block 2 (Signs # 1, 2, 22, 47)

PROPOSAL: Amend Code of Development to include rest home\assisted living use for approved ZMA200400024 (Old Trail NMD) which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Approved number of units for Old Trail is between 1600 and 2200. No change to density is proposed. PROFFERS: Yes (Amendment to refer to revised Table 4 of the amended Code of Development). EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: CT5 - mixed residential and commercial uses. Residential density - 12 dwelling units per acre; 18 dwelling units per acre in a mixed use setting in the Community of Crozet. ENTRANCE CORRIDOR: Yes. LOCATION: North side of Route 250 West, approximately 2,000+ feet west of the intersection of Miller School Rd. and Route 250. TAX MAP/PARCEL: 55E1-A1 (portion). MAGISTERIAL DISTRICT: White Hall. (Claudette Grant)

Ms. Grant presented a Power-Point presentation and summarized the staff report. (See PowerPoint Presentation and Staff Report) She asked to correct the date on the staff report for the Board of Supervisors meeting to November 12.

- The use is not allowed in the Code of Development. The applicant requests to amend Table 4 of the amended Code of Development. The applicant would like to include this assisted living/rest home use in Section 2.

- There are no unfavorable factors.

- Staff recommends approval of ZMA-2008-00005 inclusive of revised proffers and revised Table 4 of the Code of Development.

Mr. Loach asked if the applicant is not changing the number of units.

Ms. Grant replied yes, that is correct.

Mr. Loach asked if the applicant is also required to have 15 percent of these units as affordable.

Mr. Cilimberg noted that the zoning interpretation is that this use is not an ongoing residential use, but a transient use. The use is treated more in terms of beds than actual units. The affordable housing proffers would not apply but to all residential units in Old Trail and not in the residential facility. The use is a facility with beds and not as residential dwelling units.

Mr. Loach asked if this is a single-use building and not like the Marriott that has homes that feed into it.

Mr. Cilimberg replied that they could have the applicant describe the use, but he believed it is for a facility.

Ms. Porterfield asked if the use table should refer to the use as an assisted living facility instead of rest home/assisted living.

Ms. Grant replied that the applicant requested an assisted living facility but the ordinance has assisted living/rest home.

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

Pete Caramanis, representative for Old Trail, said that the application is pretty straight forward because they left this use out of the Code of Development. The intent was to include a broad spectrum of uses. In this block there is a variety of uses. They don't think that adding this use would be a problem. They believe that an assisted living facility would be ideal in this location due its close proximity to so many amenities and the opportunity to provide generational diversity in the community. The close proximity to the school amenities perhaps could encourage some volunteer activities. With regard to the homes or single-building proposal, this would be for a building that included different types of care – independent care to assisted living and memory care. It would be a single building. The site plan is not here tonight. The request is simply to allow this use on the property. Obviously, they would come back with a site plan at a later date. Justin Bates is also here to answer questions

Ms. Joseph noted that the use is just in this one block. She wondered why they did not consider this use for any other areas in Old Trail.

Mr. Caramanis replied that the folks felt this block would be what they needed. They felt this was consistent with the uses otherwise allowed in this block. If they want to do another assisted living use, they would have to come back.

Mr. Edgerton said that in response to Mr. Loach's question even though they don't have a site plan, would it enforce any affordable housing proffers.

Mr. Caramanis replied that he was not sure if this use would require that. If it were required, it would allow for the banking of affordable housing units. If they are not able to accommodate it in this block, they could allow it in another area and bank those lots.

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

Mr. Loach noted that he would like to see more specifics later on.

Motion: Mr. Loach moved and Mr. Strucko seconded for approval of ZMA-2008-00005, Old Trail Block 2, inclusive of revised proffers and revised Table 4 of the Code of Development as recommended by staff.

The motion passed by a vote of 7:0.

Mr. Morris noted that ZMA-2008-00005 Old Trail Block 2 would go before the Board of Supervisors on November 12 with a recommendation for approval.

ZMA-2008-00004 NGIC (Sign # 77)
PROPOSAL: Amend general development plan for ZMA 2007-003. Approx. 15 acres CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre) to allow an additional 22,100 square feet of basement storage area in Building #1 and an additional 44,200 square feet of basement storage area in Building #2 in two 4-story buildings of 89,400 square feet each. This proposal also includes two concurrent special use permits SP 08-045, an amendment to SP 2007-031, to allow relocation on property, of a three-story 120 unit apartment building and SP 08-46, an amendment to SP 2007-032, to allow revision of research and development uses in the proposed office buildings. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Community of Piney Mountain in the Development Area. ENTRANCE CORRIDOR: Yes. LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility. TAX MAP/PARCEL: Portion of Tax Map 33 Parcel 1D. MAGISTERIAL DISTRICT: Rivanna

AND

SP-2008-00045 NGIC (Sign # 77)
PROPOSED: Relocation on the property of 120 unit three-story apartment building at a gross density of 8.0 units per acre on an approximately 15-acre site. ZONING CATEGORY/GENERAL USAGE: Existing Zoning is CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre). SECTION: 18.23.2.2(9) uses permitted in Residential R-15 Zoning District. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Community of Piney Mountain in the Development Area. ENTRANCE CORRIDOR: Yes LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility TAX MAP/PARCEL: Portion of Tax Map 33 Parcel 1D. MAGISTERIAL DISTRICT: Rivanna

AND

SP-2008-00046 NGIC (Sign # 77)
PROPOSED: Revision to allow for research & development uses within proposed CO Zoning District Office Buildings, 178,800 square feet of office space in two 4-story buildings of 89,400 square feet each. ZMA 2008-004 proposes to allow an additional 22,100 square feet of basement storage area in Building #1 and an additional 44,200 square feet of basement storage area in Building #2. ZONING CATEGORY/GENERAL USAGE: Existing Zoning is CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre). SECTION: 18.23.2.2(12) Research and development activities including experimental testing and 18.23.2.2(13) labs. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing

activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Community of Piney Mountain in the Development Area. ENTRANCE CORRIDOR: Yes
LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility
TAX MAP/PARCEL: Portion of Tax Map 33 Parcel 1D. MAGISTERIAL DISTRICT: Rivanna
(Claudette Grant)

Ms. Grant presented a Power-Point presentation and summarized the staff report. She corrected the dates on the staff report to November 11 for the Planning Commission and November 12 for the Board of Supervisors. Information was distributed as a handout. (See staff report)

- The purpose of this request is to amend the general development plan for ZMA-2007-3. It is approximately 15 acres; and the applicant would like to allow an additional 22,100 square feet of basement storage area in building #1 and an additional 44,200 square feet of basement storage area in building #2. Each of these buildings is a four-story building of 89,400 square feet. This proposal also includes 2 concurrent special use permits. SP-2008-45 is an amendment to SP-2007-31 which is to allow relocation on the property of 3-story 120 unit apartment building. Included with this request is also SP-2008-46, an amendment to SP-2007-32, which allows the revision of research and development in the proposed office buildings.

Factors favorable:
- The rezoning and special use permits are consistent with the Land Use Plan.
- The extension of Boulders Road, which is a desired loop road to Route 29, is shown in the Places29 draft master plan. This remains in the proffered plan.

Staff clarified that the staff report and the addendum to the staff report identified staff concerns with storm water management facilities for the site. Since the staff report and the addendum were written, staff has received written information, which was distributed this evening from the US Army Corps of Engineers that states that they no longer have concerns regarding the storm water management. Staff recognizes that the storm water management can either be accomplished in a combination alternative on and off site as suggested by the applicant and shown on the plan or the applicant might need to pursue other alternatives for on-site storm water management which might prove to be very expensive to construct and maintain. The Water Protection Ordinance will require the storm water management be resolved during the site plan process. If the applicant finds that the layout of the site will need modification, for example changes to buildings and parking areas, because this is a proffered application plan there would need to be future rezoning. Staff can recommend approval. However, staff wants the Commission to understand that alternatives to the storm water management may need to occur. At this juncture, staff has no way of knowing whether these alternatives can be approved. It is possible that this may come back as a rezoning.

Mr. Morris invited questions for staff.

Mr. Edgerton asked if the original representative was that storm water management would occur off site in the approximate same location being proposed.

Ms. Grant replied that in the original proposal it is shown off site. There was no storm water management on the site.

Mr. Strucko asked what effect the addition of a basement would have on the building and if it would add a story on top.

Ms. Grant replied that it would be a story underground with a deeper hole.

Ms. Joseph noted that on page 5 it talks about the Service Authority being concerned with the sewer needs and insufficient capacity. At this point, they are looking at this as additional usage. She was confused and asked if they signed off on the site plan for construction to occur because this is under construction now.

Ms. Grant replied that is correct that they did sign off on the current site plan. However, they do note some concern on this. She believed because this is an expanded use.

Ms. Joseph said that they say they cannot accept the projected wastewater flows until all improvements in the Camelot Wastewater Treatment Plan are complete. They are expecting this completion by January 2009.

Ms. Grant replied yes.

Ms. Joseph asked if at that point they say it would be okay once those improvements are completed at Camelot.

Ms. Grant replied yes.

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

Scott Collins, representative for the applicant United Land, apologized for what might appear to be a last-minute resolution on the storm water management for the site. In actuality this has been an ongoing process for the storm water management on this site since day one, which was about a year and a half ago when this project first started on the rezoning process. Although the agreement has been in place since day one, it has basically taken up until now to get this finalized to the point where it has been confirmed by the Army Corps of Engineers that the pond is adequate and can handle the storm water management runoff from this 14-acre NGIC site for treatment. He thanked staff and the county engineer for their hard work in this matter in order to get their confirmation within the past month. He offered to answer any questions on the storm water management or on the rezoning amendment which is basically allowing the additional storage. The additional storage is below grade and is actually exposed on the back side because of the grade differentiation from the front of the building to the back. The buildings are not increasing in height.

Mr. Morris invited questions for the applicant.

Mr. Strucko asked what created the additional need for storage.

Mr. Collins replied it was the request from NGIC for this additional storage space.

Mr. Strucko asked what would be stored there.

Mr. Collins replied from their discussions with them it is for materials, files and other equipment. That was their explanation.

Ms. Joseph asked if their construction schedule was going to be okay with the Camelot Plant upgrade.

Mr. Collins replied yes that it will. The first building is under construction. It is to be completed within the next several months. Then it will be turned over to NGIC, and their contractor is going to be up-fitting the third and fourth floor of it. That won't be occupied until the Camelot Plant will be up and running in January 2009.

Ms. Joseph noted that it sounds like they won't get a certificate of occupancy until the plant is operating.

Mr. Collins noted that it is possible.

There being no further questions, Mr. Morris invited public comment. There being none, the public hearing was closed and the matter came back before the Planning Commission.

Mr. Cannon noted one concern expressed in the staff report was the adequacy of the storm water management facility now shown on the plan. The memo from the Army Corps of Engineers concludes that there is no significant impact. He asked if staff concurs with this conclusion.

Mr. Graham noted that what the situation really is that with approval of a storm water management plan, there is a storm water management agreement that must be signed by the property owner. It has two parts. It allows the county to inspect the facility and it binds the property owner to continuous maintenance of that facility. That is to ensure that the storm water management facility operates in the future. That is still the question. A blank agreement was forwarded to the Fort Belvoir (Belvoir) people who are looking at it now. Frankly, staff does not know if they will sign the agreement. If they do, staff believes that they can modify the off-site facility such that it can satisfy the storm water management requirements. If not, what staff has looked at is that they feel that they can construct some on-site facilities, underground storm water detention bio-swales, filterers, parking lots and things of this nature that will satisfy the ordinance requirements.

Mr. Cannon asked if they have not done that.

Mr. Graham replied that they have not done that there. But that is really a site-plan issue rather than a rezoning issue. Staff feels confident that they can accomplish that. It will cost them a lot more money for that alternative. But it does appear to be a viable way to provide the required stormwater management.

Mr. Cannon asked if the Corps of Engineers has to make that decision, and Mr. Graham replied that the property owner has to decide whether to sign the agreement.

Mr. Cannon asked would it make sense if the Commission decides to approve this to condition the approval on the establishment of an adequate stormwater management plan.

Mr. Graham pointed out that it was a requirement under the site plan review. It was a requirement, and they have to do it. It is not discretionary. Staff can determine that it complies with the ordinance. If the applicant needs to, they can provide it on-site. But they might not like the costs associated with providing an on-site facility. The applicant may come back with another request to amend the rezoning again and have to go back through the process again. The applicant has to comply with the Water Protection Ordinance at the time of site plan.

Ms. Joseph asked about the sewer upgrades. Normally they don't start the approval without everyone's approval on the sewer upgrade. She asked Mr. Graham to address how they should deal with it.

Mr. Graham replied that the way the county handles it is that the Service Authority has to sign off on the site plan. When the Service Authority signs off on the site plan, they are assuring the County that there is adequate capacity for sewer service at that time. Basically, the applicant is proceeding at their own risk up to that time. The site plan cannot be approved without the Service Authority's approval. It is an amendment to the existing site plan. The Service Authority would have to be satisfied that they can provide adequate sewer service at the time the site plan is approved. The Service Authority has been in some fairly intensive discussions with this property owner and with others that are served by the Camelot Plant, and they are coming up with a new agreement. They've got a temporary solution that will last for a few more years, but it will not handle the build-out in that area. They are working toward this long-term, permanent agreement. He suggested that they take this issue up with the Service Authority if there were additional questions.

Ms. Joseph asked if this amendment to the site plan will have to be approved by the Service Authority, and Mr. Graham replied yes.

Action on ZMA-2008-00004 NGIC

Motion: Ms. Porterfield moved and Mr. Cannon seconded for approval of ZMA-2008-00004, NGIS.

Mr. Cannon seconded the motion with the understanding, as stated by Mr. Graham, that the Water Protection Ordinance would have to be complied with and that the Service Authority would have to review and approve the final plan.

Mr. Cilimberg noted that the proffers had already been revised and approved and therefore did not have to be stipulated.

The motion passed by a vote of 7:0.

Action on SP-2008-00045 NGIS

Motion: Ms. Porterfield moved and Mr. Cannon seconded for approval of SP-2008-00045, NGIS, with staff's recommended condition.

1. Maximum number of 120 apartment units shall be permitted.

The motion passed by a vote of 7:0.

Action on SP-2008-00046 NGIS

Motion: Ms. Porterfield moved and Mr. Cannon seconded for approval of SP-2008-00046, NGIS, with staff's recommended conditions.

1. Future research, development/laboratory tenants will be subject to approval of a certified engineer's report prior to final site plan approval or occupancy.
2. If any discharge of other than domestic wastes into the public sewer system is expected, the ACSA shall be so notified prior to site plan approval.

The motion passed by a vote of 7:0.

Mr. Morris noted that all three requests would go before the Board of Supervisors on November 12 with a recommendation for approval.

CPA-2008-00002 Yancey Mills Business Park
PROPOSAL: Amend Comprehensive Plan Land Use Map from Rural Areas to Industrial Service-warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre). The applicant is seeking this CPA to allow for the potential of a future rezoning that would permit uses such as contractors' office and equipment storage yard, flex-space, and office space but no retail component. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas- preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots). EXISTING ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) and HI - Heavy Industrial - industrial and commercial uses (no residential use). ENTRANCE CORRIDOR: Yes.
LOCATION: 6317 Rockfish Gap Turnpike; Whitehall Magisterial District. TAX MAP & PARCELS: TMP 55-98A, 111B, 112, 112A; TMP 71-42, 42; TMP 72-1A
(Rebecca Ragsdale)

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

- This is a comprehensive plan amendment request and the first chance for the Commission to consider the Yancey Mills Business Park CPA request submitted in September. Staff and the various reviewing agencies have taken a preliminary look at it in terms of both county policy and a preliminary look at impacts that would come into play with this proposal based on the application package provided by the applicant. This is a request to consider amending, as the applicant submitted, both the growth area for Crozet and to change the land use designation on the property, which is now rural areas, to industrial service to allow for future consideration of a rezoning to potentially Planned Development - Industrial Park zoning.
- The properties included in the proposal are the existing 35 acres, which includes the Yancy sawmill/lumber yard located on Route 250 and the remaining properties owned by the Yancey

family. This encompasses about 148 acres along Interstate 64 and back behind the lumber yard along Yancey Mill Lane. She explained the applicant's proposal, which included the concept plan that showed potential areas for development including some open space and park area that the applicant would be willing to provide for public use.

- Staff outlined in the staff report the relevant policy. It is not in the growth area. It is in the rural areas with the emphasis on uses that support rural area conservation, agricultural and forestal type of uses, some of which are happening on the property now. It is in the water supply watershed protection area. The growth area boundaries in that area of Crozet have not changed since the 1980 Comprehensive Plan and subsequent downzoning. Staff noted that they have prime agricultural soils information. Again, there are water supply watershed issues. There are scenic resources with Route 250 being a Scenic Highway. There is an adjacent area under consideration for the Greenwood Rural Historic District.
- The applicant's proposal is hoping to meet some of the goals and objectives of the Economic Development Policy plan. The applicant has been speaking to the Commission in terms of how this would provide for a supply of light industrial land. However, the Economic Development Policy does emphasize starting with the existing development areas and exploring all of the possibilities on a county-wide scale for providing for that shortage of industrial land.
- While this interchange is mentioned in the Interstate Interchange Policy, it is not one of those interchanges recommended for further development in the Comprehensive Plan. Regarding the Crozet Master Plan, some of the properties go off the map in the rural area. It is important to emphasize that the major themes of the plan and what they heard from the community was that Route 250 should be protected and remain a scenic corridor and not be developed further in terms of commercial development. The areas along Route 250 that are shown for future development are those that had old zoning or site plans approved as in the Clover Lawn – Blue Ridge Shopping Center area and Crozet Gateway Center.
- Staff noted some of the impacts that would need to be considered in the proposal with staff recommending that more detailed environmental assessment and information be considered if the study goes forward and the CPA is considered. Transportation impacts need to be looked at further. The Service Authority did provide comments that indicated that there was no capacity for future development of the property. Also, scenic and historic resource impacts should be considered including obtaining documentation to confirm that there are no historic resources on site. There is the potential historic district adjacent and ways of mitigating scenic and historic resources.
- Staff did provide a recommendation this evening based on what was submitted. Due to the size, the scale and the scope of the project, staff would not recommend further study at this time. An option to consider if the CPA is studied is that it be part of the Crozet Master Plan review process and follow that timeline. Staff recommended that the emphasis of that study be on uses that are compatible or supportive of the rural areas and again the adjacent development area at an appropriate scale. Also, staff would want to come back to the Planning Commission for further discussion if they recommend that it go on a separate path or sooner than the Crozet Master Plan review.

Mr. Morris asked if there were any questions for staff.

Mr. Cannon asked if the process for updating the Crozet Master Plan gives the Commission an opportunity to look in a comprehensive way at the demand for light industrial usage or zoning.

Ms. Ragsdale replied that staff would hope that they would be able to look at that in a comprehensive way for that western part of the county and then also have more information as far as county-wide objectives.

Mr. Cannon noted that was the issue here and this presents an opportunity. But if that opportunity can be captured even more comprehensively in the Crozet Master Plan, that makes sense.

Mr. Benish pointed out that one of the Commission's comments in the Economic Development Policy update was a desire to ensure that as they looked at additional lands they looked at it in a comprehensive fashion consistent with master planning including considering all the development

areas. So as they look to update the work program for the upcoming year, staff will try to see how they get that coordinated with the Crozet Master Plan update and other aspects of land use planning to take industrial development into consideration.

Mr. Loach questioned if the county had indicated the deficit was around 110 acres.

Mr. Benish replied yes that one method of staff looking at that was in the low hundreds of acres.

Mr. Strucko said that deficit was a result of looking at existing zoning and does not consider rezoning possibilities. It was vacant existing zoning.

Mr. Benish said that there was a limited inventory of existing zoned lands. What was defined was a need for light industrial types of land to make it feasible for industries to locate. He believed that it was a deficit of about 100 to 150 acres.

Mr. Strucko pointed out that he takes issue with the word deficit. He was not sure a deficit exists. He said that they were just looking at existing light industrial zoned land that is vacant. There are rezoning possibilities and reuse possibilities that he thought could make up that deficit.

Ms. Porterfield asked what the time line is for reviewing the Crozet Master Plan.

Mr. Benish replied that staff was going to be looking at the work program now to have some better direction on the strategic plan on what to do with additional master plans. Staff internally hopes to begin working on the master plan process this coming spring, but definitely next summer and fall in earnest in the next fiscal year.

Ms. Porterfield asked if he meant for Crozet, and Mr. Benish replied yes.

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

Will Yancey, representing the Yancey Family who owns this land, said that they have spent about a year on this project. They have put a lot of hard work into it. They think that it is a good idea and appreciate the Planning Commission's kind attention tonight. He turned the discussion over to one of their consultants, Valerie Long, to answer questions about the request.

Valerie Long, attorney, presented a Power-point presentation and explained the proposal.

- Several members of the project team from Terra Concepts, who have been the land planning and engineering consultants involved in the project, are also present. The staff report covered a lot of the issues in great detail. They want to elaborate on a few of the issues and address some of the comments and challenges that were raised in the staff report. As shown on the map, the vast majority of the property is actually set back off of Route 250. The existing sawmill property is located adjacent to Route 250. They are not proposing to change the sawmill, but just to bring it into the planned district. That is what they think staff would want if ultimately this does move forward from a rezoning perspective to be a planned district.
- The vast majority of the project area that would involve new development exists off of Route 250. Therefore, they are cognizant of the recommendations in the Crozet Master Plan to limit development up against Route 250 and to preserve the rural character. That is why they felt this property was well suited because most of it is off the road. The main access point would be on Route 250, which they feel is a benefit because it has such direct access to the interstate and would not require trucks or heavy machinery to take Route 250 toward Downtown Crozet. Part of the land's attraction is the immediate proximity to the interstate for the types of uses that are contemplated for this project. There has been a lot of interest from the folks they have spoken to about having land located so close to a major transportation artery.
- One of the main issues that they would ask the Commission to keep in mind is the fact, as has been discussed in great detail in a number of work sessions on the Economic Development

Policy, that there has been a lot of change in land use, development and growth patterns in our community over the last 16 or 20 years. Prior to the Crozet Master Plan being adopted, the most recent land use plan at the time was adopted about 16 years ago. A map was included in their application of the Crozet development area prior to the adoption of the Crozet Master Plan. It shows a large area of Industrial Service designated land. When the Crozet Master plan was implemented, a lot of that land was re-designated for other uses. A lot of it was for mixed uses for high-density residential and for office. They don't think that was inappropriate to re-designate a lot of that land. They think that update obviously reflected the goals and wishes of the community and involved a lot of thought, meetings and input from the public, consultants and other professionals. At the time, no one was really thinking about replacing that industrial designated land in other areas.

- Similarly, there has been a significant change in development and growth patterns in the 29 North Corridor and other areas. Years ago everything up 29 North was so far out that no one could ever imagine retail development going up there. That was where all of the industrial land was designated. As growth occurred in the county, land use patterns changed, land prices escalated dramatically and various other things went on. There was a desire for mixed-use projects. Therefore, a lot of those areas were re-designated away from Industrial Service to the Town Center, Residential, Mixed Use, and Retail designations. That accurately reflected the input of the community and the demand in the market place at the time. People were not focusing on the lack of light industrial land until recent years when smaller businesses and industries need land on which to locate. With this application, they are trying to address that need.
- The Yancey family have operated the sawmill facility for years. They work a lot with contractors and business owners who own large equipment and have nowhere to locate. They have had a lot of requests from people to park equipment. This seems to be a logical location for these types of businesses. That is how this idea was generated. They understand that there are challenges. At this point tonight, they hope that the Commission would at least determine that there is enough merit to look at it further. It does not mean that they would necessarily support a Comprehensive Plan Amendment at this location as requested, but merely ask the staff to look at things a little more closely. They are prepared to address the concerns that have been raised and to respond to some of those issues if the Commission would like them to.
- On the sewer capacity issue, the project engineers have had several meetings with engineers at the County Service Authority to understand the sewer capacity issues. They are very aware of what the issues are now. They knew from the beginning that it would be a challenge and that there would probably need to be some infrastructure upgrades involved. They understand that there are other developers in the area who are working with the Service Authority to start the process of infrastructure upgrades. They understand that in the future they may be faced with some of those same obligations. So they don't think that the Service Authority issues are insurmountable and are prepared to address them in an appropriate fashion.
- Similarly, with regard to some of the water and environment issues, the engineers have conducted a very thorough professional analysis of the terrain, site elements and features. The engineers are confident that if the project moves forward they will be able to develop a plan to address the challenges and ensure the protection of the environmental resources on site. Right now the stream has been degraded, as she understands, from many years of cattle and other farming activities. Part of the initial concepts are let's get the cattle out of there, restore the stream banks and implement some modern on-site techniques to ensure that the water pollution can be not only prevented, but mitigated from past damage. Those are some of the broad concepts they are working with. They understand that now is not the time to come up with a lot of specifics. But the engineers are saying that they are very confident that they can address those issues at the appropriate time.
- The Planning Commission should have received letters from several local Crozet business owners who have been working with the Yancey family to help them refine and develop this proposal. There was a comment in the staff report of an unfavorable factor that there was a concern that this project could compete with Downtown Crozet businesses. They think the very opposite is true. They think that this project will compliment the development of Downtown Crozet.

- One of the goals of the Crozet Master Plan mentioned in the staff report is that the project could provide support for jobs and the housing balance in Crozet. The Crozet Master Plan states, "Jobs that keep residents of Crozet working in Crozet would be key to revitalizing Downtown and mitigating a deteriorating traffic condition on Routes 240 and 250." They agree with that concept in that if there are businesses in Crozet such that the Crozet residents can work and live in Crozet that would be for the benefit for the entire community, particularly for those businesses that already exist in Downtown Crozet and those that are trying to get off the ground. In order to have jobs, there needs to be somewhere for those businesses to locate. At this point they are not aware of locations suitable for those businesses who have expressed support to the Yancey family and an interest in locating there. Those people are very excited about this proposal because they don't have a place to go right now. This is an effort to provide a home for those businesses ideally in a relatively affordable, low-cost environment. Therefore, they don't feel that the project at all will compete, but can actually enhance the area.

Mr. Morris invited questions from the Commission.

Mr. Strucko noted that it said in the concept plan that there could potentially be 1.1 million to 1.8 million gross square feet of building area. He asked what is envisioned in terms of full build-out. The vision talks about contractor's office and equipment storage yards. He assumed that a storage yard is an outside entity that would consume some of these gross square feet of building area. He asked if that is correct.

Ms. Long replied that is correct. It is a very rough estimate just based on some of the calculations in terms of average floor area ratios, the acreage, density and so forth taking into consideration some of the environmental features. They are contemplating just as he said storage yards, light industrial uses that could include light warehouses and the types of light industrial uses that are permitted in a Planned District - Industrial Park.

Mr. Strucko said that the gross square feet of building area is just surface area and does not account for the square feet occupied by a multi-story building.

Ms. Long replied that it may well include that. Again, they were cognizant of not trying to put too much detail into it at the beginning. Obviously, they want to give the Commission and staff enough detail to conduct an analysis, but trying to keep it general with broad concept proposals.

Mr. Strucko noted that he was trying to get a sense of the size, scale, scope and presence of what could potentially be proposed here. He would like to draw comparisons to existing research parks. It says that this was going to be an alternative or a more cost-effective counter proposal to the University Real Estate Foundation Park. He estimated that the Fontaine Research Park was around 600,000 square feet, which was in a multi-story building, too.

Ms. Long said that it was not necessarily intended to be equivalent to the Fontaine Research Park or any other park. They have heard there is a lot of desire on people's part to locate at the UVA Research Park. But unless the businesses fit the criteria and are affiliated with the University or have some other connection, for many companies it is unfortunately not an option. She did not disagree with that policy since it was just the reality. The thought is that a contractor's storage yard is probably not appropriate for the UVA Research Park. They are trying to provide an alternative location for those uses that are not a good fit at the UVA Research Park or the Fontaine Research Park, but could be a good fit in this location.

Mr. Strucko pointed out that he was just trying to get an idea of the size. In putting the use aside for a second, if Fontaine is roughly 600,000 square feet and this is showing a potential of almost 1.8 million, the proposed square footage is three times that amount. The Fontaine square feet are contained in three multi-story buildings. So it is not surface area. He was trying to draw that distinction. He was just trying to get a feel for the scope of the proposal.

Mr. Long said that they would certainly envision a very efficient use of the land because of the environmental features on the property, which includes the streams, critical slopes and the layout of the property. A lot of the land is not appropriate for development. Therefore, they envision using that which is more appropriate for development in a very efficient manner. They are willing to look at whatever scope or scale the Commission or ultimately the Board deems appropriate. She agreed that his point was a good one.

Mr. Morris invited public comment.

Ann Powell, resident of Ivy, pointed out that she was a coach and a big supporter of youth sports and community recreation. Part of the Yancey plan is to have park space for the families in the area. She felt that the lack of recreation space is a big problem all across the county. She was involved recently with a softball team looking for softball fields. It is all tied in with McIntire Park and Darden Towe Park lighting. There is a need for field space or recreation space for all types of field sports. She coached 55 girls at Henley Middle School last fall. They are always sharing fields with the soccer program. They are looking for space all the time. For this project to offer recreational field space on the west side of town would be a tremendous benefit. That is a big part of what the Yancey family is trying to do. She asked that the Commission seriously consider this angle. She and her husband have dreamed to do a softball complex because of the lack of those types of facilities here in town. Recreational field space is a very important feature that is needed in the west side of town.

Shannon Franklin, owner of Crozet Eye Care, spoke in support of the Yancey proposal. It is an excellent opportunity for businesses to locate in a small community. Many residents are no longer interested in driving to Charlottesville for jobs or services. Three of her employees are so pleased to have a job in the community in which they live. She believes that the proposal makes sense for the area. She was excited about the possibility of more individuals working in Western Albemarle. Yancey Mills Business Park will provide even more potential jobs, increase revenue for the county and build a strong community in which she works and lives.

Pete Wildman, a construction business owner in Albemarle County and a friend to the Yancey family, spoke in support of the request. He noted that his conversations with the Yancey family may have led them to pursue this. He has been in the heavy excavating business for 15 years and owns dump trucks and large earth moving equipment. He started out as a small business based out of his home. He quickly outgrew that. He found a need in the down time in between various projects to have somewhere to store equipment when it was not being used. He went through one awkward arrangement after another in renting or parking on land that was another business use with a big parking lot. About 6 or 7 years ago, he started looking for land to purchase and found quickly that his business had been priced out of the market. His business just needs room to store equipment when it was not being used. What he found is that the competition for industrial land has driven the price up so much that paying a million dollars an acre just did not sound reasonable when he needs two acres to turn around a big truck and trailer. This is a large price just for parking. He mentioned that to Will Yancey and got this idea rolling. His sole interest in this initially was just the availability of land on which to run his business. He moved his business out of Albemarle County because there was no-where to park this equipment. His business is located in the City of Charlottesville now in a short- term rental situation. He did not feel comfortable or secure as a business owner not knowing that he had a long-term base to operate his business from. That is why he supports this program. He agreed that the additional recreation space would be a benefit to the county as a father of a Little League baseball player. This would be beneficial for the county, provide a good tax base and consolidate some uses into one concise location.

Barbara Westbrook, long time resident of Crozet, said that she was not sure in reading the petition section regarding lodging, conference facilities and residential if this is part of this project or not. She questioned if the people in that area have been given notice of this request. She has talked to a few people in Yancey Mills and a lot of people in Crozet that did not even know that this was happening. She felt that there should be more notice for people, especially those who are so close and that would be affected. She said that the biggest issue is traffic. The interstate ramps are the

clover leaf type. They are the type that when one comes to the end of the ramp from I-64 if one wants to go left it requires crossing Route 250. There can be a kind of a bottle neck if more and more traffic is coming from the Yancey Mills project. There would probably need to be a stop light. If they use an entrance that is directly across from the Yancey Mill Road, she would assume that there would be a lot of traffic coming from north and south meeting at Route 250. This could cause a lot of people from the Crozet area to not use the interstate to get to Charlottesville. There are still a lot of people who are not using the interstate because they feel like they are going west or backwards to get east. She felt that the interstate would be a big help to get traffic off Route 250. However, if there is more of a bottle neck there with extra traffic, it might discourage people. She did not want another Zion Crossroads in Crozet. She empathized with the Yancey family and felt that they have done a great job in their planning, but was mostly concerned with the area traffic.

Mary Rice, a long-time resident of the Crozet area, felt that consideration of this Comprehensive Plan amendment would go counter to most of the thrust of the Crozet Master Plan. She would like to remind the Commission of the incredible amount of time, energy and money that the county spent on the Crozet Master Plan. The thrust of the plan was provision for dense growth in the center of the growth area with the lowest density in the fringe area in the periphery. If this comprehensive plan amendment was considered, she would ask why did they do all of that. The preservation of the rural land band was discussed at length, and she felt that the community and the county all agreed on that general concept. She understands about the importance of providing jobs and the county providing light industrial area for companies. But she felt that it was a balance. When they weigh the importance of the plan created with the possible deficiency of light industrial land in the county, she felt that the scale comes down very heavily on maintaining the character of the Crozet Master Plan. She would also say that in the early days of the Crozet Master Plan, the residents were dragged into this kicking and screaming. A lot of the people wanted to opt out of the master plan in the growth area. The people in Crozet were told that they could not do that. If there is determined to be a deficient amount of light industrial land in this county, she would ask the county why Crozet, an area which has had to sacrifice rural area for an incredible residential density going from a population of about 3,500 to possibly in excess of 12,000, would have to now sacrifice more rural area for light industrial. She would ask the county if a deficit is decided to be a factor that another area of the county be considered for that and not Crozet again having to sacrifice rural area.

Mike Marshall noted that he would be speaking with two hats tonight.

- First, he commented as Chairman of the Advisory Council. The Advisory Council invited Mr. Yancey to make his presentation to the Advisory Council, which he did in September. In October, the Advisory Council received a report from Susan Stimart on the status of light industrial land in the county. At the end of that meeting, the Advisory Council voted an unanimous resolution, the intent in which is to say that if they find reason to go ahead with consideration that they only go ahead within their context of the Crozet Master Plan revision process. Basically, the Advisory Council sees that this is a proposal of enormous import to the future of the town. They want it to have the broadest possible discussion among the citizens before it is resolved. There are people on the Advisory Council that are sympathetic to the argument that is made that there is not affordable land for some businesses to buy. Obviously, they do want to have more jobs and to somehow accommodate them.
- Personally, he thought this was a bad idea. He hoped that the Planning Commission would nip it in the bud now. He felt that if it gets a root it turns into an expensive bad idea by the time it is resolved. Basically, he felt that the concept blows up the Crozet Master Plan. It creates a new boundary for the growth area. It is not even contiguous to growth area. If the Planning Commission wants trouble, why don't they add a non-contiguous rural parcel to the growth area and then see how many non-contiguous rural parcels they want to get technically inside a growth area in some other part of the county. If this was approved, many people fear they will hear a request for a Cracker Barrel or some other such franchise that commonly shows up at interstate interchanges to be in the industrial park. That is why Ms. Westbrook said that she does not want another Zion Crossroads or another Waynesboro interstate location. People see this as a foot in the door for ultimately that kind of development.
- There are not fully exploited light industrial properties in Crozet, such as Barnes Lumber, Con Agra and Acme. Acme is currently vacant, but has some books stored in it. It is about 10.5

acres with a 60,000 square foot building, which will be available in 2 ½ years when the environmental remediation is done. The thing that came across is that the county does not know where it is desirable to rezone light industrial property. It has not been studied yet. He felt that the Shadwell and Fontaine interchanges are equally plausible places to rezone. In fact, those locations might be more desirable because of they are closer to a more dense economy than Crozet represents. He felt that the county should look at ideally where it would go and not decide on the basis of a particular proposal. If this happens, it basically forces a commercial development between this parcel and the existing boundary. That would subvert the Master Plan by turning Route 250 into a commercial strip.

Morgan Butler, with the Southern Environmental Law Center, made the following comments.

- Whenever they are presented with the alleged lack of affordable land for a particular use, be it residential, industrial or something else, it will always be easiest and most tempting to consider expanding growth-area boundaries as a solution. But this county's long standing growth-management policies are based on preserving those boundaries. As past decisions of this Commission and the Board of Supervisors demonstrate, the problem must be serious and the proposed solution nearly infallible before they decide to expand our growth areas. The request for a comp plan change before the Commission tonight is premised upon the difficulty that local industrial businesses purportedly face in finding affordable LI zoned land in the county.
- As part of updating the Economic Development Policy of the Comprehensive Plan, the Commission just went through the process of studying the LI situation. He felt that it was worth repeating the real crux of the issue. The land that is either designated Industrial Service in the Comp Plan or zoned Light Industrial on the county zoning map is not getting used for industrial purposes. It is either being rezoned to other categories like residential or commercial that brings in higher rents; or if it is zoned LI, would-be industrial users are being outbid by other more lucrative and non-industrial uses that the zoning ordinance allows on Light Industrial land.
- As a result, staff proposed and the Commission endorsed two sensible strategies. First, the county should initiate rezoning of land that is designated for Industrial Service in the Comp Plan and Master Plans, but not yet zoned Light Industrial. Second, the county should eliminate some of the many uses that are currently allowed by-right in the LI district that have little true industrial component and end up blocking would-be industrial users. Office space is the most obvious and notorious example. It does not appear that this Comprehensive Plan amendment request would advance either strategy. Two of the three primary uses proposed for the development park are office space and flex space. Flex space seems to simply mean office space in which the cubicles are not permanently assigned to any particular employee. Therefore, this proposal envisions inviting the very uses that are currently using up our LI land and making it unaffordable for true light industrial users.
- If as staff suggests, the difficulty that the light industrial businesses are encountering is indeed a shortfall of affordable land already zoned LI more so than any shortage of land designated Industrial Service in the Comp Plan, then designating more land as Industrial Service in the Comp Plan won't necessarily offer any relief. Creeping into the rural areas in order to designate that land seems expressly unwarranted. Finally, it is worth repeating a concern expressed in an earlier staff report. He asked if all the new LI land is under common ownership, will the resulting monopoly really lead to an increase in affordability of LI land. In sum, they must be especially vigilant in defending growth-area boundaries, especially when it is entirely unclear whether this CPA is necessary or would even be effective in creating more affordable opportunities for true light industry in Albemarle County.

Jeff Werner, with Piedmont Environmental Council, said that he and Mr. Butler met with Will Yancey several months ago. They have had some very positive discussions. In their discussion they made it clear that growth area expansions are not something they look favorably upon. But they did not offer an immediate opinion, nor could he offer an opinion tonight. The thoughts that he shared with Will Yancey included the following. First, this proposal should follow the proper process starting first with a Comprehensive Plan amendment and then a rezoning. He has done that. Second and most critical is that he must involve the community and give them the opportunity to consider this in their

pending review of the Crozet Master Plan. If Crozet does not support it, he should not even contemplate considering it. Third, he expressed to Mr. Yancey about the county's track record of allowing non-industrial development on its industrial land. They would have to have some assurances that the future development at this site would be limited to the type of industrial uses that are specifically being cited as making this proposal necessary and valid. It might make sense to address all of that with the zoning text amendment.

Continuing, Mr. Werner noted that he suggested that Mr. Yancey address the future of the sawmill. It would be unfortunate to go through this entire process to create jobs in the community if the end result was shutting down the sawmill and losing jobs. He also suggested that an expansion of the growth area might be considered if there was a resulting reduction elsewhere. In 1992, there was a very large area of the growth area expanded for a business which never materialized up in Piney Mountain. That land has not been developed for an industrial site. He suggested that if that land owner did not want to develop it there, they could take that out and possibly give the Yancey family an opportunity elsewhere. Finally, he suggested to Mr. Yancey that if they really wanted to get the community's attention make this something special to really raise the bar. He suggested using sustainable design or green design, etc., which might be something that they would listen to. But, in general on this, he would have to defer back primarily to the Crozet community as something that has to go through their master plan process first before he would offer an opinion.

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

Mr. Loach noted that he was lucky as the Commissioner for the White Hall District that he had the Crozet Advisory Council to provide guidance in Crozet matters. The Crozet Advisory Council believes strongly that this should be taken up as part of the Crozet Master Plan revision and not before. Personally, what struck him the most was listed on page 9 of the staff report: since the 1977 Comprehensive Plan and the adoption of the 1980 Comprehensive Plan and the down zoning of the land in the rural area, the County has not designated any new land for development area growth in the water supply watershed. He asked what it would say as a County when they are having this intense debate on where they are going to get a 50-year water supply if all of a sudden they take land out of the water supply watershed. He felt that it would be wrong. They talked about the size of LI land needed, which was around 110 acres. In this situation they are talking about 184 acres. That is almost double the size of what they supposedly need for the County. He believed that Crozet was going to be part of a solution, but not deemed the solution to any LI deficit in the County. They do have, as Mike Marshall mentioned, Light Industrial land left in Crozet as well as Heavy Industrial land that yet is to be developed. As already pointed out, a lot of the problem that they are having with LI came from the fact that the County rezoned LI to other uses. The Crozet community supported the recent rezoning on Route 250 by Clover Lawn to Light Industrial for that owner. He agreed with Mr. Cannon that if they are going to look at LI that it has to be done in a comprehensive fashion for the County. Again, Crozet is going to be a solution and not the solution. Therefore, it was his recommendation that there be no further discussion about this until it is taken up by the community at large. This should be a Crozet Master Plan decision and should be made by the Community of Crozet. The Crozet community is willing to do our share if LI is needed. But, again it has to be decided by the community that already spent an enormous amount of time in the Master Plan and making sure that Downtown Crozet is the focus for their business section.

Mr. Edgerton concurred 100 percent with everything Mr. Loach said.

Ms. Joseph agreed. She noted that the booklet talked about affordable. She asked as they come before the community they need to figure out ways that they can make this land affordable. If they say that is why they want to do it, then there ought to be some way that they can keep that land affordable instead of having the Comp Plan changed, the zoning changed, and then all of a sudden it is just like every other piece of industrial land in Albemarle County. She agreed with Mr. Loach that this needs to be rolled into the master planning process of Crozet.

Ms. Porterfield said that she did not disagree with the fact that it should be part of the Crozet Master Plan review since that master plan is supposed to be looked at some time next spring. She felt that such review needed to be soon since this request was here. But she was concerned that they try to keep this proposal alive so that the applicant and staff can start getting the materials together that are going to be needed for the people who are looking at the Crozet Master Plan to actually consider this proposal. Her concern is that with the current economics of the County of Albemarle, she thought that they need to be looking at any proposals that might help the bottom line. Probably no one anticipated having the budget problems that are not only right now but on the horizon.

Mr. Cannon concurred with Mr. Loach's statement to pull this into the review of the Crozet Master Plan. There is some question as to the availability of light industrial land for purposes of the sort that were discussed tonight. There are too many people saying it is not available for that not to have some truth to it. Whether it is in the zoning, the way the County has structured the zoning or in something else he did not fully understand. But he would hope that staff could continue to try to get at that as a generic question and make the insights that they gain part of their consideration of the Crozet Master Plan or other opportunities to address this issue.

Mr. Morris noted that from listening to Ms. Rice and Mr. Marshall he felt that this really needs to be looked at as part of the Crozet Master Plan. The community has worked so hard on this that it would be wrong for the Commission to just arbitrarily to say they are going to change it. It has got to be looked at. He hoped, as Ms. Porterfield noted, that at least it will be looked at in the planning process.

Mr. Strucko noted that he had a principle problem with that. First, he felt very strongly about preserving the designated growth area boundaries. He was struck by Mike Marshall's commentary as to how they describe the current situation with this parcel added. It is not even a contiguous piece to the designated growth area. They even argued against that in any expansion of the growth areas. A second point is that he could understand it if the call was for consideration in the upcoming update of the Crozet Master Plan. But even then during that master planning process, they looked at what was in the Crozet Designated Growth Area and found everything that they needed. He was not sure going outside to look at rural area parcels that were not contiguous was even part of that process. It was not. Third, when considering the notion about the demand for Light Industrial land, he still questioned where the notion of a deficit comes from. He did see the concern. The designation of Light Industrial does allow for office space. If the Commission clears that up by disallowing office space in LI, that should help clear it up to take the deficit away. He felt that they could then accommodate the demand with parcels inside the designated growth area to handle any economic situation whether facing it today or in the future.

As Mr. Marshall indicated, Crozet has some existing parcels inside the growth area ripe for redevelopment. The Acme piece was actually used for parking heavy equipment during the filming of "Evan Almighty." They were using that parcel for storing heavy equipment needed to build an ark. So he did think that it was a solution looking for a problem in some instances. He did not think, as Morgan Butler said, that it was a compelling enough crisis to consider expanding the designated growth area. Finally, as he struggled to find some virtue in this issue, he considered the discussion of creating space for recreation. The high school is an unusual adjacent property to this application. But Area 7, which is the designated area for park space, has Stockton Creek running through it and is all 100-year floodplain. It is all wooded. So to create field space there they have to do something with the creek and knock a whole bunch of trees down. He was not sure that the proposal was in the community's best interest even to create ball fields, whereas there are other areas which are currently open. He thought a lot has to happen to the land in order to even create that potential public good of ball space. Even that glimmer of hope in his mind is sort of dashed by what is proposed here.

So he thought where he stands is maybe a little further than what Mr. Loach described. On a matter of principle, he did not think that the Commission could preserve this for future master plan. It is an expansion of the designated growth area. It is a non-contiguous parcel. It has all of these other

problems associated with it. It is a solution looking for a problem. Therefore, he thought that it is just not in the community's interest.

Mr. Morris noted that there was a mixed set of opinions.

Mr. Cilimberg noted staff needs a motion from the Commission regarding what staff will need to do from here.

Mr. Benish asked to clarify part of the recommendation because it might inform a little bit as to what they would look at in the Crozet Master Plan. It relates to other work-program initiatives during which they also have to look at the uses in the Rural Areas. As part of the exercise of evaluating this, he has begun doing some general screening of uses that are permitted in other rural areas of counties that have like type of growth-management policies. He has seen that there are certain types of uses that could address some of the unique industrial demands of the contractor's storage yards, agricultural and forestry related processing. They have a recycling facility that they are looking at, which is a good proposal but they are looking for a good location for it. Staff's recommendation was if it was further studied, they would place more emphasis on what types of uses might be consistent with its rural area designation that might allow for certain opportunities for uses consistent with that type of area next to an interchange and next to an existing rural area. Staff's thought is that there may be help there for certain aspects of the type of uses for industrial land that they are trying to locate and they would take a closer look at that and less so a comprehensive plan amendment that they designate for industrial uses. Again, that was one direction that could be somewhat of a compromise and address some of those issues.

Ms. Porterfield asked whether there a way to have a motion that indicates that study of this proposal should proceed in preparation for working on the Crozet Master Plan.

Mr. Loach noted that there are two things. One, they have not addressed the fact this is in a water supply protection area. He asked if they want to set precedent by changing that designation from land that is supposed to be protecting our watershed. He agreed with Mr. Strucko in that he was not sure of the deficit in LI land. Further, he questioned the data. As Mr. Cannon said, if this is going to be a comprehensive approach, then let's look at it from all the growth areas and not just Crozet. Then they could come back to Crozet and say this is Crozet's portion.

Ms. Porterfield noted that she did not know if it was the solution or not. She needs more data. She would like to see the applicant provide that data. If the applicant feels that it is such a good plan, then they should go out and do all of the things that were not provided to staff to be able to evaluate it. This would not adopt the proposal, but would be simply moving it on. She acknowledged that this proposal was in Crozet. But every taxpayer in the County of Albemarle is going to bear the brunt if the County can't figure out how to make the bottom line better.

Mr. Loach noted that is why Crozet has just gone through a master plan for their downtown area. He said that Ms. Porterfield was asking for something that the community has already responded to.

Ms. Porterfield pointed out that they could compare it because maybe it is not 180-some acres but just a portion of it or for only specific things. She suggested that the proposal could be massaged a lot. If the Commission couples it with the Crozet Master Plan and gets the information gathering moving, at least the proposal would be available for people to talk about and to see it in better shape than it is right here.

Ms. Joseph said that she did not know what else the Commission can ask for and she did not want to give anybody any false hope. Therefore, she could not support anything like that. The applicant has heard what they are saying. She did not want to give them a list of what they need to come back with because it is up to them whether they come back and decide what they want to do. She did not want to encourage anyone at this point in time. She felt that by telling them that they should proceed that the Commission was giving them encouragement, which she can't do.

Mr. Edgerton asked for clarification from staff. They have three choices of recommendations. He questioned if that is the way he should read this. The first recommendation was based on the scope and scale of the proposal submitted. Staff does not recommend further study. He asked if that would be one possible recommendation. If they want to do further studies, then they soften the recommendation a little bit saying that as part of the CPA for the five years in the second paragraph?

Mr. Benish agreed that it was the second paragraph, which focuses in on looking at what sort of uses might be might be appropriate based on the existing land use designation.

Mr. Edgerton said that they need to be very careful. If they go with something that fits with the intent of that second recommendation, they should be very clear as to whether that would include an expansion of the Crozet Master Plan area. He noted that is what he was struggling with. If he had to make a decision based on the ideas and the information presented, is it worth going out and beginning this dangerous precedent of enlarging our growth areas. His answer was absolutely no. He sensed that was what Mr. Strucko was trying to say. He did not understand the recommendations fully. But he did not want to ignore the master plan or Comprehensive Plan to pursue looking at this as an expansion of the growth area. If that is what the second and third recommendations are suggesting, then he has to retract and say no. He was not interested in pursuing this as an expansion of the growth area and offered a motion as such.

Mr. Cannon noted that it seems that there are four things going on here potentially. One is whether to consider it all in any connection further. Two is whether to consider it in connection with the revision of the Crozet Master Plan. Three is whether to consider it more comprehensively county-wide in connection with whatever review they are doing or would do of Light Industrial availability. Four is whether to consider it in connection with a possible revision of what uses may be permitted as consistent with rural area. They could think of this in a very different vein. There is already a use there which is industrial, but it has got sort of a rural dimension to it. It is taking timber off the land and processing it. He would like to explore the fourth item a little. He asked if that would part of the comprehensive county-wide review of what might be permissible on rural lands, which would also include whether to protect rural lands or to make more robust use of them to allow some things that are not now allowed as consistent with the rural area designation?

Mr. Benish pointed out that what staff believes is that it is already identified in the work plan program to look at the uses permitted in the rural areas that might help support agricultural and forestry uses that help support and protect the rural areas. Staff is going to look at a variety of land uses. They may find that there are certain uses like that, which are industrial in nature, that need locations strategically in the rural area. In that sense, they can address some of the needs that are identified for these rural-area types of properties. As an example, some localities such as Fauquier County, which has the same form of growth-management policy as Albemarle County, allow for contractor storage yards on less than five acres. It has to relate to some certain types of uses. But that might address a particular need that is generating the demand for certain types of industrial lands. That might play in to an answer and provide an opportunity within areas already designated rural area. But that would take comprehensive evaluation. On a parallel approach if this goes to the master plan review, staff would want to try the best that they could to do that economic industrial land analysis comprehensively for the entire development area.

Mr. Cannon asked if they would connect that to the Crozet Master Plan revision.

Mr. Benish replied that staff has to look at that in the work program because that is information that would have to inform the Crozet Master Plan process.

Mr. Cannon said that he would be interested in the last option particularly because there are some constraints. The Commission ran up against that in the landscaping business they dealt with in Crozet. There are some constraints on rural area usage, which he did not think are maybe necessary to preserve a sense of that use and aren't consistent historically. They have had mills and all sorts of things in the rural areas historically as part of just the fabric of rural lives. There may

be ways to honor our commitment to the rural areas and still allow some of that. He would be interested in pursuing that in connection with some more generic uses.

Mr. Morris noted that there was a motion on the floor to recommend no further study.

Motion: Mr. Edgerton noted that his motion was to accept staff's recommendation, exactly as worded, for no further study of CPA-2008-002 based on the scope and scale of the proposal as submitted. If studied further, it should be in conjunction with the five-year review and update of the Crozet Master Plan.

Second: Mr. Loach seconded the motion.

Mr. Morris noted that the discussion would continue.

The motion passed by a vote of 6:1. (Ms. Porterfield voted nay.)

Mr. Edgerton said that Mr. Cannon had a very healthy idea, which was supported by some of what Mr. Loach was saying and some of what staff has suggested. These issues need to be addressed. There is no question about it. He thought that they were all aware that the issue of affordable Light Industrial land is a challenge for this community. It continues to be a challenge and will increase. One of the problems mentioned by Mr. Butler and Mr. Strucko, which is a easy fix, is that the current allowed uses of Light Industrial land responds to the market demand to do many other things with it. Therefore, it takes on a greater value. He suggested that Mr. Cannon come up with a follow-up motion that might be a positive way to move forward. He applauded the effort that the Yancey family has gone through to give some substance to it. It is hard to envision this. Tonight the speakers speak with commitment and an understanding of the need that the Commission has to listen to. But, at the same time they do have a planning process. The reason for his motion was that this is totally contrary to all of the planning that they have done in this county. But they do need to address these issues. He did not think that it necessarily should be a focus just in the Crozet community. He agreed with Mr. Loach that they need to look at it comprehensively. If they can redefine what "light industrial" means in the development areas and in so doing ensure that it will be, in fact, used for that as opposed to a more profitable market rate use of the land that is one opportunity; or if they can figure out a way to figure some of these activities into rural lands which would allow the Yancey family to do this and not expand the growth area, that is another opportunity. These are all things that could come out of this in a positive way.

Mr. Cannon agreed that Mr. Edgerton had captured it. He would be happy to turn that into a motion.

Mr. Cilimberg said that the two things mentioned were recommendations the Planning Commission made in the Economic Development Policy that is before the Board of Supervisors right now. The Planning Commission has already recommended this. Very honestly, staff is now working with the Board to get that finalized so staff knows what their marching orders are. If the Board accepts what the Commission has recommended, then staff will follow it up.

Mr. Cannon asked what would be the follow-up steps that would flow from that, which would address these questions.

Mr. Cilimberg noted that certain recommendations that the Commission made specifically are before the Board, which included the uses in the LI. It also included the rural area and consideration of not only designating but rezoning industrial-type properties in growth areas/development areas, particularly as a result of master planning. That was all very specific in the Commission's recommendation.

Mr. Cannon noted that staff would then integrate that into a comprehensive planning effort.

Mr. Cilimberg agreed.

Mr. Benish said that the analysis of the industrial land would be looking at all of the development areas and what sort of strategic needs they have.

Mr. Cannon agreed that is the right way to do it. Therefore, he would not make a motion.

In summary, by a vote of 6:1, the Planning Commission accepted staff's recommendation for no further study of CPA-2008-002 based on the scope and scale of the proposal as submitted. The major concerns of those voting to deny are as follows:

- The property is not contiguous to the Crozet growth area boundary.
- The location of the property is within the South Fork Rivanna River water supply watershed.
- A comprehensive approach in determining the best location(s) for new Light Industrial land designations should be undertaken for all development areas prior to a specific change in land use designation within one development area (Crozet).
- Continued concern with the need for, and amount of, additional Light Industrial land to be designated.
- **Note:** The lone dissenter, Ms. Porterfield, preferred giving the applicant the opportunity to address staff concerns thereby keeping the issue on the table.

Old Business:

Mr. Morris invited old business.

- The joint meeting with the Albemarle County Service Authority Board will be held at 4:00 p.m. on November 18 in Room 241 in the County Office Building.
- The Village of Rivanna Master Plan meeting will be held on November 19 at the East Rivanna Fire Department starting at 6 p.m.
- Mr. Cannon and Mr. Edgerton will be absent next week.

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

New Business:

Mr. Morris invited new business.

- Mr. Edgerton asked that a wind turbine presentation be scheduled on a future agenda. It was noted that it would be scheduled with Mr. Graham's follow-up work session on wind turbines in January.

Adjournment

With no further items, the meeting adjourned at 9:48 p.m. to the Tuesday, November 18, 2008 Joint Meeting with the Service Authority Board at 4:00 p.m. in Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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