Albemarle County Planning Commission
November 30, 2010

The Albemarle County Planning Commission held a meeting on Tuesday, November 30, 2010, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Don Franco, Calvin Morris, Linda Porterfield, Ed Smith, Mac Lafferty, Thomas Loach, Chairman and Duane Zobrist, Vice Chairman. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Scott Clark, Senior Planner; Claudette Grant, Senior Planner; Ron Higgins, Chief of Zoning; Joan McDowell, Senior Planner; Bill Fritz, Director of Current Development; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Loach called the regular meeting to order at 6:02 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loach invited comment from the public on other matters not listed on the agenda or on the consent agenda. There being none, the meeting moved to the next item.

Review of Board of Supervisors Meeting – November 10, 2010.

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on November 10, 2010. He noted the Board of Supervisors are considering the question of a community council for the Village of Rivanna. Staff has no information on any decision made at this point.

Consent Agenda

Approval of Minutes: September 21, 2010 and October 5, 2010

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

Motion: Ms. Porterfield moved and Mr. Morris seconded for approval of the consent agenda.

The motion passed by a vote of 7:0.

Mr. Loach noted that the consent agenda was approved

Public Hearing Items:

SP-2010-00026 Pink Ribbon Polo
PROPOSED: Amend SP-2006-00003 to remove condition of approval #4 that requires submittal of application by November 3, 2010, to renew the special use permit by five years (May 3, 2011) from the date of the approval.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
SECTION: Temporary events sponsored by local nonprofit organizations that are related to, and supportive of the RA, Rural Areas District (reference 5.1.27). (Added 12-2-87).
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: No.

LOCATION: 6640 Roseland Farm, Crozet (King Family Vineyards) south west intersection of Jarmen's Gap Rd. (Rt. 691) and Half Mile Branch Rd. (Rt. 684).
TAX MAP/PARCEL: 05500000008000 and 05500000008100.
MAGISTERIAL DISTRICT: White Hall
(Joan McDowell)

Ms. McDowell presented a PowerPoint presentation and summarized the staff report for special use permit, SP-2010-00026, Pink Ribbon Polo.

This request is for a special use permit to allow an annual fundraising polo match at the King Family Vineyards for up to 2,000 attendees. When SP-2006-00003 was originally approved there were concerns with impacts from the number of attendees, traffic and the noise potential. The Commission and Board decided to test the event for five years to see how it ran. Condition #4 of the approval required an extension of SP-2006-00003 after five years. The applicant was required to come back to extend the special use permit. In this case, staff is recommending deleting the condition that requires another review. SP-2010-00026 would remove condition #4

Review:

- Annual event held since 2005
- No Complaints or Incidents Reported
  - Zoning
  - Police
  - Fire
- No Accidents
- No functional issues with the entrance according to VDOT. The polo field is accessed by a gravel drive.
- The property is under an easement and the Virginia Outdoors Foundation has no objections.

1. Staff recommends that SP-2010-00026 Pink Ribbon Polo be approved with the updated conditions recommended in the staff report and the removal of condition #4.

Mr. Loach invited questions for staff. There being none, the public hearing was opened, and the applicant invited to come forward.

Christie Sheffield, Co-Chair of Board for Pink Ribbon Polo, said the community event has been very successful for the past five years and they are anxious to continue it. They are very excited and pleased to announce that this event will be able to support the new Emily Couric Cancer Center at the University of Virginia Medical Center, which is a way they will be able to support breast cancer patients going for active treatment. They are very appreciative of this opportunity.

There being no questions for the applicant, Mr. Loach invited public comment. There being none, the public hearing was closed, and the matter brought before the Planning Commission for further discussion and action.

Motion: Mr. Zobrist moved and Mr. Smith seconded to recommend approval of SP-2010-00029, Pink Ribbon Polo subject to the conditions as recommended by staff deleting condition #4.

1. Special Use Permit 2010-00026 shall be developed in general accord with the sketch plan submitted March 16, 2005, prepared by the Pink Ribbon Polo Committee, and titled “American Cancer Society, Pink Ribbon Polo, SP2006-03” (Attachment A-1 and A-2 [of the April 25, 2006, report]). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
2. The event shall be held once a year between the dates of May 30th and July 1. The event shall be limited to the hours of 10:00 am and 6:00 pm. Amplified sounds shall be limited to the National Anthem and announcements related to the polo game. The applicant shall arrange for traffic control personnel to be placed at all locations and for what period of time the Albemarle County Police Department deems necessary;

3. Annual approval of a zoning compliance clearance for not more than two thousand (2,000) attendees is required prior to commencing this use each year. The applicant shall apply for the zoning clearance no later than three (3) weeks prior to the date for the event. Zoning approval will be contingent upon the Zoning Administrator determining that the provisions in Section 5.1.27 of the Albemarle County Code and all conditions of this special use permit have been satisfied, and on confirmation from the Health Department, as well as the Departments of Fire/Rescue and Police, that they have been contacted by the applicant and can recommend approval.

The motion carried by a vote of 7:0.

Mr. Loach noted that SP-2010-00026, Pink Ribbon Polo would go before the Board of Supervisors on a date to be determined subject to the conditions in the staff report.

Public Hearing Items:

ZTA-2010-00007 Body Shops
Amend Sec. 24.2.2, By special use permit, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 24.2.2 by adding body shops as a use permitted by special use permit in the Highway Commercial (HC) zoning district. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Ron Higgins)

Mr. Higgins noted that the zoning text amendment was really better described as a repair job. Staff was made known of an anomaly in a use on 29, which was zoned HC, Highway Commercial. The property had been a auto dealership for many year for used cars and then changed to new cars. As it evolved, they moved the car sales portion out into another building. What they were left with was the accessory use they were allowed to have, which was a body shop. The use went from a dealership to a body shop. The circumstances are as follows.

- Change of "dealership" to "body shop" in HC was revealed in review of building permit for addition.
- Primary use changed from "motor vehicle sales, service, rental" to "body shop" when auto sales were removed from site. Staff discovered that HC zoning does not include "body shop."
- As a result of that, staff set about to repairing this problem. When looking at relative intensity in the C-1, HC, and LI districts it is appropriate to include the "body shop" use in HC by Special Use Permit.
- Use of "body shop" was not included in the ZTA to add the same use by SP in C-1 in 1992, even though it is allowed by SP in LI zoning.
- In addition, the use is similar in character to other uses in HC, such as "automobile and truck repair shops."
- It is in keeping with the character and intent of HC to "permit commercial establishments… primarily oriented to highway locations…"
- Making this an SP use helps to assure its appropriateness at HC sites through the additional review and the attachment of conditions as needed.
- This amendment allows for a use that can be in keeping with the district regulations and provides a more logical progression of uses in various districts.
- "Body shop" is defined differently in the Zoning Ordinance as being separate from auto repair while body shop activity can happen accessory to auto repair. That was not the case in this business. They actually moved everything out except the body shop function, which made it a primary use.

Implications
- This proposal will not change the review process for the "body shop" use.
- This proposal will have no significant effect in terms of staffing and costs.
- This proposal will have no effect on housing affordability or availability

Proposed Text Change

Staff recommends approval of the draft ordinance as recommended in the staff report, as follows:

Sec. 24.2.2 By special use permit
The following uses shall be permitted by special use permit in the HC district:
…..
17. Body shops.

There being no questions for staff, Mr. Loach invited public comment. There being none, the public hearing was closed, and the matter brought before the Planning Commission for further discussion and action.

Motion: Ms. Porterfield moved and Mr. Lafferty seconded for approval of the draft ordinance for ZTA-2010-00007 Body Shops as recommended in the staff report.

The motion carried by a vote of 7:0.

Mr. Loach noted that ZTA-2010-00007 Body Shops would go before the Board of Supervisors on a date to be determined.

SP-2010-00029 Hungarian Bakery
PROPOSED: Special Use Permit for a Home Occupation Class B to allow a bakery within an existing barn with no customers on-site.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
SECTION: 10.2.2 (31) Home occupation, Class B (reference 5.2).
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: No.
LOCATION: 1850 Brown's Gap Turnpike (Rt. 680) at intersection with Luxor Terrace Dr.
TAX MAP/PARCEL: 05700-00-00-001A0.
MAGISTERIAL DISTRICT: White Hall (Scott Clark)

Mr. Clark presented a PowerPoint presentation and summarized the staff report for SP-2010-00029, Hungarian Bakery.

The proposed Home Occupation Class B is a bakery that would be located in approximately 1,000 square feet of an existing barn (4,800 square feet on two levels) on the site. Approximately 140 square feet of the existing dwelling would be used (in part) for office work related to the bakery. No customers would visit the site, and all products would be delivered by the owners to off-site customers or to shippers. Raw materials would arrive by standard UPS or FedEx panel trucks, one to three times per week. The bakery would initially have no outside employees, but could have up to two in the future. (Two employees are permitted for Home Occupation Class B uses.) Virginia Department of Transportation did not have any concerns with the entrance to the site. The Health Department has confirmed that although the use will probably need a larger septic field in general the site can support whatever will be needed to handle the waste from this use.

Favorable Factors:
1. The use will be entirely indoors, without any changes to the existing structures.
2. Because no customers will come to the site, significant traffic impacts are not expected.

Factors Unfavorable:
Staff has not identified any factors unfavorable to this application.

Staff recommends approval of the Special Use Permit subject to the conditions recommended in the staff report. Condition one requires the development to be in accord with the sketch plan presented.

Condition two requires confirmation of the Health Department's approval of the eventual plans for water and septic treatment.

Mr. Loach invited questions for staff.

Mr. Lafferty asked if the barn was presently occupied with people.

Mr. Clark replied that it was clearly in use, but he had not been inside. Therefore, he deferred the question to the applicant.

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

David Oxford, applicant, said Mr. Clark's presentation was accurate. They would like to allow for some growth for an employee, which is the reason they are doing the special use permit. He emphasized that this was a very small operation essentially, for what his wife could make in her spare time as a small side business. Since they have house pets they cannot operate in their home and the business has to be operated in an accessory structure. They don't anticipate any significant impacts to the local community because there are no customers on site. There will be no external changes. He noted that the patio was a structure added on by the previous owners of the property, and they used it for storage.

Mr. Lafferty noted that the deck was what he was referring to, but he was not sure it has any impact on the business.

Mr. Oxford said the deck was available to guest quarters they put up there.

Mr. Loach asked what was the hours of operation.

Mr. Oxford replied that it would be whenever his wife could fit it in between milking and home schooling the children. In general, it would be somewhere between 9 a.m. to 6 p.m.

There being no questions for the applicant, Mr. Loach invited public comment.

Robyn Milesad**,** direct neighbor to the Oxfords, said that she had two questions for the Board. She understands the object of having a special use permit is because they cannot do the business in their home. She asked what precedent this approval would set for special use permits for other more objectionable uses in outbuildings. She did not know how they decided that. In their totally residential neighborhood once they have a commercial operation in an outbuilding does that pave the way for something less desirable under a special use permit. She hoped the Commission would postpone this and notify more than the four contiguous neighbors. She asked if there could be a wider broadcast of the information to the people who are not necessarily contiguous.

There being no further public comment, Mr. Loach closed the public hearing to bring the matter before the Planning Commission for further discussion and action. He asked staff to explain the procedure regarding the postponement question.

Mr. Cilimberg replied there is a County Code requirement for notification plus the public notice sign placed on the site. That combination is in the County Code, which meets the requirements for notification and making people aware of the site being subject to a request. In addition, there is a legal ad. They have met all those requirements. There are no further requirements that lead to the need for additional notification.

Mr. Kamptner noted that the Commission is just making a recommendation to the Board of Supervisors. The Board of Supervisors will hold a public hearing on this at some point in the future.

Mr. Loach said he wanted to make it clear that the public notice sign is up and there is notification beyond the four people because of the sign and the public notice.

Mr. Cilimberg asked to speak to the question of precedent. Each request received in any area is subject to review under the circumstances of that particular request independent of others. It is not precedent setting to have one home occupation approved in a particular location. It is on a case by case basis review.

Mr. Loach noted this is not unique for the Planning Commission since they look at special use permits on a case by case basis. The Commission takes in all available information and public comment to base their decision on.

Motion: Ms. Porterfield moved and Mr. Morris seconded to recommend approval of SP-2010-00029, Hungarian Bakery subject to the conditions as recommended by staff.

1. Development of the use shall be in accord with the conceptual plan titled "Hungarian Bakery Home Occupation Class B Concept Plan" and dated 11/12/10 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
    a. building orientation
    b. location of buildings and structures
    c. location of parking areas;

    Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Compliance with Virginia Department of Health requirements regarding water supply and the septic system for this use shall be verified by the Health Department prior to issuance of a zoning compliance clearance and the commencement of the special use.

The motion carried by a vote of 7:0.

Mr. Loach noted that SP-2010-00029, Hungarian Bakery would go before the Board of Supervisors on a date to be determined with a recommendation for approval with conditions.

Work Session:

CPA-2010-00001 Redfields

PROPOSAL: Amend Comprehensive Plan Land Use Map from Rural Areas to Neighborhood Density-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses. The applicant is seeking the CPA to allow for the potential of a future rezoning that would permit residential uses.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas- preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources/ density (0.5 unit/acre in development lots).
EXISTING ZONING: Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses.
ENTRANCE CORRIDOR: No.
LOCATION: Redfields development parallels Interstate 64 and is southeast of the I-64 and Route 29 interchange. Redfields is south of the City of Charlottesville and west of Old Lynchburg Road.
TAX MAP & PARCELS: TMP 076R0-00-00-00100 & TMP 076R0-00-00-000E4.
MAGISTERIAL DISTRICT: Samuel Miller (Claudette Grant)

Mr. Loach explained the next item was a work session. Public comment would be taken.

Mr. Zobrist asked to be recognized. His name was Duane Zobrist and he was an Attorney-at-Law. He has worked with, and continues to work with the Redfields Development Corporation and its principals. Under appropriate rules of ethics, which lawyers are required to abide by, they have a special relationship by being lawyers to disqualify themselves, as they are not allowed to appear before any members of the Commission or to talk to any members of the Commission about anything in which they are disqualified

in. He would like to represent for the record that he has had no conversations with any of his fellow Commissioners with respect to Redfields. He had some preliminary discussions with staff before it was determined that this would be the action that would be taken. They had some disagreements with whether this was the appropriate action. They did meet with staff. At the time, they concluded that the CPA would be filed. Since that time he has not been involved with the staff directly, neither he or any members of his staff. Although it is appropriate for members of his staff to contact the staff, he is not allowed to contact staff. He has not spoken with the staff since that time about Redfields or has he spoken to any of the Commissioners. He submitted a declaration for the record, disqualified himself, and left the meeting room at 6:28 p.m. (Attachment)

Mr. Loach invited staff to present the staff report.

Ms. Grant presented a PowerPoint presentation and summarized the staff report for CPA-2010-00001, Redfields.

The purpose of the work session is to include property in the Development Area and amend the Land Use Plan from Rural Area to Neighborhood Density-Residential.

The current zoning district of the subject property is Planned Residential District (PRD), which allows residential units (3 to 34 units per acre) with limited commercial uses. However, the property is designated as open space with no development potential under the PRD.

The Redfields Subdivision has been around for a little over 20 years. There is quite a bit of history to this development, which includes a variety of revisions over the years. Redfields was originally approved in 1990 for development of 656 dwelling units. The open space area that is subject to this request was shown in the slide presentation.

To clarify, there is open space within the Redfields development and there is open space that was originally described as phase 6. This gets a little confusing since it is not designated as phase 5. The area they are primarily focusing on this evening is the phase 5 area plus an adjacent open space parcel. The phase 5 parcel is not approved for development. The applicant originally stated that they might seek to amend the PRD at some time in the future to allow development in phase 6. This is not to say that at the time the development rights were limited. This is to say that it could change in the future. This type of request has not been approved. To add development to the open space is not something that has been approved in the last several years.

In order to allow additional development in this subject area the applicant will need to amend the rezoning. The following key environmental resources could be impacted should development occur on this property:

- The property is heavily wooded. There are several critical slopes and a stream that will require a buffer. The staff report provides more details on this. In addition, the staff report contains more detail on the criteria for the review of Comprehensive Plan Amendment applications. This is also described in the applicant's submittal and in the staff report.

The following factors are favorable:

- The proposal involves a site that includes existing PRD zoning, and is adjacent to the Development Area and to PRD zoning.
- The site is near major highway access and utilities.
- The proposal could potentially add some residential uses that were lost in Biscuit Run becoming a state park, and replaces it within the same general southern urban area location.

The following factors are unfavorable:

- The proposal is inconsistent with the current Growth Management Policy and Rural Areas policies, and would impact important resources identified in the Natural Resources and Cultural Assets Plan for protection, specifically extensive areas of critical slopes, stream/buffers, and high quality soils for forestry.

- The site is constrained by critical slopes and a stream with associated buffer. There may be other sites in the County that could support more efficient urban form development as recommended by the Neighborhood Model concepts with less impact on environmental resources.
- Roads in the immediate area serving the site are substandard in design and alignment.
- The assessment of the amount and location of land needed for designation for residential use should be evaluated on a county-wide level to determine the most appropriate places to locate new lands designated for residential use.
- In general, Comprehensive Plan amendments should be evaluated in the larger context of the entire Albemarle Development Area and Rural Areas and in conjunction with relevant planning processes. The update of the Comprehensive Plan will begin within the next six months.
- The loss of open space/trails that the community has been using.

In summary, the main question is whether the property should remain in the Rural Area or become a part of the Development Area. Staff feels it is important to look at the County comprehensively in terms of expansion of the Development Area because there may be other sites in the County that could support more effective urban development looked for in the Neighborhood Model concept that may have less impact on environmental resources.

In conclusion, staff recommends that this area be further studied with the Comprehensive Plan update, which is to begin in the spring of next year.

Mr. Loach invited questions. Regarding process staff suggests that it be folded in the Comp Plan review next year. If the Comprehensive Plan Amendment becomes tabled and rolled into the study, what is the process and how would the CPA be handled.

Mr. Benish replied if it was determined that expansion was needed, then staff would evaluate this specific request along with others. Requests from other property owners for the same type of consideration will most likely be received. He has spoken to four other property owners in the County that intend to ask for their property to be considered for expansion. Staff would ask those property owners to provide specific information about what their interests are for that property and look at those specifically, but comprehensively for all possible areas for adjustments to the boundary. The word tabled probably sends the wrong message. They will certainly be looking at the specifics of this area, but they would also be looking at other areas and making a judgment as to what the best areas would be for expansion when and if that is determined to be appropriate.

Mr. Loach asked if they are under any time restraint.

Mr. Benish pointed out the applicant has requested a quicker review, which is one of the questions for the Commission to provide staff direction on. Does the Commission think these expansions should be looked at comprehensively. They have a two-year process that staff is anticipating for the update of the Comprehensive Plan. That would be the period by which staff would come back and provide a recommendation to the Commission and ultimately to the Board for expansion. They think it has merit given its location for consideration, but there are constraints. That is why staff would prefer to look at it in the context of how much, if any, expansion they need and what the best candidates are for that.

Mr. Morris asked if he heard correctly that staff plans on looking at expansion areas that are going to include all development areas within the County.

Mr. Benish replied staff would assess the Land Use Plan and the development trends or capacities within our current Development Area to determine if there is a need for expansion. Once that is determined, they will look at the boundaries and land uses within those land use designations. They are taking public requests for areas to be considered through public comment, which staff will evaluate as part of that process. For this particular step, just procedurally, staff would like direction. If the Commission wants to incorporate it into the larger plan, staff would still like a resolution of intent that indicates that since this was an application that was submitted.

Ms. Porterfield asked to follow up on that. In their studies, there will be a good hard look at whether or not there is a need to expand the development areas. In other words, they will be looking at whether they have enough land currently zoned for more residential, whether they have capacity for more people to come in, and whether they have the financing to provide the services.

Mr. Benish replied that staff takes all of those things into consideration. It includes the growth projections, what capacity they have based on our land use designations, and the growth trends they perceive. They will look at the inventory of existing land that has already been approved and the capacities there. Most likely, staff will give direction both short-, medium- and long-term as to whether there is an essential need or a long term need for expansion. Typically, staff looks at the quality of the areas already designated. They may find there are adjustments to the boundary that are not actually expansions, which has been considered before as well.

Following up on Ms. Porterfield's question regarding fiscal impact, Mr. Loach noted that the Commission in the past received reports from Steve Allshouse that used the model to provide data about the financial impact of any decisions they were making. He asked if they are no longer doing that.

Mr. Benish replied for residential rezoning they would be doing that, but the Comp Plan process takes it in steps. The first step would be whether there is merit to consider this area. Then they would focus in on the specifics of the type of development proposal that would be called for. As they get into the Comprehensive Plan update that may be one of the factors or information that they would look at. However, typically at this stage of a CPA they don't do that.

Mr. Cilimberg noted staff had the fiscal impact analysis done with rezoning before they had the cash proffer policy. Once the Board established the cash proffer policy, which indicated the cash expected per unit to cover fiscal impact, the analysis was no longer necessary on rezoning. It now becomes more pertinent as an analysis when they are looking at land use in the Comprehensive Plan. The things Mr. Benish described they would be looking at include fiscal impact modeling on how different changes might have a different effect fiscally on the County.

Mr. Franco asked that the process be explained again. If somebody submits, is there a specific timeline they have to act upon their application.

Mr. Benish replied the Comprehensive Plan Amendment process are policies that have been set by the Board of Supervisors. The initial schedule is a review within 90 days to determine whether there is merit for further study. That is the process they are in right now and is the only time requirement. Once a decision is made that the Commission wants to undertake the applicant's request, it becomes more of a County controlled process to determine when that change would take place and whether they are going to amend the plan. The only timing is really that first 90-day process. If it is incorporated into the Comprehensive Plan update, they do have specific expectations for completion of the Comprehensive Plan that they work towards.

Mr. Cilimberg said there is no Virginia Code requirement that they have a Comprehensive Plan Amendment process for the citizens. This is something the County decided to do before Mr. Benish or he came to work at the County back in the 80's. Under Virginia law, this request is not like a rezoning with timelines and such, but something the County is doing at its own initiative. The only timeline, as Mr. Benish noted, was getting the request before the Planning Commission within the 90 days to get a decision on what direction they want to go.

Mr. Franco asked if there were staffing impacts if they were to create a resolution of intent to move this request forward outside of the Comp Plan process that starts in six months.

Mr. Cilimberg replied that the proposal has the potential to delay that process because they would be taking it separately to work with. It may delay staff from getting started with the overall comprehensive plan review, which process is something they need to do under Virginia law.

Mr. Franco asked if it complicated that because of staffing requirements.

Mr. Cilimberg replied yes, because they would be putting staff resources to doing this analysis and not getting started with the overall review. There would be some implications there.

Mr. Benish agreed that was the case, but it would be dependent on how aggressive their expectations are. In February, staff plans to present an outline for the Comprehensive Plan update to the Commission and Board. One of the earlier components is to begin in the Land Use section of the plan and update the guidelines and standards so they can move into the process of looking at the map changes. It is the most involved component of the plan update. It will span most of that 18-month period before staff brings something back to the Commission for review. It is a labor intensive process. Other initiatives outside of that work, with the staff they have available, could have an implication on how quickly that is done.

Mr. Franco asked if this does move forward, how active can the applicant be in that process. In other words, instead of staff having to run all of the models can the applicant provide that information along with other studies. Staff could then spend more time in reviewing the information presented.

Mr. Benish replied that the context that staff would be looking at, the fiscal and transportation analysis, was going to be broader than one particular site area. They would probably be looking at the distribution of non-residential to residential and commercial to industrial on a more macro scale. Each of these properties will contribute and adjust that balance. The applicant has provided good information on what their expectations are. As he understands it, the applicant intends to follow the form that was previously approved. Therefore, it is fairly easy to look at that analysis from a staff stand point individually. It is the time it takes to put that analysis in the context of the other possible areas and give the Commission a comprehensive look at the need for expansion and whether this area fits better or worse than other opportunities they might have. He thought that the applicant could assist some in the process, but probably not significantly. Staff is really looking at the bigger picture and then comparing this to what they need to do to address the changes to the larger plan.

Ms. Monteith asked in terms of looking at all the other opportunities and the checks and balances if there was some kind of schedule that staff might have that analysis to the extent that it is going to be County-wide.

Mr. Benish replied with some adjustments as they work to try to coordinate our plan update with the City's update in a grant that they recently received, they are looking at 12 months at least before they come back with a recommended Land Use Plan. It will probably be next fall before staff comes back with work sessions for land use updates.

Mr. Smith asked what schedule is the applicant hoping for.

Mr. Benish replied that the applicant could best answer that, but he was sure it was shorter than the two year window they are talking about here.

Mr. Loach opened the work session and invited the applicant to address the Commission.

Ms. Joseph presented a PowerPoint presentation, as follows:

Redfields CPA Request

- To include the entire Redfields PRD into the Development Area and to amend the Land Use Plan from Rural Area to Neighborhood Density Residential
- To build 138 units to complete the PRD
- To arrange the 138 units to reflect the existing development pattern

The developer throughout the years has said that they plan to develop this area. It is not common open space. It is open space. There is a big difference. The concept for common open space went before the Board of Zoning Appeals in August 2010. The Board of Zoning Appeals upheld the Zoning Administrator's determination that this space could be used and was not a requirement of the original PRD for common open space that is owned by the homeowners. It is private property.

The map shows that there are 58 lots that currently exist with houses on them that are outside of the development area. Biscuit Run has the same Land Use designation as Redfields. She noted Whittington Subdivision was just granted public sewer by the Board of Supervisors, which is now in the jurisdictional area for public water and sewer. She understood it would be coming into the Comprehensive Plan as part of the development area.

Unfavorable Factors Cited in Staff Report

- 1. The proposal is inconsistent with the Growth Management Policy and Rural Areas policies, and would impact important resources identified in the Natural Resources and Cultural Assets Plan for protection, specifically extensive areas of critical slopes, stream/buffers, and high quality soils for forestry.
- Response - The County Code does not allow areas of critical slopes or stream buffers to be disturbed. These areas can be preserved and become the 30% common open space required in the PRD zoning district. Although the soils are high quality for forestry purposes, forestry use/activity is not allowed in the PRD zoning district. A rezoning to Rural Areas zoning district would allow forestry uses. Forestry uses on the property would access the site through the Redfields Subdivision. Forestry is not a compatible use with the surrounding properties.
- 2. The site is constrained by critical slopes and a stream with associated buffer. There may be other sites in the County that could support more efficient development in an urban form as recommended by the neighborhood model concepts with less impact on environmental resources.
- Response - This request is not to build on a mountain but to complete a project that began with its' approval in 1990. The critical slope map that follows in the slides illustrates critical slopes and streams in Mill Creek, Biscuit Run and other areas currently located within the Development Areas.

Redfields in relation to the Neighborhood Model

Like the Neighborhood Model

- Redfields is a compact development.
- Redfields has received approval for reduced setback to allow for a more environmentally sensitive design.
- Redfields has more than one type of housing approved for the PRD.
- Redfields has a community center and connecting asphalt pedestrian pathways.

Unfavorable Factors Cited in the Staff Report

- 3. Roads in the immediate area serving the site are substandard in design and alignment.
- Response - The Redfields PRD was approved for 656 lots in 1990. The number of units left to be built is 215, the applicant proposes to build 138 units (77 less units than approved in 1990). No additional density has been requested. The applicant requests assistance from the Planning Commission to help craft Comprehensive Plan language to ensure that the density allowed by a CPA will not exceed the approved density of the Redfields PRD. Therefore, the vehicular use will not be intensified.
- 4. The assessment of the amount and location of land needed for designation of residential use should be evaluated on a county-wide level to determine the most appropriate places to locate new lands designated for residential use.
- Response - Instead of finding new areas, most likely currently zoned Rural Areas, why not add land that is currently zoned PRD, is close to town, is close to a 1,100 acre state park, is in the service authority's jurisdictional area, and merely completes the development that was approved 21 years ago?
- 5. In general, Comprehensive Plan amendments should be evaluated in the larger context of the entire Albemarle Development Area and Rural Areas and in conjunction with relevant planning processes. The update of the Comprehensive Plan will begin within the next six months.
- Response - The Albemarle County CPA application form states the policy for submittal of proposed amendments as follows "5. No Comprehensive Plan amendment application from a citizen will be processed within six months prior to the expected date of adoption of a major five-year Comprehensive Plan revision." Staff notes the process will begin in six months. Staff has noted verbally that the Comprehensive Plan review would likely take two years. We respectfully

request that we adhere to the current policy and ask the Commission to approve a Resolution of Intent to amend the Comprehensive Plan to include all of Redfields PRD into the Comprehensive Plan, and not ask this applicant to wait two and a half years.

- 6. The loss of open space/trails that the community has been using.
- Response - This area is not designated common open space. On August 10, 2010 the Board of Zoning Appeals upheld the zoning administrator's determination that Phase 5 was not required to be designated as common open space as part of the Redfields PRD approval, and, therefore the land in Phase 5 is determined to be private property and available to legally complete the build-out of Redfields PRD.

Favorable Factors as Cited in Staff Report

- 1. The proposal involves a site that includes existing PRD Zoning, is adjacent to the Development Area and to PRD zoning.
- Response - As many as 58 Redfield residences currently exist outside the Development Area. It makes planning sense to include the entire PRD within the Development Area. The PRD is surrounded by residential lots that are a higher density than, and do not conform to, the density allowed and expected in the Rural Areas.
- 2. The site is near major highway access and is accessible to utilities.
- Response - 5th Street Extended has been widened to a four-lane road with a median and the entrance to I-64 has been improved since the 1990 PRD approval. The entire PRD is located within the ACSA jurisdictional area for water and sewer.
- 3. The proposal could potentially add some residential uses that were lost in Biscuit Run becoming a state park, and replaces it within the same general southern urban area location.
- Response - The Redfields CPA proposal will add 58.472 acres to the Development Area. Biscuit Run covers over 1,100 acres, of which 700 acres are in the Development Area. Biscuit Run was approved for 3,000 residences, Redfields CPA proposes to create 138 additional residences. In relation, the area Redfields CPA covers is approximately 8.0% of the area lost within Neighborhood Four, and around 4.6% of the residential units lost within Neighborhood Four. The increase within the Development Area in the southern urban area is minimal considering the area that was lost to a state park.

Favorable Factors

- The proposal involves a site that is zoned PRD.
- The site is adjacent to the Development Area, and surrounded by residential developments in a higher density than is allowed in the Rural Areas.
- The site is near a major highway access.
- A 60' ROW with a construction easement exists to connect Redfields to the Mountain Valley subdivision.
- The site is accessible to utilities.
- A water tank built and paid for by the Redfields developers to serve Redfields and the surrounding area, improved the water pressure and water availability.
- The proposal would add residential uses that were lost within the same general southern urban area location when Biscuit Run became a state park.
- The area has been in the ACSA jurisdictional area for public water and sewer since the jurisdictional areas were created in the 1980s.
- The area was rezoned in 1990 to allow for a total of 656 units, no additional units are requested, and in fact, although the PRD is allowed to create another 215 units, the applicant feels that 138 units will complete the build-out for Redfields.
- Part of the existing residential units in the PRD are located within the development area, at least 58 existing units are outside the Development Area. Approval of the CPA would bring the entire development into compliance.
- In 1989, the applicant was urged to request a rezoning to increase the density. Hence, the PRD was approved for 656 units, not the 159 units that were allowed by right.
- In 1994, the applicant pursued a CPA and rezoning. They were requested to wait until the DISC committee completed its study. The DISC committee has completed its study.
- The property is not in the Reservoir water supply watershed.
- The property is not considered common open space, but is private property.

We Respectfully Request:

- The Planning Commission to Authorize Staff to Prepare a Resolution of Intent to Allow the Redfields Comprehensive Plan Amendment to be reviewed by the Planning Commission and the Board of Supervisors for inclusion into the Neighborhood Five Development Area in a timely fashion, without waiting until the overall Comprehensive Plan review is conducted.

Mr. Cilimberg left the meeting at 7:00 p.m.

Mr. Loach invited questions for the applicant. There being no questions for the applicant, Mr. Loach invited public comment.

Public comment was taken from the following individuals:

Rex Linville asked for additional time since he was speaking for a number of individuals that did not sign up to speak.

Mr. Loach replied that an additional minute would be given.

Rex Linville, resident of Redfields and Land Conservation Officer with the Piedmont Environmental Council, said fortunately the position he takes on tonight was consistent with that professional role as well as his own self enlightened self interest as a resident of Redfields. His colleague with PEC, Jeff Werner, will also speak tonight on the matter generally on growth area expansion for the Comprehensive Plan.

- In January 1990, the Albemarle County Board of Supervisors approved the ZMA-89-18, which created the original Redfields PRD. One of the conditions of that approval was proffer 8-3-C, which was revise land use notes to include phase 6 as open space. As heard from the applicant and staff nothing has changed since that time to remove that open space requirement for this parcel. During the Planning Commission for the original rezoning the applicant was very clear and said, "They want to reserve the right to come back later and talk to them about future development on that spot. They did not want to indicate that specifically as open space. Despite this, the Planning Commission recommended and the Board of Supervisors approved the project with that proffer language 8.3.C intact that it be open space. At the same meeting, Wayne Cilimberg summed up the County's position when he said, "If they want to market it as potential for future development, that is fine. We can't control their marketing." What they are saying for the approved plan that the Commission acts on tonight and that the Board acts on is it open space in phase 6 and that is it.
- He distributed a handout entitled "Redfields, A Beautiful Place to Settle." (Attachment: Redfields A Beautiful Place to Settle Brochure) The paper handed out is relevant at this point. Instead of taking this option, the developer marketed the land as open space. In the brochure, the land in question is shown as an undeveloped wood lot with trails, trees, and no roads or lot lines. In effect, the land is shown as open space. Further in the last and most recent ZMA for Redfields the developer's own agent is on record as stating that they had gotten to the 440 lots that will finish the develop. If this statement could not be used by the public as evidence upon which to make their own investment decisions for the neighborhood, he did not know what could. Zoning establishes a long term vision. The stability gives home owners, small businesses and corporate interests the confidence to make long term investments in our community. Home owners have made investments with the belief that this land is open space. Moving forward with this comprehensive plan amendment would result in a financial windfall to one individual land owner, but an economic loss and decrease in the quality of life to an entire neighborhood. The County does not need to make this growth area expansion at this time. The Planning Commission can reject this proposal.
- Mr. Linville questioned if the 215 units always have been intended to go here, which is what the applicant has said in his application that it was always understood that the remaining units would be allowed in phase 5. The reality is that this portion of Redfields was never approved for the 656 units and it has no density allocation. The 656 units were to be placed on only the portion of the PRD that was not open space. Despite this, the developer constructed their project at a lower density, built more single-family homes and fewer cottages and detached units. They made a

voluntary decision to reduce their density on that portion of the PRD approved for 656 lots. They made the decision to build it out at 440 lots. This was covered as a discussion in the September, 1991 Board of Supervisors meetings when Mr. Cilimberg explained that the PRD had originally been requested for 876 units and went down to 615 units because, "initially it was anticipated that there would be development in the southwest part of the site, which is the phase 5 land, for residential use. That part of the property became open space in the process of reviewing the plan because it was primarily in the Rural Area designation. This is where the first loss of lots came about. In other words, what Mr. Cilimberg was saying is that the change from 876 to 656 was a result of designating phase 5 as open space. It was never anticipated that any lots would go there.

- There is a question of whether this land is private open space or common open space. It certainly is private land. Section 4.7 of the Albemarle County Code addresses what open space can be used for. Open space shall be maintained in its natural space and shall not be developed with any improvements is what it says. Specifically, Section 4.7.d of the County Code, which deals with the ownership of open space, says that open space and private ownership shall be, "subject to a legal instrument ensuring the maintenance and preservation of the open space that is approved by the agent and the County." Such a legal instrument has never been drafted or prepared for this open space property. The community has been waiting 20 years to see something like that.

Neil Williamson, Free Enterprise Forum, noted that over 25 years ago the members of the Board of Supervisors and Planning Commission thought it was important because it was not required by State Code to have land owners have the opportunities to come forward and petition for an amendment. It seems to be that is a fundamental right for landowners and of property rights. He has to wonder about the validity of the question. Shouldn't a landowner have the right to come forward about what should be formed as a restoration of the growth area.

Mr. Williamson continued that this idea of a two-year process for a Comprehensive Plan amendment reminds him in 2005 when they embarked on a small plan, a two-year plan, called Places29. He anticipates the Board of Supervisors will be acting on that sometime in the first quarter of 2011. Therefore, he can understand an applicant's reluctance to move into a Comprehensive Plan Update that is predicted to be two years time. If the Planning Commission does not wish to see such land owner applications come forward, they should instead pass a resolution of intent to remove that provision from Albemarle County Code. Otherwise, he suggests that this amendment should go forward and be voted up or down on its merits.

Barry Condron, a 14 year resident of Redfields, pointed out the main reason he moved here was a brochure he got from Montague Miller. The real estate agents walked the property and the nature trail, which had signs on it. He built his house adjoining it. For the last few years, he and his neighbors have had to come out at nights to deal with attorney after attorney as many plans move forward trying to develop this property. They bought their land thinking that this was something that they had. He asked that they think about the precedent they would set if they allow this land to be developed. He was sure that many developments have loopholes built into them. This development definitely has loopholes since there was no legal binding language saying that this land has to be kept as open space for the property owners. Many persons cannot attend night meetings. He noted that he was a boy scout leader and had found that eventually people do not show up and these things go through. He asked that they protect the residents and not allow this kind of thing to happen because it is just wrong.

Jack Stoner, resident of the Sherwood Farm Subdivision, said originally they were in favor of the Redfields Development because it was represented to them that a large buffer area would be kept between the high density and low density neighborhoods. They were not aware at the time, which he did not think many people did, that there was a difference between common open land and open land. They have been surprised over the years as the applicant has come forward and cut into that buffer area and areas that originally were called open space. They are opposed to this application because of that. They are in support of staff's unfavorable recommendations. Personally, he did not see where Biscuit Run has a whole lot to do with whether they should spot zone something out of the growth area. It seems it would

be in the public's best interest to look at the growth area and make changes to it comprehensively and with a larger view.

Jeff Werner, with Piedmont Environmental Council, said he had no doubt that the Commission would hear arguments supporting this growth area expansion because they need to restore the loss of Biscuit Run. The simple fact is if there had been a market for Biscuit Run, it would not now be a State Park. Therefore, the argument that they must restore the growth area is dubious at best.

- In the past ten years, Albemarle County has granted through rezoning and site plans approval for approximately 13,000 new residential units within the growth area. These are not building permits. These are potential units through approvals and this does not include the 3,100 units that had been approved at Biscuit Run. In that same time, the County has issued building permits for 5,975 new growth area homes. They don't know how many of these correspond to the 13,000 or so approved units. Even if all of these new homes were from that total, the County would still have at least 7,100 unbuilt units in the growth area. There are another 800 or so units that are going through review. On three major projects, Albemarle Place approved in 2003, Rivanna Village in 2007, and North Pointe in 2006, those three projects no work has yet begun on a total of 2,038 units. Old Trail was approved in 2005 for 2,275 units. Since that time, only 697 new building permits were issued in Crozet. Therefore, even if they assign all of those building permits to Old Trail, which is unlikely, it still leaves 1,800 units or so at Old Trail to be built. Just in four projects, the County has roughly 3,855 unbuilt units. With so many unbuilt homes, it is difficult to see an argument that a growth area expansion is in the best interest of the community.
- The bigger question is under what circumstances would you consider a growth area expansion. The PEC would argue that good planning would require thorough analysis of what has already been approved where and how much of it has been built. This should be part of next year's plan review of the Comp Plan. It is only after that analysis that PEC suggests they should even consider this proposal. The last time the County issued a real comprehensive development activity report was in 2003. He urged the Commission to read it. It would tell them many things, such as the commercial approved, the number of rezonings, and what is happening in the rural areas. What they don't know is how many units have been approved in rezonings, how many are in building permits, and how many of those ultimately are built. Mr. Williamson indicated it needed to be weighed on the merits of this proposal. He asked how could they determine the need for more development if they don't even know what has already been built. Information he had handed out included information from Loudoun County on how they track their information. (Attachment 2: 2009 Fiscal Impact Committee Guidelines – Demographic, Economic, and Fiscal Assumptions and Forecasts Loudoun County Board of Supervisors Fiscal Impact Committee October 2009)

Cathy Cassidy, an adjoining property owner, said that there are two phases represented in the open space, Phase 5 and 2, which the Commission has been looking at. She abuts Phase 2 at the end of Willow Glen. She was also speaking on behalf of her parents who live next door that also abut that land. When they bought their homes in 2001, they checked to the best that they could that the open space behind the property was in perpetuity. They asked everyone that represented the land, and were assured that was open space in perpetuity. They did not know there was a difference between common open space and open space. Her family has over ½ million dollars invested in this land. It would be taking away a lot of value to have it developed behind their homes. She served on the Redfield Board of Directors. There are 444 homes in that neighborhood. If the developer shows he could have built 658 in the developable land, not including the land under discussion today, the developer chose to build 444 homes. They have been told repeatedly that Redfields has been built out. That is the second indicator that buyer beware that they think this community is finished and done. Therefore, that was a voluntary choice on the developer's part. They were approved for 658 homes. However, in the land they were allowed to develop they chose for whatever marketing research they had to build 444 homes. She reiterated if the prior speaker was correct, there was already 7,000 units approved in the growth zone. She did not think adding 138 units is necessary especially in this climate.

Charlie Friel said he would be brief since everybody had made the point as eloquently as he could possibly think about doing. The only point he would like to talk about is the traffic flow. They talked about whether the traffic flow was going to be adequate. If they are going to put in 100 plus units in addition to

the existing 400 units, they are basically putting 25 percent of the density in one specific area. While the roads may be "ok" for the entire area most of that traffic is going to comes down one road. Therefore, it is not clear that the traffic would be adequate for that one road. They have to live on that one road. That would drastically change the nature of their neighborhood where they would have 138 units all concentrated in one spot. Otherwise, he agreed with everything everybody else has said.

Mr. Loach invited other public comment

Carlos Armengol, M.D., resident of Redfields and pediatrician in town, said that he does business with Percy Montague who is one of the owners of Redfields Land Trust. Therefore, he was in an unusual position. He asked to point out a few inaccuracies.

- The applicant represented that several of the homes are outside of the residential area and in the development zone. As shown on the map he handed out, that was not their understanding. All the homes in Redfields are within the residential area. All of the land with a small exception that is under question is in the rural area.
- The other point is it is correct that adding the extra homes being suggested would be no more than what they had asked for originally. As pointed out, in fact, it was less than the original amount and should have limited if any effect on the traffic that exists currently. However, those were designations made 20 years ago. Since then in that very area, which can only be accessed through Sunset Avenue Extended, there have been several apartment complexes built. It includes Jefferson Ridge and several others that abut the Redfields neighborhood. Those were not accounted when this neighborhood was first developed. The traffic from those apartments is tremendous. Sunset Avenue Extended is a very busy road as a result of that. He would like the Commission to take that into consideration.
- To the east is Wintergreen Farm, which is in the development area and is being sold. He suggested that property was being sold for purposes of development. He was sure that not one person was going to buy it and move in. That will add even more traffic to the Sunset Avenue Extended area. That is also something the Commission should consider. He thinks the Planning Commission has an opportunity to do right by the neighborhood. They live on the edge. Every few years they have to put up with this process. They never know what the end result will be. None of the residents wants to lose this precious land. He understands that the Redfields Development Corporation has some business goals that they need to meet. They should have thought about that when they first decided to build this community and built the 656 units that they originally were permitted to build instead of choosing to build 140. It is too late now and they have already marketed this area.

Welfong Fresin, 999 Kelsey Drive, noted that it was right at the edge of where the development would be. When he was with his wife in 1986 standing on Kelsey Drive they spoke with one of the developing parties, Gaylon Beights, who assured them personally when they asked him that the space up there would not be developed. It was important to them. Mr. Beights told them probably not, but at most there may be a few, four or five large houses that would be put up there, but they would never see them and it would be no impact. That was the personal assurance why they bought their house. He asked the Commission not to reward veracity with a building permit. He takes veracity seriously and knows the Commission does, too.

Christina Parker, resident of Redfields, noted that she had her two children with her tonight. They live on Laurel Glen, which was one street away from the land in question. Redfields has a large number of children. They live on a corner. Fieldstone goes right next to her house and that would be the entrance to this new area. If they are asking for 130 units, she felt those would be condominiums. Most people who do condominiums either have large families or are younger in age. If Redfields Subdivision was meant to have condominiums, they should have put them in earlier. The developers put in single family homes and duplexes. They go back there and hike almost every week. It would be a big shame to take this area away from the children in the neighborhood.

John Ecenrode, a retired military officer, said his wife was an active duty JAG officer. They moved to the area 1 ½ years ago for her to attend the UVA Jag School. They fell in love with the area and she now works in the Pentagon. They found a wonderful neighborhood where they wanted their children to finish

growing up in. Their youngest is a junior at Monticello High School and this is her ninth school. As part of their moving in obviously was the open space. It was a good place to walk their dog. That was one of their biggest concerns moving in. He was also a member of the Board of Directors for Redfields. He asked that they get their stories straight. One day they say the area is not going to be developed and the next it will be developed. He asked why redevelop. Nobody is developing now because houses are not selling. There are many houses sitting empty. He asked why they are looking at rezoning this property. He had heard a lot about Biscuit Run. What happened to Biscuit Run? It was a tax write off for open space. He asked what they are asking for. He questioned whether they were asking to develop or not. Why are they pushing so hard for this. If there is a Comprehensive Plan for the entire County why are they acting like they are the only game in town. If they want a piece of the action, they should throw it in there with everyone else. If their proposal is the best and most beneficial for the County and its residents, so be it. He asked that they not push it through before the entire comprehensive review is completed just to push it through.

Mary Key Brents, resident of 998 Kelsey Drive, said that her house was located on the main street of Fieldstone. She moved to the area from Atlanta. The first thing the agent told them was that is open space right behind their house, which won't be developed. This was a well known realtor in this community who sells many homes. It was said that there would be no impact from cars. If they have 138 homes or condominiums there will two times 2 that number or 276 cars going down that little road every day. That little road is a section of America that you all have not seen. Every morning when the school bus comes to pick up the kids from the ends of these little cul-de-sacs there are many people standing at those corners. The traffic will take over and make it dangerous for these children. She asked that they not allow this to happen. She asked that they go out and walk through this area to see what a beautiful area it is. She asked that they preserve this area. She noted that Old Lynchburg Road could not handle the increased traffic.

Sandy Lambert, resident of 120 Overlook Drive, said that he lived some distance away from this particular development. He had served on the Board of Directors and had been the President of the Association. What they are dealing with here tonight is weight against density rights. It also conveys a similarity to the previous site plan submitted of 138 units, which involved a different type of housing, which was mentioned earlier. Even though he lived a distance away, he would consider this so important that if the association wanted to put up the front cost to fight this they certainly would have his support.

Christine Davis, resident at 120 Overlook Drive, said her property abuts E4, which was in the Sherwood Farms neighborhood. The battle for development over this parcel E4 and R1 has been going on for a minimum of ten years. Given the length of this battle, it would seem letting the battle continue on for another year or two while they get the County growth plan in place makes sense. She did not see any real sense for urgency in making this amendment. Secondly, she wanted to address a point on the favorable factor summary. It says the proposal involves a site that includes existing PRD zoning. It is adjacent to a development area and to PRD zoning. She pointed out that the majority of the abutting land is zoned Rural and not to the PRD zoning. Therefore, the proportion of rural land kind of wraps around this area. They need to consider the issue of crime. They seem to have a little crime hotbed in the apartments near this proposed area. With multiple family dwellings, this may become an issue that she thought the area ought to consider.

Avia Kiduran, a professor of Curry School of Education and also a resident at Redfields, voiced concern with the proposal. When she moved to the area the playground/tiny swim pool and community play area were attractions for her children. There are a lot of teenagers and children in Redfields that enjoy this area and deserve to keep the open space available. The green space should be kept open for the children of Redfields.

Percy Montague, from Montague Miller and Company, said that he was one of the principals of Redfields Development Corporation. He was not planning to speak, but after hearing some of this he felt that he needs to just to give a little more of the background.

- For the last 10 to 15 years when they've had active sales going on in Redfields and they were in the process of developing, they had a sales center. In that sales center, they had a display that one had to walk around as they came in. As each phase was designed, it was added to that. On

the left hand side of that was an area that they have always called phase 5 and that specifically said that it was future development. Therefore, the fact that was not indicated he did not think is accurate.

- In terms of intent when they originally came to request permission to do this back in 1989, they were told that the growth area bisected a portion of the property. The planner they were working with at the time said that it just ran through the middle of a field. They talked to them and persuaded them that it made sense to move it or at least from a planning standpoint while they were trying to design this to move it to a geographic feature. So staff let them develop a portion that went as far over as the creek. That creek is now the boundary of what is phase 5. He believes there are a number of homes there, and Ms. Joseph indicated based on her research, that she thought there were 58 homes that are actually currently outside of the designated growth area. Again, all of Redfields is zoned PRD.
- One other point was that when they came in and had a discussion with the planner they said every so often they review the Comprehensive Plan and this will be a slam dunk. They were told to bring it in to staff and they will include all of Redfields in the growth area. They did that in the mid 1990's. The staff recommended approval of both Redfields and what is now Mountain Valley Farm as additions to the growth area at that time. When they got to the Board of Supervisors, they started talking about infill development and the DISC Study and they tabled all future expansion of the growth areas at that time. Certainly going through that whole process, they indicated that they certainly planned to do something with phase 5. The DISC Study and DISC II since then completed, but there still have not been any adjustments to the growth area. They feel the area zoned PRD was always intended to be part of Redfields and should be included.

Mr. Loach asked if he was saying that all of the people who came up and explicitly stated that they were told that the land would stay in open space were misunderstanding what they were being told.

Mr. Montagu replied he was not sure what they were told or who told them what they were told. If they look at this area in detail that when they get to the site planning and bring it back, they will see that there are critical slopes and there are going to need to be stream setbacks. Those areas will be open space. The requirement they had originally was 25 percent open space. They proffered and the portion of Redfields that has been developed has that 30 percent open space. This is excess land for future development. At least 30 percent of this site, and based on the characteristics of the land probably more like 50 percent of this, will ultimately be open space. It will be common open space once they are finished. However, for the time being the open space designation that has been talked about tonight was merely the way the property was parked by the staff at the time they originally proposed this in the early 90's because it was outside of the growth area. They have a determination that was done in August that said clearly it is not common open space. There is no requirement. Mr. Linville talked about an agreement that they have been waiting 20 years to have. The Board of Zoning Appeals said specifically that did not apply. Again, they request that they go ahead and make a decision on this at this time.

Mr. Zobrist invited further public comment. There being none, the public hearing was closed, and the matter brought before the Planning Commission for further discussion and action.

The Planning Commission took a break at 7:42 p.m. and the meeting reconvened at 7:51 p.m.

Mr. Loach invited comments from the Commission. He noted this was a work session and no action would be taken. The Commission would be giving the staff essentially guidance as to what should be done next in the Planning Commission's purview. He asked for comments.

Mr. Franco said he heard from staff the recommendations to wait for the Comprehensive Plan to be evaluated in total. They also have heard from the community that they don't want to see this happen. However, he had heard from other people that there is a process out there for processing CPA's. They are within the policy guidelines. He would like to understand from the applicant's perspective what are the advantages to processing it now versus hanging on for six months and waiting for this long process to start.

Gaylon Beights, one of the developers of Redfields, responded they need to get started. It takes a long time from today to bring a product to market. The time to begin a project is when everybody else says it is the wrong time. They had the 600 acre Mountain Valley Farm that they met with Sally Thomas on. Ms. Thomas said if they would wait for DISC that they would rezone it. Therefore, they waited and waited, which turned into almost five years. Every time they mention study, it causes him to say he does not want to wait. He would rather evaluate what they have today. At Old Trail they bought a project by right and they asked to develop it. They are asked to bring it in for the master plan. It took them four or five years to get that through the process. Luckily, they were allowed to begin by right with the back portion of the property. He would suggest that even today they still own Mountain Valley Farm. They missed the market. They should have developed it eight years ago. They think it is time to move forward. This is not their open space, it is his open space. This is left over space from the overall project. It is encumbered upon them because of the Redfields Land Trust to proceed and do something with it.

Ms. Porterfield said from the information it appears that approximately one-half of the land he would like to develop is not developable.

Mr. Beights replied that was correct.

Ms. Porterfield asked what type of residences were being proposed.

Mr. Beights replied that they were wondering where the condominium concept came up. They are asking for 2.3 to 2.4 units per acre. They believe it would be similar to what Mr. Sam Craig built in Redfields, which is the same product. In fact, they hope Mr. Craig will return to help them finish it.

Ms. Porterfield asked what was that product type.

Mr. Beights replied that product is attached single family one levels. That product is single family on a small lot. That will be some townhouses similar to down to the lake. They are not talking about bringing in anything that is not consistent. It is Redfields. It is very painful for Percy Montague and he to care so much about Redfields and listen to the stories tonight. What he did hear through the noise and the static is that they love their place. That is very important to them. The irony of their lives are that they built trails when nobody thought the trail would be a marketable product. Percy, his sons and he built them ourselves. They are very proud of those trails. They have carried that to other developments. Their trails are our trails and they are very partial to them.

Ms. Porterfield said he was saying this is an attached product of some sort.

Mr. Beights replied yes, as it exists in Redfields today.

Ms. Porterfield said that it is an ownership product as opposed to a rental.

Mr. Beights replied yes.

Mr. Smith asked if he owns the property, pays taxes on it, and insures it.

Mr. Beights replied yes. He had a tax bill on his desk.

Mr. Smith said that Ms. Joseph mentioned a 60 foot right-of-way. He asked where does that exist that connects Redfields.

Mr. Beights replied that the main road that comes in and turns left is a 60 foot right-of-way. It goes down to the cul-de-sac that will eventually go on up to the top. It won't tie into Ambrose at all, even though it is a good idea.

Mr. Loach asked for other comments.

Mr. Morris said in Mr. Cilimberg's briefing on the Board of Supervisors he heard the words that they are going to be looking at expansions again. In this request, they are talking about expansions. He really thinks when they talk about expansions they need to look at the big picture of the expansions within Albemarle County. That is what he would like to see. It pains him to think that it is going to be a two year process for the folks who are looking for expansion on the southern end right now when they are looking at expansions on the northern end like tomorrow. It bothers him that they are starting to piece mill expansions of the development area into the rural area. Therefore, he thinks they need to package this.

Mr. Lafferty said down at the cul-de-sac there is a stem that goes into the property that was never sold as a lot. He asked if the intension was always to leave that vacant to put the road in.

Mr. Loach asked staff to read the proffer language in the original agreement regarding the open space.

Ms. Grant replied that it was proffer 3D that basically said revise land use notes to include phase 6 as open space.

Mr. Benish noted unfortunately Mr. Cilimberg had to leave because he was more directly involved in this. The records or minutes in 1989 did indicate that if the development area boundaries were to change in that area it was possible to rezone that property. That is in the record of the minutes that there was a possibility for reconsideration of a rezoning in the future. That is where they are now in that rezoning was based on this hearing coming into the designated development area that is currently shown in the rural areas.

Ms. Porterfield noted her concern is that they have a lot of land that has been rezoned to residential throughout the County and nothing is being built. It is just the economy at this point. She can say from the Village of Rivanna there are hundreds and hundreds of lots that have been approved or areas that have been approved for single family dwellings that have not been built. There is nobody building. Additionally, she was concerned because the County does not have the finances to provide the amenities that it needs to provide to the development areas. They have one community that is trying desperately to replace its library. However, at least it has a library. The Village of Rivanna does not have a library. She thinks that somewhere along the line there has to be a real study as to whether they have enough development-area residential for the near future and what is that foreseeable future. As Mr. Benish mentioned before, for the near-term, mid-term, and long-term. She thought it would be only fair to all of the various developers and land owners out there who would like to offer a plan like this to all be considered at the same time and not be piece-meal, especially since they are going to start studying this. She knew government certainly moves way too slow for Ms. Porterfield. However, the point is that it does move. There is a plan. She did not think there was an absolute rush because there were not people beating down the doors to buy new construction right now. She would feel more comfortable if they could keep this within the planned look that the County staff is going to do over the entire County. It might be one of the requests that is approved because it has many things going for it. However, it has the other sides, too. The first question is can the County afford it and do they need more new construction even in the mid-term.

Mr. Smith said that he feels for the people in Redfields and does not blame them one bit for the way they feel. He has lived in the County all his life and has a subdivision next door that he does not like. However, he could not afford to buy the land next door. These people have land. It is open space. If they want to take the gamble to develop lots and build them and nobody buys them, then they still have their open space. However, that will be their problem. He did not know why they look somewhere else if they have land that is easily developable in it is already there with existing facilities for sewer and water.

Mr. Franco asked to follow up on a couple things he heard. He thought that the points Mr. Morris raised were important in that the Board is now going to be looking at expansions of growth areas in a couple places different places in association with 29 Master Plan. That is one of the things he was thinking about early on in how fair is that to other people that might want to see that expansion. He agreed with Ms. Porterfield in listening to staff that part of the evaluation is this the best place to go. Therefore, it is less a question about uses and things like that for the land use side. It is more about whether it is appropriate. He finds that they have a policy that says they ought to be able to process this thing. He

feels really torn. As long as they have this policy, he tends to say they ought to move forward with this. He had not heard anybody on the staff say that it would not make the first blush cut of being evaluated. He was not saying that they ought to add it as part of the Comp Plan. However, they should start the process of looking at it because they have a policy that is in place. He would not want to do that at the expense of the comprehensive review that staff is going to do. So if there is a way that the applicant can supply meaningful information that would be helpful. But similar to past master plan amendments and other CPA's that he has seen he could also see some benefit of having the applicant going ahead of the curb a little bit to provide us more specific detail of what his plans are. Part of the problem he heard tonight was sort of a misunderstanding of what the intent is. He had heard condominiums from the adjacent neighbors. He had heard that is not the intent from the developer. He thought by beginning that process they could allow the developer to provide some more specific information that might help them make the decision about the CPA as well. It could be information showing how they plans to avoid the critical slopes and the buffers. It could be specific enough to show the land plan with the housing types on it so that is incorporated into the language of the CPA. They could find if there is common ground to allay the fears and the concerns of the residents.

Mr. Loach thought that the language Ms. Grant read shows that there was a clear intent that there would be a proffer for open space. He thought what Mr. Benish said is that in his remembrance of it that there was also some understanding that there may be development. Therefore, there is a clear question in his mind whether, in fact, there was an obligation for the open space. He finds it very hard to believe that the number and the caliper of the people who spoke tonight could have consistently misunderstood what they were being told with regard to the open space being an open space in perpetuity versus until the developer decided to develop the land. Those are the specifics on that. He thought the bigger question, as Ms. Porterfield has alluded to, was whether this is the time to be looking at growth area expansion when they don't have enough money for fire houses, police, libraries, or parks. On the other side of the coin, there is a process and they should be to some degree accountable to the process that is set up within the County. Those are the two sides. He thought that at this point the more overriding concern is the policies that the Board has set with what it can provide in terms of services to the community to the level of development that is going on. There is no way that he knows now where they could tie development to concurrency with infrastructure. One of the reasons they did the master plan was because they were told that there would be concurrency of infrastructure. That has not been the case. Once they approve development, they can't say because they are in hard times that development stops as well, despite what the County has to spend. He thinks that is the overriding concern. In order to give staff direction, he needs direction from the Board whether in fact if the Planning Commission in these times take this application and continue it in the process.

Mr. Franco said the two concerns he heard were sort of the proffer and the promise of the common open space and needing better information on that. The second was the concurrency of the infrastructure and the policies that are in place. He believed that is what the Comp Plan amendment process would reveal. He thought as part of that the responsibility of the applicant or staff would be to address where it stands. For instance, if they find in this particular growth area it does not generate the need for an additional library or fire station per the policies that are established by the Board, then it would say that is not a problem for the expansion in that particular area. He did not know if that was the case or not. However, that is what they are going to be doing six months from now when they begin that process. It is not a commitment to allow it to rezone or anything else so much as the planning aspects that answer the questions that he is raising.

Mr. Loach asked if he was saying this should be rolled into the Comp Plan review as alluded to by staff in their recommendation.

Mr. Franco replied that he was really torn because of the Board's willingness to look at expansions in other areas as well as the policy on processing CPA's of delaying it. He respects what Mr. Beights has said about what it takes process wise. He hears the other Commissioners, but if it is 2 ½ years before it gets a CPA and then rezoning in the past have taken several years as well, he has problems. Projects in Crozet were delayed four or five years. Therefore, they are talking about something that before it is delivering product is potentially five to seven years down the road. It is not addressing potential needs now, but is getting prepared for needs of the future. So he was okay with moving forward, but he did not

want to slow down the comprehensive look that the County is about to undertake. When he hears from Mr. Benish about the delay of that process, he gets concerned. However, he does not have a problem processing it ahead of time. He does not know what the solution is going to be. He would like to have the answers to the questions he has raised.

Mr. Morris agreed with what Mr. Franco was saying.

Mr. Loach suggested that they roll this request into the Comp Plan review and deal with it in terms of all five requests so that they can see which is the best one for the tax payers.

Ms. Monteith suggested that if they are going to look at one they need to look at five. She thought part of what Mr. Benish was talking about is the staff issue in how far that backs up the start of the Comprehensive Plan planning process. It is really complicated.

Mr. Franco agreed. He was not sure if all five have filed applications at this point or just expressed an interest. There is a difference in officially filing and not. In the CPA process within that 90 days is it this body that has to take action to initiate it. He asked if the Board could do it as well.

Mr. Benish replied the way the process was established the Planning Commission determines whether to move forward with the study or not. Then the Commission's action is forwarded to the Board of Supervisors for information. They are not required to act, but they can appeal the decision or call it up for review. Theoretically, it ends here and the information is provided to the Board. The Board can take that action. They are not talking about two years just to get the Land Use Plan done. This is the full update of the Comprehensive Plan. There are a number of priorities that have been put into that. Staff is trying to figure that out. They have industrial inventory analysis to undertake. The interstate interchange policy is a priority to some. The transportation network in the Southern Urban Area. Questions have been raised about the viability of the Sunset / Fontaine Connector. Staff is trying to put together a regional transportation study to get that answered and that has been put into the Comprehensive Plan update. He can mentioned a couple others, which includes the State MDO legislation that could impact the policies that they have established in their water supply planning, which might need to be adjusted. All those have some priority that staff is trying to balance. He has right now two staff planners on this project. When the other items are brought into that work program it just makes it more complicated to get all of those expectations that are embedded in the Land Use Plan completed. That is not to talk the Commission out of the direction they might go if they want staff to do further study on it. It would be very important what particular information outside of the Comprehensive Plan evaluation of this analysis they would be looking for over that span of time. That would enable staff to focus in on that information. If it is about how the property is going to be developed or the physical development of the site, he thinks the applicant can help with that. If it goes further to physical analysis and transportation impacts, then that is what staff is trying to look at comprehensively within that region. This particular site, although it is a good size site for a development, is pretty small in the context of the overall development area. They are looking at it from a larger perspective of what that impact is.

Mr. Loach asked staff's opinion about the proffer language.

Mr. Kamptner replied no, that he would have to see the proffer. Someone in the audience spoke from Redfields that referred to a proffer 8C. What Ms. Grant read sounded like a condition of approval of a planned development. He would have to see that. He might have reviewed it several years ago when the zoning administrator was doing the official determination that resulted in the Board of Zoning Appeals decision this past August. However, it has been a couple of years since he has looked at these documents.

Mr. Loach asked if his opinion on the proffer Ms. Grant read for open space is, in fact, a binding on the part of the developer. He suggested if Mr. Kamptner needed time that they could take it under advisement.

Mr. Benish suggested if the Commission wanted more information about what the status is it would take some time. He believed the applicant provided the Board of Zoning Appeals determination. He

suggested that it was more Mr. Kamptner's and Ms. McCulley's responsibility. However, staff could provide the Commission a written discussion of the status of the proffer.

Mr. Kamptner said there are two ways to approach this. One is that the decision in front of them right now may be whether to move forward with this CPA separately in conjunction with the five-year review or not at all at this point. He did not think the Commission's decision should be based upon what has already been decided by the Board of Zoning Appeals. That is whether or not this land is available for development. At this point that decision has been made and resolved. It is now a thing decided. His understanding is that there was no appeal of the Board of Zoning Appeals decision. However, he was not involved with that. They should give the Commission that information so they have a fuller picture of what has gone on over the last 20 years for these parcels.

Mr. Franco asked when the Commission could get that information. He asked if they should defer this.

Mr. Loach noted that there is some question and he would like to get the additional information. If there is a problem with the proffer, then the question is almost moot.

Mr. Kamptner said Rex Linville gave him was a copy of the approval letter dated January 22, 1990. The provision 3D is actually a condition of approval which is what the old planned development regulations provided for. In conjunction with the Board's approval, the Board could impose conditions, which would require typically revisions to the application plan. So this one states, "Revise the following notes on page 1D as revise land use notes to include phase 6 as open space." That is what it says. He has seen applications and plans possibly with some of the latter rezoning where the notations on the plan included a note that said reserve for future development or something like that. The notations on these plans have not been consistent over the last 20 years. However, all of that should be captured in the Zoning Administrator's determination and possibly the Board of Zoning Appeals decision. He was not sure if they adopted a written decision or if it was just on a motion that would be contained in the minutes. However, the Zoning Administrator thoroughly looked at this history to come up with her determination.

Mr. Lafferty said that his concern is they are piece milling the Comprehensive Plan by not putting this in and looking at it. He did not have much of a doubt that it has always been the desire of the developer to develop this piece of land. He realized that many people did not have that impression that spoke tonight. He can understand how something like that would happen in that the developer obviously left a way to get into the land at the end of the cul-de-sac. He still thinks they should look at the development in a more comprehensive way and incorporate this in the study with the Comprehensive Plan. What they are seeing tonight is the effects of our austerity that is not only affecting the citizens, such as the cut back in Crozet with the library and things like that, but for the time period. It is affecting the developers who want to get something done in a timely manner and they are saying they just don't have the staff time. It is an awkward position to be in for anybody. It is a two-edged sword. For keeping the County as the County they all like to live in, he thought that they should go defer this and have it considered during the Comprehensive Plan review.

Mr. Morris asked if he was saying move it ahead with the Comp Plan process.

Mr. Lafferty suggested that they roll this into the Comp Plan review process.

Mr. Franco noted that he did not know if he shared that opinion completely. It makes it more palatable to also recommend that they look at the policy that they have in place for processing CPA's and amend it to reflect this perspective so they don't confuse applicants in the future about whether they should be submitting or not.

Mr. Loach said that he would like to defer to get additional information from Mr. Kamptner regarding the standing of that condition. He questioned where they actually stand. He did not want to make the big decision until he knew if they have to make the big decision and that rests on what the opinion will be after he takes it under advisement.

Ms. Porterfield asked if it would make a difference as to how it is studied. That would be a part of the study.

Mr. Loach yes, if the opinion comes back and the letter of condition that says it is open space has standing, then there is no point. They would not have to discuss putting it into the Comprehensive Plan roll out because it has been decided essentially that they were told it was open space and it was a condition of approval.

Mr. Lafferty asked wouldn't it just disqualify it from being reviewed as part of the Comprehensive Plan review.

Mr. Kamptner said staff would provide the Commission with that determination. He recalled there are different qualities of open space. There are some that are binding on the applicant. There are some that the minutes from some of these rezoning indicated that the notation of open space was essentially a place holder because the applicant had reflected a desire to develop eventually. Staff will provide that determination. He could not recall the level of detail that determination explores that issue, but staff will provide that to the Commission.

Mr. Franco said in addition to that information what is important to him is he recognizes that over the years that the terminology has really changed dramatically. In the 15 years he has been doing this he has seen different notations being different things and the same notation mean different things. He would like to know specifically who has to be a party to the application. They can always go back and rezone a property and change conditions that are on it. The real question is who are the participants in that. That may have been a promise, but it may be a condition that is on there and is something that can be rezoned by the owner of the property. It would be in different standing if it were something like in Hollymead Town Center that required more than just the owner of the property, but some representation within the PRD to participate in the rezoning.

Mr. Loach asked if he honestly thinks all of the people tonight that said upon sale of their property that they were told that area would be open space misunderstood what they were being told.

Mr. Franco replied that he did not. However, having been in the business for years he also knows that it is often hard to know who told them that. Sometimes that is a seller. Sometimes it is a real estate agent. It could be a number of different people that made that promise or statement and not necessarily just the developer. He also believes from what he has seen that the developer had intentions of developing this and has pursued this over the years. He agreed that there is conflicting information. Therefore, he was asking about the legal process that exists. What is the legal determination. As he understands the zoning determination, the Board of Zoning Appeals has said that it is something that can be rezoned. His question goes further and says who has to participate in that rezoning.

Motion: Ms. Porterfield felt that they need to put an end to this tonight. Many people are present tonight. The information they are asking for would be part and parcel of any study of this application. She thought that it should be done at that time. Based on that she moved that CPA-2010-00001 Redfields be studied with the Comprehensive Plan update that staff is going to undertake in the beginning of 2011.

Mr. Franco asked for a friendly amendment to include addressing or looking at the policies that are in place.

Ms. Porterfield said that she would like to do it in a second motion.

Mr. Franco said that would be acceptable.

Mr. Lafferty seconded the motion.

Mr. Loach asked for a roll call.

Mr. Franco voted no because they have a process in place and they ought to respect the process.

The motion passed by a vote of 4:2. (Smith and Franco voted nay) (Zobrist abstained)

Mr. Loach asked that a separate motion be made regarding the process.

Motion: Mr. Franco moved and Mr. Loach seconded to create a resolution of intent to review the policy on the processing of Comprehensive Plan Amendments to avoid conflicts in the future.

Mr. Lafferty asked if this would delay the Comprehensive Plan review.

Mr. Franco asked to get this forwarded to the Board to have them look at their policy so that they are not having to defer plans when they have a process in place that says it should be processed.

Mr. Loach seconded the motion because the Board has the obligation to look at the process and it would give them better direction in how to handle requests for growth area expansion.

The motion carried by a vote of 6:0. (Zobrist abstained)

Mr. Loach noted that both motions have passed. He thanked everyone for their input.

Mr. Benish pointed out technically the Commission recommended studying it and staff would normally do a resolution of intent. Therefore, staff will draft resolutions of intent for the two actions and bring it back to the Commission as a consent agenda item for approval.

Old Business

Mr. Loach asked if there was any old business.

- Mr. Franco reported the CIP Oversight Committee had a second meeting. The Committee has asked staff to go back and create a second proposal that would pull other items that are not maintenance, such as Greer Elementary School expansion, into the CIP recommended projects. Because there is a process evolving of restructuring how projects are evaluated the Commission will not be seeing this until after the first of the year.
- Mr. Lafferty, Mr. Smith, and Ms. Monteith reported on the MPO Tech Committee Meetings.

Mr. Loach asked to go back to one item being the family subdivisions. Both of the families in the two family division requests the Commission heard had agreed to use the ten-year max, which was the State maximum that the Commission imposed.

Mr. Kamptner noted that the State maximum is actually 15 years. However, they had agreed to a longer period.

Mr. Loach suggested to make the family subdivision more palatable that they use a higher standard than the four years. He did not find the four years as being acceptable. He thought that the ten years agreed to seems to be a reasonable time limit being it was a half of a generation. He asked how the other Commissioners felt about it.

Mr. Franco said he thought the Commission had that discussion at that time. He was comfortable with a higher number, but there was a debate. It was not just the family subdivision, but it was really a request for an additional development right in both those cases. He wanted the minutes to show, he was comfortable with a higher term for additional development rights.

Mr. Morris agreed.

Mr. Benish clarified that it was for special use permits for family division type of subdivisions for extra development rights.

- Several Commissioners were comfortable with a higher term of ten years as opposed to four years for special use permits for family division type of subdivisions.

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

New Business:

Mr. Loach asked if there was any new business.

- Question raised if the type of information in the development activity report will be updated as part of the overall Comp Plan review. Staff to provide information on update of development activity report when it becomes available.
- PC requested status of Redfields CPA property. Staff to provide status of property for Redfields CPA with resolution of intent if available.
- Mr. Lafferty to be absent December 14.
- NO MEETING ON DECEMBER 7.
- NEXT MEETING ON DECEMBER 14.

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

Adjournment:

With no further items, the meeting adjourned at 8:54 p.m. to the Tuesday, December 14, 2010 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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