Albemarle County Planning Commission
October 28, 2014

The Albemarle County Planning Commission held a special meeting on Tuesday, October 28, 2014 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Richard Randolph, Thomas Loach, Bruce Dotson, Tim Keller, and Mac Lafferty, Vice Chair. Absent was Karen Firehock. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Director of Planning; Mark Graham, Director of Community Development and Sharon Taylor, Clerk to Planning Commission.

Call to Order

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

Mr. Morris recognized Mr. John Myers, Planning Commissioner from Goochland County, who is here as part of his training.

Other Matters Not Listed on the Agenda from the Public:

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

Neil Williamson, Free Enterprise Forum, spoke regarding tonight's Planning Commission topics and his interest in seeing the Commission consider what their appropriate role is regarding the County's development review process.

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

Work Sessions:

a. Briefing on and discussion of the recommendations of the Development Review Process Task Force.

The purpose of the work session is for Mr. Dotson, Planning Commissioner who served on the Task Force, and Mr. Graham, Director of Community Development, to brief the Commission on the recommendations of the Development Review Process Task Force with follow up Commission questions and discussion to solicit feedback. No formal action was requested.

Mr. Dotson provided an overview of the Development Review Process Task Force with general comments about development review.

- Development Review is a perennial hot topic so they should not be surprised that it is coming back up for our attention again. It is also not unique to Albemarle County. He did a Google search on development review streamlining and he got 2,920,000 hits. So this is by no means a new concern. The Development Review Task Force completed its work in 2007. In addition, about a dozen years before that he chaired a group called LURC (Land Use Regulation Committee) that went over the same kinds of issues. It is really all about a continual improvement process, which makes it appropriate that they should revisit some of these topics tonight.
- In terms of the Development Review Task Force, it was appointed by the Board of Supervisors and had at least a dozen members. The Task Force was broadly based representing different sectors, segments and interest in the community and was chaired by Ken Boyd. Again, it issued its report in 2007.

Mr. Dotson said he can't remember if there were specific goals in the charge to the Task Force. However, the three goals he sensed as a member of the group were:

1. The first was to come to grips with some of the frustrations felt by members of the development community about the amount of time it was taking in the county to obtain approvals for various projects that were coming through. One goal was to address those concerns that developers had.
2. A second concern that emerged in the process is that staff was frustrated on some occasions because they did not feel they were getting all of the information they needed in order to do a fair and professional review of the applications.
3. The third concern was that whatever happens there needs to be a high degree of transparency opportunities for public input.

Mr. Dotson explained the group had three different set of concerns. However, they all came together and he thinks everybody wanted a smooth running, well understood, clear, predictable process. So that was the goal. The group took quite a comprehensive look at all aspects of development review, which included a series of topics just to give a sense of the scope.

- Zoning map amendment process,
- The role of the ARB,
- Consistency of outcomes for different projects,
- Waivers, modifications, proffers,
- An enhanced web page,
- Ways to get current information out sooner,
- Guides for citizens and developers;
- Expanded public notice, etc.,
- The list of topics goes on, which was why at our last meeting he said it was a very comprehensive look.

Mr. Dotson pointed out the intermediate question the Planning Commission has recently been given by the Board of Supervisors is a lot narrower than that. Many of those recommendations, which Mr. Graham will provide some information on, have been moved forward, gone through previous Planning Commissions and been endorsed by staff and the Board of Supervisors. There has been no shortage of effort over the years to make the process work better. However, the question the Commission has been handed specifically by the Board of Supervisors is when is it timely and appropriate to move matters forward to the Board of Supervisors with loose ends perhaps still unresolved. Also, does that mean the project needs further analysis before it is moved forward? That is what the Commission has been specifically asked to address and Mr. Graham will get more into the specifics of what has happened. He did not know if Mr. Cilimberg had any candidate guidelines for the Commission to talk about tonight or whether that is for a future agenda. However, that is an overview of the process.

Mark Graham complimented Mr. Dotson on his overview. He agreed with Mr. Dotson that the Board has asked about the legislative process specifically with the rezonings and special use permits. They know from the Development Review Task Force there was a whole list of other initiatives that were not dealt with. In addition, there are two sets of improvements that have been done in recent times. One is associated with the Development Review Task Force. The second resulted with what was then called the Economic Development Vitality Plan, which also had a goal of improving some review processes. The email he sent to Mr. Dotson and provided to the Commission members tried to outline what they did.

Mr. Graham pointed out with the legislative process they did a number of things, which had some conflicting objectives. They were looking to streamline the process and make it smoother. However, they were also trying to make it easier for the public to be engaged in. Those don't necessarily work together that well and can push in opposite directions. Additionally, one of the things brought up before is just a question of complexity. If you look at Albemarle County's Comprehensive Plan there are a lot of things we are very interested in assuring the quality of this community and the more things you look at the harder it is to get all of those things addressed. That has been discussed before with everybody and is another competing factor.

Mr. Graham said in looking at what our performance has been based on the metrics used staff have actually with the legislative processes been very good about getting the applications reviewed and to the Planning Commission. The Planning Commission has been very good in doing that review recognizing the interest in streamlining in getting their review done and passing it on to the Board of Supervisors. He

really thinks what they have seen recently is a change in the expectations of the Board. The prior Board back in 2013 was very comfortable with a lot of things that were not buttoned down since they had members who had a lot of experience with land use. Multiple members on the Board were ex-Planning Commissioners and ARB members. He thinks that has been a big part of the issue in just understanding the difference with the new Board's expectations.

Mr. Morris invited questions.

Mr. Dotson said he was the eternal optimist and would like to think that a comprehensive review is done based on complete information, which actually streamlines the process. So he did not think it was a question of do we slow down the process, it is how do we make the process work well.

Mr. Morris said it seems there are a number of things that the Commission needs to look at such as what is the critical information that needs to be tied down. If the Commission has conditions what are the ones that absolutely need to be tied down when they turn to Mr. Cilimberg or whoever is briefing the Commission and say these three conditions remain outstanding. If the applicant says they can in fact work with staff and get these conditions resolved prior to going to the Board what do we do? It seems that it has worked very well in the past if both staff and the applicant say that they can work it out, then they work it out and it goes to the Board. If they have something very critical the Commission puts a condition on that staff has not had a chance to look at nor has the applicant, he thinks they need to be very careful in allowing the wording of that to have wiggle room. Do they really want to make it so specific that it is that way or the highway for the applicant? Working with the staff afterwards can the applicant actually meet the spirit of what the Planning Commission wants, but not precisely as they stated. He did not know.

Mr. Lafferty said in the past they always give the applicant a choice by asking if they can live with these conditions; otherwise, they can defer it unless they can legally specify the conditions. He thinks it has been working pretty well because once the request leaves the Commission never sees it again.

Mr. Morris agreed that was a good point. He questioned if this is a place for when the Commission asks the applicant the question can you live with these conditions. If the answer is yes, then the Commission takes the applicant at his word and staff feels that they can work with them. However, if there are any concerns on the part of the applicant maybe this is a chance to defer and bring it back to the Commission or somehow the Commission wants to see it before it goes to the Board.

Mr. Lafferty pointed out certainly the Commission has given that option many times.

Mr. Loach said the way he looks at it is things actually work pretty well. Being around a long time he can remember what the old days were like when a development proposal came before the Commission and the Board of Supervisors where everybody would run down and just say no. Then the Commission would come to an elongated process of trying to come to a conclusion. The reason that is not the way it is today is because of master planning. The master plan sets out the limits and what the parameters are going to be for both the community and the developers. He noted when developers come before the Commission and their plans are not consistent with the master plan problems occur. The one thing he thinks they have lost that he liked and the community enjoyed was when they had the community planners. The reason it was important was because when the developer went for his pre-application meeting he was talking to a planner who had been working with the community and knew the area and master plan. Essentially, they knew what the reaction of the community might be to a development plan. He was thankful that he had an advisory committee in Crozet that when issues come up he gets a cross section of the community's opinions and reactions to development plans. He thought that was more valuable than talking to the planner one on one and all of a sudden he was going to make the decision for the community. He was very happy having things the way they are. If there are several outstanding items and everybody has agreed that they can be resolved by the Board of Supervisors hearing and then the applicant takes a completely different turn external to those things that they understood that would be resolved, the Commission can't be responsible for that. He was not sure if there is a process they can invoke that would take care of that situation. However, it seems that is what happened.

Mr. Lafferty said it should automatically just come back to the Commission if the applicant makes a substantial change.

Mr. Morris asked if that is doable.

Mr. Cilimberg noted it was no from the legal standpoint because staff cannot require the application to come back to the Planning Commission. As they have done in the past staff actually can say to an applicant that this is not the way they saw it come out of the Planning Commission and should think about going back and having the Planning Commission review what they now have come up with.

Mr. Graham said that he would like to add that Mr. Morris made a good point about specificity, which is something staff always tries to look at. When they see the Planning Commission's recommendation to recommend approval if the applicant does a, b and c. staff tries to very carefully look at it to see whether they believe the applicant has addressed what the Commission asked for. The more specificity they have the better. If it is too general that is when he thinks staff would be encouraging the applicant to bring it back to the Commission just to verify that it met their expectations.

Mr. Cilimberg pointed out if there was a project coming to the Commission and a Commissioner in reviewing the project in preparation for the hearing has a concern that they are going to want to bring up to be addressed it would be helpful if they let staff know in advance of the meeting. Staff would then be able to anticipate this particular issue as one that may be raised and one that staff or the applicant has not thought about in our review. There is an opportunity for the applicant and staff to be able to respond to that issue. It gives staff a chance in the meeting to craft better how they would make their recommendation on that particular issue. He thinks the Commission has been good over the years about letting staff know about those kinds of things in advance of meetings, and asked the Commission to just keep that in mind. It is helpful not only to staff but to the applicant as well to be prepared to speak to the issue.

Mr. Loach pointed out work sessions for larger projects are very valuable where they know there are issues.

Mr. Keller noted in the nine months he has been on the Commission there has only been one case. In keeping it generic he asked could they do a relook at what seemed to have been the problem and then think about whether there is a way to address that particular situation if it were to come up again with another case.

Mr. Cilimberg pointed out in a meeting with the leadership of the Board of Supervisors Mr. Kamptner and he offered to work on and identify some key points or guidelines to recommend to the Commission and Board. If they are agreeable, then they could make sure that applicants are aware as well that these are the kinds of things that really do need to get finalized with the Planning Commission to the degree the applicant is willing to go. Applicants are under no obligation to address every issue that staff or the Commission has. In those cases the Board will just have to be the final arbitrator in that.

Mr. Keller said in this particular case if the Commission had known that the applicant was going to take the path that was taken they might have had a different vote. In a case like that he wondered if staff couldn't make a recommendation to the Board. Since there have not been many similar cases he suggested the request be sent back for reconsideration by the Planning Commission because it is actually a different proposal than what they reviewed.

Mr. Cilimberg noted in that one case or example the staff report to the Board did tell them that the one change that the Commission felt was necessary had not been met. Because the Board has at points in time in the past decided to just take that on themselves, staff did not include it in our recommendation returning it to the Planning Commission. However, that certainly could be one of the primary guidelines, which is if a particular recommendation of the Planning Commission that the applicant has appeared to agree with in a meeting has not been met when it goes to the Board that they report that to the Board. Actually they tell the applicant before it even goes to the Board that at this point it looks like this needs to

go back to the Planning Commission. If the applicant agrees to that, then it is back here. If not, the Board is going to send it back and they know that in advance.

Mr. Randolph agreed that would be a good thing to do because they are not here looking at a significant series of policy questions that they have to address. Therefore, they need to establish a set of circumstances this evening to deal with all of those. They are dealing with really an exceptional single case study. The danger of extrapolating from a single case study is that they can impute a lot more significance than is appropriate. The Planning Commission's responsibility is to somehow balance between growth and no growth, which is appropriate growth under the circumstances. When a developer plays fast and funny with the rules and changes what has been approved at this level he totally agrees with Mr. Keller that the appropriate thing is for staff to say is they can't recommend this to the Board of Supervisors because the proposal had been changed and had to go back to the Planning Commission again. That kind of message would indicate that a developer has to do things above board in a consistent matter so whatever the Planning Commission approves goes to the Board of Supervisors and they see the same product. This was a case of two different products seen by two bodies at two different times. He hopes that does not happen again because he thinks the Board quite correctly said they have to send it back. There is a greater expense to the applicant, which they don't want to see happen. However, this was a decision of the applicant to do this. He would be surprised if they see that happen again because a message got sent that is not a good way of operating and would slow things down which is counterproductive for the applicant and the community.

Mr. Cilimberg said staff has another example of a project the Commission saw. Based on the comments made by the Planning Commission to its recommendations to the Board the applicant has regrouped and has resubmitted something that is different than they saw, which is going to come back to the Commission. The applicant has said they will come back to the Planning Commission rather than taking that to the Board. He thinks the message has been received. This is not an issue they run into very often. Back in the busier and more substantive project times of the mid-2000's they had a lot of back and forth with applicants on a bunch of projects. There were a couple occasions where those projects did not go on to the Board because they really had not gotten completely addressed by the Commission. There were a couple occasions where the Commission actually had the Board refer projects back to them because they did not feel the applicant was addressing the issues. They can make this work. He is going to talk to staff about some of the key things from a staff's standpoint that they wanted to make sure gets covered. Mr. Kamptner has agreed to work with him on drafting some guidelines that are pretty simple and straight forward, which staff will get to the Commission. He did not think they were talking about the need to overhaul a process. Since the Board enacted the legislative process changes a year and a half ago the process seems to be working and applicants are coming in and going through the mandatory pre-application process. Applicants understand much better now and are more responsive to the kinds of information they need to do a good first review. Seeing these projects in the community meetings that sometimes is at the master planning council level he thinks makes the public is more aware.

Mr. Cilimberg said he would venture to say it has not cost applicants time even if you count the pre-app lead in because staff then receives better applications to review. That was one of the areas emphasized in the Development Review Process Task Force. It is a two phased process. The matters identified at the pre-app have been taken care of during the first phase when the application is made and the review is done in a second phase. Staff used to send a lot of first comments that basically meant people had to go and almost reapply for their rezoning. The applicants had to do a traffic study that took months. Now that is pretty much anticipated from the beginning so the applicant should know that and be working on the traffic study before they ever make an application so the review can be much more substantive when you get that application.

The Planning Commission held a discussion with staff, asked questions and made comments regarding the following issues:

- One of the goals that emerged in 2007 was transparency. One of the many benefits seen from the community meeting process is an increase in democratic participation in the process of reviewing an application. There has been much more involvement of the community with the

applicant. The applicant has gotten really good feedback and input from those community members and thereby been able to tailor the project to achieve a positive gain. The community meeting is very important. The Commission routinely asks applicants if they have talked to their neighbors.

- Do we have a flowchart of the whole process? (Mr. Cilimberg replied yes, staff showed that to the Commission at a prior presentation. In fact, the process chart for legislative reviews they have now essentially duplicated the steps for our compliance with the comprehensive plan reviews of public projects. It now will include the community meeting as part of the earlier work for the public project.)
- Questioned if they can boilerplate a condition that if there is a substantial change when the applicant goes back to the staff that the application will automatically come back to the Planning Commission. *(Mr. Cilimberg replied a deferral could only be recommended due to the enabling legislation and how they are able to handle legislative reviews under State Code. Once the Commission has completed the review, which is supposed to be within a certain timeframe, and made their recommendation, it is in the applicant's hands to decide whether they would return to the Commission or go to the Board. The Board has more flexibility to send the request back to the Planning Commission. If staff said this request is different and they were not going to be able to recommend to the Board that this application be approved based on the Commission's recommendation, and if the applicant wants to get a favorable recommendation, it should be taken back to the Planning Commission for review; then he thinks most applicants would do that.)*
- If an application is recommended to come back to the Commission can it come back at the next meeting to facilitate the process? When an application comes back to the Commission does it come back as old business to streamline the process and how do they provide advanced notice of what the changes are and what is coming back? *(Mr. Cilimberg noted the Commission has a public comment opportunity under old business items. If there is an old business item coming back to the Commission that does not need to be advertised but has public interest, staff needs to make sure they are notifying the public interest that it is coming back. That is what staff would want to do as an example for the project that will be coming back to the Commission after staff reviews what has been resubmitted.)*
- It would be helpful for staff to give examples of conditions that are hard to deal with because they are so vague as well as for conditions that are overly precise because they don't give any room for the applicants to solve the problem other than that specific way.
- Identify non-issues that will get solved at another time in the process, such as the site plan review process.
- Questioned if there are time clock issues for items coming back to the Commission. *(Mr. Cilimberg noted that technically Mr. Kamptner would probably say it is on the clock again. However, it is best to have an agreement from the applicant if the Commission wanted to get another deferral. Staff asks the applicant to officially ask for deferral so that they know that the application is not on any kind of clock because of the need to work further on the project with staff that will take more time. There is standard language staff puts in the review letter that indicates to the applicant that they need to either resubmit, ask for the Commission hearing, withdraw, or ask for deferral within a timeframe.)*
- Suggestion to take a look at the process as they are going through it and not rush. If the Commission is going to put a condition on a request that staff has not recommended, then they should take a look at it and ask what are they really trying to get so they know how to word it so the applicant can work with staff and provide that before it goes to the Board.
- Questioned if staff looks to see if the process is elongated. *(Mr. Graham replied yes, staff thinks the process is working based on what they have seen and can share that data.)*
- Requiring that a complete application be submitted eliminates many problems.
- Suggestion made to go back and look at the process of all submittals so an applicant is aware of what a timely submission means and what form it needs to be submitted in.

Mr. Lafferty suggested asking Mr. Williamson if he had any other comments.

Mr. Morris invited Mr. Williamson to address the Commission if he had any other comments.

Neil Williamson, Free Enterprise Forum, said it is important to recognize that they are painting with a broad brush. There are always actors in any industry that have gone forward one way or the other. That being said, he has reviewed Mark Graham's reports with regard to Community Development and he believes it is accurate and shows a positive response. However, it is important to add several caveats to that.

- When does the clock start? The clock has changed over the last ten years. The clock does not start when the applicant starts doing the plans. The clock starts when the applicant goes to the first community meeting. He gets responses and goes to probably a second community meeting to address some responses and the design response for the first air of concerns create new concerns. They have to balance those out long before the clock starts in the pre-application meeting.
- The biggest part that he hears is the level of detail that continues to be required of applications especially at the rezoning stage. A good example, knowing that he does not speak to projects, was Hollymead Town Center that had a change from single-family to townhouse. It was a minor change and they had to go through a full rezoning process. In the days of bubble maps that would not have been a really big issue and they could probably have gotten done in four weeks.
- He appreciates Mr. Loach's comments regarding the questions that are going to be answered at the site plan review. Some of the level of detail is almost to site plan level and they have talked about this with Community Development and the concerns about that. He does not think it is fair to suggest all delays are the fault of applicants. He believes it is fair to say all delays are the fault of someone because the process changes in answering a community concern that basically takes it off the clock for a while because it takes a while to fix it. However, if they are looking at applications that are on the clock only, then they are not getting the whole picture. He did not know if that helps the conversation, but he certainly does not mean to be argumentative.

Mr. Randolph said he would like the record to show that in the four major applications in the past year submitted to the Community Development Department that have come before the Commission that were significant projects in terms of the number of units are Avinity II, Avon Park II, Spring Hill Village and Rivanna Village. There was no need for a second community meeting in any of those. Each one of those processes was a fairly expedited process in terms of working through Community Development and with the affected and adjoining neighbors and people living in the existing community. He knows in the case of Avinity II one of the reasons for that delay was just working out some issues that in the long run were in the best interest of the developer to get that resolved for the community before it moved forward. As he said that was a case where the request flew through the Commission hearing and there was not a single person who spoke in opposition to the proposal. So there has not, despite Mr. Williamson's assertion, been a case yet at least that he has seen in his district, which is where the major proposals come from, that they have had to take it back again for a second community meeting. So the process is working as he thinks they wanted it to work when they made recommendations for changes in it.

Mr. Morris said what Mr. Williamson was saying in that portion of his comments was that when the clock starts is a moving target very often and it is not terribly clear to everyone. Hopefully, it is to the applicant. He asked if it has moved. That is just simply the process as long as the applicant knows when it starts and when it stopped and when it starts again. He asked if that is pretty much done.

Mr. Graham replied yes, they have a pretty firm process for the clock. In fairness to Mr. Williamson, he is right they use to take an application and while it met the minimum standards under the ordinance it was not complete. For example, it did not have the traffic study. So one of the first comments you would get from VDOT would be that they need the traffic study to be able to do the analysis. Well the whole application stopped for months while they went and did the traffic study. What they have done now is up front sat down with the applicant and defined not just that there is a need for a traffic study but what level of detail is required for that traffic study. They have VDOT sitting down there in the room with us so everybody knows what they have to do. The whole purpose of the pre-application meeting that they have is to define expectations for everybody. They actually come out of those meetings with a very detailed list of things that are expected with the applications. So they are trying to remove as much uncertainty as possible. He would agree with Mr. Williamson as well about the delays. He did not want delays to be the county's fault. However, delays regardless of the source of the delays are not good for any of us. There

are costs for the county and the applicant. They always want to minimize any unnecessary delays in the process, which is something we are always looking at.

Mr. Morris said since the work of the Task Force and the way staff has implemented it things are working better for the applicant as well as for the Planning Commission. He thinks they ought to just continue the march and be a little more diligence in certain areas.

Mr. Cilimberg pointed out in one area Mr. Williamson mentioned is the level of detail that might be necessary with plans for rezoning, which has been discussed by staff. They have really been moving away from what are essentially site plans as application plans. The Hollymead Town Center development the applicant chose to show in a very precise way for the townhouses. What staff thinks is important is the areas that will be developed and those preserved; where the streets will be; where any public space will be; showing the building but just indicating through codes of development how buildings relate to streets; how the uses and densities will be achieved through the code of development; and not showing every unit on every lot of the development itself. If they recall with Avinity II and Springhill in both cases the actual application shows block plans where within those blocks there can be a variety of different uses to be determined during the site plan process. Generally, they are trying to move away from being as specific as you might have seen with the Hollymead Town Center Townhouse Plan, which actually showed where the units were and the lots were going to be. They do have to remember that was actually a rezoning of an area that had already been zoned with an application plan back in the early 2000's. So it was a little different animal there than a new area that had not been through a rezoning previously.

Mr. Dotson noted that the Commission needs to look at plans very carefully. If one is submitted and the Commission acts to approve it, then that ties the hands of staff at the site plan.

Mr. Lafferty said staff has been doing a good job by being very informative. After this discussion he felt the Commission could tell the Board the concept of what is behind a condition.

Mr. Morris pointed out the Commission has to analyze the conditions before the request leaves on what are the things that can be taken care of and what are those that the Commission has added that need to be spelled out as to what are they trying to accomplish rather than telling the applicant to get rid of this, this and this. That is the Commission's job, and they will go with it.

Mr. Cilimberg added if staff needs further guidance as the Commission takes an action staff needs to speak up and ask the Commission to reiterate the conditions.

Mr. Morris agreed because together they shall work this out.

b. <u>Discussion concerning the timing of involvement with an applicant by a Planning Commissioner.</u>

The Planning Commission discussed their individual preferences. No formal action was taken.

Mr. Morris noted the reason the timing of involvement with an applicant by a Planning Commissioner has come up is there are a number of schools of thought such as thou shall not talk to the applicant; thou shall only go with a staff member; and thou shall go in pairs. He thinks they all have their own way of doing this, which does not bother him. However, it is a discussion point with the new Board and he thinks they deserve to hear our ideas.

Mr. Cilimberg noted this bought him back to a joint meeting with the City Planning Commission where they actually had that discussion with them as to what their policies were about meeting with applicants. They had set out some policies and our Commission felt individually they did not want to be tied to a specific policy. Nothing exists in the State Code that says you shall or shall not do it a particular way. They are, of course, subject to the meeting rules of not having more than two Commissioners in a particular meeting with an applicant. There are a couple of things that come to mind since this is done in so many ways in so many places. They have heard of some places that staff actually takes all the

Planning Commissioners out in the field to look at projects together once a month, not meeting with applicants. However, it is a meeting of the Commission so they have to actually make it available for the press to follow as well. One thing that has actually given them all a chance to get involved in projects is the community meeting because the Commissioner and the Board member for that district are both invited to that meeting. So certainly for the Commissioner and Board member, who represent the area it is a chance to understand a little more about the request, hear the public and talk to the applicant.

Mr. Morris asked as a Planning Commissioner do you have a copy of the application and all the work that the staff has done during that meeting.

Mr. Cilimberg replied when staff gets the applications you are given that application for your district before the community meeting occurs. The Board member as well is getting a copy of that application. Commissioners are also being notified of applications that are going through site review or the public review process so to speak. So they can always call and ask the planner about one that is not in their district, too.

Mr. Keller said he tends to fall on the side of less involvement up front. He asked about those before applications meetings that are called for by developers and sometimes by people who were concerned about the potential of a development. He is new at this and he had seen all the different alternatives in the Commonwealth from the training class. So they have all sorts of interesting things that are going on in the realm of interaction with not just the development community but the citizens in that community and how they respond to potential development. It would seem that initial meeting on site for project X in a certain Commissioner's district should have a staff member there so staff and the Commissioner were hearing the same thing. He just put that out for discussion. They look at this and have long serving experienced Commissioners and people with backgrounds that are related to it. However, what happens if there is a complete shift in a Commission and they have a group of Commissioners that don't really have experience in land use? It seems that there would be an educational aspect of them being at that first discussion with the staff member who does have experience.

Mr. Loach said he would go back to when they had the community planner assigned to us. One of the benefits of the community planner in those pre-app meetings is that they understood what the threshold would be to get to the community. When he was sitting on the other side of the fence the community always had this enormous distrust of the staff because staff called the developer their client.

Mr. Dotson pointed out on Mr. Keller's proposal he would be concerned if the staff had to be present just due to the workload on staff. Staff would have difficulty with those meetings because of the potential demands anytime a Commissioner met with an applicant or a neighbor from a practical standpoint.

Mr. Randolph said he did not have difficulty meeting with an applicant in the pre-application phase before the community meeting. In fact, he thinks it is part of his responsibility in his district to be an advocate for a developer in his district. He thinks it is really valuable as a Planning Commissioner to hear directly from the developer about their plans before the Supervisor gets involved. It helps expedite the process because they are not learning about the proposal at the community meeting phase. They know about the proposal much earlier on and are aware of where some of the problems are. He agreed with Mr. Keller's point that they are only as good as what they know as a Planning Commissioner who is well trained. Until he has an understanding of a project his policy is he won't meet with someone. However, he would be willing to meet with somebody after he had a better understanding in the pre-application. He thinks there is a lot of value in that. He thinks they miss something if they only come in at the community meeting phase or at the post community phase, which he thinks is too late.

Mr. Keller pointed out Mr. Dotson had given a good rebuttal of that, which was an issue of time. It seems that there would be benefits of having staff aware of what Commissioners were saying at the early stage and that there would be benefits in Commissioners knowing how the staff was defining the parameters of that particular project up front. That is just again for discussion purposes.

Mr. Dotson said he had never been approached about an early on pre-application meeting and had to wonder what he would say. He thinks his position would be to say sure he would meet with them just to

brainstorm with no commitments, he can't speak for anybody else, and he could change his mind three weeks from now on something he said. However, once an application is filed then his habit has been, with rare exceptions, to say I want to see the staff report before he could meet with you. He pointed out that he does not actually get requests to meet, but just offers of opportunities if he had questions and if he would like to come out to the site. Very often he reads the staff report, visits the site on his own and he does not have any questions. So he does not follow up with another email or phone call. However, he does think that once an application has been filed then that is a formal process that needs to run its course until the report appears.

Mr. Morris agreed with Mr. Dotson.

Mr. Loach agreed with Mr. Dotson in that most of the time applicants call and say if you have any questions give me a call. As far as the community meetings, he thinks one of the jobs of the Commissioner, since Ms. Mallek attends the CCAC meetings too, is to allow the community to know what the limitations are about what can be changed and what can't be changed. They have all seen special use permits come up where there has been a very narrow focus on it that they can rule on, and yet the place is full with expectations that they can do more. The community meeting is to set the parameters of what you can and can't ask for, what changes, etc.

Old Business

Mr. Morris asked if there was any old business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Commissioners suggested topics for future presentation/discussion by the Planning Commission, including transparency, affordable housing, urban design, bicycle accessibility/planning, multi-modalism, water quality, House Bill 2 regarding criteria for transportation project priorities and Comp Plan performance criteria. Interest also expressed in an "open mike" night for the public and session(s) with middle and high schoolers and college students.
- No PC meeting on November 4, 2014
- Next PC meeting on Tuesday, November 11, 2014

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 7:47 p.m. to the Tuesday, November 11, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., Room 241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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