Albemarle County Planning Commission
February 23, 2016

The Albemarle County Planning Commission held a regular meeting on Tuesday, February 23, 2016, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Daphne Spain, Karen Firehock, Vice Chair; Pam Riley, Jennie More, Bruce Dotson, and Tim Keller, Chair. Bill Palmer, UVA Representative, was present.

Other officials present were Rachel Falkenstein, Senior Planner; Mandy Burbage, Senior Planner; Megan Yaniglos, Principal Planner; Bill Fritz, Chief of Special Projects; Elaine Echols, Principal Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meetings – February 10, 2016

Mr. Benish reviewed the Board of Supervisors actions taken on February 10, 2016.

Consent Agenda

a. **Approval of Minutes** – September 15, 2015, September 22, 2015 and December 15, 2015
b. **ZTA-2016-00001 Eligible Applicants** – Expand Resolution of Intent

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

Motion: Mr. Lafferty moved and Ms. More seconded to approve the consent agenda.

The motion passed by a vote of 7:0.

The following expanded Resolution of Intent was adopted for ZTA-2016-1, Eligible applicant:

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures and requirements for applications for special use permits, special exceptions, and variances (collectively, the "approvals"); and

WHEREAS, Albemarle County Code §§ 18-33.4, 18-33.5, and 18-34.4 authorize the owner of the fee simple interest of the lot to which an application pertains, as well as certain representatives of the owner with the owner's authorization, and, for variance applications, certain other persons, to apply for approvals; and

WHEREAS, it became apparent that the range of permissible applicants may be too restrictive in those circumstances when the prospective applicant is an easement holder seeking an approval of a special use permit for a use allowed by the deed of easement and, on January 6, 2016, the Albemarle County Board of Supervisors adopted a resolution of intent to consider amending the Zoning Ordinance to allow easement holders to apply for a special use permit when the approval they seek is for a use allowed by the deed of easement; and

WHEREAS, further study of the issue has revealed that the easement holders may also need to seek special exceptions or variances which, if approved, would waive, modify, or vary certain requirements such as setbacks or height limitations associated with a use; and

WHEREAS, it may be desirable to amend the procedures and requirements for special exceptions and variances to allow easement holders to apply for a special exception or a variance when the approval they seek is related to a use allowed by the deed of easement; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-33.5, 18-34.4, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT this resolution of intent is in addition to, and does not supersede, the resolution of intent adopted by the Albemarle County Board of Supervisors on January 6, 2016 referred to above; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent and the Board of Supervisors' January 6, 2016 resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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The meeting moved to the next agenda item.

Public Hearing Items

ZMA-2015-00009 Springhill Village – Proffer Amendment
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 09000000002800
LOCATION: 1776 Scottsville Road, Charlottesville
PROPOSAL: Reduce cash proffer amount from ZMA201300017
PETITION: Request to amend proffers on property zoned NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses; Entrance Corridor Overlay
PROFFERS: Yes
COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses
(Rachel Falkenstein)

Ms. Falkenstein presented a PowerPoint presentation to summarize ZMA-2015-09 Spring Hill Village Proffer Amendment. This is a public hearing for a request to change the previously approved cash proffer amounts. ZMA-2013-17 Spring Hill Village was approved in October 2014. It is a 12½ acre parcel zoned for Neighborhood Model. It is located between Avon Street and Route 20 and has frontage along both of those streets. The site is currently vacant and development has not started yet. The approved application plan for the development, as shown in the presentation, allows a range of between 80 - 100 dwelling units, a mix of townhouses and single family detached, between 10,000 – 60,000 square feet of non-residential, and the proposed commercial component along Route 20.

Specifics of the Proposal
The rezoning was approved in October, 2014. At the time of the rezoning the applicant proffered cash proffers for the residential units in the following amounts. These are consistent with the cash proffer policy for the maximum amounts listed within the cash proffer policy.

- $20,460.57 for each single family detached unit, and
- $13,913.18 for each single family attached or townhouse unit.

With this amendment, ZMA-2015-09, the applicant requests to change the cash proffer amounts as follows:

- $4,918.00 for each single family detached unit, and
- $3,845.00 for each single family attached or townhouse unit

These are consistent with the amounts recommended by our Fiscal Impact Advisory Committee (FIAC). It is also consistent with recent changes to State Code and the County's Capital Improvements Program (CIP) and Capital Needs Assessment) CNA. No other changes to the zoning are being proposed with this amendment.

The next three slides present information in tables based on questions received from members of the Commission. The first one deals with school capacity. Spring Hill Village development is in school districts of Cale Elementary, Walton Middle School and Monticello High School. These tables show information about current enrollment and building capacity. As you can see, Cale is currently at or over capacity while Walton and Monticello have excess capacity, which is based on September 30th enrollment data and it does include Pre-K Students.

The next slide talks about projected school enrollments for Spring Hill Village calculated from the 2015 Pupil Generation Factors, which is based on numbers from the initial site development plan that the applicant recently submitted showing 90 dwellings:

- 24 Single Family Detached (SFD)
- 66 Townhouses (TH)

Using pupil generation factors an estimated number of students was calculated that would be living in the development once it is built out showing an estimation of about 25 students, and then breaks it down per school type.

Lastly, the cash proffers that the county has collected to date are shown in the next table. The table shows developments that have currently proffered these amounts meaning that they have built these units and the county has collected the cash proffers in the amounts shown. The question was asked what developments in the area of Spring Hill Village have submitted cash proffers to the county at a higher amount. The one identified is Avinity, which shows they've proffered $11,900 per unit for townhouse units. It is important to note this does not reflect all proffers we've accepted for in-kind donations or cash donations earmarked for specific projects. (See Table Entitled Cash Proffers Collected in staff report.)

Factors for Consideration:

Factors Favorable:

1. The applicant's requested cash proffer amounts satisfy the requirement that proffers be reasonable in light of the current Capital Improvements Program (CIP) and Capital Needs Assessment (CNA) and are consistent with the amounts recommended by the Fiscal Impact Advisory Committee (FIAC) and recent changes to the State Code.
2. Acceptance of the proffered amounts is consistent with the County's Cash Proffer Policy which currently sets a maximum amount but no minimum amount.

Factors Unfavorable:

1. The Planning Commission has not completed its review of the Cash Proffer Policy and the amounts recommended by FIAC. That has not been recommended yet or adopted.

Staff Recommendation – ZMA-2015-09 Spring Hill Village Proffer Amendment

In light of the reevaluation of the maximum cash proffer amount by FIAC, which is based on the current CIP and CNA and recent State code changes, and in consultation with the County Attorney, staff recommends approval of this rezoning amendment ZMA-2015-09 Spring Hill Village Proffer Amendment,

with the revised proffers submitted by the applicant.

Mr. Keller invited questions for staff.

Mr. Lafferty asked does our acceptance of this in any way set a precedent about what the cash proffers will be in the future.

Ms. Falkenstein referred the question to Mr. Kamptner.

Mr. Kamptner replied that each rezoning is different. The facts and impacts will be different. The maximum amount that FIAC has recommended, though, is based upon the current Capital Improvement Program and Capital Needs Assessment, which is the fundamental underpinning for the cash proffer amount. It was the driving factor in the current maximum amount in what FIAC has recommended after the committee work.

Mr. Lafferty said it was his understanding in the past where every residence would be built that we actually lost money when we had to do the fire department, police department, rescue squad and the road improvements and stuff like that. He realized the new state law states it has to be capacity building before we can get proffers on that. We are in debt now and will continue to go in debt if we pursue this policy.

Mr. Kamptner agreed as he assumed that everyone on the Commission is aware that there are bills in each of the General Assembly's houses right now that will further change proffers and the ability of localities to ensure that impacts from new rezonings are addressed in proffers. The current cash proffer policy did not capture all of the impacts, but based on the modeling available and just the political considerations it was an attempt to address them to the extent that the Board decided.

Mr. Lafferty said if we pass this we are saying hey we have a fire sale going on and if you hurry in you might be able to get your cash proffers lowered. How many of these do you think will come back and say we want the same type treatment as we are giving them

Mr. Kamptner said he thinks about a dozen projects.

Mr. Fritz pointed out it was about eight projects.

Mr. Kamptner said there were eight projects total. The Board adopted the Cash Proffer Policy right before the recession hit. Up until then there were a couple of projects that were already proffering as though the policy had been adopted. However, most of the rezonings came in before the policy was adopted in the economic boom time and the per unit cash proffer amounts were even below the amount that the Fiscal Impact Advisory Committee (FIAC) has recommended here actually by quite a bit.

Mr. Lafferty noted that, of course, inflation is in there, too.

Mr. Fritz noted that most of the proffers actually had an automatic acceleration to them.

Mr. Kamptner agreed certainly the ones since the cash proffer policy was adopted in 2007.

Mr. Lafferty said since we really don't have a policy right now, just guidelines, that he had a concern that they might be asked to make a decision that sets us up down the road for further debt.

Mr. Kamptner noted that with new projects, the ability to ensure that impacts are addressed will be a factor in the Commission's recommendation and the Board's action. That will be an ongoing issue.

Ms. More pointed out she had a similar comment and would guess it was addressed in the unfavorable factors that we have not completed the review of the cash proffer policy. She thought it was getting at the same point as Commissioner Lafferty, but wondering would these numbers be reflected or changed or

relooked at as part of what we ask to have to come back to us for review. The Commission specifically went through FIAC's recommendations and did not act on it at that time asking for more information.

Mr. Kamptner replied that it was hard to tell given the legislation that is pending. Assuming that one of these bills is enacted the cash proffer policy as it currently exists will have to go away. If any policy is adopted it will be based on the new legislation and it will have a completely different look because the scope and extent of the cash proffer amounts will be dramatically changed and the basis on which they are calculated will really require a very exacting case by case analysis. The current policy uses averages and for the most part will no longer be legal under the new law if it is adopted.

Mr. Riley thanked Ms. Falkenstein for producing the numbers on very short notice and asked staff to go over it again explaining a little bit more about the capacity conflicts specifically with the elementary school.

Ms. Falkenstein said the table on the bottom shows the projections in future years; but, she can't speak to how they were calculated because she got them from the school. However, you can see they are projecting that Cale Elementary will remain under capacity for the next five years since they currently have two trailers there to deal with the capacity issues that they are experiencing.

Ms. Riley asked are these numbers taking into the account the rest of the development that is going on in the area and the additional numbers of students that will be coming from Avon Park, too, and the other developments that are on line.

Mr. Fritz pointed out staff works with the schools each year to give them an idea of projects that are going to come forward in near-term, short-term and long-term so they can do these projections. They talk about projects that have actually been approved and just not built yet, projects that are likely to be approved in a few years and then be built, and projects that are in the early planning stages so they can do these kind of long term projections. Then the school takes the information that we give them and uses their own expertise and information they get from actual enrollment to develop this kind of information.

Ms. Riley said he was saying it is including Avon Park II and other approved projects. However, these are not necessarily questions for the staff, but as we go forward and if we are looking at the changes that the State Code will require of us in terms of any future cash proffer policy it seems that they are going to need to be tied more specifically to the immediate area surrounding the development. So she thinks school capacity is one infrastructure area to look at. She thinks there are a number of other infrastructure areas all along the corridor of Avon Street Extended and in that general area that would have to be considered before any change in the cash proffer policy in this particular case or any rezoning. However, she thinks that Spring Hill Village could certainly be corrected by the staff or Mr. Cetta. Spring Hill Village is about a quarter to an eighth of a mile from Cale Elementary School. One of the issues that we have been woefully behind in this area is basic pedestrian and bike pathways for multi-modal transportation. So with a development like this we would need to be looking at all of the transportation impacts as well, and not just the increase in traffic and the traffic calming issues, but the need for multi-modal and mass transit. In this case it would include sidewalks from this project to Cale Elementary School. We have had several years in a row of the local coalition, The Safe Route to School Coalition, who has been extraordinarily frustrated that there is no infrastructure for families in the area to walk or bike to school. This is the kind of example that she personally gets very concerned about lowering cash proffers when we can't even keep up with the needs that we have right now. She wanted to point out that is an example in the master plan for our area as well as in the Jefferson Madison Regional Library Five-Year Master Plan there is a call for a new southern urban library in the area, which is a real need and is going to be very expensive to the taxpayers. So this is another example of an impact in a local infrastructure need that we are going to need to be considering on a case by case basis hopefully, but in a cash proffer policy as we go forward.

Ms. Firehock asked to tag onto that she would guess the challenge is that we are to use the figures that are in the current CIP. So all of these projects that Ms. Riely has mentioned, including the dream of the wonderful library that she definitely supports, are not currently in the Capital Improvements Program

(CIP). So when you run the calculations for how much we can set the maximum for we just don't have those numbers to work with. That is one of the concerns that Commissioner Dotson raised earlier in that a lot of new and ambitious goals have been put in the comprehensive plan and they have not yet had time to translate into the CIP. So it is hypothetically possible that in the future those numbers that are driving what we say are proffers out of the CIP would be higher. However, then this could all go away because of what is going on currently in the House and Senate, which might do away with our ability to take care of this entirely. She was saving most of her comments for the discussion after we have heard the presentation.

Mr. Dotson thanked staff for digging out this information. He had two questions for staff. First, he asked if the number of trailers as shown in the slide refer to the last year, the 2025/26.

Ms. Falkenstein replied that she thinks it is the current. However, she did not get that clarification from the schools.

Mr. Dotson asked whether the cost of trailers is included in the CIP or the CNA and what the answer was from the school system.

Ms. Falkenstein replied the answer was typically no since the only time they might include the cost of relocating a trailer is if there is an addition in the CIP and that part of the bid is to move the trailer.

Mr. Dotson said he thinks that is an issue that needs to be surfaced and looked at. He did not know how many dollars are involved. However, he looked county wide and did not have current figures, but all he could find on the web was from the fall of 2014. Apparently there are 27 trailers county wide and that would add up to a substantial cost to keep up with new growth and development that may not be the way we do it currently as reflected in the figures. That was his first question. The second question was in regards to the first table since if he reads this right the proffers are actually paid at the time that the building permit is issued. He asked is that correct.

Mr. Fritz replied that cash proffers are paid prior to the issuance of the certificate of occupancy.
Mr. Dotson noted it was after the building permit but before the dwelling can be occupied. So if he reads this right by taking a couple of examples going down to Avinity that ultimately if it fully builds out would be 1.4 million, and thus far it has been .8 million that has been collected. If we jump down to Willow Glen 3.4 million and .4 million has been collected thus far. Just to use one more Leake 2.1 million and .17 million has been collected. So that just raises in my mind the significance if we were to begin altering the proffers what some of the leakage development would be on not collecting those proffer fees if we were to make consistent changes down to what had already been paid. He did not know exactly what the Board would do because it seems that we don't, at this point, have a policy about the kinds of questions being put before the Commission tonight.

Mr. Lafferty asked just out of curiosity does adding trailers add capacity, and Ms. Falkenstein replied yes.

Mr. Lafferty said if they just had trailers parked out at schools then they would have plenty of capacity.

Ms. Falkenstein pointed out she thought the idea is that it is a short term solution.

Mr. Lafferty noted with the number of trailers out there that does not seem too short term.

Ms. Firehock said there are lots of school districts that have trailers going on multiple decades now that were supposed to be temporary, and she would hate to see Albemarle County reduce the quality of our infrastructure in that way.

Mr. Lafferty agreed and asked if they can consider temporary capacity issues.

Ms. Falkenstein replied she did not think the capacity takes into consideration the trailers; however, she did not know for sure. If Cale Elementary is currently 7 students over capacity and they have 2 trailers

she was assuming that was their solution to the capacity issue at the moment.

Mr. Keller invited further questions.

There being no further questions, Mr. Keller opened the public hearing for comment from the applicant and the public. He invited the applicant to address the Commission.

Valerie Long, with the law firm of Williams Mullen representing the applicant Spring Hill Land Holdings, said the principle is Mr. Vito Cetta who is here this evening along with his daughter Bevin Cetta. She thinks the staff report covered the basic facts of the issue very well. The Commissioners obviously have a very strong handle on the basic issues, particularly those who served on the Commission last year when there were several work sessions and hearings on this issue. She also attended the public hearing earlier this year on the comprehensive plan amendment for the proffer policy and tried to follow along with the Commission's discussions and analysis.

First, she said they are obviously very sympathetic to the challenges the county is facing with regard to school enrollment and capacity, the funding all of the capital improvement programs and future needs. As a resident herself, she said we all clamor for more infrastructure and the challenges of trying to find a way to do that in a way that complies with State Code and hopefully does not balance those needs entirely on the backs of the residential property owners in our community. That being said, she just wanted to point out a couple of things. One, the state legislation that was discussed in the prior work session is very close to being enacted and actually ready to be signed by the governor. However, it expressly provides that it does not apply to any project that has been submitted prior to July 1 of this year. So assuming that the current version of the legislation is enacted, this application would not be subject to that new legislation. So certainly for anything that is submitted after July 1 there will be challenges to determine how you handle proffers for those projects. However, with regard to any projects that have already been submitted we contend there is no impact in any way of the State Code for the pending legislation.

However, as the staff report points out the legislation that was enacted in 2013 makes it very clear what county proffer polices are allowed to consider. As you all know you can only consider into the formula those projects which expand capacity. So the proffers that the applicant has proposed are exactly the same as those that were done 2 years ago. The only difference is the reduction in the cash proffer amounts to the exact figures that were recommended by the county's Fiscal Impact Analysis Committee.

As the staff report notes the proposed proffer amounts are consistent entirely with those recommendations and those are the best benchmark for determining whether the proffer amounts are reasonable. The question at the heart of any rezoning application is, are the proffers that are proposed and offered by the applicant reasonable. The test for that is there an essential nexus between the proffer and the impacts that are proposed to be mitigated by those impacts. There may be disagreement as to whether those proffer amounts are sufficient to address some of the needs like school capacity based on the county's cash proffer policy that is still in effect. The only provisions of the policy that have been called into question by the State Code is the amount of those cash proffers and the maximum amount. As the staff report clearly points out there is no minimum amount provided. So what the applicant has proposed is the maximum amount that is allowed under State Code using the county's formula. Therefore, we think that is a strong argument that this proffer amendment application is reasonable and should be accepted by the Planning Commission, and we ask you to do that.

To comment on Ms. Riley's comment about the need for pedestrian access to Cale Elementary School, again, Mr. Cetta is very sympathetic and as you may have noted on the application plan the project provides for sidewalks along the entire frontage of both sides of the project along both Route 20 and Avon Street in addition to the internal pedestrian connections. Obviously, that does not solve the problem. However, it certainly is a step in the right direction and at least addresses that need specifically with regard to this project. Anything beyond that, of course, would be an off-site proffer that is not permitted. She asked to reiterate the comment that Ms. Firehock made. Again, it was an excellent comment that whatever the desires may be for additional facilities, until those projects are included in the CIP we are not able to factor those into the cash proffers that are offered under the policy. So we ask that you

recommend approval of this application and would be happy to answer any questions from the Commission at the end of the public hearing.

Mr. Keller opened the public hearing and invited public comment.

Morgan Butler, with the Southern Environmental Law Center, thanked the Commission for the chance to speak tonight. For a request as important in precedent setting as this one, he said we are a bit surprised there was not more analysis of options laid out in the staff report. The reason for that may be that the answers are still being flushed out as part of the ongoing work that is being done now to determine next steps on the overall cash proffer policy. However, if this proposal tonight or any other request to amend proffers for an individual rezoning proceeds to a decision prior to a decision being made about next steps on the cash proffer policy there seems to be some pretty important questions that the Board would want to know the answers to before it decides how to act. He would state two of those questions tonight.

One, is if the county reopens the proffers for any individual development to address the cash proffer amount, as it is being requested tonight, could it also use that opportunity to explore mitigation for other impacts that may have arisen or become clearer since the original rezoning may not have been foreseen at the time of the rezoning. So, he asked, are we basically stuck in this box of just looking at the cash proffer amount or could we consider new impacts that have come to light since that time since the proffers are being reopened at the applicant's request. Second, regarding the cash proffer amount, if the county is essentially bound to approve the lower amount because that is what the current cash proffer policy deems is reasonable based on the CIP and the CNA, would the county be on a better foot to renegotiate a more significant contribution if it were to repeal the existing policy and return to a case by case impact assessment? In other words, under our current policy, the reasonableness is tethered to the CIP and the CNA. If we were to adopt a different cash proffer policy or simply repeal the current policy and remove that tethering to the CIP and CNA, would the county be on a better foot and therefore no longer have to accept the amount that has come forward from the Fiscal Impact Advisory Committee work. We hope the Commission can give those questions some discussion tonight or at least flag them for the Board of Supervisors to consider as it deliberates on this topic.

Neil Williamson, with the Free Enterprise Forum, said he had spent the last six months telling the County that their current cash proffer policy is illegal. The answer that he has heard back from the county law office is that we have not impacted anyone so it is not an illegal policy as it exists. We have no position on this particular application. However, we do have a very strong position on cash proffers; we believe cash proffers should be eliminated. When you discuss trailers, school capacity, and classroom size, he believed that the school board would be a better place to be discussing it in how they are spending their monies rather than the planning commission. The planning commission has a lot on their plate and hopes we can focus on what the planning commission works on rather than what the school board works on.

There being no further public comment, Mr. Keller invited applicant rebuttal.

Valerie Long said the only final comment she would make is just to note that to the extent that consideration is to delay this application until the policy can be amended, as I know you all know, we would just say Mr. Cetta has been patient. The original rezoning was approved in 2014. We waited quite a while for the planning commission, the fiscal impact advisory committee and others to spend time evaluating it. The state legislation changed in 2013; and, we frankly can't wait any longer. The current proffer amounts not only violate the state law enacted in 2013; but, they are just absolutely cost prohibitive and the property will sit vacant. Maybe some would say that is a good thing; but, we think it would be much better to provide a well-designed quality development. It was heavily supported at the time it was approved in 2014 with proffered amounts that are consistent with the Fiscal Impact Committee's recommendations, the County Attorney's recommendations, and with the planning staff's recommendations. So we ask for your support with that; and again she would be happy to answer any questions.

Mr. Keller invited questions for Ms. Long.

Ms. Spain said she had a point of information. She was confused about how the $20,000 could be offered in 2014 and then less than $5,000 offered currently. What has changed so significantly about the cost of the development in that time?

Ms. Long replied that she may let Mr. Cetta answer that question. However, the reality is that at the time the proffers were approved that is what was required under the proffer policy, and the expectation has always been that your application will not be approved if it does not proffer the maximum amounts. She thinks Mr. Cetta has tried to make the project work in the meantime. However, after working through it, and Mr. Cetta works on a number of developments in the area at the price points of those homes or the estimated sale price of those homes, the site work costs along with everything else just frankly do not provide any profit in the project once the $20,000 per unit proffer is made.

Ms. Spain asked if there would have been in 2014.

Ms. Long replied that she did not know that there would of. However, the hope was that maybe the market would come back and prices might rise and it could be an economically viable project. But, at this time it is not.

Mr. Kamptner asked to expand on what changed. The original cash proffer policy was based on the 2007 CIP CNA and they came up with a per-unit cash proffer amount that was around $12,000 to $13,000. Over the years there has been an inflation adjustor each year which brought us up to approximately $20,000 per unit for a single-family detached unit. The study that FIAC did last year was the first time to extensively go back in and reevaluate the projects that were in the CIP and the CNA because in the recession those two documents had evolved into what is referred to more as a maintenance level CIP and CNA. However, the change in the law in 2013, which required that cash proffers could be used only for public facilities that increase capacity if it is an existing facility or for new facilities, changed the way in which the county could spend the cash proffers. So since that law became effective the expenditure of the cash proffers that have been received were limited to new facilities or existing facilities where capacity was expanded.

Ms. Spain agreed that she understands the change in the policy. However, she was just confused about how the first proffer could have been that in 2014; but, now it has been reduced by three-quarters almost. She would also ask instead of making it exactly what the policy stipulates perhaps the applicant could have gone in the middle somewhere and do a little horse trading instead of going for the very minimum. Again, if it could have been profitable earlier at the $20,000 mark why couldn't it be profitable now at a $10,000 mark, for example, rather than at $5,000?

Ms. Long suggested that Mr. Cetta may be able to provide a better answer to Ms. Spain's question.

Mr. Vito Cetta said it is important to remember several things. One is cash proffers started about 15 or 17 years ago, and before that nobody paid cash proffers. So he thinks a great majority of our homes in the county never paid cash proffers. If he were to do this project again he would not have bought the land. The dilemma we have is we are competing with by right projects or projects that are approved with old cash proffers of $3,000. There is just no way he can sell a house and add $21,000 for a single-family dwelling for a proffer where the guy down the street doesn't have to pay anything. Pantops and Crozet are filled with land that can be developed by right, and he just can't compete.

Mr. Cetta said, to answer Ms. Spain's question, we got the project approved in 2014 and we did not do anything in 2015. We put our costs together and figured there is no way we can afford it. If he doesn't get the proffers reduced he just simply will not be able to build and have to wait and maybe get it rezoned or do something else with it. But, that is just frankly the answer. He has built 12 projects in this county, which he is very proud of, and almost all of them required a rezoning. The projects are a big contribution to the county. However, this particular project just can't be built. It is just that simple, and wished that it could be. When he bought the land he figured we could probably get it to work; but, construction costs and site improvement costs are enormous. He said they have to run an off-site sewer that is going to

cost a ½ million dollars. He said what they do, and almost every developer does, is buy the land, design the land, do all the engineering, get all the approvals and then sell it to someone who knows how to build homes like Craig Builders, Ryan Homes or somebody else. They are only going to pay a certain amount. If they need $21,000 more for a single-family unit they will say I am going to go down the street and buy from someone else since the units are $20,000 less. That is unfortunate, but that is the story.

Ms. Riley thanked Mr. Cetta since she appreciates his explanation of what has changed in terms of why it is not cost effective or profitable now to build. She would just ask Mr. Cetta to consider the same viewpoint for the county and the tax payers and whether it is financially feasible for us to have development occur where we are not actually able to cover the cost of the impacts. That is also a business consideration for the county.

Mr. Cetta said he very much appreciates that. Again, prior to 1997 nobody ever paid cash proffers and that was just part of the county's budget to be absorbed. He certainly can see the county's dilemma and understands that. Also, again just as a reminder cash proffers started in 1996 at $800 and went to $1,200, $1,500, 2,100 and $4,200. In 2007, we would come in and get approvals and that was just a cost of doing business that we would absorb and it was not an issue. Then all of a sudden it went from $4,200 to $20,000 in 2007. In 2008, the market went down and it still has not recovered. The first home they built in Wickham Pond was in 2006 and it sold for $500,000. It recently sold for $450,000 and the buyers were thrilled with that. However, it was the nature of the market. The market was very strong from 2005 to 2007, and then it took an incredible dip.

Mr. Keller thanked Mr. Cetta and invited further questions. There being none, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action.

Mr. Lafferty said he was concerned because in his 7 years of being on the planning commission we have never been asked to make an evaluation of a proffer. It has always been there is a proffer in it or there isn't and the amount was not really discussed. Therefore, it is sort of uncomfortable to have this tossed back in our laps saying you have to make a policy decision about proffers. He thinks in our current policy the $20,000 is the maximum and they could negotiate below the $20,000; and, therefore he was having a hard time seeing how that would be in violation of any law in that it is not saying that you have to pay this $20,000.

Mr. Kamptner agreed that was correct.

Mr. Lafferty said he was sympathetic with the applicant coming back and wanting the better deal since he would do the same thing. However, given the position that we are in we are trying to protect the county, too. When we get somebody coming back who is offering much less what it means is we are distributing that cost among the taxpayers, and we have seen what happens when they want to raise the tax rate a quarter of a cent or one penny and what the outcome would be to the public. So he was really uncomfortable trying to make a policy decision on something we have not been really involved in except in public hearings at this time.

Mr. Dotson said when this property was initially acquired it was zoned R1 and then rezoned to the Neighborhood Model District and so value was added to that property. At R1 it could develop 12 dwelling units. So by virtue of the rezoning it could build up to 100 units and the current proposal apparently is 90. In addition, it can now include 10,000 to 60,000 square foot of office or nonresidential and so the act of the rezoning conferred considerable value to that property in my interpretation. So if the rational is that it is hard to compete with those who are not rezoning and who are developing under the existing zoning this property is not developing under the existing zoning; it has been substantially benefited. He thinks stepping back from the perspectives that the days of the average cost model may be gone. The CRIM Model that the county has used is an average cost model. He thinks what they are being told, and maybe logic supports it, is that a case by case analysis is in fact the fairest thing.

Mr. Dotson pointed out there are going to be places where there is adequate school capacity and other places where there is not. However, he suggested that maybe a system that addresses those differences

should be taken into account. In defense of an average approach that if we think about property taxes my wife and I no longer have children at home. Part of our taxes goes to support the schools. Commissioner More has children at home and she should pay more in taxes because of the children she has. But, what we do instead is average it so that over our lifetime, the lifetime of our property, we all contribute. He thinks in another way that is the fairest thing and that is what the model we have been using up until now does. But, he thinks we are being told, and he too has been tracking the legislation, this may no longer be permissible. He thinks it was today that the House approved the Senate bill, and so unless the governor vetoes it we are going to be in a new era. So looking at this particular project he thinks probably some reduction is necessary. But, we don't really have an analysis to tell us by how much and counter to that could be that we had the Fiscal Impact Assessment Committee's analysis.

Mr. Dotson noted that the Commission has not yet had the additional information provided that was requested, and takes issue with the staff report that says the additional information was provided because the Commission did not get new information. He also takes issue when it says that the Planning Commission referred the item in deferring it to the Fiscal Impact Committee because we did not. The Commission deferred it so that we could ask of staff in a rapid turnaround, not sending it back to a committee, to provide certain information and we have not had that. So he thinks the report distorts that a little bit. So he is not prepared to go forward with the Fiscal Impact Committee recommendation as it stood some time ago and they should base some amount on a full analysis and provide that to the developer and then he can decide what he wants to do with it. However, he thinks the Board of Supervisors needs to go ahead and receive this and the Commission should not hold it up tonight and send it to the Board with our concerns expressed. They need to think of this in policy terms including the possibility of the new legislation. Therefore, he will not be able to vote in favor of this and will vote no in order to send that motion to the Board of Supervisors.

Mr. Keller invited further discussion.

Mr. Bill Palmer pointed out he was new to this board and the county's way of doing things; but, thinks it is easy to get really narrow on this idea of what this proffer number is. He thinks the other thing they need to keep in mind is that this development was presumably approved because it met other goals of the county such as providing affordable housing and creating a denser development within the urban ring. So there is also that side of what is that worth to hold this up versus not holding it up and his point would be that is also a factor in this yet these numbers are going to be difficult to come to. He agrees that Mr. Dotson is right about continuing the negotiation.

Mr. Keller said he would jump in at this point because he was on the Fiscal Impact Advisory Committee and the lower figures are attributed to them. The FIAC committee worked very hard over a long period of time with staff and those figures actually were the result of rerunning the CRIM Model as accurately as could be done in light of the legislative requirements that built in the capacity building. So that was a significant portion of the reduction right there. The other point was the change in the economic climate, which he thinks they need to acknowledge, because it was something that was frustrating to many persons on that committee. There are other ways the development community is working, such as in storm water improvements that are associated with a number of these projects. That dollar amount somehow does not get reflected in a column like the proffer amounts get reflected. There are transportation improvements that are often there as well. He agreed with Mr. Dotson in this case that they have not received the information in a timely manner from staff that would allow us to speak specifically to these dollar amounts. Therefore, he is going to have to vote against this in the hopes that movement to the Board of Supervisors and the decision coming through from the state on where we are going to be with proffers will allow us to get back in the business of thinking about how we are going to assess impacts. He asked if there are others or they ready to call this.

Mr. Kamptner asked to pitch in a couple of ideas. One is at least right now the information that we have pertaining to the reasonableness of the proffers is the amount that is in the FIAC Study. He recognized that the Commission wants additional information and would recommend the Commission make it clear they believe that it needs additional information regarding the impacts from the project, and it can be up to the board to decide whether it wishes to remand it back to the Commission because we are up against

the 90 day time period by which the Commission has to make a recommendation. The Commission may also want to include in its recommendation whether or not given the conclusions of the FIAC Committee and where we are right now particularly with the state legislation to be clear that this pending legislation will not affect this project. But, maybe it is time for the Board to consider repealing the implementation of the cash proffer policy when it considers zoning map amendments at least until everything is settled.

Mr. Keller asked if anyone would like to make the motion.

Mr. Lafferty said the projects that Mr. Cetta has done in the past have been very nice and beneficial to the community and he would hate for this to throw a wrench in it. But, he is caught with the notion that every residence that we build we lose money on and now we stand to lose a lot more money on. So it is a dilemma and thinks they can't sit here and negotiate with Mr. Cetta because that is not the Commission's duty and has not been done in the past. However, he would hate to hold up the project because Mr. Cetta already has a lot invested in it and suggested the Commission needs to toss it back to the Board of Supervisors.

Mr. Keller said that was his understanding as well. So either decision up or down it moves the application to the Board of Supervisors and the Planning Commission is not holding up the process if we do that. In addition, only the applicant is in the position to ask for a deferral and not the Commission. Therefore, the Commission needs to keep this moving.

Mr. Lafferty noted in the past the Commission has asked if the applicant wants to defer; however, he was not saying that was an objective here since it is certainly going to delay it to take it back to the Board and then probably come back to the Commission.

Mr. Dotson said as a preamble he would like to echo some of the sentiments that Commissioner Lafferty has said that Mr. Vito Cetta has done some very good and beneficial projects in the county; has always been a strong supporter of the Neighborhood Model and has tried to work hand in hand with the Commission on many occasions. However, it is not really about that; it is a bigger issue.

Motion: Mr. Dotson moved and Mr. Lafferty seconded to recommend denial of ZMA-2015-09 Spring Hill Village Proffer Amendment with the following reasoning and thoughts behind it.

1. Some reduction based on looking at the school enrollments and capacities may be in order; but, we don't know at this point what that would be.
2. The recommendation of the Fiscal Impact Advisory Committee (FIAC) of this reduced amount has not yet been fully analyzed by the Planning Commission or the Board of Supervisors; and, the additional information is still needed that was requested a number of weeks ago.
3. A full analysis should be conducted of the actual costs to the county of going forward with this development.
4. The Board of Supervisors should set a policy, not use this project to set a precedent, and possibly want to consider repealing the current proffer policy while that is undertaken.

Mr. Keller invited discussion. There being no further discussion he asked Mr. Kamptner if the motion fits his framework for giving enough information, and Mr. Kamptner replied that it did.

Mr. Keller asked for a roll call.

The motion carried by a vote of 7:0.

Mr. Keller noted that a recommendation for denial of ZMA-2015-09, Spring Hill Village Proffer Amendment will be forwarded to the Board of Supervisors along with the Planning Commission's reasons and thoughts behind it.

The Planning Commission recessed at 7:27 p.m. and the meeting reconvened at 7:33 p.m.

Work Session

ZMA--2015-8 Adelaide Work Session - Planning Commission Recommendation

In a PowerPoint presentation Ms. Yaniglos summarized the proposal for ZMA-2015-8 Adelaide for a request to rezone parcels from R1-Residential zoning district to R6-Residential for a maximum of 93 residential units. No vote is being requested on the rezoning tonight. The work session is to ask the questions that were outlined in the staff report and get some feedback from the Planning Commission on those questions.

Work Session:
1. **Location**
2. **Proposal**
3. **Background**
4. **Questions and Analysis**

1. Location - Vicinity Map:
- The proposal consists of two parcels located to the north of 250W and adjacent to Cory Farms subdivision.
- There are currently 3 residences on the property, 2 access off of Rt. 250 W and 1 has access off of Brownsville Road.
- There is a stream and steep slopes along the western property line
- The parcels are located approximately 1/3 of a mile west of Liberty Hall, Clover Lawn and the Blue Ridge Shopping Center where Harris Teeter is located.

2. Proffered Plan:
- The applicant is proposing to rezone the parcels from R1 Residential which is 1 unit per acre to R6 Residential at a density of up to 6 units per acre with a maximum of 93 units.
- The proffered plan shows the street network and open space but does not show the types of units or the lots

Architectural Review Board Plan Submittal:
- However, the applicant did submit a plan for Architectural Review Board review which shows more detail.
- This plan is also the plan that the applicant has presented to the community and shows that the proposed unit types will solely be attached.

3. Background:
- Rezoning application submitted on December 7, 2015
- Community meeting with the Crozet Community Advisory Committee (CCAC) on December 16, 2015
- Second CCAC meeting on January 20, 2016
- Cory Farms Homeowner's Association (HOA) meeting on January 27, 2016
- Review comments from staff were given on January 29, 2016.

From the community meetings and staff comments, the applicant determined that a work session was needed with the Planning Commission prior to resubmitting the proposal to get some feedback and direction.

Questions summarized from the staff report:
1. How should the potential density for the development be calculated? What land should be available for calculating the density? Is strict adherence to the area shown on the Master Plan for Neighborhood Density and Greenspace required or should the area available for development be calculated using more recent County GIS mapping technology that better depicts the environmental features and includes the Route 250 buffer that is shown in the master plan?
2. Does the Crozet Master Plan mandate that these parcels be developed at the low end of the density range because the parcels are near the boundary of the Crozet Development Area?

Does that mandate that the low end of the density range be pursued? Or would development at the upper end of the range be possible provided that the proposal address the Neighborhood Model principles and mitigate associated impacts?

3. Should the proposed development consist of mainly single family residential units as designated within the Master Plan? If so, what percentage of the units should be single family residential?

Question 1:
How should potential density for development be calculated?
-The map on the right is the Master Plan. The dark green areas shown on the Plan were intended to represent the environmental features, critical slopes, the stream buffer and the Rt. 250 buffer.
- The map on the left is the current County GIS data that contains more accurate representation of the environmental features. The red/orange color is the current map of the stream buffer. The lighter green is the preserved slopes on the property. (See PowerPoint presentation.)

Combined Map: GIS data overlaid with Crozet Master Plan

- This map shows the combined Master Plan and GIS Data. The stream as mapped with the current data that we have in our County GIS the stream has shifted and so has the buffer in accordance.
- The critical slopes that were actually shown in the Master Plan are about the same. They were not completely captured in the green area. The difference between the two is about 5 units.
- If the intent of the Plan was to preserve the environmental areas, staff's opinion is that the more accurate data should be used to calculate density while preserving those environmental features as well as the buffer along 250.

Question 2:
Does the Crozet Master Plan mandate that these parcels be developed at the low end of the density range?

- Crozet Master Plan designates these parcels as Neighborhood Density Residential with a range in density from 3 to 6 units per acre.
- There have been concerns and suggestions by the community members that the low end of the density range should be used because the parcels are located near the edge of the Development area, and in doing that would be in keeping with the continuum of intensity of uses as illustrated in the Plan.
- Also the language in the plan states that development around center should progressively become more residential, less mixed use and less dense, and that Clover Lawn was designated as an important mixed use center.
- While density decreases away from Clover Lawn, staff does not agree that density was necessarily intended to be at the low end of the density range at this location. This is because the areas of very low density were designated on the Crozet Master Plan in a different color than that for Neighborhood Density Residential. As shown in the staff report these were shown as light yellow with black stripes.
- Community members have expressed their belief that a rezoning in this area should not occur at all and cited the section of the Plan that states that development along the Route 250 W corridor should not be approved.
- However, this section of the Plan was referencing the area near the Route 250/64 Interchange. When the Master Plan was being adopted and under review there was a question at the time as to whether or not to expand the development areas to include this area. However, the community recommended that not be so this section of the Plan was intended to give direction on future development in that area.
- There was also concern with the maximum density in regards to the maximum population in Crozet in that developing these parcels at the maximum density may cause the maximum density in Crozet to be exceeded.
- However, there have recently been several large parcels approved by-right at a much lower density than what is designated within the Crozet Master Plan.
- Westlake Hills and a portion of Foothill Crossing are two nearby examples which consist of approximately 213 acres and are being developed at a density of approximately one unit/acre. The

master plan recommends that it is the Neighborhood Density Residential, again, designation of 3 to 6 units per acre.

Just to summarize:

- The Crozet Master Plan designates these parcels as Neighborhood Density Residential with a range of 3 to 6 units per acres.
- Staff does not believe that the Plan mandates the lower end of the density range
- Staff believes that due to other parcels developing at a by-right density of approximately 1 unit per acre, that if these parcels are developed at the high end of the density range, the maximum population for Crozet will not be exceeded.
- Staff believes that if the impacts of the development, compatibility of building type, and the Neighborhood Model principles are appropriately addressed, staff would support development at the higher end of the density range, which could also help provide balance with the nearby by-right development that is occurring well below the recommended density range in the Master Plan.

Question 3:
Should the proposed development consist of mainly single family residential units? If so, what percentage?

- These parcels are designated in the Master Plan as Neighborhood Density Residential which is described as: "primarily single-family detached with some single-family attached/townhouses…"
- Staff recommends that at least 50% of the units should be provided as single-family detached units as this has been the practice for other developments where the term primarily has been used to describe a recommended housing type.

Questions and Recommendation:

Staff acknowledges that there are many concerns about the potential impact of this development including traffic and schools. However, these will be reviewed and discussed during a future public hearing on the proposal and really the purpose of this work session is to get input on the questions as outlined.

To summarize the questions:

1. **What land area should be used to calculate potential density?**
   - Staff believes the recently mapped County GIS environmental features including the Route 250 buffer should be used to calculate that density.
2. **Does the location of the parcels near the boundary of the Crozet Development Area mandate that the low end of the density range be pursued?**
   - Staff believes the Master Plan does not mandate the lower end of the density range and would support development at the higher end of the range if impacts are mitigated.
3. **Should the proposed development consist of mainly single family residential units and if so, what percentage?**
   - Staff believes that the proposal should contain a minimum of 50% single-family detached units.

The Planning Commission is asked to affirm these conclusions or provide guidance needed to help the applicant prepare his next submittal of the proposal.

Commissioner Keller thanked staff for the analysis of a very complicated set of issues that the Commission would be discussion from this point. He invited questions for staff.

Commissioner Spain said she was confused about the seeming discrepancy between the answers to question 2 and 3. If staff would support the higher end of the density how do you reconcile that with at least 50% single-family detached homes?

Ms. Yaniglos replied that the R6 zoning district allows for cluster development and the applicant could potentially cluster the units to get the higher R6 single-family detached units.

Opening for Public Comment

Applicant Presentation:

Kyle Redinger, representative for the applicant, thanked the county staff, in particular Ms. Yaniglos, for all the hard work that has gone into this application. It certainly has been an interesting process that he is relatively new to. He presented a PowerPoint presentation and noted he did not want to reiterate everything Ms. Yaniglos said, but just wanted to start with sort of the big picture and how they go to the design that they submitted to the ARB.

- Albemarle County is a desireable place to live with great schools in the Crozet area. But, what is happening is they are developing in an increasingly expensive and exclusive community, especially in Crozet. However, when you look at master planning process he thinks the Neighborhood Model creates an affordable and diverse community through the application of density. Without that density, especially in Crozet, we will continue to price people out of the area. Finally, we have heard a lot of comments from the community about how this should not be rezoned and not developed. He would like to reiterate that it is part of the master plan and Crozet is a designated growth area.

- Adelaide is a combination of three things. The first and most important is compliance with the master plan in building within the designated growth areas. Second, there is a function of the market for the types of housing that we want to build. Third, there is a need to create affordable options not just from a policy perspective, but from median wage earners in Albemarle County. Adelaide is a mixed income community that implements the master plan and creates a diverse and affordable housing types for hard working families of Albemarle County.

- Ms. Yaniglos summarized our public formal meetings very well, but there have been also multiple meetings through pre-applications with county staff, conversations on the phone over email with county staff, and with various stakeholders in the community. We want to build a community that appeals to a universal design buyer. So that means it has to be walkable and liveable for people to age gracefully in place. By complying with the master plan we want to protect the environmental features, and more importantly the rural area associated with Albemarle County. We do want to build affordable homes for new residents in the changing demographic as our county aging.

- The plan proposes all attached units. They would like to call out the villas, which he would go into later in more detail. We have proposed a design that allows us to shield some of the community from 250 and setback off of the road. This not only increases pedestrian safety but makes the community fit nicely into the master planning process. We preserve critical slopes as we have mentioned before. We are creating a walkable neighborhood community. We are also putting a walking trail on the front that will be pedestrian connections. They do have a mix of units. First are 14 affordable policy driven units, which are included in the R6 calculation. So if we take R6 times the affordable area and as part of that R6 we have developed 14 affordable units that are required by policy. We have mix of townhome units. Finally, the 40' wide villas that are attached mainly in duplex form. He would not reiterate all of staff's points; however, we agree that a more accurate assessment should be used to calculate the buildable area and to calculate the density and the intent it is my understanding as well is to preserve those protected areas in the master plan.

- Regarding question 2, he would like to call out that staff would support this so long as we comply with the Neighborhood Model. He thinks it is important to note that there are approximately 200 or so acres of property that has gone by-right in the Crozet area. It is important for the Planning Commission to discuss today why is that and why aren't we building the rezonings through the Crozet Master Plan. Also, why are we well below the recommended density range in the master plan?

- Also, important to call out because he did not think Ms. Yaniglos touched on all of these, there is a designation that exists in the master plan for lower density. It was not used for this site. Adelaide is about a third of a mile from a designated center, which is a Clover Lawn and Harris Teeter center. As he mentioned before and Ms. Yaniglos called out West Lakes Hills and Foot Hill Crossing ended up being by-right developments so you lost 213 acres of what would have been a rezoning opportunity based on the master plan. He thinks the last thing Ms. Yaniglos did not mention from her report is that by denying or not supporting rezonings on the higher end of density this puts more pressure onto

boundaries outside of the master plan boundaries, and this is not keeping with the comprehensive plan.

- These are market driven points for me. So about 55% of new housing demand in Albemarle County is for profit under $400,000. Crozet median home prices are rising above $400,000. If you split it between new homes and resales, new home median home prices is $550,000 well out of the range of most families in Albemarle County. Adelaide does help achieve a sub $400,000 price point and it does that through higher density. It is important to note if you start asking around about where people live you will find that working class families are increasingly living in surrounding counties and usually the answer you get is for affordability reasons. He thinks an interesting stat is that about 50% of county staff don't live in Charlottesville or Albemarle County. He thinks that is a question we need to be asking our community is why are people not living here who work here and provide services to our community.

- Finally, they are pursuing a real solution with a community partner for 14 proffered affordable units. If you talk to Ron White in the affordable housing group you will find that we are achieving our affordable unit goals through policy. There is a variety of reasons why that doesn't work. So they have gone out and taken an extra step to try to make sure this can happen and provide housing for people in need. He would also like to note because Crozet is a growth area we spend millions of dollars and countless hours of time in meetings on making a commitment to Crozet as part of the growth areas. Some of the real projects that we have seen are the Crozet Library, Downtown Streetscape, various sidewalk projects and road improvement. Finally, when we say R6 this is important to note that this is only for the buildable area. The total parcel only gets about 4.6 units per acres and that is including our affordable unit proffer.

- Question 3 is where we deviate from staff's recommendation. Staff recommends a minimum of 50% single-family detached units. So what we have proposed on the outer edges of the plan is a villa, which is an attached 40' wide home and so has about an 80' wide floorplan. It is an attractive unit; highly desirable in Albemarle County, and fits nicely into the Neighborhood Model design for a denser community. It allows us to do things inside the home that appeal to a buyer that wants to age in place. We can get a garage and a first floor master bedroom, kitchen and livable space on the bottom floor. That is very important for older buyers. The side yards and back yards that we are giving it give the units private outdoor spaces in a field of a single-family detached unit. Finally, there is precedent for rezonings where you saw 100% attached units in the Neighborhood Model, and Out of Bounds is one of those examples.

- The key points to reiterate is the master plan most importantly combined with market needs and affordability create the Adelaide project. Lots of money and time has been spent on Crozet as a growth area, but it is not being achieved as mentioned by the county staff. We agree with staff on the developable area calculation and density recommendations and we respectfully deviate from staff based on the rezoning precedent and a desirable fit of what we think is a market driven product, which is the villa home.

Commissioner Firehock invited public comment.

Public comment received from the following persons:

- John Savage, present primarily as a member of the Crozet Community Advisory Committee (CCAC), said this issue came before the CCAC last week and he will applaud Mr. Redinger since he has been open and available at all times to come and present his plans. It has been done with a lot of transparency. He read the Crozet Community Committee ("CCAC") Summary Comments on Proposed Adelaide Project Rezoning dated February 17, 2016 that expressed concerns regarding traffic safety along this specific part of Route 250, proposed density is inconsistent with other developments on this part of Route 250, proposed density is inconsistent with other development on this part of Route 250 and not encouraged by the Crozet Master Plan, encourage development with single-family detached homes at this location in accordance with the Crozet Master Plan and recommend denying this rezoning request. (Copy on file with the written minutes in the office of the

clerk) He pointed out having lived in Cory Farms for 12 years he was very familiar to this area because it was intermediately adjacent to that and he was aware of the traffic problems that would be compounded by the proposed development.

- Virginia Herring spoke in support of the proposal due to Ms. Herring's extraordinary circumstances and the high taxes she had paid since the death of her husband. Her understanding was this subdivision is going to be mostly compiled of older people and common sense tells her that these older people are not going to cause a traffic problem and there are not going to be that many children in this subdivision to create problems in the schools. She did not understand why Cory Farm residents were against this small division going in and did not think it would bring their property values go down.
- Tom Loach, Crozet resident, noted the Crozet Master Plan from the beginning protects Route 250 as a Scenic Byway. In the staff report it says the center is the most intense development while the middle and edges around the center become progressively more residential and less mixed use and less dense. That is what they are talking about here. As you go out from the center of Downtown or the center of Clover Lawn density should decrease and the color is a recommendation and not a regulation. This is a protection of Route 250 and that whole corridor. In the last five years the area from Clover Lawn down to Western Albemarle has averaged one accident a month with two pedestrian deaths. There is a traffic safety issue along this corridor. He said that all their developments that have come into Crozet other than by right have had 15 percent affordable housing. As far as affordability and all the other issues that have been raised he thinks the community has answered those over and over again. He felt the CCAC's recommendation not to rezone this is appropriate.
- Marcia Joseph, resident of Albemarle County, explained a conversation she had with a traffic engineer, Jack Kelsey, a couple of weeks ago. One of the things we talked about was the fact that he has designed and the bids are out for a sidewalk that will connect Cory Farms to Clover Lawn. The bids are coming in right now and so this will happen within this year. The other thing he is working on is a roundabout that will be at the entrance to Harris Teeter. There are so many improvements that have gone on in Crozet Downtown including sidewalks and the library. The Citizens of Albemarle County have made significant financial investment in the Crozet Development Area to make it an attractive place to live, promote walkability and to protect environmentally sensitive area. All have been done to comply with the comprehensive plan that encourages residential growth in development areas. The plan acknowledges that growth will occur and its goal is to direct the commercial and residential growth into the development area. Strategy 1A in the comp plan on page 3.7 says to continue to encourage the approval of development proposals in the development areas as a designated location for new residential, commercial, industrial mixed use of development Only approve new development proposals in the rural area that are supported by rural area goals, objectives, and strategies. Strategy 1B on page 3.8 regarding promoting development areas as the most desirable place for growth, continue to fund capital improvements and infrastructure, and provide a higher level of service to the development areas as we have in Crozet. Strategy 5A on page 8.30 to provide ongoing education to the public on the relationship in the Development Areas and efforts to prevent sprawl. Please consider the time and energy and funds that have been directed to the Crozet Development Area to make Crozet such an attractive place and think favorably upon this rezoning request for R6 density.
- Mike Marshall, past Crozet Community Advisory Council President, said he was actively involved in the creation of the Crozet Master Plan. He thinks it is ironic that Harris Teeter is called a center because it is a piece of stale of zoning which if we had not had it there we would have never put it there. The center of Crozet is Downtown Crozet. If you look at what happened in 2010 to the public's reaction to the master plan as it has been implemented since 2004 what they wanted was the concentration of density would be in Downtown with the density trailing off to a lower density. The idea is that Downtown Crozet is where the people go and they are not out on the highway. The Crozet Master Plan has two main lessons in it. We don't want 250 to become like 29 and Pantops; but, we do want Downtown Crozet to become more like Downtown Charlottesville. There is not another route to go around Crozet and 250 has to be preserved as uncongested as possible for it to continue to serve as the way you get around where the density really happens in the future, which is in Downtown with apartments that are affordable.

- Dan Rosensweig, city resident and representative for Habitat for Humanity of Greater Charlottesville, said he was not present to take a stand on the intensity of land use because that is a question for the Commission and Board of Supervisors. Mr. Redinger was kind enough to not identify Habitat as the perspective partner in this partner and he appreciates that if this got contentious. However, he was stepping forward to say if it does past we would be happy to participate as the builder of the 14 affordable units and actually bring mixed income to the neighborhood. Over and above that when he looks at the comprehensive plan he does see if you extrapolate the numbers from the 2013 update there seems to be a shortage of about 8,000 affordable units in the county. So anywhere there is development, again if it is an appropriate land use and if it is passed we are talking about potentially being a partner in this deal.
- David Stoner, Acting Chair Crozet Community Advisory Committee, said since John Savage gave the CCAC's comments he would give his personal comments. He agreed with what Mr. Loach just said. The comment about there are a lot of other by-right developments that have been done in the Crozet growth area and therefore that could be a reason this should be developed at a higher end of the density range. Again, just because by-right have been done elsewhere he did not think is the reason to justify higher density at the wrong spot. He agreed with the need for affordable housing in the county; but, if affordable housing needs to be dense it should be built in locations suitable for that needed density. For the reasons stated he did not think that density is appropriate for this stretch of 250. The master plan talks about this area as primarily single-family detached with some single-family attached and he thinks primarily should be 70 or 80. **(Attachment A – Crozet Community Advisory Committee ("CCAC") Summary Comments on Proposed Adelaide Project Rezoning dated February 17, 2016 submitted by David A. Stoner, Acting Chair Crozet Community Advisory Committee)**
- Timothy O'Loughlin, resident of Cory Farm, spoke against the proposal because the proposal is a significant departure from the master plan for many of the reasons that were discussed earlier such as what the proposed color coding designation and proposed street areas mean, etc. He took the master plan at its word when he purchased his property and decided where to live in the community. He feels the project is isolated and not walkable and pointed out the infrastructure projects referred to were not approved or funded. However, if he is mistaken he apologizes. At this time none of that is funded or approved. This project would be walkable to nowhere as it stands right now. The proposal is very dense and this tries to create a center where it does not exist at Clover Lawn. The pictures, site plans and descriptions shown in the comprehensive plan reflect almost all single family homes, and once again why one would expect that is what would be built on this parcel. He distributed pictures to point out the safety concerns surrounding the proposed entrance.
- Michael Salerno, resident of Cory Farm, said they have started a petition that has 47 signature that all echo these issues over the density of the area. This would be a high population density of about 50 percent more residences on approximately a third of the acreage. He agreed with the points raised pertaining to the traffic concerns. According to the traffic survey from Mr. Redinger 9,100 trips happen on 250 on this stretch of road while only 5,300 are on 240. That is one of the reasons that the thought has been having more growth along 240. If you look carefully in the report between 8 and 9 a.m. there 844 cars that pass by this location, and between 4:45 and 5:45 p.m. about 1,000 cars. Their traffic survey actually says it is going to add about another 782 trips per week. Unless there is something restricted there you don't really know exactly what the population mix is going to be adding more on to the already strained infrastructure. They are strongly against having a high density development with non-detached in this unit. This is not a very walkable area as it is not due to the ditches.
- Morgan Butler, with Southern Environmental Law Center, asked to provide some thought on question 1 in the staff report which is stated as what land should be available for development in calculating potential density. More specifically the question seems to boil down to how to treat areas that are designated as green space on the master plan but which do not actually contain environmental features such as steep slopes or stream buffers. Staff seems to be recommending that the areas in Springhill that were designated as green space but which do not include environmental features should be considered available for development as used to calculate density. Our concern with this interpretation is that there are significant areas throughout Crozet that were intentionally as green space in the master plan even though they do not contain environmental features. Indeed, when you look at the Parks and Green System Plan the category of green space that contains environmental

features is entirely separate from a different category of green space labeled other open space. The master plan goes on to explain that the other open space category consists of properties that are to be preserved that are not part of the environmental systems, but rather meet other goals of the master plan such as providing visual buffers, breaking up the appearance of continuous development and mitigating storm water runoff. In other words, there is a whole category of green space labeled other open space that was deemed important for preservation even though it does not contain few buffers, steep slopes or floodplains. To be clear there is just a small amount of it in this proposal, but there is a significant amount of it in other areas in Crozet. They are concerned that the approach that staff is suggesting in Springhill would mean that this other open space designation is essentially meaningless and that land designated as such should be considered available for development when the county is analyzing a proposed rezoning unless it also contains environmental features. That does not seem to have been the intent of the master plan and so he wanted to flag it tonight.

There being no further public comment, Commissioner Firehock invited applicant rebuttal.

Mr. Redinger said he appreciates all the colorful comments the public has provided in this project; but, he would like to reiterate a few things.

- Today they are not talking about traffic impact, but he acknowledges that when you have three major schools and a shopping center along a stretch of highway you do generate a lot of trips combined with people who are passing through. Our traffic study, which we have published, says there will be minimal impact on the traffic in the area and we are working very closely with VDOT and planners to design a safe and accessible way to access our community.
- On the points with regards to what area to measure he appreciates Mr. Butler's points and understands where he is coming from. He would argue that if you had a yellow area over a critical slope are you going to accept that as okay for development. He would say that the priority here should be using the best tools we have available to measure what a critical slope or what a protected buffer is and use that to calculate density because that was the intent.
- On the question of by right versus rezoning, he made a small list of all the things you don't get with by-right. One is affordability and the second you don't get a protective buffer along 250 and you don't get neighborhood design. We have been working very closely with Parks and Rec, and you won't get a trail dedication which we have proposed and discussed with Dan Mahon. There are a lot of other things that the community won't achieve as they continue to deny these projects and not support rezonings. He would further stress that it is rare to hear of a project being supported for rezoning in Crozet. This is why most of these projects end up by right because there is a very vocal minority from Crozet that does not want change.
- The issues of Downtown Center, he agrees that the center of Crozet is the most important center. But, it is important to note that it does not have the capacity to put in a Harris Teeter for a major commercial center like 250 does. There is more capacity based on traffic intersections, the road sizing, and the other axillary roads that allow us to do more along 250.
- Finally, the comment that 250 is not where people are and something that we need protect. We know that there are at least 9,000 people crossing 250 everyday. That is a lot more than Downtown. That indicates that 250 is an important place to develop given its access to a major and more important artery than 240 in the Downtown Crozet intersection.

Commissioner Keller thanked Mr. Redinger and invited questions from Commissioners.

Commissioner Lafferty said it seems that you have not hardly used the master plan. It says that the majority predominately single-family housing and you don't have any single-family housing in there.

Mr. Redinger replied that is correct and the deviation for that is on building a better product that is more affordable for people and more driven by market demands and things that people want than necessarily what the plan exactly specifies. Furthermore, that is why brought we brought this to this group to get input in the process to see what the opinion is of the Planning Commission on the type of product that we are proposing.

Commissioner Lafferty said he will believe that you are building a better product when you get other builders up here and say my product is inferior to theirs. The master plan is there as the guidance and there are two principles that are in the master plan that you are not adhering to.

Mr. Redinger replied on the builder comment, he understands what you're saying, but he spends a lot of time talking to builders and when he first visited the site he brought Craig Builders over and he has talked to every other builder in town about what the product they like to build and resoundingly people say this villa product is doing well right now. It hits a price point that is important for buyers and it also hits an aging in place type of buyer. So those two things make it very attractive. He thinks that is the deviation that where he disagrees with staff respectfully and he wants more input from people on the Planning Commission as to the interpretation of that.

Commissioner Firehock said she actually believes that we need a diversity of housing types because people have different needs in different stages in their life and they do need to have options besides single-family housing. She does not actually believe that just because Cory Farms is developed a certain way next door that necessitates that the proposal should just mimic Cory Farms. That said, in keeping with this diversity thing since this is a work session so this is just to work out ideas and brainstorm; it is not necessarily to vote you up or down, that she would actually like to challenge the applicant to try to go back to the drawing board and squeeze out a few more, handful, or bunch of single-family housing. One of the challenges was that my brother when he was younger lived at the townhouse developments that are all over northern Virginia and eventually they had to move to go find that single-family product. She loves duplexes and townhouses and thinks we need more of that product. However, she suggested that the applicant really try to work on their model and to try to fit some single-family housing in. The other thing is she knows you are talking about trail connections and walkability, but she was also sympathetic because she did not want to walk on 250 either. She suggested that the Mr. Redinger think about whether they could squeeze in some more pocket green space within the development. It is really nice if you are looking at affordability and people with young kids in starting families want their child to be able to play somewhere without having literally the whole family walk on the trail and go to the park. If you could find a way just to make it more interesting she thinks your product will also be more successful. She actually is in support of more density at the site.

Mr. Redinger replied that he liked challenges so he will would work on it.

Commissioner Keller suggested the Commission take the three questions one at time and let that outline the discussion. They would start off with question 1 and he invited comment.

Question 1 – how should potential density for development be calculated.

Commissioner Lafferty said he thinks it should be a combination of the best information we have, but with the overlay of what we desire as green space.

Commissioner Firehock agreed since she thinks the hybrid approach makes sense because yes, we have the better buffer engineered and the steep slope calculations more refined. But, that does not mean that people did not intend for there to be more of a buffer going down that, especially on the stream buffer line where it just sort of stops in the new version.

Commissioner Lafferty said they certainly would be amendable to somebody that came in and said we did an on ground survey and find that the stream is not where you are showing it on your maps, can we change it. He thinks they would say sure if you have a valid survey we will do that. Our whole point is to protect those natural resource and so taking the best information we can, but with the desire of the green space or the recreation, trails or things like that.

Commissioner Dotson agreed with what has been said so far, and Commissioner Spain agreed.

Commissioner Keller asked if that was considered enough direction on question 1.

Commissioner More noted they were talking about a bigger issue where we need to be consistent in the way that we look at all developments and not just this one.

Commissioner Firehock pointed out what we are saying is to use the newly calculated information, but to not then automatically throw out areas that have been colored in green because perhaps there were other intentions in terms of the screening or buffering.

Commissioner More said it was a bigger question to suppress.

Commissioner Lafferty agreed for development, not just this development.

Commissioner Keller suggested thinking about this whole issue of the mapping that we have had some questions about in a couple of other projects as a topic of discussion in the four special meetings.

Ms. Yaniglos asked just to be clear that the environmental features updated should be used along with the 250 buffer as outlined in the report; or, are you saying that the additional green space should also be used.

Commissioner Lafferty suggested that it be a combination of the two.

Ms. Yaniglos said so basically it is the yellow that is shown on the map, and so the green area that is not a part of the buffer would be taken out of the density calculation.

Commissioner Keller noted that all the Commissioner agreed.

Commissioner Dotson asked does it make sense to go to question 3 and then come back to question 2.

Commissioner Keller replied yes, it does and asked for comment on question 3.

Question 3: Should the proposed development consist of mainly single-family residential units? If so, what percentage?

Mr. Kamptner suggested that the word detached should be included since that is what they are looking at.

Ms. Yaniglos agreed that it should be single-family detached units.

Commissioner Firehock asked to comment on it quickly. She was really bothered by the word "primarily" being just a simple majority because she does a lot of voting work in her private life and that does not seem to be a majority since primarily is not 51% out of 100%.

Mr. Kamptner said he pulled up a bunch of definitions after the comment was made that they view it as 80%. The definition is for the most part chiefly, mainly, mostly and principally. If you are talking about a group of 5, then it is clear that 51% is going to be easily primarily when you are talking about just a pool of 2. However, you still meet the definition because it is mostly.

Commissioner Lafferty said that was right if you have 5 and there are 3 different ones and 3 different types so red, green and blue, and there are 2 blues, then the 2 blues are the primary.

Mr. Kamptner agreed.

Commissioner Lafferty said but they are not a simple majority.

Commissioner Firehock said it depends on depends on the total.

Mr. Kamptner replied no, but if the red was 51% and the two blues combined totaled 49, it is primarily red.

Commissioner More said but if you have 93 and you are showing none, then you certainly aren't meeting what is described in the master plan.

Mr. Kamptner pointed out the bottom line is the way staff has been applying the word primarily is consistent with what they are supposed to do. If the word is not defined staff applies a dictionary definition which in the context is reasonable. He thinks what they have done has been reasonable at this point.

Ms. Echols explained when going through the comprehensive plan work for the Woolen Mills site and how we were really trying to figure out what the mix of residential and non-residential was that how we came down on those numbers. However, that does not mean that the Commission has to use it because it is guidance. The comprehensive plan and the master plan is guidance. From staff's perspective there is a need to gain a little better compatibility with the Cory Farm property, but the grid design is the most important feature. Staff believes there needs to be single-family detached in here and looking at more than what they have provided to date would be direction to go. She did not know that the Commission has to settle in on 50, 80, 90 or whatever it might be. But, what has been provided is zero. So staff needs to know the Commission believes that at least one-half need to be done if not more than one-half.

Commissioner More suggested having at least one-half or preferably more single-family with the concept that you are trying to be compatible with existing surroundings; and, with the concept that if we are to accept Harris Teeter and Clover Lawn as a commercial center; then it should become less dense as you move away from that; or, if we are going to accept preferably Downtown Crozet as a center, then you become less dense as you move away from that. Maybe she is jumping back to #2, but it put it at the very high end of density, which is not what was intended by the master plan based on those concepts. So she would say to have it showing no single-family detached homes in this area is a misstep.

Commissioner Dotson said he wondered if that was a point of agreement around the table that showing no single-family is a misstep.

Commissioner Lafferty agreed.

Commissioner Firehock added in terms of buffering and providing more of a transition where those single-family homes might be located, again she is not looking at topography right now so it is not an intelligent comment, at least maybe next to Cory Farms, so that you ease the transition for the neighbors who are on the other side.

Commissioner Keller said as a designer he has to be the outlier here since he really disagree with almost everything that he has heard. The discussion of transportation issues begins to sway him in the other direction. However, just from a design standpoint he did not see why developments that are next to each other need to have an edge that fits together in a certain way as long as there is the pedestrian bicycle movement among them. If we think of any city that has developed over time there are neighborhoods that might be higher density development with detached residential areas next to them and little commercial nodes like we have here with the Harris Teeter in the strip mall across 250 from it. From his vantage point he thinks that the stronger argument is that there is master plan that says that there should be a decreasing density on the edge. That is where he can have common ground with all of you. But, he thinks of places in Portland, Oregon because of the land use regulation where there is a high rise building on one side of the road and there is farm land on the other side. He personally does not have to see this kind of transition.

Commissioner More asked to respond to that point. From a design standpoint she agrees and think there are places in Crozet and other places where that is very appropriate and it does not all have to flow in some certain way and there can be a mixture of densities. But, when you are looking at the concept of where this particular piece of property is located that is where the issue is for me. It is not necessarily about the property next door or the fact that it is green space on the other side. However, it is because of its location on the boundary of the master plan. What the master plan tells us is that is something that we have consistently tried to avoid as having density on 250 from the commercial center to be clear that was

a by right development and not something that was an intention of Crozet as far as development was to have Harris Teeter or Clover Lawn develop out there. But, she does agree with Mr. Keller's statement that there is a place for neighborhoods to mix and they don't necessarily all have to match up to one another. She just thinks this one is not in the correct spot because of other considerations.

Commissioner Keller noted that he just wanted the opportunity to have that say, and Mr. Dotson you can go back and he can then pretty much agree. He just thinks that the point needed to be represented.

Commissioner Dotson said what he was thinking was we are saying to the developer and staff to try out some possibilities that are different than what you have got. Maybe it is 50% of the dwelling units, but maybe it is 50% of the land area.

Commissioner Lafferty said he thinks they should be sensitive and aware of form and compatibility of neighborhoods, and Commissioner Keller agreed.

Ms. Echols asked if there was consensus that they need to do more with the single-family and that showing no single-family detached is a misstep. Therefore, they need to be doing some different design that brings in more single-family since it may affect density and the number of units that they are able to provide.

Commissioner More commented that the master plan indicates that it can be, but it does not say that it should be. So she thinks maybe a little more discussion about safety on the road could happen, but we have discussed other reasons why it is saying that it should come in at the lower end of the density range. Part of that question that is not up there on the screen that is on here talks about the impacts of the development. So she would like to take the opportunity to point out that one person spoke about the roundabout and improvements at the Harris Teeter and Clover Lawn happening very soon, and she would say that statement hugely inaccurate. We worked hard for months and months just to get the suicide lane restriped to give dedicated turn lanes to that strip. She knows that project is in a conceptual phase, but to say that it is happening very soon is not an accurate statement in my opinion based on all the research she has done and her discussions with Ann Mallek. That speaks to a lot of the safety concerns that already exist without this density being put onto 250.

Mr. Benish pointed out that he did not remember the exact details; however, there is funding for that project. The county applied for and received revenue sharing funding for two projects that are batched together, this project and one other project. But, 3.5 million are set aside for those two projects. So there is funding and the project is under design. Until the project design is complete we don't know what the full amount of the funding is and whether there may be short fails. That is the best he can tell you from afar. However, it is a project that is in design and monies have been set aside for it to some extent. But, when it is ready to be constructed he was not sure since the final design has not been completed.

Commissioner Spain said she would like to speak to the safety issue that has come up so many times. Mr. Loach mentioned that there has been two deaths in five years and one accident a month. She thinks before you can really evaluate this safety level you need to compare those statistics with other stretches of road with comparable traffic. It may turn out that the resident's perception of the dangerous part of the road is not as accurate as they may feel. If they think that way they are going to think that way, but it might be useful to gather statistics from other parts of the county.

Commissioner Keller noted that was going to speak to roundabouts from a design standpoint since he loves roundabouts as a way to deal with congestion and clogging of arteries. From a design standpoint, they are extremely difficult for the pedestrian and pedestrian movement from one side to another, including bicycles. It could very well be a great solution to one set of issues, but it could exasperate another set of issues. Again, this is such a complex piece. He applauds everyone for coming and weighing in and trying to assist the developer. He also applauds the applicant in trying to respond to the comprehensive plan.

Commissioner Lafferty said since we have slipped off topic a little bit he asked to ask Dan Rosensweig what affordable housing is defined as price wise and what he would consider an entry level of affordable housing.

Dan Rosensweig addressed Mr. Lafferty's questions regarding what he would consider an entry level of affordable housing.

Ms. Echols said she knew the Commission wants to wrap up, but actually she wanted to make a comment about the traffic and the traffic impacts. What we have said in the staff report has to do with the need to mitigate those traffic impacts. The density whether it is at the low or the high end of the range the applicant has got to demonstrate that he has mitigated the impacts. So the idea is that the traffic and those impacts will be considered a little bit later and definitely would be part of this consideration. However, good design and mitigating the impacts are what we are saying are the most important features of how you do Neighborhood Model type of development. The density, whether it is the higher or the lower end of the range, we will be looking at those mitigation of impacts, just not right now.

Commissioner Firehock asked to reiterate, like a broken record, that we've went down the three question pathway, but she just wants to throw back in as staff is writing up what they think they heard the Commission say. She did say that I would like the developer to try to incorporate more green space, pocket park types of situations, community gathering space within the development itself. We are losing a tremendous amount of green resources to develop this site, and so I wanted to create a sustainable livable enjoyable community that people will not move out of as soon they get a little more money. I would like to create a more stable community and having usable green space is part of that. So I don't think anyone here disagrees with me on that topic. So I would like to throw that back on the list.

Commissioner Dotson said he might just piggyback on it that he thinks there are several places in the staff analysis and the applicant statement that we have seen where there is talk about trails, walkways, connections and so forth. It is not a fault that it has not be shown very clearly yet where that happens; but, when it comes back I think that is going to be very important so that this does not look like a little island like a miniature Australia sitting there. He would like some bridges and other things to connect it.

Ms. Echols asked if the Commission answered the second question.

Commissioner Lafferty noted that it was in between; but, it is not mandated one way or the other.

Commissioner Riley said she would step up and say even though she does not think it mandates that it be at the longer end of the range of density she thinks we need to send the communication that we would like to see something between the high end and the low end. She would like see a few scenarios for grading and more single-family detached housing, and Commissioner Keller agreed that was his interpretation as well.

Commissioner More agreed that it does not mandate it; but would say what they are looking at based on the master plan that it should be the low end of density.

Ms. Yaniglos pointed out as a point of clarification the R6 designation does allow for smaller lots and like Ms. Firehock mentioned you could do a smaller house, single-family detached unit; but, you could still have a 6 unit per acre development. She asked for clarification because what she is hearing is in the middle. She asked if it is 4 to 5 units per acre because the applicant really needs that clarification. Is he looking for 3 units per acre or 5 or 6 units per acre?

Commissioner More noted at 93 units the applicant stated that he was coming in 4 point something units per acre.

Ms. Yaniglos pointed out the applicant was stating the gross density and not the net density, which is how staff calculates density in this case for rezoning. The applicant was specifically talking about including the

green space areas in that density calculation so 93 units would be a 6 unit per acre with just the yellow area as designated for development.

Commissioner Firehock said she thinks good design solves a lot of problems and so was not prepared to say the perfect density at this point. However, she did not have a problem with density. When people talk about problems with density they are really talking about problems with traffic, they have perceptions of more crime, they have perceptions of safety problems, and many other issues related to around density. But, nevertheless, she would rather see the developer try to do some creative design and come back to the Commission since she was not prepared to give staff the magic number.

Commissioner More agreed that there is not a magic number. However, she thinks they are talking about the scenic byway, entrance corridor and there has been a consistent effort not to just pick on this one development to keep density and development off of 250. Mr. Loach spoke about the efforts to pull Old Trail's Downtown Center off of 250. It is not about this one project; but, when there are opportunities to get off of 250 and away from the boundary line that has been consistently the view of the Crozet community.

Ms. Echols noted staff is hearing two different perspectives here and they need to get the guidance from the Commission as a whole. It does not provide good guidance if the Commission does not have either some kind of consensus or majority feeling one way or the other about this. She suggested that the Commission look at that just a little more closely as a group to provide guidance that would be better for the applicant.

Commissioner Keller asked to make a comment and question maybe the premise that we all have been working on that we might want to think about in this next year about how the density is counted by staff. He thinks from a good design standpoint it is not the density in the undeveloped area, but it is the density of the whole of a parcel that really gives freedom in the design. That is why he is having difficulty in this given the rules that we operate under and the Commission needs to give staff an answer for this. But, beyond this he thinks we might want to talk about that some more, especially given the kind of parcels that there are in greater Crozet.

Mr. Benish reiterated what we have heard: The Commission wants a mix of single-family detached infused; and, direction was given to use the comprehensive plan map that is a little more conservative in the amount of area that is going to result in the net density. That is guidance that staff needed to get from the Commission. It sounds like the form in the quality of development is more paramount than whether it is at the low or high end and unless the Commissioners can come to a clear consensus on a number that is the direction that the applicant can take forward. If the Commission does think that they can give us some consensus as we prefer to be on the low end or the high end or give staff anything more definitive other than to work on the form, address the open space characteristics, address the public spaces, and a healthy mix of single-family detached and then see what that product results in as we move forward.

Commissioner Keller asked Ms. More to take a shot at a lower number if she so desired.

Commissioner More replied that she did not know that we are being asked to pick a number. However, we have given feedback that we are interested to see what kinds of concepts can be come up with regarding some creative planning that may make for something that transitions better from the adjacent property that might make more sense in that space. But, the question about the master plan my interpretation of other aspects of the master plan would call for it to come in on the lower end. She was not going to give a number. However, if the question is high end of low end it should come in at the low end. She is very open to creative concepts that may speak to some of the issues that are at hand. She thinks there are a lot of ways that the property could be developed and address some of these issues and still allow for some of the benefits that it could provide to the community. However, to answer the question she thinks the master plan speaks to other areas that say it should come in at the low end.

Commissioner Lafferty agreed that the master plan is clear on the fringes that the density should go down. There is some question about where is the center, which he thinks is where the library and The

Square is. That has always been the definition and can't be moved to Harris Teeter, Jarmon's Gap or wherever. This is the way the master plan is designed, which makes this parcel on the fringe. So it should be of a lesser density. He can't come up with a number; but, it should be lesser than as you go interior closer to the town center.

Commissioner Dotson said he thinks staff has probably got all the direction they are going to get. He asked to make one sort of heretical observation, the problem is Cory Farm is too lower density. If that were higher density then as this tapered off as you went further away it might be in the 3 to 6 range.

Commissioner Lafferty noted that compatibility is important.

Commissioner Keller thanked everyone for their comments.

The meeting moved to the next agenda item.

New Business

Mr. Keller invited committee reports.

- Ms. Firehock deferred to fellow Commissioner to give the report on the Southern Albemarle Citizens Advisory Committee (CAC).

- Ms. Riley reported the following:
  - Southern and Western CAC at this point are going to remain together. The committee met, elected officers and will be meeting next month.
  - She attended the Historic Preservation Meeting yesterday and two items were discussed: Cool Springs/Dawson Farm and as a committee putting together a list of all the properties in the county that have at any point in time served as a tavern.

- Ms. Spain reported the following:
  - Places29 North Committee meeting scheduled for last week was cancelled because of snow. The next meeting will be in March.
  - Last night Mr. Keller and I attended the Pantops Community Advisory Committee and there two issues. There will be a public safety station built on Pantops. It won't yet have a firetruck, but it will have an EMS crew. That is being built on land donated by the Worrell Company. The other main point of business had to do with the pedestrian bridge across 250. Diane Berlin, who is the chair of the committee for the walkability on Pantops gave an update about where things stand, and there will be a working session on March 19 at Broadus Church. Members of the committee are expected to attend the meeting. There were a few comments from the public and the meeting adjourned after two hours.

- Mr. Lafferty reported that Places29 Hydraulic Road Committee met and discussed the projects ongoing that included the sidewalks along Garth Road Extended on the south side of it trying to get a path for people who walk to town from the store on the other side of Georgetown Drive and the improvements going on there. They spent a lot of time of covering budget projections and expenses going up.

- Ms. Firehock said she sent the Commissioners a request for some topics for discussions. Nevertheless, she only heard from Commissioner Riley and asked for input from other Commissioners. Staff is planning on coming back to us about affordable housing. She thinks they wanted to try to add more structure to that conversation. Other potential items were proffers and economic development. They are going to try to set up four different in depth discussion and the point is not have it as something that comes up in the middle of someone's site plan, but rather something we could have a deliberative conversation, invite experts to come and talk with us and come up with a list of questions we would like to tackle during the session. If anyone has thoughts, please send them

because Mr. Keller and I are going to try to take the year and schedule out for in depth discussions. These are all to help us in these kinds of deliberations like tonight.

- Mr. Dotson pointed out having that schedule for all four topics would be useful to communicate back to the CACs. For example, the urban ring would be particularly interesting to a couple of them when that happens. He reported that on the Places29 Rio CAC we now have officers. My understanding is for the three Places29 committees our next meeting is going to be a joint one.

- Mr. Dotson noted a brief report on ACE and then Commissioner More will be taking over on future reports on that. Some good news, as the counties looked at the monies available as the end of the year comes ACE is going to get another $250,000 from the county. Recently we found out that we are getting $400,000 and something, one of a very few jurisdictions in the state who is getting from the State Department of Agriculture conservation easement money that we have to match. So it is good we have gotten the $250,000 and we will need some others as well. So things are proceeding.

- Ms. More reported that the CCAC elections are in March. There is a big turnover since they are losing their secretary who has been amazing. We also are going to have 4 out of 5 openings in April. One of the interesting topics we discussed was Adelaide and the Restore N' Station. She noted that Gerald Gatobu came and spoke to the CCAC and he basically instructed the group and all CACs to start having a conversation every January about priorities as far as road improvements. Mr. Gatobu gave us a several page chart that had it broken out by bridges and all the different types along with the different funding sources. It was really insightful. It was important for the CACs to hear that if you start that discussion in January you can pinpoint projects that you feel, and get community input, that you really want to prioritize. That gives him if he has that information by April a huge direction from the community when he is looking at this chart full of all these roads, bridges and projects. So there is a huge opening for CAC input. Mr. Gatobu offered to come back with VDOT, which he called a major player.

Mr. Benish pointed out Mr. Gatobu was the County Transportation Planner.

Ms. More noted Mr. Gatobu's presentation was really good and gave the CCAC some direction to focus on.

Mr. Benish pointed out the list handed out was the list that the Board adopts as their priorities for transportation. Staff wants to try to get that review earlier in the process and get more input on it so that the Board can set that direction for everyone before we get into budget time.

Ms. More said she would encourage all CACs to reach out to Mr. Gatobu if that is a topic you have if you have time in your meeting.

Mr. Keller noted that he been asked to be on a broadband working group. He understands that there is funding for a broadband for the county and that a consultant is in the process of being hired. Again, he thinks that does play into some of the questions we have about where there is availability and where there is not. Then this kind of overlaps with the school system and its desire to have broadband to all of its students.

Mr. Keller noted another piece of old business that we have been asking for the Economic Development Director to come and speak to the Commission for a long time, and she has asked for two meetings to come and speak to us. If the Commissioners, then Ms. Firehock, Mr. Benish and I will work with Faith McClintic to get those set up. He hopes the second one can be more in the spirit of the four meetings where it is not on a time when the Commission has other agenda so we can delve in and provide input as a group.

New Business

Reminder of Planning Academy on March 8, 2016. (David Benish)

-Determine attendance for adjournment purpose

Mr. Benish reminded the Commission of the Planning Academy coming up March 8 during the day for the Board of Supervisors and the Planning Commission has also been invited. If there are three or more attending, the Commission needs to adjourn to that time.

Mr. Keller suggested the Commission adjourn to the Planning Academy on March 8 at 1:00 p.m. since more than three Commissioners planned to attend.

Mr. Kamptner updated the Commission on the Proffer Bill currently in the General Assembly. There was a substitute bill that was introduced on the floor of the House today. Apparently some local elected officers are going to meet with the governor and some talking points are going to be put together by several localities including Albemarle County.

THERE WILL BE NO PLANNING COMMISSION MEETING ON TUESDAY, MARCH 1, 2016.

THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, MARCH 8, 2016.

AJOURN TO PLANNING ACADEMY TUESDAY, MARCH 8, 2016, LANE AUDITORIUM, FROM 1:00P.M. – 3:00P.M.

Motion: Mr. Lafferty moved and Ms. More seconded to adjourn to the Planning Academy on March 8th at 1 p.m. in room 241.

The motion carried by a vote of 7:0.

Adjournment

With no further items, the meeting adjourned at 9:46 p.m. to the Tuesday, March 8, 2016 Planning Academy at 1:00 p.m., Room 241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Secretary

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