

**Albemarle County Planning Commission
January 26, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, January 26, 2016, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Bill Fritz, Chief of Special Projects; Sarah Baldwin, Senior Planner; Ron Higgins, Chief of Zoning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission; Mark Graham, Director of Community Development 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 including consent agenda items.

Neil Williamson, with Free Enterprise Forum, suggested that consideration be given to the difficulty of dealing with major snows/snow removal in urbanizing areas and new urban developments. He had received two or three phone calls in his office with folks asking where we put the snow. For folks who have alley ways that are the places where they house their vehicles it is a great question.

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

Review of Board of Supervisors Meeting – January 6, 2016

Mr. Benish reviewed the actions taken on January 6, 2016 by the Board of Supervisors.

Public Hearing Items

SP-2015-00026 Bojangles – Hollymead

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 03200000041D4

PROPOSAL: Request for drive-through window

ZONING: Planned Development Mixed Commercial

COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses.

EC Entrance Corridor – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land. (Sarah Baldwin)

Sarah Baldwin presented a PowerPoint presentation on SP-2015-00026 Bojangles – Hollymead.

This is a request for a drive-through window for a Bojangles Restaurant for a parcel located in Hollymead Town Center Area C which fronts on Route 29.

As some of the Commissioners may recall, staff analyzed and did extensive research to develop drive-through window standards with the 5th Street Station proposal. Those standards will be the subject of the

ZTA that the Commission will see later on this agenda. This concept plan was analyzed against existing ordinance standards for drive-through windows as well as those standards that have been crafted. The proposal meets those standards, which includes having the access not on a primary travel way and having the window on the side of the building. The proposed conditions address such things as circulation, safety, location of window, lane width and separation of lanes. Other conditions address drive-through length, providing additional feet beyond the window and so forth. There are some minor technical changes to these conditions. Staff was unable to incorporate the applicant's comments into the staff report; but, the changes were small.

As previously mentioned there is a zoning text amendment before the Commission this evening to allow drive-through windows by right. The applicant did not want to wait for approval of the zoning text amendment (ZTA) and wanted to move forward with the special use permit.

Factors Favorable:

1. The proposed conditions address the design and also provide for flexibility.
2. The drive-through window proposed for this development is not expected to be visible from the Entrance Corridor. The Architectural Review Board (ARB) has reviewed and approved this application.

Unfavorable Factors:

1. None

Recommendation:

Based upon findings presented in the staff report, staff recommends approval with conditions. If there were any questions, staff would be happy to answer them.

Mr. Keller invited questions for Ms. Baldwin.

Mr. Dotson said comparing this to the zoning text amendment (ZTA) that comes later are they very compatible or identical, and Ms. Baldwin replied yes.

Ms. Firehock pointed out it was a great idea last time when the Commission talked about the fact of just having the standards that we all agreed made sense for drive-through windows so the requests would be approved administratively and not have to keep coming back. She asked if that proposal was something the Commission needs to vote on just down the road.

Ms. Baldwin agreed.

Mr. Fritz replied that zoning text amendment was the third item on tonight's agenda. After the Planning Commission takes an action, the ZTA would be forwarded to the Board of Supervisors.

Ms. Firehock asked if it was just a timing issue; and Mr. Fritz agreed it is a timing thing since it is possible that the zoning text amendment will go to the Board of Supervisors before the special use permit is scheduled to go in which the special use permit would just never go because it would no longer be necessary.

Mr. Keller opened the public hearing for applicant and public comment. He invited the applicant to address the Commission.

Kelly Strickland, with Shimp Engineering, said he was present on behalf of the applicant and would be happy to answer any questions.

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

There being no public comment, the public hearing was closed and the matter before the Planning

Commission for discussion and action.

There being no discussion, Mr. Keller asked for a motion.

Motion: Mr. Dotson moved and Ms. Firehock seconded to recommend approval of SP-2015-00026 Bojangles Restaurant at Hollymead request for a drive-through window with the conditions outlined in the staff report.

1. If the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.
2. Drive-through lanes shall not be located between a building and a public street unless separated from the right of way by a landscaped area at least 10 feet in width meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
3. Drive-through lanes shall be separated from sidewalks and any vehicular travel areas by a planting strip at least 5 feet in width.
4. Where pedestrian access crosses drive-through lanes, a 5 foot wide raised pedestrian travelway or a 5 foot wide pedestrian travelway containing a change in texture and visual markings shall be provided.
5. Drive-through lanes shall be a minimum of 11 feet wide.
6. Drive-through lanes shall not enter directly from or exit directly to any public street.
7. Entrances to drive-through lanes shall be more than 50 feet from any intersection with a public or private street or travelway without parking (interior circulation in shopping areas).
8. Drive-through lane length shall be a minimum of 100 feet measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the Director of Community Development or their designee.
9. The drive-through lane shall extend 20 feet beyond the drive-through window.
10. Where a drive-through lane is located adjacent to an internal travelway the direction of travel in the drive-through lane and the travelway shall be the same unless separated from the right of way by a 10 foot landscaped area meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
11. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Keller noted SP-2015-00026 Bojangles - Hollymead would be forwarded to the Board of Supervisors recommending approval at a time to be determined.

The meeting moved to the next agenda item.

ZTA-2015-00014 Neighborhood Model Setbacks and Yards

The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-3.1, Definitions, 18-4.19, Setbacks and step backs in residential districts, and 18-4.20, Setbacks and step backs in conventional commercial and industrial districts, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1 by amending the definition of "infill," to clarify that developments still subject to a valid subdivision plat or site plan, or both, are not "infill"; amend Sec. 18-4.19 to add the Planned Residential Development (PRD)

and the Planned Unit Development (PUD) districts to those districts subject to that section; to amend Secs. 4.19 and 18-4.20 to clarify that corner lots are not subject to any maximum setback and to clarify when the maximum front setback may be increased without a special exception; and to amend Sec. 4.20 to provide that the minimum setback for parking areas is 10 feet from the right-of-way. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Ron Higgins)

Mr. Higgins presented a PowerPoint presentation to summarize ZTA-2015-00014 Neighborhood Model Setbacks and Yards. Neighborhood Model Setbacks and Yards in the Development Areas Corrections – ZTA-2015-00014 - Planning Commission Public Hearing - January 26, 2016. First, he would take a few moments to bring the new Commissioners up to date.

Background Information

- Zoning Ordinance Adopted December, 1980.
- 2001 Comprehensive Plan Amendments.
- Neighborhood Model (NM) zoning District established in 2003.
- After a number of attempts since 2003, Neighborhood Model Setbacks in the Development Areas adopted June 3, 2015.
- Planning Commission asked staff to come back with this within a year to discuss any changes needed.
- Planning Commission approved a new Resolution of Intent September 1, 2015.

In 1980, the County adopted a Zoning Ordinance. That Zoning Ordinance was a typical zoning ordinance at the time and had a kind of separation of uses, larger setbacks and a kind of suburban character to it.

In 2001, the principles of the Neighborhood Model were adopted. The Comprehensive Plan incorporated Neighborhood Model principles . . . denser, mixed use, pedestrian oriented and anticipated reduced yards. It anticipated reducing yards and having smaller setbacks in conventional districts in the future.

In 2003, we actually adopted a Neighborhood Model District that you could apply to rezone your property to. That has been working well for vacant tracks in large areas in and around the Development Areas.

Since 2003, there have also been several attempts to look at the setbacks in conventional districts in our Development Areas. What staff was trying to do was just look at that one aspect of the ordinance in a by-right way that might make it easier to do the Neighborhood Model form of development in Development Areas. In fact, after a number of attempts staff was able to get that through the whole process in a little more than a year and a half by meeting with Citizen Advisory Committees (CAC's), groups and public hearings. A new set of setbacks was adopted for all our zoning districts that are in the Development Areas, which would be conventional residential/commercial and industrial districts. In our attempts before, the reason it did not happen sooner was because they were a little too ambitious by reducing setbacks next to residential and rural for commercial and industrial. Staff thinks that was not quite ready for prime time and backed off on that and dealt with the massing and the relationship to the street and breaking up the height in a way that would get you to a certain height building and then step it back after 40' or after three stories. After the adoption on June 3 the Planning Commission wisely said that within a year it would helpful if staff could come back and let them know if there are any glitches or how it has been going and what changes, if any, should be made. Staff did that and we are now back before the Commission a bit sooner than promised.

After a fairly short amount of time of implementation planners started asking questions and staff would find that a reference was left out or was in another section. Staff found that if it was not clear to the applicant or the person reading, implementing or administering it that it needs to be changed. The Planning Commission's request was helpful since staff implementation has revealed some minor clarifications and edits that will make it easier to administer.

The process for zoning text amendments (ZTAs) includes adoption of a Resolution of Intent (ROI) that is prepared by staff to take to the Planning Commission or Board of Supervisors. The adopted ROI gives staff our marching orders. So the need for corrections was taken to the Planning Commission in September and the Commission requested staff to pursue it and bring back the information necessary for clarification. Mr. Higgins then walked the Commission through the five corrections/changes.

When ten people read an ordinance they will have a slightly different take on it. So people would read this and say now wait a minute does it really apply to situation A or situation B. So staff looked at the definition of infill to make sure that it was as clear as possible. The intent was clearly not to make the infill definition apply everywhere.

Staff pointed out some interesting little differences. What you see in the new Neighborhood Model Ordinance are some relatively new concepts in the conventional districts, such as the idea of a maximum setback in addition to a minimum so that there is a build-to range. Over time, not immediately, it will bring buildings closer to the street to engage the street. For the sides in a residential district we had minimum setbacks of 10 feet; whereas, now we have building separations from one house to the next of 10 feet. We also now have a step back. It used to be that if you had a building over 40 feet the entire building would be pushed back, which starts to get a little dicey when you are dealing with phased development. What we now realize is that it doesn't work very well unless you are just dealing with the streetscape and the sense of enclosure along a frontage. So when you get to a certain height, the street wall, then you have to step back the building above that. So we added things like that into the ordinance that we really had not dealt with until the Downtown Crozet District came along.

Corrections/Changes

1) Clarifies the definition of “infill” to not apply everywhere.

Regarding infill, staff wanted to make it clear that when you have a valid subdivision or site plan that has gone through all of the processes and obtained approval that it establishes setback and building envelopes. It would not be infill, but a new development with those setbacks. People were having some confusion over whether or not and when that applied.

Why is this important? It is important because if you are infill your minimum side yards are 10 feet for all properties. Whereas, if you are not infill, have a new development, and decide to use this separation standard, your minimal side yards might be 5 feet because you have a 10 foot separation. What they don't want is to have a plan approved with a 10 foot separation and then 40 percent of the development push them into an infill situation. That is counter intuitive to what you were trying to accomplish.

Staff mentioned the current definition of infill on the first page of the ordinance, which is essentially any property that is less than 120 feet in frontage on the road with 40 percent or more of the property zoned residential and within 500 feet of that property developed with buildings having setback. It tries to protect the character of existing neighborhoods. As we went through the process staff added the whole infill concept, which is very important. So staff does not want to lose the infill concept or do anything that would damage it. On the other hand we want to be able to protect valid site plan and subdivision approvals.

2) Adds PRD and PUD districts to the table in Section 4.19, as they are referenced in the individual district sections (Sections 19 and 20 for the PRD and PUD districts, respectively);

The second correction is simply a cross reference improvement. We have district sections in our zoning ordinance with one for Planned Residential Development and one for Planned Unit Development. The new setbacks apply to those districts, both of which refer to in the table in Section 4.19. At the top of those tables it lists all of the districts that this table applies to. They don't list PRD and PUD, so we are simply listing them so that you will see them in both places. That is a very minor change.

3) Clarifies “corner lots” have no maximum setback on either frontage if they are on an arterial highway;

There is no maximum on either frontage, but potential is still much greater for Neighborhood Model form with minimum setbacks on both frontages.

This is a very interesting one. As staff negotiated through the process for a year and a half it became evident that it was not going to work very well to have maximums along 29 or other major arterials. The compromise was to not have the maximums apply on these commercial and industrial sites along our major arterials. There are only two major arterials, 29 and 250. Staff pointed out an example of a site located at the corner of 250 and Route 20 below Pantops. This is a site that if you applied the maximum you would not be able to utilize this building under a new development or you may have to build the building to the street within 30 feet. The text says that there is no maximum for any lot fronting on a major arterial, which includes the whole lot. However, staff just wanted to make it clear that corner lots have no maximum setback on either frontage if they are on an arterial highway.

The last two, numbers 4 and 5 are even simpler.

4) Reinstates the 10 foot minimum parking setback for commercial and industrial districts clearly in the tables of Section 4.20, as intended in the original changes, and;

5) Inserts the word “plaza” after the word “public” in note #1 after the table in Section 4.20 that allows increases in maximum setbacks.

Mr. Higgins made two points:

--for change number 4, it was always intended that the new building minimum coincide with parking minimum to better encourage relegated parking (to side or rear).

--for change number 5, this is an omission of a word that is also included in the table 4.19 note #3.

For many decades in our commercial districts when you are talking about landscaping, building setbacks and these kinds of things we also have a parking setback. Our minimum parking setback is 10 feet. When developing the minimums and maximums we utilized the 10 foot minimum for parking as our new building minimum and said so in our presentations. Sometime between all of the discussions, hearings, adoptions and the codification of the actual ordinance that was adopted the sentence in the industrial and commercial sections that said parking setbacks shall have a 10 foot minimum got left out. They are putting that back in because it was always intended to be a 10 foot minimum parking and building setback. Again, in the Neighborhood Model concept that actually makes it easier because it encourages you to relegate the parking, which is a standard that allows you to put it to the side or to the rear and makes it just a little bit easier to accomplish.

The last change is a little typo and an omission. As you look through the ordinance draft staff put in two tables, Table 4.19 and Table 4.20. Table 4.19 deals with all the residential districts. Table 4.20 deals with the commercial and industrial districts. At the end of that table there are clarifying notes and staff allowed for some very specific reasons why you might be able to increase your maximum. One says critical slopes, utilities and things that physically cannot move. Another one says if you have an approved plan and there is a public space or a public plaza on that plan that has been approved, you can move the building back behind that. Table 4.20 left out the word “plaza” so it just says public spaces and public, which is the typo/omission that was corrected.

Staff Recommendation

Staff recommends the Planning Commission recommend approval to the Board of Supervisors of the changes in this ordinance with the five corrections or fixes.

Mr. Keller invited questions for staff.

Ms. Spain asked going back to the point about the corner lots with no maximum setback if that was a hypothetical at Route 20 and Route 250.

Mr. Higgins asked if she meant just picking that site, and Ms. Spain agreed.

Mr. Higgins replied actually that site came in for an exploratory pre-app about three or four months ago. He remembered the planners saying does the maximum apply, it does not apply on Route 250, does it apply on Route 20, and the answer is no.

Ms. Spain asked what is at that site now.

Mr. Higgins replied that is the Flow Automotive Mazda dealership. There are actually three or four parcels right in there that are controlled by the same people and over time they will probably be looking at redeveloping that. Again, just like 29 north as they redevelop and consolidate parcels they will want to know how to deal with both frontages on corners.

Ms. Spain noted that west of the river is the city and east of the river is the county. Are our county guidelines similar to the city guidelines in this regard?

Mr. Higgins replied that is probably not because the city has specific zoning districts for each of their entrance corridors and a complete set of guidelines and standards for each of the corridors. However, having worked at the city he can say the city setbacks are less so it is likely you are going to get similar development patterns from both. Also, given the City's and County's Entrance Corridor Design Guidelines your approach to the design review is going to be similar; although, in the city the Entrance Corridor design review is done by the Planning Commission. In the city the same staff person deals with the Architectural Review Board and the Planning Commission. So the answer is over time you will start to see very similar development because their goal is to achieve what we are trying to achieve with this.

Ms. Spain suggested when the Planning Commission meets with the City Planning Commission once or twice a year this is the sort of thing that we would discuss regarding compatibility or the comprehensive plan.

Mr. Higgins replied that it would probably be a melding of some sort and not a conflict. Of course, you would be working on the Rivanna River Corridor, too, so it starts to get very important there.

Mr. Keller opened the public hearing and invited public comment. The being none, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action.

Mr. Kamptner asked to jump in for a minute since there are some additional clarifications he wants to make to the definition of infill. It is kind of a grammatically awkwardly phrased addition, and he wants to clean that up. Looking at the definition this afternoon he concluded it is confusing and not clear so we want to tweak that language. The result will be the same. The intent is that the infill period begins after the site plan or the final subdivision plat are no longer valid, which is normally five years. Just doing some additional work he realized that under the subdivision law there is a break from the site plan law. Normally they are the same. But, once a subdivision parcel is conveyed to a third party that plat takes on some additional life or period of validity. Therefore, we will try to confine that to a five years period, which is the intent, or any period that is extended by the county, which the county can do under state law.

Mr. Higgins pointed out staff actually left that flexibility and added it into the recommended motion because when staff discussed it this afternoon Mr. Kamptner wanted to leave some room for improving on that definition.

Mr. Benish pointed out it was just a grammatical correction and does not change the intent of what was discussed.

Mr. Dotson noted, as staff mentioned, when the Commission originally recommended approval they asked staff to bring it back with a year's experience, and staff indicated that it hasn't really even been a year. He asked would it be advisable for the Commission to ask again that staff bring it back in another year with more experience or does staff feel that they have enough experience?

Mr. Higgins replied if the Commission wants to do that, then staff had no problem with doing it. To be honest with the Commission it has been relatively smooth because staff uncovered most of the little typos and things when it was new. However, it would not hurt to have a look at it and see how it is doing on a yearly basis. Staff would be happy to do a little update on it.

Mr. Keller asked if staff has heard any complaints or gained any negative feedback from the public about the form that some infills are taking in established neighborhoods.

Mr. Higgins replied that staff has not. We have new minimums so people can start to do that; but, those minimums are established by the closest building in the neighborhood as opposed to the new minimum of 5 feet.

Mr. Benish pointed out we are still probably somewhat early in the process because since that adoption we are mostly going through the paper exercises of approvals before things kind of hit the ground. Some have, but he did not think our staff has heard complaints. However, within a year they might get feedback because more things that we are approving are going to get built and it might be a good check in.

Mr. Keller asked if there was a motion.

Ms. More supported the request with a change in the motion.

Motion: Ms. More moved and Mr. Dotson seconded to recommend approval of ZTA-2015-00014 Neighborhood Model Setbacks and Yards as presented by staff in the draft dated January 5, 2016 with grammatical corrections in the definition of infill; and, furthermore that staff report back within a year for more feedback based on these changes.

Mr. Keller invited discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Keller noted ZTA-2015-00014 Neighborhood Model Setbacks and Yards will be forwarded to the Board of Supervisors recommending approval at a time to be determined.

The meeting moved to the next agenda item.

Mr. Keller noted that the next item, ZTA-2015-00015 Drive-Through Windows was related to the first agenda item.

ZTA-2015-00015 Drive-Through Windows

The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-4.12.6, Minimum number of required parking spaces for scheduled uses, 18-20A.6, Permitted uses, 18-20B.2, Permitted uses, 18-22.2.1, By right, 18-22.2.2, By special use permit, 18-23.2.1, By right, 18-23.2.2, By special use permit, 18-24.2.1, By right, 18-24.2.2, By special use permit, 18-25.2.1, By right, and 18-25.2.2, By special use permit, and adding Sec. 18-5.1.60, Drive-through windows, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-4.12.6 by amending or deleting definitions or portions thereof that pertain to stacking spaces serving drive-through lanes, and Secs. 18-20A.6 through 18-25.2.2 referenced above by allowing drive-through windows by right instead of by special use permit; and would add Sec. 18-5.1.60 to establish design and performance standards for drive-through windows which, if satisfied, would allow drive-through windows by-right. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Bill Fritz)

Mr. Fritz presented a PowerPoint presentation to summarize the staff report for ZTA-2015-00015 Drive-Through Windows.

This is a zoning text amendment to make drive through windows by right. When the ordinance was adopted in 1980 drive-through windows were not as common as they are today so they were made a use by special use permit. Staff was unaware of any request that has been denied by the Board. Each project is reviewed individually and the designs have varied over time. Some sites clearly function better than others. Reviewing special use permits is a resource intensive effort for the County involving staff from the Community Development Department (CDD), County Attorney's Office, County Executive's Office, and of course the Planning Commission and the Board of Supervisors. Standardizing the review of drive-through windows and making them by-right will free resources so they may be used on other projects.

History

- *Drive-through windows have been by special use permit since adoption of the ordinance in 1980.*
- *Staff is unaware of any drive-through application that has been denied by the Board of Supervisors.*
- *Since 2013 drive-through window applications have accounted for 11% of all Special Use Permit applications.*
- *The ordinance has limited regulations for drive-through windows.*
- *Fees for special use permits cover only a portion of the cost of review. Making drive-through windows by-right would have reduced County cost by approximately \$17,000.*

Staff researched the best planning practices across the United States and Canada for drive-through windows. From that work standard design regulations were developed. The items with an * asterisk next to them are not currently addressed in any way by the current ordinance. The current regulations address stacking lanes and some lane width. Stacking lanes now vary by user and it is not clear what it really means. Stacking lane is defined as having space for five vehicles, but what length vehicle. The proposed regulations standardize it by having actual foot measurement and where you measure that from and to.

Summary of Proposed Regulations

- Places window on side or rear of building* (This is something the ARB has been doing. This would standardize that.)
- Separates lanes from streets by landscaped area*
- Establishes setbacks from residential and rural areas* (This is something that is not done right now.)
- Establishes operational hour limits if lane is within 100 feet of residential or rural areas*
- Addresses conflict between lanes and pedestrian access*
- Addresses access points for lanes*
- Establishes a space beyond the service window*
- Addresses traffic flow*
- Standardizes stacking length
- Revises lane width

What do these conditions look like? In the slide the drive through window was located at the side or rear of the building; entrance way/access is not on a primary travel way, and there is a landscape buffer adjacent to the main road.

An example of a drive through window that doesn't work was next. There are no barriers at the edges of the drive-through lane with the traffic not well defined. The flow of traffic adjacent to the drive-through lane is in opposite directions of one another. So there are basically three lanes of traffic there with no physical controls and they are going in the wrong direction.

The next example shows adequate separation with the entrances separated from one another. The isles are separated and it is the same as a travel isle. There is a space beyond the window, which is a place where somebody can collect themselves and whatever product they may have purchased before moving out into traffic. It allows the lane to continue to flow and the service to be provided. Again, the window is located at the side or rear of the building.

Staff Recommendation

Staff recommends approval of ZTA-2015-15 with a modification to the provisions of Section 5.1.60(c) and (d) to include reference to agricultural areas and not Rural Area property. Staff will make that change. When developing this staff failed to recognize that there are a few commercial properties that are adjacent to rural property and the setbacks would have only applied to residential districts and so we needed to add that.

These design standards are essentially the same as what you saw in Fifth Street a couple of weeks ago and what you saw two items prior to this one. The standards were developed over time working with using the research we did around the country. The one interesting thing about this is it still preserves the developer's ability to have a varied design and it does not lock them into this, and they can still apply for a special exception. For example, if they don't want a physical barrier between the travel lane and their drive-through lane they can request that and it would come to the Planning Commission or Board depending on the process that we would use that we have established for special exceptions. So it still provides for a lot of flexibility, but it makes review much more precise and predictable and frees up a significant amount of staff resources that can then be devoted to other projects. He would be happy to answer any questions.

Mr. Keller invited questions for staff.

Ms. More said she was curious just going back for reference to the Bojangles drive-through that we talked about earlier that parts of the report talk about asking the Planning Commission and the Board that the proposed special use will not be a substantial detriment to adjacent lots, and more importantly the character of the district will not be changed by this proposed special use. When she is looking at staff's proposal for better standards for guidelines how are we capturing that?

Mr. Fritz replied when developing the standards staff was keeping in mind some of the studies and best practices that were developed since they talk exactly about those things. By applying these sort of design standards you are preventing changes in the district and adverse impacts on adjacent properties. You are doing all of those things. So that is why they should have some standards and why staff pulled them forward. Staff believe that these standards will prevent those detrimental impacts that could occur from a drive-through.

Ms. More asked could we have those standards and still require the special use permit.

Mr. Fritz replied that staff is proposing that the drive-through window will become a by right use, and as long as they met these design standards that he just went through that a drive-through would then be permitted by right. It would not be a use by special use permit. If someone wanted to deviate from the standards, then that would be a special exception and that would need to have a public hearing.

Ms. More pointed out she was a little reluctant to go by right and lose potential control when you look through this and staff has changed language that specifically refers to the Crozet District and the DCD adding in drive-through windows by right. Even with the performance standards staff recommends when you look at the character of the district being unchanged that is a concern since it would be very hard not to change the character of that district even with these performance standards in place. So she worries that there are places in the county where drive-through windows might be asked for where these performance standards might not be enough.

Mr. Fritz said if she was concerned about the DCD, which is a new district and we have had no special use permits for a drive-through in the DCD, you could of course leave drive-throughs by special use permit in the DCD. In the other districts there has never been a case where the Board of Supervisors has stated that approving the drive-through would be a change in the character of the district. That is taking almost 30 years of experience that the county has done. We have done it time and time again, which is an indication that the Board through practice has essentially determined drive-throughs don't change the character of the district that they are located in.

Ms. More said she would say that is probably true for most districts, but with exception to some she could see it be a huge change in the character.

Mr. Fritz noted that there was no track record in the Downtown Crozet District (DCD). However, staff still believes that these performance standards would minimize, reduce or address any impacts that would occur to adjoining properties in the surrounding area.

Mr. Keller invited further questions.

Ms. Firehock said she thought staff's diagrams were very helpful. She was trying to imagine how this would apply to the drive-through window new designs that the Commission are seeing come forward where you have the one window that you pull up to, there is one right next to it, and then maybe there is a third one. She questioned how that works and if there needs to be lots of landscaping.

Mr. Fritz replied that landscaping is not between the travel lanes. However, if you have multiple drive-through lanes the landscaping is between those multiple drive-through lanes and the rest of the world, for lack of a better way of saying it. For those services that have multiple service windows the ordinance speaks to how you measure your stacking lane so that there is adequate stacking. So it is really separating the drive-through from all the other circulation and things that are going on at the site through landscape areas, physical barriers, getting the flow of the traffic to work, and then within those they can widen out and neck back down. You still need that one space beyond the window so you can have a place to collect yourself so you are not just going from two lanes immediately down to one lane. Instead you are going to go to two lanes, a space, and then down to the single point to get back out.

Ms. Firehock asked if each side by side lane in the triple stack would have one pull forward spot.

Mr. Fritz replied yes, that is the way it would be done, and then you would start to transition back to have a control point of access back into whatever the travel lane is that serves the site.

Ms. More referred back to the drive-through the Commission talked about earlier and asked if the Architectural Review Board would still look at the impacts of the drive-through window on the Entrance Corridor and if that process would still be in place.

Mr. Fritz replied yes, the ARB review is still retain. The project has to go through site review and part of that is ARB review of the project.

Ms. More said if it was by right and there were impacts to the Entrance Corridor would the ARB make a recommendation to staff.

Mr. Fritz pointed out in staff working with the ARB in developing this the ARB recommended the drive-through window should be on the side or rear of the building, which is where the ARB always wants them. So that is addressed. The actual physical appearance or design of drive-through windows staff does not know at the time the special use permit is done now. That always has been done at site plan review so nothing changes there. It pulls forward the standard review the ARB has done into a by right review and retains all of the discretionary review that the ARB had in site plans, which they have now and continue to have

Mr. Keller said just a functional question on the new CVS was there seemed to be a situation where if someone was backing out of a parking space they could back into the access stacking lane.

Mr. Fritz agreed that was correct; but, that site does not meet these standards. They would have had to design that site differently. It has two problems. One, it has traffic flow going in opposite directions of one another. Two, travel lanes are not protected from the drive-through lane. That site would not have been approved by right

Mr. Keller said so this indeed is an upgrade of that site.

Mr. Fritz pointed out that site would not have been approved administratively, and they would have had to ask for a special exception.

Mr. Benish noted it requires a parking separation that is addressed now.

Mr. Fritz noted that was one of the questions that was asked when staff took the 5th Street project to the Board of Supervisors and they talked about having these standardized conditions. There was a site the Board had received public comment on that day, which was the Starbucks site at Pantops, and whether or not the conflicts that they had seen occurring out there would be prevented by these standards. The answer is yes, that site does not meet these standards. So there is another example.

Mr. Keller thanked staff. He agreed with Ms. Firehock that the Commission getting more visuals would be helpful.

Mr. Fritz pointed out staff actually looked at every drive-through window either physically going out to them or using aerial photographs to try to figure out in Albemarle County could you really make it work with the proposed standards. The answer is yes, there is nothing magic about the design of drive-through windows and it can be done pretty easily.

Mr. Keller invited public comment.

David Van Roijen said he did not come tonight to comment on this, but it just occurred to him having lived in New Orleans that they have drive-through alcohol. He questioned if we have drive-through ABC Stores or 7-Eleven Stores where you can pick up your beer do you want this by right?

Neil Williamson, with Free Enterprise Forum, said the concept of drive-through Brew-Thru, etc. is generally covered by State Code, but he did not know about planning commissions. To preclude a logical savings based on his 12 years of watching the Board consider these to be a waste of staff time, he encouraged the Commission to move forward with this proposal.

Valerie Long, Land Use and Real Estate Attorney with the law firm of Williams Mullen, said she looks forward to working with all of the new members. She wanted to just comment on this since she worked very closely with Bill Fritz, Sarah Baldwin, Greg Kämtner and others on the staff. We represent the owners and developers of 5th Street Station project, which is the shopping center on 5th Street under construction where the Wegman's will be located. This issue first came up when we were working on that project because we had a number of perspective tenants who were not willing to commit to signing leases at the site without knowing for sure that they would be able to have a drive-through at the property. It included a Panera Bread Restaurant, Starbucks and a bank. Today drive-through windows are absolutely critical for those types of retailers. They did not want to incur the time and significant expense of working through the special use permit process without knowing whether they were going to be able to get it or not. Even though we assured them that we had worked on in excess of 20 special use permits for drive-throughs and we never had one denied, they were not willing to commit. So we worked closely with staff and she would have to say it was one of the most collaborative processes she has ever worked on in 18 years of practicing in Albemarle County. Staff was so wonderful to work with on this. Mr. Fritz did a tremendous amount of research. These conditions, as he stated, not only are more modern, updated and frankly more appropriate to the current design that you see. But, they are actually more restrictive and more effective she thinks in addressing the types of concerns that everyone is looking for. At the same time they are very workable. In fact, the staff is very perceptive to comments both from our clients as well as our civil engineering firm that had designed drive-throughs all around the state of Virginia and in just about every jurisdiction. So staff was receptive to input and technical clarifications. We think it is a great approach to it. It has worked very well so far at 5th Street Station. We have a handful of tenants now who are very happy to know that their drive-throughs are by right.

Ms. Long said to address Ms. More's comment, she thinks this would help a lot because the drive-through

regulations really were intended to ensure that things like traffic flow, stacking and things like that are functioning well. However, she also thinks it can be very helpful for economic development for the reasons she said. She knows that the development of Downtown Crozet, for instance, is a high priority under the master plan. However, she did not know if a drive-through would be desired by every retailer in that location given some of the design. She would hate to add any additional burdens for regulatory hurdles onto a business owner who might not want that, whether it be for a coffee shop, such as Mudhouse, because it probably would not work there. Or, the Green House Coffee if they wanted to add a drive-through, it would be a way to allow it, but also to ensure the site will function well. She thanked the Commission and offered to answer questions.

Morgan Butler, an attorney with the Southern Environmental Law Center in Charlottesville, said he was the point person for our Charlottesville/Albemarle project which works to promote smart growth and sustainable transportation solutions in the Charlottesville/Albemarle area. He thinks the discussion tonight has been interesting. It is worth emphasizing that Albemarle's Comprehensive Plan encourages Neighborhood Model principles within the county's development areas. Among other things, these principles encourage a shift towards more walkable and pedestrian oriented development. Although we are not generally opposed to drive-through windows, they currently do not advance the goals of the Neighborhood Model. Rather, they can undercut them by promoting a more suburban feel and car oriented layout for new development by placing idling cars and their exhaust fumes in the middle of the places that they want people to be walking and be excited to be walking and to be outside of their cars. With these considerations in mind, we think it is important for the county to guard against excessive proliferation of drive-through windows within the development areas. This is especially true for those areas where the county is particularly focused on promoting walkability in the Neighborhood Model. So we think it is worth considering whether the county should continue to require a special use permit for drive-through uses at least in the Neighborhood Model and Downtown Crozet zoning districts. It is worth emphasizing that the special use permit is not a band on drive-through windows; but, it just provides a layer of review and a decision point rather than making them automatically allowed. It is worth pointing out that just because the Board of Supervisors has approved the special use permit applications that have come forward in the past that does not mean that somebody allowing these by right would no longer have the consideration of an application and review. Allowing drive-through windows by right would not change the character of the zoning districts in which they suddenly would be allowed by right. However, he thinks there is more to this discussion than may meet the eye and just wanted to make sure the Commission has these points in mind when discussing it.

Mr. Keller invited further public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Ms. Spain commented that she approves of the Neighborhood Model; but, she is also reminded that there are a considerable number of people, either the elderly or those who are disabled, who can't walk everywhere. The National figures for the percent of Americans with disabilities is 13%, about 14% of the population is 65 and older, and we seem to have maybe a higher proportion of the elderly in this community, and not all of those people can walk and it is an issue of accessibility that able body people are less concerned with than those who can't walk. So, again, she thinks this is one of those issues that has an equity component that is different from just the design component.

Mr. Keller noted that they have had two very important points made that can complement and can be in conflict. He asked how the Commission can move beyond this.

Ms. More asked to reiterate her point about areas such as the Crozet DCD where she hopes that these rules would permit something like that from happening if it were not appropriate. She asked if someone wants a special exception what would that process be.

Mr. Fritz explained the special exception process. If someone was requesting a special exception what they do now is if staff is recommending approval of that with conditions that the applicant is agreeable to that is placed on the Board of Supervisors consent agenda. Of course, the Board can take it off the consent agenda or do whatever they like with it. If staff is recommending denial or recommending an

action that has a condition that the applicant does not agree with, it then comes to Planning Commission for a discussion and then onto the Board of Supervisors for a discussion.

Ms. More suggested if there is a request for a special exception that it immediately becomes a special use permit and this goes through that process.

Mr. Fritz replied that it does not go through a special use permit process. What it does is go through the special exception process, which has a result that is very similar. It is a completely discretionary action at that point. So it is similar in some respects to a special use permit at that point because it is entirely discretionary and the burden is upon the applicant to demonstrate why varying from the standards is appropriate. It is not incumbent upon the county to demonstrate why they should meet the standards. So it carries a burden to the applicant.

Ms. More said they would still come before the Planning Commission and then go on the consent agenda.

Mr. Fritz explained if there were a special exception that would come in it would be difficult at this point in time that staff would feel very comfortable granting much of a special exception or any special exception if this ordinance were adopted because we just adopted an ordinance with standards. Staff generally takes a very limited view of that to say these are the standards, comply with them until there is a track record where the Board has approved special exceptions to say oh okay the standard is normally X number of feet, but the Board routinely grants a 20 percent reduction. Now staff has something to use as a guide. So the likelihood is that for a certain period of time staff would not be recommending approval of special exceptions, which means special exceptions would come to the Planning Commission for discussion and then to the Board of Supervisors for discussion and action. That would help to clarify what the boundaries are that the Board may want to consider for a special exception. If somebody wanted to do a travel lane that did not have a barrier to the adjacent travel way staff would say no, it would then come to the Planning Commission since it is a discretionary action, and it would then go to the Board of Supervisors as a discretionary action just like a special use permit.

Mr. Dotson noted that he was not clear from what Mr. Fritz said about the process for special exception. Does it go to the Board and then only to the Planning Commission if the Board refers it to us.

Mr. Fritz replied no, it only goes to the Planning Commission. The Board can refer it to the Commission. If staff recommends approval, the special exception goes to the Board of Supervisors on their consent agenda. The only way it would then get to the Planning Commission is if the Board said no that they were not comfortable with this, send it to the Planning Commission for them to discuss, and then bring it forward; or, of course the Board can deny it. The other way for the special exception to get the Planning Commission is if staff is recommending denial or conditions that the applicant does not agree with, and then it automatically goes to the Planning Commission before it goes to the Board. This was the procedure that the Board set up after the Sinclair case when they had to do the special exceptions differently.

Mr. Benish said Mr. Fritz's reading is that most likely we are going to follow these standards and not likely deviate from them until we get a track record. So if we are getting these special exceptions it is quite likely that staff will not be recommending favorably, and then the exceptions would be coming to the Commission. Again, that would be based on the concept that we are probably not going to be agreeable to deviations from these standards.

Mr. Fritz said staff typically recommends approval of special exceptions when there is some guidance in the ordinance on how a special exception should be reviewed so it has something to review it against; or, we have a track record or history of how special exceptions have been granted. Since we don't have a track record our default is going to be comply with the ordinance.

Ms. More pointed out she understands since most special exceptions are approved that going through that process can bog down the system. However, she thought if there is a request for any special

exception that it does become a special use request and then go through that process because that means that there is something there that needs to get a closer look rather than the special exception going on the consent agenda and getting pulled and pushed back to the Planning Commission. She thinks that just keeps it in a better flow.

Mr. Fritz said he did not think there was any way to make it go into a special use permit. He noted his point is that staff would not be recommending approval of the special exception so it would come to the Planning Commission and then to the Board, which is an entirely discretionary action just like a special use permit. So the effect is exactly the same as making it by special use permit. He can't think of a mechanism by which we could make it a special use permit.

Mr. Kamptner explained up until now we have tried to keep the special use permit distinct from the special exception. Under the law they really are one and the same; but, localities have carved out different classes. Special use permits right now are generally used for uses. So a special use permit allows an additional use in that zoning district to the party that obtains the permit. Special exceptions are used in Albemarle County as the process for waiving or modifying a standard in Section 5 of the Zoning Ordinance. You can see this section is 5.1.60 so there are 59 other types of uses and performance standards that exist already. Whenever an applicant needs a modification, variation or an exception from one of those standards they go through the special exception process. They are not getting a new use, but just getting permission to deviate from a standard that is in Section 5. They have to demonstrate that the public health, safety and welfare is protected and other criteria that exist in each of those 59 current subsections. The process is also used, for example, in planned developments. The county had an old process where someone could make changes to their application plan, which is the schematic drawing that accompanies a planned development. Once the applicant was ready to develop and realized that certain things needed to be moved around a little bit there use to be an administrative process that the Director of Planning could allow for those minor changes. Those also now go through the special exception process. He thinks that covers all of the purposes for which the special exception process exists.

Mr. Keller said he had a question sort of building on Ms. More's point that he had to ask Ms. Riley. From the CAC meeting last week the subdivision that they were looking at had the one outparcel commercial, and what is the name of that.

Ms. Riley replied Spring Hill Village.

Mr. Keller said he would like to take a hypothetical from that. If we have a Neighborhood Model and because of the mixed use component there is a small commercial by definition might that always be able to be a commercial with a drive-through.

Mr. Fritz replied no, because it would have had to be in the Code that was adopted when the Neighborhood Model District (NMD) was adopted whether or not it is a permitted use because it still is a use. So you could have a rezoning and it will have a list of permitted uses and if it is not one of those listed uses it is not. The interesting thing is that if you have a planned development right now and there is a commercial portion of the planned development that does not list the drive-through as a permitted use, this zoning text amendment does not have any effect on that. By making it by right it does not necessarily have any effect on it either. There is no standard answer because you have to look at what the rezoning was for the particular project.

Mr. Keller said that was where he was trying to get to Ms. More's and Mr. Butler's point of these more general cases might there be situations where there will might be impact on a more pedestrian oriented neighborhood.

Mr. Fritz pointed out the Commission does not have to include it because in the Neighborhood Model District (NMD) it is a permitted use. Not every use gets included in a planned development, Neighborhood Model District (NMD) or any other. There are some that prohibit it.

Mr. Keller pointed out this would be from this point forward so we are interested in that.

Mr. Fritz noted that it is not retroactive. If you believe them not to be pedestrian oriented you would not include drive-through windows as a permitted use within the development.

Mr. Keller invited further discussion. There being none, he asked if there was a motion.

Mr. Fritz noted the last minute change should be to include reference to agricultural districts.

Mr. Kamptner noted what the Commission's action is going to be is a recommendation either for approval or disapproval. If there is a disapproval if the motion maker could articulate the reasons because this will be forwarded onto the Board for their consideration.

Motion: Ms. Firehock moved and Ms. Spain seconded to recommend approval of ZTA-2015-00015 Drive-Through Windows with a modification to the provisions of Section 5.1.60(c) and (d) to include reference to Agricultural Districts.

Mr. Keller invited further discussion. There being none, he invited a roll call.

The motion was approved by a vote of 5:1. (More nay) (Lafferty absent)

Mr. Keller noted ZTA-2015-15 Drive-Through Windows would be forwarded to the Board of Supervisors with a recommendation for approval to be heard on a date to be determined.

The Planning Commission recessed at 7:05 p.m. and the meeting reconvened at 7:17 pm.

CPA-2015-00002 Cash Proffer Policy

The Planning Commission will hold a public hearing to receive comments on its intent to recommend amending the Cash Proffer Policy, which is part of Appendix 3, Growth Management, of the Comprehensive Plan. The proposed amendments would reduce the maximum per unit cash proffer amounts from the current amounts stated in the policy of \$17,500 (adjusted for inflation to currently be \$21,594.77) for each new single family detached dwelling (SFD), \$11,900 (adjusted for inflation to currently be \$14,684.44) for each new single family attached dwelling or townhouse (SFA/TH), and \$12,400 (adjusted for inflation to currently be \$15,301.43) for each new multifamily dwelling (MF) to amounts not less than approximately \$4,918 for each new SFD, \$3,845 for each new SFA/TH, and \$5,262 for each new MF; require that adjustments to the maximum cash proffer amount be considered every two years based on the then-currently adopted Capital Improvement Program and Capital Needs Assessment; and amend the credits to provide an express credit for existing by-right development. Copies of the full text of this Policy are on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia and may be viewed at the County's website at www.albemarle.org. (Bill Fritz)

Mr. Keller asked staff to give the staff report.

Mr. Fritz said Mr. Kamptner is going to start by providing some comments on proffers and how they are used in rezonings.

Mr. Kamptner said he sent out some materials very late yesterday afternoon giving a brief description of what proffers are and some sample proffers from a recent zoning map amendment. He would go ahead and give his a presentation and asked if anybody wants anything in addition to what he had provided in writing. He asked if everyone is comfortable with the description of what a proffer is; how they are different from special use permit conditions; and what their essential features are. Hearing no comments, he would skip that part and go right to Mr. Fritz's presentation.

Mr. Keller asked Mr. Fritz to proceed.

Mr. Fritz provided a brief history of cash proffers.

The Cash Proffer Policy was adopted by the Board in 2007. In April, 2014 work started on amending that policy. The Fiscal Impact Advisory Committee (FIAC) held 18 meetings to revise the maximum cash proffer amounts and to discuss credits and other issues associated with the cash proffer policy. There is a summary of the work of FIAC that is included as Attachment B and D in the staff report.

What staff has done with this project is divided it into two parts or steps. The first is to make technical changes that really should be made to reflect changes in the State Code, our own CIP/CNA, and to reflect existing practices for credits and coordinate updates of the policy with updates in the CIP/CAN.

The second step, which the Commission can move forward with on its own schedule, are longer term discussions that may lead to future amendments to the policy. The Commission may want to discuss credits with the Board at a joint work session or they can move forward with discussions on those and then present those comments to the Board. Some parts of this longer term work will be limited by county resources. We are pulling resources from the Finance Department, Community Development Department (CDD) as well as the County Attorney's Office. The Commission, for example, has requested information on how other localities have been handling changes in cash proffer policies. This requires extensive work by both Finance and CDD. Currently Finance is in the throes of the upcoming budget and so there are no resources there. We are recommending now to move forward with the purely technical changes to the policy we currently have. Making these technical changes does not restrict making future changes.

Changes to Policy

These are the new numbers and are based on the current CIP/CAN for eligible projects. Amend maximum cash proffers as follows:

- ▶ SFD - \$4,918 (2014 value was \$20,987)
- ▶ SFA/TH - \$3,845 (2014 value was \$14,271)
- ▶ MF - \$5,262 (2014 value was \$14,871)

In the staff report staff comments that it is a significant reduction and there is a two part issue to that. One, the State Code was amended to limit the types of projects we can include in a cash proffer policy. Now we can only include projects that expand capacity and not just serve. So that reduced the number of projects we can consider. In addition, the county has really had a maintenance CIP. So there have not been a lot of projects in the CIP/CNA that actually expand capacity and so there are not a lot of projects to look at as being impacted.

Other changes to the policy:

- Amend title to reflect it is a policy to address impacts. It is not just cash, there are other things that can be done, actual improvements for example.
- Establish bi-annual adjustments to policy based on bi-annual adoption of Capital Improvement Program (CIP) and Capital Needs Assessment (CNA). So when you adopt the CIP/CNA you update the Cash Proffer Policy.
- Acknowledges existing practice for credits to exclude dwelling units that can already be developed by-right using the existing zoning when determining impacts.

The Planning Commission may want to discuss removing specific amounts associated with unit types and replace that language with a provision that states that proffers should be proportional and reasonable to the impacts generated by the development. Staff is monitoring the progress of HB 770 in the General Assembly which may require this type of analysis in the future. The Commission may also recommend eliminating the policy entirely. This would not eliminate cash proffers it simply means that proffers would be determined on a project by project basis as was done before the adoption of the cash proffer policy. Staff could manage and implement this change immediately.

Staff has several motions that the Planning Commission may want to consider.

- ▶ I move to recommend approval of CPA 2015-12.
- Or
- ▶ I move to recommend denial of CPA 2015-12
- Or
- ▶ I move to recommend denial of CPA 2015-12 and repeal of the cash proffer policy.

He would be happy to answer any questions.

Mr. Keller invited questions for staff.

Mr. Dotson noted he had some background clarifications. When this came to the Commission back in September and they carried it over to the first meeting in October that was simply a work session. So there was no definitive action appropriate in a work session. Is that right?

Mr. Fritz replied that the Planning Commission made some recommendation and those were all given to the Board of Supervisors. As a matter of fact, included in the staff report is the exact same information that the Board of Supervisors got. So you have as Attachment C, which was the actions of the Planning Commission, and Attachment D, which was a summary of FIAC's work and the Planning Commission's work sorted melted into one. So that was all given to the Board of Supervisors.

Mr. Dotson said that went to the Board on December 9 as a consent item indicating that no action was required, and no discussion either he assumed took place.

Mr. Fritz replied that was correct, and what we did in that December 9 action was that was where we stated that we were going to move forward with this two-step strategy to keep moving forward. It is something we have done with the Board of Supervisors on numerous occasions to say this is what we are going to do and if you don't want us to do it, let us know kind of thing. If the Board does not want us to do it, then they let us know.

Mr. Dotson asked since tonight is an advertised public hearing this is when our recommendations to the Board would more directly come to their attention.

Mr. Fritz replied that was correct, there would be another public hearing at the Board of Supervisors with a more formal presentation.

Mr. Dotson said the last clarification was if there is no new information in what we have tonight from what we had September 22.

Mr. Fritz replied that the only new information the Commission has is the information that they have because of House Bill 770, which sort of throws things up in the air and may render if it gets adopted. We don't know what language it is going to have. If it gets adopted it may render some portions of the cash proffer policy as not really having significant value because it would really require us to do a case by case analysis much like we did before we had the cash proffer policy. We might still want to keep some portions of the cash proffer policy, for example, on how credits are calculated and so forth to give some guidance as to what we are doing.

Mr. Kamptner pointed out that it would have to be completely redone.

Mr. Fritz agreed and that it would be a new document. We would not be giving up cash proffers by not having the Cash Proffer Policy, but just going back to the old way of doing it because we got cash proffers before the Cash Proffer Policy.

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

David van Roijen said he was on the Fiscal Impact Advisory Committee (FIAC). We met many times and danced because we were asked to dance. Did we dance well? No. Did the results we came up with give us good answers? No. Are there more questions to be asked? Yes. The proffer numbers we came up with are so bad because they don't represent the impact to the community and in no way pay back the community for the added burden. The numbers we came up with did not incorporate a lot of areas which they could have looked at, but they didn't. He just did not know why anybody would approve or accept what we proposed or came up with in the way of numbers. He thinks this seriously needs to be looked at much closer. If all else fails, do away with all of this and do an individual proffer policy like you had before, which would be my personal recommendation because he won't say that is the whole committee. However, he thinks that to a man on the committee none of us, and a woman, were happy with what we came up with and how we were hamstrung by the guidelines and what we were told we could use and couldn't use to come up with these numbers. Thank you.

Jeff Werner, representative for Piedmont Environmental Council, said he served on the Fiscal Impact Advisory Committee; but, his comments tonight are with the Piedmont Environmental Council. He did not know if anyone could overstate the complexity of this issue or the amount of time, energy and thinking that the committee put into it during our 18 meetings. So he just wants to say don't be dismayed if you have a lot of questions for staff, we certainly did. But, it is necessary that you work through this complexity because however this policy is revised, amended or even abandoned the impacts and possible consequences will be very real. Certainly there will be a lot of questions for staff that will be necessary to work through the complexity of impacts and measured with dollar signs. People want government to provide certain services and to build and maintain necessary infrastructure. Deciding who funds those services and infrastructure has been debated forever so we are not unique. With that mind understanding and then fully explaining to the community the impact of this change will be every bit as important as decisions to make a change.

Mr. Werner said as you all know the General Assembly has handcuffed us for years on proffers and they are in the process of doing so now in this session. While that is not the only cause for the reduction it certainly was a significant one. The amounts before you came out of the computer model with the parameters that we used. As far as making any recommendations to the Board of Supervisors the options are fairly tight. He would have to admit that he was not really sure what he would recommend that they do. He suggested to weigh these options they should have some level of analysis provided. He likes to see things and some what ifs would be really helpful. If you went this path what would it do just using some past trends? If you went that path what would it do? There are some other questions. There are several thousand approved but unbuilt dwelling units in the growth area, but only 850 of those that are unbuilt are with the current proffer policy. Some people say they are going to come in and request changes. But, what would that mean? They could look forward to see what rezoning we anticipate in the next five years and how that might play out. Finally, he wanted to say the committee did have a lot of questions and there are still some things that are unanswered. He was not sure we will come up with all the answers, but we would like to give it a shot. There are additional categories that could be used in the model. There are some different assumptions, different timeframes and different ways to look at the CIP that could be used. There are even other models to look at. He suggested the Commission ask a lot of questions and request staff to give some scenarios or what ifs so they can all take a look at this and understand what the change might mean.

Mr. Dotson asked Mr. Williamson what was on his tie, and Mr. Williamson replied make proffers fair.

Neil Williamson, with the Free Enterprise Forum, said despite my personal position and the Free Enterprise Forum's political positioning that cash proffers should be eliminated entirely he also recognized the politics of the world and the politics of the possible. He spent this morning working with members of the General Assembly discussing HB 770 that does talk about specific and objective numbers that are attached to impacts from specific developments. That is what they are talking about with cash proffers. They are talking about three things, which are public safety, transportation and education. The idea that cash proffers should pay for in some localities prisons and museums is something we firmly oppose. The idea that this is dropping because of State Code changes entirely is not true. It is dropping because

Albemarle County has invested in a maintenance Capital Improvement Program (CIP). The reason the Commission is seeing this and the committee was hamstrung is because changes in State Code two years ago. He knows government works slowly. He has to say one thing, though, before he goes too far on how slowly this has moved. The group that you assembled to discuss this discussed this intelligently; they had a great deal of variety of backgrounds and perspectives; and he considered them to be one of the better groups that you have put together.

Mr. Williamson said he shared with the Commissioners Free Enterprise Forum's white paper, Contradictory Consequences that is now two years old. This shows specific case studies where by right development moved forward contrary to the Comprehensive Plan in some part because of the cash proffer policy. In order to move forward your comprehensive plan cash proffers are inappropriate. He firmly believes the Commission will be revisiting this plan yet again when the General Assembly finishes its work in March. He encourages the Commission to consider all of the impacts, although just as he said when they reviewed the CIP, he did not think this group is the right group to examine fiscal impacts. Former Commissioner Tom Loach suggested proffers really are the purview of the Board of Supervisors rather than the Planning Commission. He encouraged the Commission to think hard about all of these, but he knows they will be revisiting these again and again as we try to refine the proffer policy and get what is fair and equitable. Yes, the community has demands. Yes, the community has needs. New home buyers should not foot the bill for all the community wants. (Attachment 1 – Contradictory Consequences – A Free Enterprise Forum White Paper exploring how cash proffers negatively impact economic advancement, create false hope and hinder implementation of community supported comprehensive plans prepared by Neil Williamson, President Free Enterprise Forum – Available with the written minutes in the office of the clerk)

Valerie Long, with the law firm of Williams Mullin, supported the committee's recommendations. She shares the opinion that the committee has obviously in their 18 meetings over several years looked at this very thoroughly and came up with a consensus, though while not perhaps unanimously approved. Sometimes when you have committee as diverse as this one was to come up with some numbers that can be reported out of the committee is a thief unto itself. In representing the developers and land owners that are our firm works with she can share that in many cases the realities of a development project do not even permit a rezoning to a design that is consistent with the comprehensive plan when you factor in the cost of the proffers. They are just so high now. When you add in other policies, such as the affordable housing requirements which are laudable, that they also add to the costs. It becomes uneconomically unfeasible for some developers to rezone their property, especially when you factor in the additional costs and time delays that are inevitable. So they end up with the choice of developing by right at much less expense and much quicker; but, the community does not get the type of design that it wants and that is contemplated by the master plan. Often they do not get the amenities that are contemplated by the master plan whether it is trails, quality open space or other pedestrian connections, school land dedications, and those type of things. She thinks at the end of the day the community is not better off when a project develops by right. But, sometimes financially there is literally no other alternative, particularly when financing is required. If you can't finance a project it absolutely will not happen. She thinks they will see a lot of much more quality development that is much more consistent with our comprehensive plan and the detailed master plans that have been so carefully worked out with the community if the proffers are reduced to a reasonable level such as suggested by the committee.

Morgan Butler, with the Southern Environmental Law Center, said the decision of how to revise a proffer policy is certainly an important one. He was a member of the Fiscal Impact Advisory Committee back in 2007 when the current policy was developed. It is important to note that what we proposed in the policy in the per unit cash proffer amounts that were calculated using the policy back at that time we recognize that those recommended proffer amounts did not fully offset the fiscal impact of the new units. For one thing, as Mr. Williamson noted, the policy only looked at certain impacts of certain subsets of impacts: schools, transportation, parks, libraries, and public safety facilities. The policy did not factor in things like water and sewer improvements, jails and landfills. So the recommended amounts we came up with at that time were already below what was necessary to fully offset the impacts of new units. But, on the other hand, we recognized that the amounts were a lot higher than the proffers that had previously been offered and accepted in the county. So he thinks there was an element of pragmatism in not going any

higher. While the county certainly needs to adequately fund services within the development areas, a new development should pay its way, we don't want proffers to be so high that they become a major disincentive to rezone development area land as Ms. Long was discussing. Perhaps to at least in part to that concern the Board of Supervisors reduced our recommended proffer amounts in the final policy they adopted back in 2007, and those are the amounts adjusted with inflation that are in effect today. The point of all of this is that the recommended proffer amounts that are in effect currently are already a compromise. They are too high in the minds of some and too low in the minds of others.

Mr. Butler said now we are at a point where a change to State law and the cutting of projects from recent iterations of the CIP and CNA have the county revisiting the recommended cash proffer amount. Based on those two factors staff is suggesting two alternatives. First, the recommended cash proffer amounts be cut by roughly two-thirds; or, second that the cash proffer policy be repealed either in whole or in part with cash proffers then addressed on a case by case basis. Before making that important decision we think it would be wise to first obtain and factor in some relative scenarios. First, what would the recommended cash proffer amounts be if the county's capital needs assessment were updated to reflect facility expansion needs associated with the recently adopted comprehensive plan as the Commission has previously recommended. Second, what would the recommended cash proffer amounts be if the policy were expanded to include impacts on those categories of facilities he mentioned before that aren't currently included – the water and sewer improvements, jails, landfills, etc. We urge the county to get that information before deciding between the alternatives that have been presented, but certainly before adopting a new recommended specific dollar amount that could severely hamstring the county's ability to negotiate adequate proffers. Thank you for the chance to comment.

James Savage, a member of the FIAC committee, said as a new member of the committee we actually had 18 meetings over 11 months or so. What he found surprising was the lack of information we had to use to make decisions. One of the responsibilities of our committee is to look at, update and ensure the creditability of the models that are being used by the county. What is striking is that we really never had the information needed to determine what were the full cost and benefits of development. He thinks it is imperative that the FIAC committee move forward to look at other models that are being used by other jurisdictions as well as the proffers themselves. So even aside from proffers just to know the true costs and benefits of a development project and current development is something that we need as a committee, and he thinks the county needs in general to make future decisions.

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

Ms. Spain asked if there is going to be a decision from the state legislation in March, or is that clear. She was wondering why we are dealing with this now if there are going to be significant changes in two months.

Mr. Fritz replied that it is a bill so we don't know what is going to happen with it, and this was in motion before that bill was introduced.

Ms. Riley agreed with Commissioner Spain in why we are considering this at this point in light of the potential change in the State legislation. However, she was also concerned as a new commissioner that the lack of information made it very difficult to even begin to think about this issue. She is hearing it from people who served on a committee that met 18 times that there was really a lack of information both in terms of how our development costs are being calculated and that there did not seem to be much of an attempt to really look at how the CIP/CNA could be reformulated as well to reflect these costs and impacts. She wished that the recommendations of the Planning Commission from October had been fulfilled. She fully recognized that staff has limited time; but, she thinks they really should be looking at best practices in the state of Virginia for jurisdictions that have been dealing with the same problems we have and learn from them. She did not feel personally in a position to make any kind of a decision tonight.

Mr. Kamptner noted that the Commission does not have to and can defer taking action even though the

public hearing was held tonight.

Ms. More said it was best said by the people who actually served on that committee that maybe a little more information and some better tools to determine some of those impacts might be beneficial. It includes how are we getting to these numbers and how are we expecting the sudden increase in rezoning will somehow offset the impact of the major change in the cash proffer. There are so many questions she has. However, she thinks it was best said by the committee members since there was so much that they need more information about.

Ms. Firehock said as an old Commissioner of two years she can tell you she shares the same sentiments and finds it refreshing that both viewers are concerned as she is. She does a lot of computer modeling and you know the old adage that all models are wrong and some models are less wrong than others. She did not understand enough about what went into that model and how it was constructed. She also understands why the number is lower. She has a question for Mr. Kamptner and it goes to the point that Commissioner Dotson was just bringing up about the fact that the Board did not really seem to respond to all of the questions that were asked. In looking at what the Board got from the Commission, it says the Commission recommended that since the credits involved achieving the goals of the comp plan that the Planning Commission be asked by the Board to consider the various recommendations of the Fiscal Impact Advisory Committee related to credits and report back. So in order to consider the amount of cash proffers wouldn't the new things from the Comp Plan that the Commission have proposed in our adopted comp plan have to already be in the CIP in order for that to be considered in the equation of what our context is in order to be considered.

Mr. Kamptner replied that they should be. Most of these items have not made it into the CIP or the CNA yet because the comp plan was adopted in June and the CIP is considered in the spring ahead of the adoption of the Comp Plan.

Ms. Firehock said potentially since we have this bold new comp plan when we would come back and revisit it at six month intervals, as it is discussed we would potentially have new projects in there that would necessitate recalculating the amount of the cash proffer that we are talking about.

Mr. Kamptner replied yes, and that factored in with this legislation which really does turn everything that we have right now in place upside down at least if the legislation stays as it is drafted.

Mr. Dotson noted one way that he is hearing this is that all of us share a concern with doing due diligence and really understanding what we are getting into. On the other hand it is incredibly complicated and not going to have a perfect answer. In some ways it makes sense to carry this item over to another date because it is too much to digest in one meeting. On the other hand, he did not want to fail to make progress depending on whether we might be able to advance the cause. His thought is that in looking at those 6 to 8 other jurisdictions over the next couple of months and compiling a list of the capital needs from the new comp plan and the master plans would be useful in making the Commission feel more comfortable with what our knowledge base is and move the process forward. If this bill does not change everything, then at least we have advanced the cause a bit by understanding it better so that we could make better recommendations to the Board. He thinks his opinion is that those two work items examining other jurisdictions, not all of them, and compiling the list of those capital needs are doable in a short term without a great deal of effort and he thinks would help frame the issue better.

Mr. Keller asked if he would like to put that in a form a motion.

Mr. Dotson replied that he can, but asked if staff would like to respond to that idea first.

Mr. Fritz said he had no idea. Right now we just don't have a lot of resources to be able to go and compare with other jurisdictions. The comparison we were doing isn't just a simple so hey guys what are you doing? It is also trying to address the whole issue of what models do you use or the changes in the models. It is important to remember, which is included in the packet, that the actual directive that was given by the Board of Supervisors in Attachment A, is actually very narrow in scope. It was to use the

same processes that were used in 2007, an imperfect model, and use the CIP/CNA, an imperfect CIP and CNA, to come up with numbers; and to make some recommendations on credits and some other things. The credits is a very complicated thing. The Commission has asked the Board to provide some information on the purpose behind credits and what the fiscal impact of those are going to be. So what you are doing we can do. However, in essence what you are saying is expand the scope of the directive that the Board gave. That is going to take some considerable time. Simply coming up with a list of projects out of the comprehensive plan is not going to give you any information on the actual numbers. It is just going to give you a list because if you say the comprehensive plan says to provide this amenity, then where and how much is it going to cost. We don't have those numbers. Until you have those numbers the numbers in the cash proffer policy are not going to change. So until you have actual real numbers to use you can't amend the policy. So just coming up with a list of projects is just a list of projects to go then to develop numbers for. It is a first step; but, it is just that a first step. That is why we are trying to break this into two parts. Do the first part that just acknowledges what we have now. Staff agrees with the people we spoke with about FIAC that it is an imperfect tool. However, it is the tool that we have, and it is the one that the Board directed us to use. So that is what we use. Both FIAC and the Planning Commission have said change the tools. However, that is a bigger project. So staff is trying to move forward with the particular project that the Board gave to us, the Planning Commission and FIAC, and then to expand that project into a redevelopment of the cash proffer policy. So that is why we are trying to address it in this way.

Mr. Dotson said looking at the four point directive, point 4.3 is the one that is getting the most attention. It says update the county's maximum per unit cash proffer amount by dwelling unit type. That is what he thinks they are primarily focused on and not shopping for a new model. That was not in the new directive. But, he thinks that was the recommendation of the Fiscal Impact Committee. However, most of his concern was on understanding what it means to modify the maximum per unit cash proffer. Looking at 6 to 8 other jurisdictions does not mean getting inside the model that they are using. It means how much are their proffers; what changes did they make subsequent to the 2013 legislation; do they include only 5 years, 10 years, or 20 years of capital projects based on their comprehensive plan. Those are not nearly as complicated of questions. He was able to do some of that himself on the phone. It is not that difficult to compile a list of capital needs granted. What they would ultimately like is a dollar figure beside them, but just looking at if the current CIP does not include 3 new elementary schools, (he is making that up) that would be called for in the comp plan simply saying 3 new elementary schools is some information. So he did not think it is as big an undertaking as might seem to exist and he thinks that a can do attitude would mean that some rule of thumb, some kind of quick and dirty estimates would help us understand a lot better and may answer many of the questions.

Mr. Firehock asked to give a quick reaction, and then put our chairman on the spot. To Mr. Fritz, reading between the lines of what he just said to us, you essentially said the Board did not ask us to do anything additional in the way of analysis or recommendation; therefore, we should not. She thinks what he is hearing from the Commission is we want to do a good and thorough job and a number of the Commissioners do not feel that we have enough information to do that. What she would like to put him on the spot for is rather than trying to find some star trek method to download your brain because you sat on the committee we have heard some conflicting comments from members of the Fiscal Impact Committee and would like to hear a bit of Mr. Keller's reaction in terms of where do you think the committee got to and whether or not you think that what we have before us reflects what came out of the committee. She knows that is a big question, but she was struggling with the conflicting testimonies.

Mr. Keller said he thinks we should go back to the elephant in the room, which is what the best policy is as a Planning Commission. Some folks like Mr. Williamson have pointed out that fiscal issues should not be where we are going and we should be going on the planning side. As he sees it the elephant in the room is the best way to meet the goals of our comprehensive plan especially in the growth areas accomplished by the proffer policy or by a comprehensive rezoning. If you did the comprehensive rezoning you would be calling out what you want to happen in those areas. But, when you do it you are taking away the need for the zoning change which gives you the proffers. So Mr. Cilimberg suggested to us all in one of our meetings that we should consider that as a viable alternative, and other staff members did, too. If our goal is to have higher density to have Neighborhood Model, a comprehensive rezoning

may be the best way to do that. If you do that then the second part of the elephant in the room, which seems to be what a lot of the attention has been about, there is an income stream that is potentially lost. So he thinks it is important just to go back to that very basic point and everyone needs to think about that first. That was one of the pieces that came out of the Fiscal Impact Advisory Committee recommendations. While knowing the whole history he feels a need to be a bit on the side of defending staff on this because they worked very hard to provide the information and some of what Mr. Dotson has actually talked about was shared in those terms. There are some interesting things that happened in some counties that really reduced their proffers, and that should have been part of the discussion.

Mr. Keller noted, again, this is something in my chairmanship that he thinks they need to address. He knows that Ms. Firehock feels the same way. We need to have more time to talk about some of these things if it means other meetings where we can expand our discussions on other topics and hear from the public and staff about them. But, often we are dealing with the procedural matters and we don't have time for those kinds of discussions. He did not believe the proffers have the proper airing at the Planning Commission, and then when he learns that it was on the consent agenda to the Board of Supervisors he can't help but be miffed. There was an awful lot of people power that was put into it. Quite frankly, if he really wanted to call it out there was a lot of senior staff that sat in a lot of hours of meetings. From those of us that have come from the private sector that was lots of billable hours. When he hears fellow commissioners ask for a little bit of information and he thinks what the billable hours would be to provide that he can't help but scratch his head and say what the heck is going on.

Mr. Keller said he thinks that the recommendation that was made by the Fiscal Advisory Impact Committee and by the Planning Commission to the Board of Supervisors are still relevant and still important. He understands that there are some technical pieces, Mr. Fritz, like renaming what this is, and looking at the by right part because it in effect has become a de facto standard anyway. Those are no brainers. But, to bring this whole group, especially these new folks up and to have clarity for the citizens of Albemarle, he thinks that they need to have a more comprehensive discussion of the proffer system and he did not know that really involves a great deal of staff time. However, the work that came out of the committee needs to be day lighted; the work that staff did needs to be day lighted; and in a better manner than we did at that last meeting or that we have time to do tonight. Mr. Keller asked if there were any suggestions on how to move forward. The alternatives were to defer, ask for reconsideration by the Supervisors or recommend approval.

Mr. Dotson said he would state an opinion. Perhaps a year or a littler earlier than that the Board of Supervisors made it clear when they sent an item back to the Commission that they wanted us to complete our work and be clear in our recommendations to them before sending items forward. That happened on one item. However, if that is the general inclination of the Board, then he would say if they were to take two more months and to achieve that clarity before sending something to them that would certainly be consistent with the Board's desires. Alternatively, the Commission could ask the Board if that is what they want us to do and try to get that on an early agenda of theirs and then begin that process. However, that would take more time. So my inclination is to say defer and to have additional information brought to us that is feasible and achievable but would help us to bind the issue while not studying it to death.

Mr. Keller invited discussion.

Ms. Firehock agreed with Mr. Dotson.

Mr. Keller asked Mr. Dotson if he would like to state his opinion in a motion.

Motion: Mr. Dotson moved that the Planning Commission defer consideration of CPA-2015-00012 and request of staff that additional information be brought to the Commission in line with the other jurisdictions and the capital needs of the county as identified back in the September 22nd and October 6th meeting. He would say that does not include the review of alternative fiscal impact models since that is another study and a long term effort. Then staff should schedule that on meetings as soon as possible so that the Commission can have adequate time to understand and discuss the issues to forward concrete

recommendations to the Board of Supervisors.

Mr. Kamptner noted this will be an indefinite deferral which allows staff time to provide the information and then we will advertise and hold another public hearing when it does return to the Commission.

Mr. Dotson said otherwise the Commission would have to continue to a date certain.

Mr. Kamptner agreed, but pointed out staff may need the flexibility to figure out how much time it is going to take.

Mr. Benish pointed out if they want to daylight the information you probably want to notice it and have a public hearing anyway.

Mr. Keller said he did not want to amend the point; but, it seems there is this other part of frustration that they have heard from the Fiscal Impact Advisory Committee (FIAC) members. The Fiscal Impact Advisory Committee did a lot of work; have really received no feedback and really don't even have a scheduled date for their next meeting. Therefore, he wished there was some way in this that we could include them in whatever information comes forward. However, he did not know if there was a manner to do that. He would hate to lose that energy, effort and brain power of the Fiscal Impact Committee's interest in jumping into looking at other models.

Mr. Kamptner noted that he would have to look at their rules. However, their chair may have the ability to call a meeting so they can assemble here as a meeting of FIAC in a joint meeting with the Commission if that is their desire.

Mr. Dotson and Ms. Firehock agreed that was a good idea.

Mr. Fritz noted what Mr. Kamptner said was an interesting point. He asked if the Commission wants staff to bring this back as a work session or a public hearing, which gets to Mr. Kamptner's point about re-advertising.

Mr. Dotson replied it could either be a work session or public hearing.

Ms. Firehock said she preferred to have a work session so the Commission can have a discussion rather than having some background documents before us to be determined and then another vote. She questioned if she should be amending the motion or seconding it; but, thinks they should give a specific list of what the Commission wants to have discussed at that work session. The Commissioners had said other information and some of the things were in the resolution. However, she does not want to be sitting at the next meeting wishing that staff provided other information. So maybe Mr. Dotson and Mr. Keller could get together and talk about what that list would be since they were on that committee and introduced this, and then circulate it.

Mr. Kamptner agreed that is fine.

Ms. Firehock said she did not want to sit and think of everything that would be on the list right now for what they want in that work session. But, she also does not want to be sitting in the work session wondering why didn't they include X, Y or Z.

Ms. Firehock seconded the motion.

Mr. Dotson said part of that was to defer and bring the information back in a work session and then subsequently schedule a new advertised hearing. Maybe it is a separate matter, but it sounds like there is a little drafting committee that is being proposed to precise some of the information that would be examined in that interim.

Ms. Firehock agreed.

Mr. Keller asked Mr. Dotson to restate the motion.

Motion: Mr. Dotson moved that the Planning Commission defer further consideration of CPA-2015-12 pending the opportunity for staff to bring additional information to a study session and to request the Fiscal Impact Committee members, according to their availability, to join us for a joint meeting study session.

Ms. Firehock seconded the motion.

Mr. Keller invited further discussion.

Ms. Firehock asked if a separate motion was needed that the two Commissioners would talk and send a list.

Mr. Kamptner replied that he thinks that is understood and that a voice vote was fine.

Mr. Keller asked for a roll call.

The motion for indefinite deferral passed by a vote of 6:0. (Lafferty absent)

Mr. Keller thanked the Commission for a thoughtful discussion on this topic.

The meeting moved to the next agenda item.

Old Business

Mr. Morris asked if there was any old business.

- **Committee Assignment List distributed for consideration and discussion.**

Mr. Benish noted the committee assignment list had been distributed tonight. Staff did not expect the Commission to make any decisions tonight. The list is just to give the Commission the status in order to have a discussion next week under old business to settle on the appointments perhaps at that time. Hopefully it is correct for what the Commissioners suggested and is just for their information and consideration.

Mr. Keller pointed out the following:

- Regarding Places 29 Community Advisory Council Liaisons North, Daphne Spain is the appointee since the only person who expressed that interest.
- The ones they need to look at where there are two names, which means two Commissioners expressed interest. He suggested they speak to one another about it and decide who would be the representative. Mr. Dotson explained before that he is an appointed as well as our representative on the ACE Committee. So Ms. More if you wanted to be the PC liaison he was sure they could work that out easily.
- Then we have three vacant committee. He wanted to clear it with Mr. Lafferty about the Citizens Transportation Advisory Committee (CTAC) because he said he has resigned from it. However, he was not sure if Mr. Lafferty was interested if there wasn't other interest in that. So we need a clarification for him on that.

Mr. Keller asked Ms. Firehock if she had said she had staff working on the National Heritage Committee.

Ms. Firehock replied that she was saying that was not necessarily to be a permanent liaison role and that was to provide some technical expertise while they were working on a project that they have since obtained more technical expertise. So she did not think that was intended to be a standing

representative. She pointed out the committee also voted to meet on Tuesday nights, which created a physical impossibility unless they move their date.

Mr. Keller asked might they be able to remove National Heritage Committee liaison from the list.

Mr. Benish noted for a number of these committees there is not actually an official expectation for a planner commissioner. Some of these have evolved over time with just general interest. There are a couple of committees that do speak to a specific commissioner. Traditionally what they have done over time is when there was a commissioner and that person left if there was interest we got that information and forwarded it to the Board of Supervisors for them to determine what the final steps were for that position. He did not think there was a need to have someone on the National Heritage Committee so if there is no interest that does not mean that there is a vacancy that has to be filled.

Ms. Firehock pointed out she was still working with them, but was just not saying she was the PC liaison.

Mr. Benish noted the Commission did have a planning commissioner involved through that grant process and that might be good enough for now.

Mr. Keller said it seemed that Mr. Randolph in his parting words was saying somewhat the same thing in terms of the Solid Waste Committee.

Mr. Benish replied that was correct. There is not a particular expectation for a planning commissioner to be on the Solid Waste Committee, and Mr. Randolph was on it because of interest and desire.

Mr. Keller asked might they take both of these off the list at this point.

Mr. Benish agreed if there was no particular interest that they want to forward.

Mr. Keller noted they would get a clarification from Mr. Lafferty on the other one and then they can proceed. In addition, the Historic Preservation Committee has two persons expressing interest.

Ms. Firehock said the Historic Preservation Commission was a passion of mine, but she would be happy just to meet for coffee and tell them all of the things that she thinks could be improved in regards to the historic preservation in the county.

Mr. Keller noted with that then he would assume they were saying that Ms. Riley was going to be that liaison for the Historic Preservation Committee. He was assuming that Mr. Dotson and Ms. More were going to speak about the Capital Improvements Program Oversight Committee and get back to us at the next meeting. He noted that they were close to finalizing the committee list.

Mr. Benish pointed out he would let the Clerk of the Board know that we are not filling Mr. Randolph's position on the Rivanna Solid Waste Authority Committee just in case there is an interest from that perspective. Staff will get back to the Commission if they do have an interest, and the same for the National Heritage Committee.

Mr. Keller invited other discussion on this matter.

Ms. More pointed out they just had a private discussion and since Mr. Dotson will be on the ACE Committee in a different capacity that she would be the liaison for the Planning Commission. Then Mr. Dotson would stay on the CIP for a year and then they can revisit that because she will continue to be interested.

Ms. Keller asked if it was fair to say that when someone has a special interest like Ms. More has in that or Ms. Firehock has in historic preservation that person would be welcome not as a real representative but a shadow representative that could go to meetings if there was an interest.

Ms. More said that was part of our discussion that she could learn a lot from him before she is fully committed to it about what that looks like. There was a lot of time ahead that she would be able to get onto that committee.

Mr. Keller noted that they have clarification on those two as well.

Mr. Benish asked Ms. More what committee she would be on, and Ms. More replied it was the ACE Committee.

Mr. Keller noted that Mr. Dotson would be on the CIP.

- **Letters of appreciation to be sent to recently departed commissioners.**
- **Planning Academy scheduled March 8 from 1 to 3 pm at County Office Building-McIntire Rd.**

There being no further new business, the meeting proceeded.

New Business

Mr. Keller asked if there was any new business.

- The next Planning Commission meeting will be held on Tuesday, February 2, 2016.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:23 p.m. to the Tuesday, February 2, 2016 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

The meeting was adjourned at 8:23 p.m.

David Benish, Secretary

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