

**Albemarle County Planning Commission
June 16, 2009**

The Albemarle County Planning Commission held a public hearing, meeting and work session on Tuesday, June 16, 2009, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Don Franco, Marcia Joseph, Calvin Morris, Bill Edgerton, Thomas Loach, Vice Chair and Eric Strucko, Chairman. Ms. Joseph arrived at 6:17 p.m. Linda Porterfield was absent. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Elaine Echols, Principal Planner; Judy Wiegand, Senior Planner, David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Neil Williamson, Executive Director of The Free Enterprise Forum, distributed copies of a public statement dated June 16, 2009 that had been approved by his board. He read the statement into the record. (Attachment A – Public Statement dated June 16, 2009 submitted by Neil Williamson)

Mr. Strucko thanked Mr. Williamson for his comments. He noted that the Planning Commission appreciated for his comments and was looking forward to the Free Enterprise Forum's continued participation in Places29.

There being no further matters not listed on the agenda for this evening, the meeting moved to the next item.

Review of Board of Supervisors Meeting – June 10, 2009

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on June 10, 2009.

Work Sessions:

Places29 - Chapter 4 Tables and Maps, Chapter 7 Design Guidelines

Staff will present Chapter 7, Design Guidelines for the Places29 Area to the Planning Commission. Later during the work session, staff will review changes that have been made to the Land Use Tables from Chapter 4, Future Land Use Plan & Transportation Network. These changes reflect the Commission's direction during a previous work session. (Judy Wiegand and Elaine Echols)

Ms. Echols pointed out that she was going to talk about Chapter 7 Design Guidelines and Ms. Wiegand was going to talk about Chapter 4 Tables and Maps. They are looking to get some input from the Commission in terms of what these things mean. She presented a PowerPoint Presentation and explained Chapter 7 Design Guidelines. (Attachment – PowerPoint Presentation)

The Design Guidelines received from the consultant were very involved in a thick document. They contained guidelines relevant to both Places 29 and the rest of the Development Areas. Staff felt that it would be best to concentrate on the Design Guidelines that were specific to the Places29 area separate from those Design Guidelines. Recommendations that could be used throughout the development areas would be brought to the Commission at a later date. Staff took from what the consultants provided and pared it down for the Places29 Master Plan to two areas:

- Frontage conditions for Entrance Corridor & Proffit Road
- Creating Clear Boundaries with the Rural Areas

The general design guidelines for the development areas take what was in the Neighborhood Model relative to design and provide more detailed information that staff hopes is helpful for staff, the applicants and the Commission.

The General Design Guidelines for the Development Areas will provide design guidance on:

- Streets, blocks, & interconnectivity
- Buildings: orientation, setbacks, facades, massing
- Grading and topography, environmental features, green systems
- Relationships among land uses
- Parking: surface and structured
- Parks, plazas, and open space
- Stormwater management
- Land development sequencing

A description of the five frontage conditions are in the material as well as a map that shows what those different conditions are. The five frontage conditions were.

1. Urban Frontage
2. Landscaped Development
3. Landscaped Residential Yard
4. Open Landscape
5. Forested Buffer

Urban Frontage

- Designed for high levels of pedestrian activity
- Buildings oriented toward the street
- Minimal building setbacks

Pedestrian Zones within Urban Frontage

- Planting & Furnishings Zone
- Pedestrian Through-Zone
- Transition Zone

Use of Landscape Condition where area is shown as Urban Frontage – by exception

- Significant grade difference between the EC street and the site
- The area between a parallel street to US 29 is not wide enough to create a block
- A grade separated interchange is proposed and an urban frontage can't be achieved

*Landscaped Development

*Use of Landscape Frontage in new development

*Landscaped Residential Yard

*Open Landscape

*Forested Buffer

*Creating Clear Boundaries with the Rural Areas

(*See PowerPoint Presentation for bulleted points)

These conditions have not gone to the ARB, but have been reviewed by the ARB staff. This is a very important part of the plan because when the ARB reviews projects on the Entrance Corridors they need some guidance on expectation for the roads, building orientation, where should sidewalks be and where should street trees be.

In addition to the frontage conditions, the plan also shows six boundary conditions. Staff explained the six types of boundary conditions, as follows:

1. Urban – Developed
2. Urban – Landscaped
3. Rural – Residential
4. Rural – Fields
5. Rural – Forested
6. Riparian/Floodplain

Staff noted that there are exceptions to each boundary type. The map provides the guidance as to location and the plan provides the guidance as to how to make it happen. Staff will be bringing the general design guidelines for development areas to the Planning Commission in the future.

Ms. Joseph arrived at 6:18 p.m.

Mr. Strucko asked if there were any questions concerning Chapter 7.

Mr. Loach noted the forested buffer really looks nice, but he questioned since the landscaping looked very planned who was going to maintain the area. This would be nice if there is a county maintenance department that can go and maintain these areas. The layout on the different types of boundaries was good. When they did the Crozet Master Plan they planned the boundary to decrease out but they planned them all around centers. So depending where the center was approximate to the edge would depend on how far down that density went. But the center itself may be on the edge. So it might be appropriate to have very high density because that is where it is. He thought that the graphics were very good and easy to understand particularly on the urban frontage. The landscaping softens that stark look that they have going up and down 29 right now. On the grade separated interchanges it shows a multi-use path on each side. He asked if the multi-use path goes with the interchange or is it something that would continue up and down 29 as part of the design of the road.

Ms. Echols replied that it depends on what the final design is for that interchange. The idea is that they have the pedestrian access there.

Mr. Loach said that it was great, but to just have pedestrian access on the underpass so people can get through and not continue it is not good. It is an answer for the bicycle mode of transportation.

Ms. Echols noted that it might turn out to go into a sidewalk or it might need to be more of a multi-use path on one side if they don't have bike lanes. Certainly on 29 those are going to be things they are going to have to deal with. Regarding the question on 712 about the deep forested buffer, she noted that what is in the right-of-way she believed the county would be expected to maintain. Anything out of the right-of-way would be expected to be maintained by the property owner.

Ms. Monteith noted that it was all very readable and the graphics are good. On the frontage map she noticed that there are some large portions directly on 29 that are urban frontage. She wondered how realistic that is. She asked if there would be traffic calming in that area so that cars would not necessarily be going by at 55 miles per hour while other people are trying to sit in cafes and relax. That was just one question she had about that and how that is going to really work out in reality. On the landscape development frontage staff was trying to improve areas that are in transition, but it was not clear what would happen to those areas in the long run. Staff talks about a condition while they are in transition, but is there a determination or direction that staff wants them to achieve in the long run. On the boundary map she found herself looking at the text and trying to relate where the Entrance Corridors were located on the boundary map. She suggested adding one more legend item on the map where they highlight where the Entrance Corridors are so that it is easier for the reader to make a relationship between the text and the graphic.

Ms. Echols replied that on specific development proposals that had an urban frontage condition, like Albemarle Place, staff tried to capture that in the plan. For the stretch of road from the interchange with

Rio Road down to 250 they are to get a more pedestrian friendly stretch of road through there.

Ms. Wiegand noted that had been one of the issues staff really worked on with the consultants, especially the transportation consultants. They are planning to put sidewalks on 29. They do plan that buildings will come up to 29. But they are expecting that there also will be a lot of pedestrian traffic on the parallel and perpendicular roads where they expect more of the centers to actually be located. So they may find people walking up and down a sidewalk on 29 for a short distance. She would expect that, especially when areas redevelop, that pedestrians are going to be spending more of their time on the parallel and perpendicular roads going into and out of the centers there. The traffic on some of the side roads will serve those centers so that US 29 will be more for through traffic. She was not sure that it was going to be a 55 mile an hour road when it is finished. But it will be fast enough that it is something that they will have to balance very carefully. For example, Ms. Echols mentioned the Albemarle Place development. They would expect some pedestrian traffic around the outer edge of that development, but they would certainly expect that there would be a lot more going on in the center. A place like that is designed so that there are buildings set right up against the street, which has a streetscape, but it pulls people into the middle to do all the things that are in the center of it. So staff would expect pedestrian activity to be more internal to these sites than along 29. There will be sidewalks so if they want to be on 29 they can.

Ms. Echols said that the stretch along 29 between 250 and Rio where there are some fairly hefty stretches of urban density is where road improvements are planned that would help create a more pedestrian friendly environment. Speeds would be lower because traffic is starting to enter into the city.

Ms. Wiegand noted that the other question was the land development frontage and what happens in the long run.

Ms. Echols felt that they were looking at right now was the first ten years of the plan. They would be updating this over time as they see the redevelopment taking place. Right now they would not expect a whole lot of change to take place. If change is occurring they would certainly want it to come into a more urban appearance. But they would be reevaluating that in the next ten years.

Ms. Joseph did not support the forested buffer of 80' or 100' and thought that amount was too much. She felt that the land in this area is extremely expensive and they were taking away a lot of useable space. She could support the landscape development. But she also thinks that they are not being honest in showing people that there is development behind there. There is light industrial behind there, etc. So she can't support that. The other thing as she was looking at the sections from the road where staff was showing where the sidewalk was in relation to it. If they were going to take a big swath in some areas she thought that the sidewalk should be closer into the property than to the right-of-way. What she was reacting to was some of these areas where they slow down a little bit where the lights are and then speed up further on.

Ms. Echols asked if they had an alternative width that she thinks would be appropriate.

Ms. Joseph said that she did not necessarily think that they should hide the buildings. She felt that they should stick to our hard edge concept in that here is the end of the growth area and they were in the rural areas now.

Ms. Echols asked if she meant on the boundary and not the frontage.

Ms. Joseph replied that she was talking about the frontage on 29, which was what staff was referring on this map and calling it a forested buffer from the river all the way to the growth area. There are a couple of areas where they have some orange shaded landscape development. She could not support that because it was way too much land that they have in the growth area where they would have 100' worth of trees. She was not with staff on that concept.

Ms. Wiegand pointed out that the reason they have a forested buffer from roughly Polo Grounds Road north almost up to Hollymead Town Center was that was requested by the community during their public meetings. The public wanted to see that area preserved as looking rural. They also have it at the northern end once you get out of the growth area. They can certainly look at the part that goes through

Piney Mountain and the northern part of Hollymead. But that green at the southern end of Hollymead is there because the community requested it. That is why the 80' to 100' was requested.

Ms. Joseph noted that was a lot of area.

Ms. Echols said that staff and the applicant got into some difficult conversations with the North Pointe project because the ARB asked for a buffer between the development and the Entrance Corridor. Because the grade of 29 was so different at the r.o.w. than where development would take place on the property, there was no easy way to create a face to the street. So rather than have the suburban look, the ARB was recommending that they have more of forested buffer look on parts of it. Staff, the applicant and the ARB really struggled on what that width should be. They came up with 50' that was the minimum that the ARB was recommending. She understands what Ms. Joseph was saying, but noted that there are some topographical challenges along 29 especially in this stretch. When they look north of Airport Road, the commercial part has an urban frontage condition; however, a buffer probably is needed adjacent to the residential development. A buffer may not be appropriate between there and Lewis and Clark. But when one gets up towards Camelot, there are some pretty hilly areas. There are some places where it may make some sense to have a forested buffer, but she understands what Ms. Joseph was saying in terms of the width of it. Staff will try to recommend a different width to the Planning Commission to look at in the future.

Mr. Joseph said that the current regulation is for a 30' setback for a building and 10' before being able to start parking on sites. She wondered where the sidewalk is going to be the maintenance responsibility of the property owner instead of the public.

Ms. Echols replied that in residential developments, the expectation is that maintenance begins past the sidewalk on the individual property. In the nonresidential developments it may depend on what the function of the sidewalk is. She deferred it to David Benish.

Mr. Benish replied that it will depend on where there are public road improvements. A sidewalk or trail for the section from the river at Polo Grounds Road up to Ashwood would probably be built as part of the widening of the road project. It would be within the right-of-way. It is our intention to get sidewalks within the right-of-way. Up until very recently and the budget constraints of VDOT that has been the acceptable approach. Mr. Benish thought that the County is going to have to gauge what improvements can be done within a development project and what can be put within a public right-of-way. The County desires to have it within the state right-of-way. In reality there will be sections that may be subject to a private homeowner's association or commercial association to maintain.

Ms. Joseph said that the County would have to think about what they want within that width. If within that width these are private sidewalks, then that has to be taken into account. Then what type of landscaping if they are looking at this landscaped buffer and then is it significant and do they want groupings of trees. Then how much room do the trees need. She was not prepared to sit down right now and sketch something out. She could do that, but not right now. So she did not know what number to provide at this point in time. She thought that there was something less than 80'.

Mr. Loach felt that it was a good idea as the speed of the car was increased to increase the distance to the bicyclist. By using the picture he felt that it was a good idea to separate the bicyclist from the high speed cars. Then when the speed limit decreases the bicyclist could be merged back in like in the city where they have the bicycle paths and they can get through. He agreed with Ms. Joseph that 80' to 100' was too much. Whatever was shown in the photo appeared to be a good idea, which was probably 20' to 30'.

Mr. Strucko noted that the point was well taken that it may be too large.

Mr. Morris agreed that it was a lot of valuable property if it was between 80' and 100'.

Mr. Franco agreed with Ms. Joseph and said that he was not sure that development needed to be screened. He felt that softening it was important, but he was not sure that completely hiding it is a

requirement in his mind. This still deals with the forested buffer condition. He was less concerned with the value of real estate. He recognized that it was expensive, but that it was really back to whether they were trying to screen and completely hide it or they were just trying to soften it. The other thing he would comment on is from the frontage condition about how it might be appropriate for residential uses to have a bigger buffer. He agreed with that statement, but thinks they ought to write this so it is a condition that can be accommodated but isn't prescribed for all conditions. The way this is written even if it is not a residential use it is going to have that prescribed 80' to 100' buffer. He thought that it is more important to outline the goal, which is to soften it but not necessarily screen it.

Mr. Strucko felt it was pretty sound advice. If it is the community that is really concerned about the buffering he was looking at the stretch that was currently a cemetery and the residential areas of Hollymead and Forest Lakes. He thought that was Mr. Franco suggested was pretty prudent. The intent is to soften as a response to the community's desires to have a buffer between a major roadway and a residential area. As they look into the future of possibly decades of redevelopment that condition may change along that section of the roadway.

Ms. Echols said that it is really important for staff to get guidance from the Commission on whether or not there are any places that they really want to have a screen or a forested buffer. In the past there has been a desire to have a fairly thick forested buffer in certain places to break up the appearance of the corridor. The desire has been to have a change in the scenery and there is not so much suburban area. She asked for guidance if they want more of a landscaped area and softening throughout that entire stretch or if there really are places where it is important to break up the appearance of continuous development and see something that is not landscaped. It is really a manner of what the Commission wants this stretch the road to look and feel like. Staff can accommodate it either way. If it is buffering staff can bring something back to the Commission in terms of some different recommendations. For screening they will need to have enough distance in there if they are going to use trees to have a stand that can be established. It may not be 80', but it is probably not 20.

Mr. Edgerton noted that he was confused. Some residents put a lot of pressure early on in the process that existing residential communities not be part of this plan. They did not want anything to change. He felt that it was safe to say that this plan has responded to that. There is no suggestion to a parallel route on the east side of 29, which was originally part of the earlier discussions. He was trying to figure out what it is staff is asking the Commission to propose if they are not allowed to interfere with what has been developed already. He asked what sort of buffer staff was proposing.

Mr. Edgerton further said that staff is asking how wide this buffer should be, but the areas under consideration are people's backyards now. Most of the area from Polo Grounds Road up to the Hollymead Town Center on the east side of 29 is already developed or not in the development area. He was struggling to understand the proposal and the reasoning behind it.

Ms. Echols said that south of Forest Lakes South there is a stretch of road from Polo Grounds towards Ashwood along 29 where there really is not any development right now. The question would be, should a forested buffer be there or should there be more landscaping. Certainly, across at the more commercial or multi-family residential area they already have more of a landscaped condition. Based on what the Commission was saying, the staff should reevaluate what happens from Hollymead up to Timberwood on the frontage of 29 and see whether or not that is something that should be perhaps more of a landscaped development and less of a forested buffer. Similarly on the west side of the road there was some discussion about the stretch of road from the river going north towards Hollymead Town Center. That is something if the Commission thinks should have a landscaped buffer on that side the map can be changed. She would like to bring more specifics back to the Commission with some recommendations based on the Commission's conversations tonight about how staff might be able to address their concerns.

Mr. Strucko said that sounds like a good idea. He invited public comment on Chapter 7.

Neil Williamson, of Free Enterprise Forum, asked staff to pull up the urban frontage slide.

- The map includes Airport Road as urban frontage on both sides. He notes that it is adjacent to

the new church and post office. There has been significant infrastructure spending. He knows that they are looking for a long term plan. He was still trying to understand what plan. He heard ten years tonight, but it was a 20 year plan. When he looks at the Six Year CIP there are really not sidewalks that are approved to be budgeted to be built. He was trying to put all of that together and was struggling to understand the idea.

- Airport Road right now contains some pretty good light industrial uses. This Commission has been concerned with light industrial uses and where they fit and don't fit. The reality of airport travel has ruined a number of businesses that had placed restaurants inside airports beyond the gateways so that they could serve passengers and the folks traveling with them. They now have difficulty making that work. He would suggest that the airport is a destination, but is not really a destination that they leave from to go to the shops that are on Airport Road and then go back to. So how that center really works is a question.
- There is a question of Proffit Road and bringing that condition across 29 to Proffit Road. He asked if this is what the residents and businesses want to see. When he looks at this he was having some difficulty seeing this development occurring this way with this frontage. He could see some of the other frontages working there. He was opposed to this frontage in some places, but just picked out that one particular instance as a good example of would it work there and where are the residential uses that feed into it along with the light industrial uses and how does it all come together with the current uses. He asked what the residents and business owners in this area think of this. He raised that as a question for discussion.

There being no further public comment, Mr. Strucko closed the public comment section. He noted that Mr. Williamson made a good point. He asked what the story was in designating urban frontage from the airport across 29 to Proffit. Neighborhood centers were designated in there.

Ms. Echols replied that the Airport was a district and major employment area. The uptown is a fairly large area particularly on the north side of Airport Road that should have a distinctive frontage. The plan has an expectation that this would be neighborhood friendly and oriented such that people from the airport could walk to places to shop or eat along Airport Road. They would not want to have just a strict industrial look along that entrance corridor.

Ms. Echols said the point is well taken that the County is trying to help the light industry and our industrial properties along Airport Road. But Airport Road is still an Entrance Corridor. They need to have an appearance and a walk able area along the entrance corridor. It is such a short stretch at least on the north side between Airport Road and over to that industrial area. South of there they have an expectation that they would have a Neighborhood Service Center in the center.

Ms. Echols said that there are businesses along Airport Road that are undergoing redevelopment. The County has had several development proposals over the last ten years for properties that are closest to the airport. There is a proposal coming soon for the office building on the south side of Airport Road closest to the airport near the Deerwood Subdivision. Staff thought that a more urban look and feel was more appropriate, but wants the Commission's input.

Mr. Strucko noted that there was a significant investment of infrastructure to facilitate pedestrian activity. It is more appealing now that staff has described it as an employment center where the people working there during the day may want to move around on foot to do various things. That he could understand.

Ms. Echols noted that a small area plan is recommended for this particular area. Airport Road already has sidewalks on it. There are some pieces in place already that they can build on, especially when they work on the small area plan.

Mr. Loach noted that there was a mixture of residential and commercial in that area.

Mr. Strucko asked staff to present Chapter 4.

Ms. Wiegand presented a PowerPoint Presentation on Chapter 4 primarily on the Land Use Tables and Future Land Use Map. Staff described some of the changes made from the Commission's direction

received at the March 31, 2009 work session on the maps and tables. At that work session the Commission identified a series of directions and issues for staff. Staff has worked through the comments and reduced them into five different issues. Staff reviewed the following five concerns in detail and made changes in the maps and tables as outlined in the attached PowerPoint Presentation.

1. Concern about the mix of uses in multi-story buildings and adequate parking;
2. Open Space should not be just a fountain; need a minimum of 10% of each Center;
3. Interest in maximizing the amount of mixed use so that services are close to where people live;
4. Are two-story grocery stores (retail) feasible? Staff expanded that idea to include retail in general.
5. Desire to avoid existing problems – such as large parking lots fronting the road – and how to guide developers away from more suburban style centers.

Staff asked for guidance and direction from the Planning Commission on Chapter 4 maps and tables changes.

Ms. Joseph raised some concern over adding the definition of “Flex” since it sounds like a regular old manufacturing facility and everyone knows that is what it does.

Ms. Wiegand replied that they were asked to put light industrial into that mix by UREF. Staff felt it was an appropriate thing to do because it fit within what UREF was looking for and they could see it in other office research and development areas that are not in the research park but also in other areas.

Ms. Echols noted that flex is a current term used to describe both the use and space.

Ms. Joseph noted that if they get flex space then they can break down the walls as the company grows.

After discussion it was determined that redundancy was okay and the definition of flex would be left in referencing flex space and flex use.

Ms. Joseph asked on page 4-7 – for more clarity under the Heavy Industrial list specificity on the impacts regarding why staff thinks heavy industrial is more intense than light industrial by staff listing a couple of examples.

Ms. Joseph noted that on page 4-8 under primary and secondary uses there was some confusion where it said exemptions may be granted . . . and then it says examples include examples of neighborhood retail. In reading the examples she said that it appeared to be part of the exemptions. Only primary uses appear to be included.

Ms. Wiegand offered to clarify this section.

Ms. Joseph said that in the table it appeared that some of these are secondary uses in some of the different categories.

Ms. Joseph said that on page 4-12 in the reference to moving and warehouse distribution, that it is sort of an example, too, because some times moving businesses are not semis. Sometimes it is local persons that have big trucks. She hoped that they would not expect for them to have to fit into this category.

Ms. Wiegand noted that this plan is for guidance. When they get into the specifics of what kind of truck traffic they can have in which district that is a question for the zoning staff. Again, a person with one or two trucks is going to be different from one of the big movers that might have 20 or more. That is a decision that they have to make when they get into the particular proposal.

Ms. Joseph noted that on page 4-10 where they are talking about contractor’s office and storage yard in a general commercial service does that reflect our current zoning ordinance, too. She could not remember.

Ms. Wiegand replied that she would check.

Mr. Morris said that maybe they were stuck with one-story grocery stores and so forth. However being in the Chester area at the junction of Route 1 and 10 there is an Ukrop of at least one and half stories with a beautiful restaurants where one gets food downstairs and then goes upstairs and eats. Therefore, he was not convinced that two stories should be eliminated for grocery stores and retail.

Ms. Joseph questioned what happened on page 4-24 in the last sentence. It appeared to have something missing.

Ms. Wiegand agreed that on page 4-24 regarding semi-open space the very last sentence is not finished. Staff will fix the sentence and expand it to be clearer. It should read, "These slopes should be considered when the property is redeveloped." Staff is concerned about open space when development proposals come in and wants to make sure that as often as possible it is preserved, which is what the sentence is trying to say.

Mr. Franco expressed a concern in understanding how the neighborhood retail service is going to work, especially at Westfield. He offered to review staff's sketch and offer some suggestions. The concern was about how they were going to execute this or how they are giving direction to people, especially in redevelopment on how to create or prioritize things. The question was raised how the street is supposed to feel as it redevelops since the properties are owned by different owners. The ten percent open space is reasonable, but he was not sure when they have redevelopment across a number of different properties with different property owners how they are going to create meaningful open space without some kind of coordination. It is going to be difficult. So it starts to say they are going to force the developer to buy the whole street in order to execute a plan that is meaningful there. He still had concerns about how the street is supposed to feel as it redevelops. One of the things in their calculations and he would not mind sitting down outside of this venue and going through it. It did not include setback yards, which is a pretty big number. It is probably 8,000 square feet if it is just 10' on the side, front and back. Typically they are a little larger in places. He knew they were talking about going to a different model, but those numbers start to add up. As a rule of thumb in the past they have used 12,000 for office per acre. He thought that staff was at 20,000 and is getting a lot more on the land than they are.

Ms. Wiegand suggested that staff would be pleased to work with Mr. Franco on sketches and diagrams.

Ms. Echols said staff would welcome the opportunity to sit down and work through the Westfield example. Staff has spent a lot of time on it, but it is not fleshed out.

Mr. Franco offered to assist, but did not want to get into the graphics too much.

Mr. Edgerton noted that it was hard to wrap your mind around the abstract in the presentation on the geometry of developing changes going from one to two stories and the parking. The ideal thing would be if all of the owners get together to come in and redeveloped it. He agreed with Mr. Franco's concern about how the master plan deals with the specific area in Westfield which is under separate ownerships and how the multiple owners can fill in the pieces of a long range plan and make it realistically happen.

Mr. Franco noted that if it was only 200' deep can it do all this or should the boundary be extended out or brought back in. That is important to understand. It is important to understand how the massing will work as it goes vertical.

Ms. Echols noted that on page 4-24 that the issues were introduced, but it may not be clear enough. It says provisions of parks and open space will be more challenging in the redevelopment of centers. Parcel by parcel development may not afford opportunities for large civic areas. In this event at least 10 percent of the area to be redeveloped should be devoted to civic uses. But, where a large public amenity such as a county park is already within walking distance of the center and pedestrian access will be provided to the amenity, the required open space may be reduced or even eliminated. But where an amenity is provided, it needs to correspond to the needs generated by the development. For example, if the property is to be developed as a retail use without any residential uses perhaps a plaza is more suitable than a public park one-half mile away. Staff is trying to accommodate those concerns,

recognizing that the redevelopment could take place parcel by parcel. Or, it could come in as several parcels being redeveloped together. Or it could even be larger than that. The benefit of the Shopper's World example was that it was all under a single ownership and they could see how that could more easily be redeveloped. In the Westfield example it is a little more confusing because of the size of the parcels. Staff will work with the Commission on that to make it clearer.

Ms. Monteith noted the following concerns for staff to think about.

- In review of Albemarle Square's phasing example it appears that this is a community center and it is not fulfilling the green park piece. Therefore, if they use that an example they probably want to use an example that shows that. If they don't know if this is a 10-, 15-, or 20-year development time line there should be some way to try to get that green space in the development on the early side so they would have a much better opportunity for it to be a central focus in the space.
- On page of 4-24 a lot of the text makes sense, but the only concern was the option that it could be reduced or eliminated. Another way to look at that would be to require it but to land bank it some where.

Mr. Strucko invited public comment on Chapter 4 of Places29.

Neil Williamson, of Free Enterprise Forum, handed out tax revenue data that has been released by the Chamber of Commerce. The Virginia Department of Taxation sales tax data was compiled with Wither Cooper showed retail sales during the first quarter of 2009 compared to the first quarter of 2008 that they were down in Albemarle County by 12.78 percent. They were down in Charlottesville by 13.59 percent and Augusta County by 21.9 percent. But retail sales rose in Green County by 10.62 percent. It rose in Louisa County by 38.13 percent and in Waynesboro by 10.35 percent. He felt that it is important to recognize that the change in sales revenue has an impact on the county's financial condition. The Planning Commission does not sway over 100 percent of the issues involved with sales tax and why things are moving to other places and opportunities that are arising in other localities. However, it is important information when they consider the current conditions, which is one of the things that they consider in comprehensive plans. On page 4 – 3 there is a segment that says changes from the existing use to the new use designated in the master plan are expected to be driven by the real estate market and decisions made by property owners and developers. He was not certain that it was correct or incorrect, but would suggest that reality says that the implementation of regulations that support this comprehensive plan change will also have an impact on the implementation of this plan. He thinks that it is important to recognize that the chart that is included with the packet talks about footprints that one segment talks about a building footprint over 20,000 square feet. That is a decision that this Commission has clearly made. He was not convinced yet that is the decision that the general public is fully supportive of. He thought that staff's explanation on the slide with regard to the need to move it to two stories in order to get 20,000 square feet was an excellent example of the challenges that development faces. He thought that it would be helpful to know the cost associated with going to two stories. There has been significant discussion of structured parking. It is important to note the cost of pedestal parking or structured parking which enters into the cost of any development program. He wanted that part of the equation to be part of the discussion because this Commission has said that if they want to come to Albemarle they are going to do it our way. These numbers suggest that some folks are moving out of Albemarle and sales tax is going with it.

There being no further public comment on Chapter 4 of Places29, Mr. Strucko closed the public comment section and bring it back to the Commission for additional comments and questions. He asked staff if the Commission had addresses all of the issues tonight and did they get a clear sense of direction.

Ms. Echols and Ms. Wiegand replied yes that staff had received clear direction.

Mr. Strucko said that in looking at Mr. Williamson's figures he would have to agree in part that certainly there has been some sale's tax increases if he was reading these charts correctly in adjacent communities. That could suggest that there has been an increase in commercial activities there. But another thing he would note on these numbers is that Albemarle County is over the one million dollar mark monthly in sales tax revenue whereas Green is not even at \$100,000 monthly. They may be at a different capacity in terms of our commercial activity than Green is, but Green has the ability to grow

much more quickly than Albemarle does. But that is just one element of interpretation here and he would like to just add that.

Ms. Wiegand asked that they go over the tables at the suggestion of Ms. Joseph.

Ms. Joseph said that in LU2 looking under office, HI includes retail uses. She was seeing that they are saying okay to go and use retail in those designations and wondering if staff thought about putting any limitations on that.

Ms. Wiegand replied that they had talked about a maximum. They had not put one here because this is intended to be guidance. Staff was concerned if they put in too specific a number for some of these things that it may make it difficult if a developer's proposal was slightly larger than 15 percent. If the commission would like to put a specific number in, staff would be happy to do it.

Ms. Joseph asked how it works if one comes in with a piece of property designated in the comp plan as light industrial and looks in this and it says retail uses. Since it is in a center they could do the retail use.

Mr. Strucko noted that it would be cheaper to purchase a light industrial zoned property to do retail versus retail zoned property.

Ms. Wiegand noted that the key word in the box on the table is "incidental." In other words, they could only have retail as a part of the primary use in that area. In other words it would be a showroom or, if someone developed an office park, they could put in a restaurant or a small office supply store. But the retail or commercial has to be incidental to the primary use.

Ms. Joseph asked that staff put that as the first bullet.

Ms. Wiegand said that retail is incidental to primary use in this designation.

Mr. Edgerton asked that it be the first bullet in light industrial and heavy industrial. It says retail uses are encouraged to locate and centers may be located around centers by exception. He thought that Ms. Joseph's suggestion would apply to both of those columns and was a good suggestion.

Ms. Joseph acknowledged that staff had convinced her that stories were better than height.

In summary, the Planning Commission made comments and suggestions, but took no formal action.

Old Business:

Mr. Strucko asked if there was any old business. There being none, the meeting moved to the next item.

New Business

Mr. Strucko asked if there was any new business.

Don Franco read the following statement into the record:

"Earlier this year after accepting appointment to the Planning Commission I wanted it to be known that I resigned as a Director of both the Blue Ridge Home Builder Association and the Free Enterprise Forum. I stepped back from my leadership role in these organizations because of the required time commitments and to help ensure that as a Planning Commissioner I was equally accessible to all citizens and to help ensure that I could be reached by the Rio District residents as well. I continue to be a supporter of organizations which provide critical analysis and promote honest dialogue in educated decisions.

Late last week the Planning Commission issued a public decision regarding comments which accompanied the release of the Free Enterprise Forum's Places 29 Reality Report. I regret that I was out of town and did not participate in the Commission's discussions. For the record I support the use of

current dollars when analyzing financial requirements of Places29 and I fully support the Planning Commission's public statement.

That said I wanted to encourage the community to move forward and review and adopt a transportation and land use plan which not only addresses our future vision for this area, but has an implementable framework as well. I wanted to make that known because there was some discussion about my role in some of these other organizations."

Mr. Strucko thanked Neil Williamson for the comments he made earlier in the meeting. He felt that at this point they should just simply move forward and continue as been with a very constructive relationship. There are multiple opinions even among the Planning Commission. They do benefit from active community participation from the business community, environmentalists, homeowner associations and regular citizens. He was glad that they have settled their disagreements and can continue with a constructive dialogue moving forward. He thanked Mr. Franco and Mr. Williamson. As an individual Commissioner he was ready to push forward.

New Business:

Mr. Strucko asked if there was any new business. There being none, the meeting moved to the next item.

Adjournment:

With no further items, the meeting adjourned at 7:49 p.m. to the Tuesday, June 23, 2009 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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

Public Statement of The Free Enterprise Forum
June 16, 2009

Attachment A
Planning Commission
6-16-09 Minutes

In 2002, then Governor Mark Warner dramatically changed the manner in which transportation projects costs were determined when he mandated the Virginia Department of Transportation (VDOT) use project year dollars instead of constant year dollars in the Department's six year plan. According to Governor Warner, this common sense approach gave a more realistic projection of actual construction costs and helped minimize the annual shortfall of millions of dollars as projects were completed over their planned budgets. That's prudent planning and governance.

Last month, the Free Enterprise Forum released the 'Reality Check' report regarding the cost methodology used in Places29's Technical Memorandum #11. Just as Governor Warner did in 2002, the Free Enterprise Forum report called into question the validity of using constant year dollars instead of using an inflation escalated number to better capture the likely costs when the projects are actually constructed.

The Free Enterprise Forum stands squarely behind the data in its report, but the media release that accompanied the report unnecessarily ramped up the rhetorical tone of the discussion.

The fact that the costs selected to appear in the Places29 report may mislead the public by suggesting lower project costs than are likely, does not rise to the level of "deceit". It is simply the way staff and the Albemarle County Planning Commission (ACPC) chose to represent the costs of Places29. While disagreeing vehemently with that approach, the Free Enterprise Forum regrets what was an inartful characterization of it. In addition, we regret the release did not acknowledge the Planning Commission's thorough public discussion of this issue.

The Free Enterprise Forum's media release expressed its significant and ongoing frustration with the Places29 process and with the current draft report that:

- contains cost figures for projects likely not to begin for several years and which may take twenty or more years to complete that do not account for inflationary factors [yet inflated traffic projections are used] (Reality Check Report).
- retains costs that are dramatically lower than previous VDOT cost estimates (see the 29TH/250 Corridor Study) for comparable tasks to be assumed in Places29 and do not appear to adequately reflect the costs for right-of-way acquisition and utility relocation, which, together, may, in fact, cost more than the actual road construction at the proposed grade separated interchanges.
- lacks an economic impact analysis for a corridor that is the commercial lifeblood of our community where more than 20,000 jobs are located with an annual payroll of almost one billion dollars and along which a large percentage of local real estate, sales, meals and business license tax revenues are generated.
- lacks easy citizen transparency (the costs are in a technical memorandum on the Thomas Jefferson Planning District Commission web site, not on the County's Places29 web site).

(Submitted by Neil Williamson under Other Matters Not On Agenda)