

Albemarle County Planning Commission
August 11, 2009

The Albemarle County Planning Commission held a public hearing, meeting and work session on Tuesday, August 11, 2009, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Wayne Cilimberg, Director of Planning; Amelia McCulley, Director of Zoning; Francis MacCall, Senior Planner; Bill Fritz, Director of Current Development, David Benish, Chief of Planning; Elaine Echols, Principal Planner and Judy Wiegand, Senior Planner.

Call to Order and Establish Quorum:

Mr. Strucko called the regular meeting to order at 6:01 p.m. and established a quorum.

Committee Reports:

Mr. Strucko invited committee reports from the Commissioners.

- Ms. Joseph noted that the MPO Tech Committee met and received an update on Places29 from Mr. Benish. There was discussion about the Sunset-Fontaine Connector. Details of the discussion can be found in an article in Charlottesville Tomorrow a couple of weeks ago. Ms. Joseph noted it sounds as if the Sunset Connector is not a favorable alternative now as it was when the Commission reviewed Biscuit Run. Mr. Cilimberg noted that there was question of feasibility or in other words it is going to be very expensive to build.
- Mr. Loach reported that the Crozet Advisory Committee received surveys from over 700 people with over 1,000 comments. The survey was really well received by the community. An open house was held yesterday (8/10) for the public to look at the data. During the master plan revision these comments will give a good indication of where the community wants to go.
- Mr. Strucko reported that the School's Long Range Planning Committee is beginning its four or five week process to review the capital needs for the school system for the upcoming fiscal year and five-year time period. The committee will review demographic information to anticipate what the schools need. Population growth in the county is being reviewed to see if there is adequate classroom space. Mr. Strucko hoped that information will work its way to the Commission as they review the CIP for budget considerations.

There being no other committee reports the meeting moved to the next item.

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. There being none, the meeting moved to the next item.

Review of Board of Supervisors Meeting – August 5, 2009

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on August 5, 2009.

Consent Agenda:

Mr. Strucko asked if any Commissioner would like to pull this item from the consent agenda.

- a. Approval of Minutes:** June 17, 2008, May 5, 2009, May 19, 2009, June 9, 2009 and June 16,

- b. **AFD-2009-00003 Sugar Hollow AF District Review** - Planning Commission referral of the Sugar Hollow District to the Agricultural/Forestral Districts Advisory Committee (as required in Section 3-204(B) of the County Code), for the District's periodic (10-year) review (as required in Section 15.2-4311 of the Code of Virginia). The district includes the properties described as Tax Map 25 Parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28; Tax Map 26 Parcels 5A, 9, 10, 10B, 10D, 10F, 11C, 11D, 12A, 13, 19, 40B, 40C, 41A, 52, 52D; Tax Map 27 Parcels 8, 8E, 26; Tax Map 39 Parcels 2, 2A, 3, 4, 14, 15, 25, 25A; Tax Map 40, Parcels 1, 9, 9C, 10, 10A, 10B, 10C, 12B1, 22, 22A, 27A, 46C1, 49. The district includes a total of 4,944.34 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

THERE IS NO REPORT FOR THIS ITEM

- c. **AFD-2009-00004 Chalk Mountain AF District Review** - Planning Commission referral of the Chalk Mountain District to the Agricultural/Forestral Districts Advisory Committee (as required in Section 3-204(B) of the County Code), for the District's periodic (10-year) review (as required in Section 15.2-4311 of the Code of Virginia). The district includes the properties described as Tax Map 97 Parcels 21, 21A, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 22C; Tax Map 98, Parcels 1G, 11, 12, 13, 14, 30. The district includes a total of 1,560.6 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

THERE IS NO REPORT FOR THIS ITEM

Mr. Strucko asked if anyone was present to speak regarding any item on the consent agenda. There being none, the item was before the Planning Commission.

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

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

Work Sessions:

ZTA-2009-00015 Changes to the Property Lines of Nonconforming Lots

Review and Discussion about Changes Allowed for Nonconforming Lots Related to Adoption of Resolution of Intent to Amend the Zoning Ordinance. (Amelia McCulley)

Ms. McCulley presented a PowerPoint presentation and summarized the executive summary. Staff distributed the following information: 1) List of Key Counties on how other counties treat redivision of nonconforming lots and 2) Copy of PowerPoint presentation.

This proposal is limited to a discussion of redivision of one or more nonconforming lots. They are not talking about the situation where it is a subdivision and as a result additional lots will be created. Staff is trying to limit this discussion and provision to the case where no new lots are created. It would include the kind of situations where there are three lots and end up with two lots or two lots and end up with two lots. It is a redivision or a combination through two nonconforming lots. There are specific regulations in the Zoning Ordinance where one of the lots is conforming and the other nonconforming. That is working well and addressed pretty adequately in the ordinance.

A nonconforming lot predates regulations and it does not comply with the regulation in a couple of different ways. For example, the minimum size, the lot width, and the frontage. The road frontage has two components. One is it has to have a certain measured distance along one of the sides of the lot that it fronts along a road. The second component is a requirement for it to be eligible to count as road frontage it has to be a road that the county has approved. Therefore, all of the old roads in the County that never came through for any kind of subdivision approval don't count as a road for the purpose of road frontage, which means that all of those lots on those roads are nonconforming to the zoning ordinance. Another

example of an aspect of nonconformity for a lot is lot width. This is just about the lot and it is not about nonconforming uses or structures. That is a whole separate discussion.

The latest amendment to our ordinance on nonconformities happened in 2000. The focus was on the situation where they were getting recurring variances where people had existing nonconforming houses and wanted to do additions. So they really addressed how that worked in terms of setbacks. Then they inadvertently made some changes that they did not intend. There have been some recurring variance requests for lots that are on roads that never went through any county approvals. The Code requires when there are recurring variance requests to look at our ordinance to see if it is reasonable or whether it needs amendment.

The proposed ordinance changes, several examples and options to address the issue were reviewed. Two questions raised were:

1. What are the extent and the standards whereby we will allow redivisions and boundary line adjustments.
2. Are the standards that they chose to set applied to all of the lots in the transaction or to at least one lot. Is it good enough that they have an improved situation for at least one of the two lots in the transaction.

The options to address the issue include the following:

- A. Exclude lots on unapproved roads from the definition of nonconforming lots.
- B. Return the language to what was intended by the 1989 ZTA.
- C. Allow redivision that is more conforming to the zoning ordinance in general.
- D. Allow redivision as long as the resulting lots are not in any respect LESS conforming.

After consideration of these options staff recommends option B, a return to the prior ordinance standard. This allows redivision only after positive findings that the resulting lot or lots better meets certain key standards and goals of the Comprehensive Plan. Staff recommends limiting the scope of these amendments to the combination of redivision of nonconforming lots. The division of nonconforming lots would remain subject to more rigid standards.

Mr. Strucko invited questions for staff.

Ms. Porterfield asked what happens to the person trying to get the septic field on their lot. She asked if they have to come in to get the variance in the three examples given if they go with Option B.

Ms. McCulley replied that with Option B it can be done administratively. If the applicant can confirm that the purpose for the boundary line adjustment is to accommodate the septic field on the property that it serves, then staff would approve that administratively. That is something that would make sense and staff would want to approve it. The problem is the language sets the bar high. In the case of the septic field example the property that is acquiring the septic field is improved in terms of meeting the general regulations. It is hard to prove that the property that is losing the septic field is improved in terms of its nonconformity. So any way they go they need to clean up the language to better allow the things that they intend to allow.

Ms. Porterfield noted that she leaned toward option D with the other caveats put in. She felt that might be more useful in a county that has so many private roads.

Mr. Loach agreed with option D with the proviso.

Ms. McCulley noted that obviously more boundary line adjustments would qualify under option D because they would not have to prove that they were better meeting some standard.

Ms. Joseph disagreed and supported option B because it gives staff standards to look at based on all of

the work that they have put into the Comp Plan and Zoning Ordinance.

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

Roger Ray, land surveyor and land planner for 37 years, supported the ordinance amendment. It has been a great injustice to rural property owners to not be able to adjust boundary lines for many reasons. It is only when you have two nonconforming lots that you have problems. He has surveyed many boundary line adjustments in the county and has encountered many times encroachments across boundary lines such as fences, driveways and sometimes even houses. They are able to readily fix those problems if one of those lots is conforming. But the rule in Albemarle County is such that if both lots are nonconforming that most of the time they can't adjust lines because of the way the ordinance is written. He encouraged them to make this change. He had been working with staff for five years because it is an injustice for property owners not to be able to take care of these matters. Sometimes it is to adjust building sites. He encouraged the Planning Commission to adopt option D with the suggested change that they can't create additional lots by doing that. He felt that would catch all situations. He could not see any harm done by allowing boundary line adjustments as long as it does not make an issue more nonconforming.

Neil Williamson, with Free Enterprise Forum, asked the Commission to consider the options to address the issue, the staff implications between B and D, the demands on staff, the cost to impact these issues and the benefit. Allowing the division as long as the resulting lots do not in any respect become less nonconforming and with the addition of not creating a buildable lot as a result of the redivision seems to be a reasonable response to what is an issue between neighboring property owners trying to work it out without having to make the case for finding support in the Comp Plan to support the boundary line adjustment. He suggested that they keep the kernel rule simple.

There being no further public comment, the matter was before the Commission for further discussion and action.

Mr. Strucko noted that staff needed a sense of direction from the Commission on which of the four options they prefer.

Mr. Loach and Mr. Morris preferred the modified D option.

Mr. Strucko reiterated that Ms. Joseph preferred Option B because of the requirement to comply with the Comprehensive Plan and other regulations.

Ms. Joseph agreed since that option made it clearer and easier for staff and the applicant to understand the process. It sounds as if that option would make it cleaner for staff to be able to make a decision based on some of the documents that the Commission works on.

Mr. Morris said that he heard Ms. Joseph's argument, which was an extremely good one. When he read over the options initially assuming that they wanted to clean this up, he questioned why not go all the way to Option D. However, he heard staff say that could lead to problems. He asked staff if that was correct.

Ms. McCulley replied that she was not sure that it could lead to problems with the proviso staff has added in the modified D as long as they make sure they have building sites and are not creating building sites where they don't exist except theoretically. Option D is not a problem to administer because they don't have to go through a lot of analysis. However, just in terms of planning principles they have historically followed Option B most commonly. That is what staff is turned into when finding out the story and why they want to do it. It is improving the situation, which makes sense. Therefore, they should accommodate that.

Ms. Porterfield preferred the modified D option. She felt it would be hard for someone with one lot who wanted to build their house and have a little bit more land. She was not sure they could find something in the Comprehensive Plan that says yes that they should be able to have two more acres on that side of their house.

Mr. Franco preferred the modified D option. He suggested some modification to the language so that there is no net increase amongst the lots for buildable areas. He could see reason why he might want to buy additional acreage from his neighbor to build a second home on his property. Potentially the way this is written he would not be able to do that. He would want to make sure that if he gained an extra lot on A that it would be lawful as far as buildable area so it would be no net increase in lots amongst the two.

Mr. Strucko noted that four Commissioners are in favor of the modified D option, but he was indifferent. If he was forced to choose he would probably side with Option B and go with staff's recommendation. He thought that there was a substantial number of Commissioners here in support of the modified D option.

Ms. Monteith noted that she was indifferent, also.

Mr. Strucko noted that the majority was moving towards a modified D option.

Ms. McCulley noted there was just one last point of clarification in the question of whether it was at least one lot or all lots involved in the transaction. If they are going with option D, then that is irrelevant because there is no increase in the nonconformity. So that decision does not need to be made. But, she may need to explore with Mr. Franco how they would administer the no net increase in the lots. But, she liked that idea.

Mr. Franco asked how staff would administer it for one lot with no increase in buildable lots.

Ms. McCulley replied that the most flagrant situations don't come up very often. An example is 20 acres of floodplain with five development rights and no building site that then adds land from an adjoining property that has the building site that they use their development right with. That is a lot easier to see. It is going to be a little tricky. Staff will have to look at the critical resource mapping for both parcels and make sure staff can follow what they are doing so they are not picking up buildable area without transferring development rights. She asked if that what he was talking about.

Mr. Franco replied yes. What he was trying to say was they were not trying to increase the number of building sites in the County by doing this. He certainly thought that they should allow property owners to trade properties so if someone wants an extra building right and it was available on the adjacent lot that they can purchase that right and the acreage that went with it.

Ms. McCulley said that she had the Commission's direction. She pointed out the Commission needs to take an action on the resolution of intent in order for the staff to go to public hearing with the text amendment.

Mr. Franco asked if staff needs to bring the revised text back to the Commission with Option D as the option.

Ms. McCulley noted that the resolution of intent is written broadly enough so they can go straight to drafting ordinance language and scheduling the public hearing. She will check with Mr. Kamptner. Staff needs the Commission's resolution of intent approval in order to take that next step.

Motion: Mr. Franco moved and Mr. Morris seconded for approval of the resolution of intent for ZTA-2009-00015 Changes to the Property Lines of Nonconforming Lots.

RESOLUTION OF INTENT

WHEREAS, Section 6.4, Nonconforming Lots, of the Zoning Ordinance establishes regulations pertaining, among other things, the division, combination, or adjustments of boundary lines of nonconforming lots; and

WHEREAS, the County has received a number of variance applications pertaining to the division, combination or adjustment of the boundary lines of nonconforming lots in recent years; and

WHEREAS, Virginia Code § 15.2-2309(2) provides in part that when a condition or situation of a property is of a general or recurring nature created by the zoning regulations, the recurring condition or situation should be addressed by amending the zoning regulations; and

WHEREAS, County staff has found that the current regulations pertaining to the division, combination or adjustment of the boundary lines of nonconforming lots can lead to results that are contrary to sound planning principles.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Zoning Ordinance §6.4 and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein; and

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

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

Mr. Strucko noted that the resolution of intent for ZTA-2009-00015 was approved.

In summary, a majority of the Planning Commission (4:2) supported Option D with the proviso added by Mr. Franco that there would be no net increase in the number of allowable lots. Staff will develop zoning text incorporating the Commission's comments and schedule the public hearing.

Places 29 Expansion Area

Places29, Potential Expansion of the Hollymead Community – Work session to consider possible expansion to the southern boundary of the Hollymead Community west of US29 and north and east of Rio Mills Road. (David Benish)

Mr. Benish noted that the Planning Commission had discussed reconsidering potential expansion to the Hollymead Development Area and requested staff to come back with text and map changes for their discussion. As background he reviewed prior conversations about the expansion areas, as follows.

- About two years ago they discussed four areas to expand. One area was in Hollymead, which the Commission was considering tonight. There were three areas in the Piney Mountain area. Staff recommended the original expansion for Hollymead South that the consultant had recommended at the time as a way to support funding for the Berkmar Drive Extended and to take advantage of the existence of Berkmar Drive in that area to provide for an area to support the future growth.
- Staff has provided revised language for the expansion area in Hollymead South. There have been some changes made from the prior proposal that the consultant provided, which provides for a total less acreage. In the proposal provided by the consultant it was primarily residential neighborhood density and urban density residential with a ten-acre town center. This proposal replaces the urban density residential with urban mixed use. The urban mixed use was modified to allow for one large format retail structure. Staff made those changes because they believe those land uses provide for a better incentive for improvements and contributions to the road network.
- Utilizing the urban mixed use with that land use designation provides for greater flexibility of land uses. It permits residential and a minimum of 25 percent needs to be urban residential. It also allows for industrial office research and development, which has more flexibility to address some of our potential land use needs in the area.
- Staff also modified the land use designations already within the development area. All of the area was recommended for neighborhood density residential. The urban density residential area was changed to industrial service. It served two purposes. First, it provided a little more inventory in a

larger contiguous area of land for industrial uses. Second, it also can theoretically reduce or balance some of the traffic impacts with the additions made to the expansion area. Another area was modified from urban density residential to neighborhood density residential.

- The resulting expansion areas are approximately 140 acres. Within that the neighborhood density residential area is about 90 acres. The neighborhood service center remains at 10 acres. The urban mixed use is about 35 acres. Again, within that urban mixed use a single large format store of 120,000 square feet is permitted.
- In terms of the expectations for development one of the things that the Planning Commission wanted to establish was the expectations for approval of development in that area. Staff has identified in the text a number of transportation improvements that would be expected as well as utility alignment for utility improvements in the Berkmar Drive area. Staff has established some design expectations for the entire expansion area, but also was specific to the large format retail. Most of that language was picked up from the Comp Plan recommendations related to Albemarle Place, Hollymead Town Center and Avon Fifth Street.
- This expansion area is not one of the designated priority areas. The 29 Corridor for transportation improvements along the frontage of this area is within the expansion area. For land use decision making this area is not part of the priority areas.
- In terms of the impacts of the transportation they are in a little bit of a difficult position right now since the transportation consultant is not available. Therefore, they are unable to model the implications for this expansion area. But under the prior consultant's proposal the earlier expansion area was part of the analysis for the transportation network. The network could support that expansion area. Staff's effort was to try to balance the land uses to ensure that they did not overly intensify the development potential within the expansion areas. That is some of the reasons for the adjustments that they tried to make to the land use designations.
- Staff wanted to have some sense for what a large format retail use generates. Based on the ITE Manual that could be 6,500, 6,700 to 8,500 vehicle trips. They have to be very careful in using traffic projections to determine what overall network impacts are, which is what a modeling process can do. They take into consideration things like capture of existing traffic along the roadway, modal splits and how the traffic splits on the existing roadway system. So they can't just take traffic estimates and throw them onto the road system and assume that is the impact. It just does not work that way. Staff provides that information to give the Commission some sensitivity for that impact and how they look to try to balance the land uses. That was what was available.
- Staff wants to get the Planning Commission's impressions, questions and comments regarding the proposed language. How would the Commission like to move forward with this? Do they want further information or changes? If the Commission wants to move forward with the expansion area, staff can incorporate that into the document that they release to the public so it can be reviewed. The amended text language was available for review upon request.

Mr. Strucko invited questions for staff.

Mr. Loach said that within the development expectations on page 3 it references that no new development should take place in the expansion area until a number of improvements are made to the transportation network. He asked if that was the transportation network within the expanded growth area and not the 29 that would now facilitate this.

Mr. Benish replied that the reference would be to the network recommended within the Places29 recommendations, which specifically listed some improvements. Two of those were outside the expansion area with one being the east/west connector roads. The ones specifically listed were Berkmar Drive Extended and the road system that would connect to Ashley Boulevard, which provide the primary frontage to the neighborhood and urban mixed use. It includes the roadway and connection to Rio Mills. The reason it was put in was those crossing routes are important to ensure that they have the opportunity to distribute traffic onto the whole network as opposed to depending on one connection to load and accommodate all of the traffic.

Mr. Loach asked if the development added to this would require another traffic light on Route 29 to serve this area. He asked if there was existing access for this.

Mr. Benish replied that the ultimate plan would call for this to be grade separated, but without modeling it would be difficult to say. It is already at grade and the main entrance is already signalized, which would continue to be signalized. The other intersection on Route 29 is signalized as well. They will continue to contribute traffic to those intersections. How much capture they have on existing traffic and how much do the side streets, alternative streets and the existence of Berkmar Drive mitigate the impacts to those intersections will be tough to predict until modeled.

Ms. Porterfield asked what would come first and if the 29 widening would come before these other things.

Mr. Benish replied the plan is structured so that the expansion area and other areas are not part of a priority area. A goal of Places29 is to emphasize development in those two priority areas. One is around the Rio Road intersection down to Hydraulic Road. The second is around the Hollymead Town Center and Airport Road area. The expectation, which was written specific to the expansion area, can apply to any of these areas. The idea is that the non-priority areas would not be significantly developed until the infrastructure is there to support it. They are emphasizing development in those priority areas. To answer the question, theoretically they would expect all of these improvements to be made before any of this area develops or substantially develops.

Ms. Porterfield pointed out that Berkmar Drive Extended (project 17) is a high priority implementation project, which indicates that it should be done before widening Route 29 so that there is a place to put the traffic. That was the reason she was confused when she read this.

Mr. Benish said ideally in the best case scenario they would have the parallel road system so that when upgrading Route 29 they would have fewer issues with moving the traffic along that high speed corridor. For Berkmar Drive unfortunately they will be relying on potential development contributions and can't set the timing for it as well. They want both projects to move forward. Both projects are part of their big five and hopefully all the projects will be moving forward. Ideally Berkmar Drive would move forward, but they certainly also need along with that the widening of Route 29.

Ms. Porterfield said that it could come prior to that if the right scenario unfolded itself.

Mr. Benish said that as they look at development proposals the expectation is that applicants or multiple applicants would try to address these deficiencies by which they would otherwise be choosing not to approve development in these areas. Those packages of contributions by one or cumulative developments can allow for some or all of that development to move forward, but with some prediction that the system is in place to support the development.

Mr. Morris said that he would definitely like to see this as part of the material that goes before the public for the public hearing.

Ms. Joseph asked to hear from the public tonight.

Mr. Morris agreed, but asked that the public information include this.

Mr. Benish noted that the suggested language was in Attachment B. Once the Commission makes their final decision, staff will quickly insert that language into the draft that will be released to the public so they have an opportunity to see that in the final draft.

Mr. Strucko opened the work session for public comment and invited Jeff Werner to come forward and address the Commission.

Jeff Werner, with Piedmont Environmental Council, made the following comments.

- The PEC believes that there are no valid reasons to support the expansion of the growth area in the area south of Hollymead Town Center and west of Route 29. With any growth area expansion there are two key issues to consider. First, does the community need the expansion to accommodate additional growth. Second, if the uses are in fact needed would the subsequent

development be concurrent with the necessary public infrastructure to support it.

- Relative to the need for additional commercial retail and residential development the County during the past several years has approved approximately 4.2 million square feet of new commercial and retail space that almost doubles the existing space in the County. Of this total roughly 3 million square feet are in the 29 North Corridor. He believed that less than two-thirds of that has not been built. Since 2000 the County has approved roughly 15,000 new dwelling units in the growth area. Of these units roughly 6,000 are in the 29 North Corridor. Like the approved commercial space at least two-thirds remain unbuilt. So at this time they do not need a growth area expansion.
- The land owner pressing for this expansion owns roughly 25 acres on two non-contiguous parcels within the proposed 140 acre expansion area. At one time a County Supervisor told him that land owner would fund a bridge and a road if this area were added to the growth area. It would be a road extending Berkmar Drive to Hollymead Town Center. More recently they were told that the owner will build the road only on their parcels and only contribute some funds towards the road and the bridge. They have nothing in writing so no one knows what has been promised or what might even be expected. This growth area expansion is predicated on the interest of a single land owner and endorsed by the belief that this land owner will either fully fund or contribute some undetermined amount towards the construction of a bridge over the Rivanna and roughly a 1.5 mile road to the Hollymead Town Center. Only about one-half of this road runs across that property owner's land. There is a huge unknown gap between funding a major transportation project and merely contributing something towards it.
- Places29 is a 20-year plan and will be reviewed every 5 years. Given the unproven need and the uncertainties of the necessary transportation improvements the best course would be to defer this to the 2015 review of the plan. Given all of the priority transportation projects in the publicly funded pipe line it is inconceivable that within five years there will be sufficient public funds to put towards a section of the road and bridge that are not covered by the developer. The land in green, as shown on the map, is owned by Mr. Wood and the growth area expansion shown in the dotted red line. It is a very small piece of land in the middle of 140 acres. He did not believe that they were going to get a bridge and a road out of it like has been promised.

Morgan Butler, with the Southern Environmental Law Center, made the following comments.

- The item being discussed is more or less a repackaged version of a proposal that this Commission strongly rejected two years ago. At that time the Commission decided that the drawbacks of expanding the growth area and allowing another big box outweighed a developer's promise to build a self-serving portion of Berkmar Drive Extended. What has happened since this? Well now they are in a recession and state and local transportation funding continues to be shaky. The question before the Commission tonight is whether these short term physical challenges suddenly justify making this major change to a long-range plan. They believe the answer is no and urge the Commission to again reject it.
- One of the most important points in staff's memo to the Commission is the acknowledgement that staff has not and currently cannot model the impacts of the proposed expansion on the Places29 transportation network. Going back through the staff reports prepared when this was discussed two years ago he found numerous statements about the critical need to identify the proposal's very specific traffic impacts before such a change could even be considered. Knowing how and where this proposal would impact the Places29 network seems essential. Yet the proposed language before them tonight suggests that specific traffic impacts would not be identified until after the change has already been written into the Master Plan. This strikes us as a risky approach especially considering staff's rough estimate that the big box could generate somewhere between twice and 14 times the number of vehicle trips that was assumed for the same site in the Places29 modeling.
- There is no real urgency for this change since there is certainly no lack of land designated for residential and commercial development along the Route 29 Corridor as Mr. Werner just indicated. The County has recently approved nearly six times the amount of new retail space that Places29 says that the entire County can absorb by 2015 and one-half of that space is in the 29 North Corridor. Any new additions to this will threaten redevelopment and will discourage retail uses where they most desire them mainly in the mixed use centers that are core to the communities that Places29 envisions. He had not seen anything suggested that Berkmar

Extended and a new bridge show any more critical or urgent need than the other four priority projects in the Master Plan. He hoped that they won't resort to approving a growth area expansion and a new big box for each of those five priorities.

- Finally, even if they were inclined to make this change he saw nothing in the proposed language for the amendment that firmly ties the construction of either of the promised improvements to a particular project or parcel. These promises will prove tough to enforce when rezoning requests come in down the road. In closing they urge the Commission to take the long view and make a strong recommendation against this change.

Neil Williamson, with the Free Enterprise Forum, noted that he had a couple of questions and comments. With regards to examining potential growth area expansion, he thought that this is clearly the time and place to do so. This Commission directed one previous applicant back to this type of forum when they came forward with a growth area expansion request. The community deserves to weigh in larger than the small group gathered here. Whether or not it becomes part of the Master Plan is yet to be determined. He had questions with regards to the specificity of some of these issues and whether they need to be this specific in a Master Plan envisioning document. They are talking about architectural treatments and staff mentioned that those had been picked up from rezoning applications. He was curious if that is really what they want to be doing in a visioning long-range plan. He thought that having a public discussion about this is really the way to go. It may be that the public discussion goes one way or the other. Certainly the idea of planning a Master Plan for 20 years, which includes discussing an expansion of the growth area along a commercial corridor that is better served by public water and other utilities to efficiently deliver services 20 years from now, is a discussion this community will be richer for having.

There being no further public comment, Mr. Strucko closed the public comment to bring the matter back before the Commission.

Mr. Morris said that it seemed what Mr. Williamson was saying fits in exactly with his thoughts. He was not saying he was for or against it, but definitely for having it put in the information for the formal public hearing.

Ms. Joseph said that she was confused because the Commission has held many work sessions in an attempt to get public input. It is not as if they have been sitting in a vacuum because they have been asking for public comment. Tonight this was on television on the 29 News and a lot of people watch Channel 29. She did not feel that it has not been in the public sector or the public has not been invited. This Commission has always invited the public to attend work sessions and provide input. She did not know the difference in people's minds between a work session and a public hearing. Work sessions are set up so that the public can give input before getting the final document. So this is very frustrating because they really tried to set this up so that people would not feel that they were broad sided and the document comes up without input. She did not think this was the right time now for this growth area to be included because at this time they don't need this. When the infrastructure is there it makes sense. When they come back in five years to look at this again then it may be appropriate to add it. It may be appropriate in the interim if someone comes in with a project that is incredibly good for the entire community. At that point maybe the expansion area can be added to the Comprehensive Plan in the growth area. But for right now she could not support it.

Mr. Loach agreed with Ms. Joseph since they are now nearing the completion of the Places 29 process. The public has had adequate opportunities if they felt that there was an overall need for this to be included and he did not hear any union cry from the community to expand the growth area. No one addressed the fact, which Mr. Werner brought up, about the amount of commercial and residential that has already been approved and not yet been built that speaks for the need for this. He agreed with Mr. Butler that this may discourage redevelopment in the priority areas that are within the plan that are well planned out. The fact is that they are not sure about the traffic modeling and apparently there are not funds for additional modeling to do this, which makes this proposal questionable. Even if it is left out, he did not think that it precludes somebody from coming in with a Comprehensive Plan Amendment at a later time saying that they are going to fully comply with the transportation that is required for the growth area expansion. If someone comes in with that, it might change their mind entirely. But, that is not the fact now. From what they have heard, unless someone can contradict what Mr. Werner said, it does not

sound like anybody is coming forward with a complete transportation plan for this area to do the infill that would cause him to say let's do the expansion area.

Ms. Monteith agreed with Ms. Joseph and Mr. Loach. She thought that there was a great concern that there was no traffic modeling and that this is being tacked on to the end of a lengthy process. It seems that the triggers are not very well defined as discussed earlier. All of those are concerns. If for some reason it does get included in the other materials for Places29, it should be extremely clear that it is a question and not a given. .

Ms. Porterfield said obviously she had come into this process in the middle. But had she been here before she would have said the same things as today. When she read and Ms. Wiegand helped her catch up to speed, the first thing she said was that she did not understand how they can predicate the improvements on 29 and not have the parallel road system that this plan calls for. It is very clear that a parallel road system on both sides of Route 29 is needed according to this plan. Everyone has agreed that this is a transportation plan and not just a plan for how things are going to get built. The big gap in the transportation plan is this section of land north of where Berkmar Drive ends. If they are going to try to encourage developers to come in with a plan that includes help constructing that parallel road, they have to somehow send a signal out to them that there is a possibility for their idea. The responses can't be just no expansion of the growth area. She suggested some of the expansion of the growth area may be in the wrong places and that this could work out since they know they have a major transportation problem in the area to start out with. She suggested they could possibly solve a few problems. She reminded some of the speakers that all of the Commissioners were not here when some of these rules were set down. She agreed with Mr. Morris that this expansion area draft should go out for community discussion and input because there are some real positives if the draft can be included in the Places29 Master Plan. If they are going to call this plan decent for Places29, they need to try to get these parallel roads.

Mr. Franco thanked Mr. Benish. Whether he agreed or disagreed, he felt the way it is written is logical and helps define the choice to the Board so if they include it that it be under these conditions. Given that, he agreed with Mr. Morris and Ms. Porterfield that they ought to move it to the decision makers to make those decisions. The way it is written they are looking at some 61 million dollars worth of improvements that have to be in place before this thing can be developed or a rezoning considered. He felt that there were enough safeguards that are in place to consider it a safe addition. But he was happy to let that be a decision that the Board makes. With respect to the traffic modeling he was a little less concerned about that aspect because his understanding is the modeling was never adjusted to take this area out. Given that, should they be questioning the grade separation at Rio Road or some of the other improvements that are in the plan because they are predicated on the past version of this additional 200 acres being included. He was inclined to follow Mr. Morris and Ms. Porterfield to support including this in the draft that goes to the public and Board.

Mr. Strucko said that he was never averse to discussing an issue. He shared some of Ms. Joseph's frustrations since the Commission has provided multiple opportunities for the public to speak. But, he would acknowledge that there was a difference between a public hearing and work session. It may be the actual public hearing that motivates more people to come out and speak. Certainly he was not against having an item for the public to comment on and allow them that final opportunity to try to influence the decision making. He felt they have an obligation to send this on to the decision makers, but with a recommendation. That is what their role is as a Planning Commission. They are an advisory body. His opinion has not changed on whether or not to include this in the designated growth area. He was against doing this for the reasons cited by the speakers. He felt that they should consider including it in the public hearing with the conditions that Ms. Monteith mentioned that this is just a question at this point and just one more opportunity for the public to weigh in. He felt that the Commission was obliged to formulate a recommendation as to whether or not they recommend this to go into the growth area. Right now his recommendation would be no. But again, he would like to have the opportunity for the public to weigh in. Due to Mr. Fox's request, he invited him to address the Commission.

Cliff Fox, a County resident, said that this is the wrong time and the wrong format for this to come forward. They need the road improvements and to find a way to pay for those, but they don't need more retail.

They are growing the County the wrong way. If they look at the difference between R&D traffic generations versus retail traffic generation, it is huge. It is a 40 percent difference with R&D being less traffic generating. They need to think about what kind of land use they are putting in these areas. Hollymead Town Center is already a focal point. Adding retail to this area will just diffuse the growth area, spread traffic out and create more traffic.

Mr. Strucko asked if there was any other public comment since he had allowed Mr. Fox to speak. There being none, the discussion continued. He concluded that four Commissioners would agree that this should be a question brought before in the public hearing. In terms of the actual recommendation to the Board, the Commission can do that at the public hearing and make the final adjustment. He was hearing that some of the opinions have not changed from a couple years ago. The new Commissioners have worked to catch up on this issue. Other public discussion certainly would help in that regard.

Mr. Benish reiterated that the majority want this to be presented as part of the Places29 plan for the public input period. Staff will include this language and the map changes in the version that the public will be seeing. The Planning Commission is not making a final recommendation on that until they go to public hearing based on the comments they receive through this public process.

Mr. Monteith said that it was noted that it would be clearly differentiated that this is not part of the plan, but is a question being asked.

Mr. Strucko agreed that was his understanding.

Ms. Porterfield said that if they are going to try this as part of the plan, it belongs in the plan so it can be discussed at the public hearing as to whether or not there is support.

Ms. Monteith said that would be misleading because everyone did not agree. It should not be added to the plan at the last minute and treated the same way that everything else that has been through several rounds and reviewed.

Ms. Porterfield said that there has been no ability to review this because when she brought it up about a year ago she was told "no, that it was not happening." There has been no opportunity.

Ms. Strucko pointed out that the Planning Commission had discussed it prior to her arrival.

Mr. Cilimberg noted that the Commission was at the point of deciding how to get public input and not making a recommendation. Staff will shortly describe the process before going to public hearing. As they go out and have discussions with the public there are several questions they will want to ask any way about this plan. Incorporating this language into the document the public is looking at along with questions, such as Ms. Monteith has suggested, is a good way to receive public input. Once they have gotten through that process they will be having another work session to decide what goes to public hearing. At that point in time the Commission can decide what to take to public hearing, which is what needs to be advertised. The Commission may decide to include this in the advertisement for public hearing or not based on the final work session before the public hearing is held. At this point they are going out to have public conversation about the plan. This is a way to address it now and get additional feedback. They would not be committing to anything specifically that they will take to public hearing since they are not that far along. That is the final step in the process.

Ms. Joseph noted the public hearing was scheduled in October with another work session in September. She asked staff how they planned to receive additional public comment.

Mr. Benish noted that Ms. Catlin went over the process several weeks ago. When this document is released for public review the Commission's request was to have several open house meetings out in the community where people can ask questions and provide comments while the Commission reviews the document. Staff will come back to the Commission in that September time frame with comments from the public. The Commission will be working towards making a decision then as to when the public hearing will be held if comfortable with that document and whatever changes need to be made. Between the

October and November timeframe staff will go out again and have another forum or session where the public can look at the final version of the document. Those are the steps anticipated. They need to be clear as to how they present this to the public in terms of the questions being posed. The open house type meetings have not been scheduled at this point.

Mr. Loach asked has this element of the plan for the expansion areas been discussed as part of the Places29 process or was it decided to be removed by the Planning Commission.

Mr. Benish replied that in 2007 as the consultant presented the first draft of the plan there were expansion areas discussed and the Commission decided at that time not to move forward with those. They have been in the work session process throughout that time. Staff reported the status of the plan to the Board of Supervisors in September, which included the Commission's position on a number of things including the expansion areas. That was a public process in the form of a work session with the Board of Supervisors. They have been in redraft of the plan since the direction. This is the opportunity for that draft plan to go back out to the public.

Mr. Morris recalled that these areas were specifically discussed with the public in sessions held in the Hollymead School and Middle School. It was not only the Planning Commission but also the public in attendance that were saying they were not sure.

Mr. Benish said that early on in the process there were a number of questions and issues answered. There did not seem to be significant opposition to some of the expansions, but there were concerns about other aspects of what was important to the development area in the 29 Corridor. That is where the issue of protecting the rural or wooded character that led to the wide buffers in the existing wooded areas. That is the comments from the work session process where they had these general ideas that led to the consultant draft of a plan. In terms of reviewing a draft of a plan it has not been out to a full public vetting.

Mr. Monteith asked if he could acknowledge the fact that there has been no traffic modeling on this.

Mr. Benish replied that there has been traffic modeling of those expansion areas, but not this mixture of land uses. He questioned if they want that level of specifics to be addressed.

Mr. Loach wondered what evidence there is now to change a decision that was made two years ago at which time Mr. Morris said there was adequate public input and a decision in conformity with the community. He asked what has appeared on the horizon now to change this.

Mr. Benish noted this was back because the Commission requested it.

Mr. Morris pointed out he was looking at it again because of Berkmar Drive.

Mr. Strucko said that he did not see any issue with discussing it yet one more time and giving the public one more opportunity to weigh in. At the end of the process the Commission will make a recommendation, address this issue specifically and move it on to the Board of Supervisors.

Mr. Franco said what he liked about it especially is it is a component that can be stuck in the plan and easily removed later if that is the choice. It is not intertwined in a thousand different sections.

Mr. Loach noted that even discussing it now with limited funds is almost a moot point. It is an exercise in planning versus an exercise in reality. It could be put in the plan later or five years from now.

Mr. Strucko noted that could be the rationale for the final decision.

Ms. Porterfield said based on that rationale, they could also say that the Place29 plan is terribly flawed. If they are going to leave in the fact that they need these parallel roads, this has to be discussed because it is the only way to close the gap. In 2007 when it was discussed, they certainly did not have the economic problems of today. They are really going to have to look toward developers to hopefully be able to close this gap or at least for some portion of it.

Mr. Strucko noted there is another portion not in the designated growth area that this road would go across.

Ms. Monteith said that it is a portion of the gap. In terms of Attachment B it states this as an expansion that is part of the plan and she suggested that it say "this proposed expansion."

Mr. Cilimberg said this language would be part of the plan if adopted.

Ms. Monteith noted that they don't have anything else like this in the plan. When staff goes out to discuss this with the public or as something that they are seeing for the first time she asked if there a way to differentiate the language that does not make it sound like it is just a standard part of the plan.

Mr. Cilimberg said that if their direction to staff is not to take this to the public as a part of the plan document but instead as a separate question, then staff will handle it that way. That is going to make it more complicated, but staff can certainly handle it that way. Staff had planned to take this to the public as a document that they are being asked to provide input on. In doing that staff would pose certain kinds of questions to get them focused to provide input.

Mr. Strucko noted that he would approach it that way.

Mr. Cilimberg reiterated that he would not include this as part of the document, but as a separate question essentially on whether this particular section should be added.

Mr. Strucko noted that it acknowledges the prior decisions of the Commission and that the issue is one that they want to discuss further with the public and have a little more time in considering.

Mr. Porterfield noted that the only problem is that none of the plan is complete and the public can discuss any portion of the plan and come back with anything in there they like or dislike. So this is an option based on the fact that if they are going to call this a transportation plan as well as everything else, it has to help transportation.

Ms. Monteith disagreed because this will be the first time that the public will see this and most other aspects of the plan people have seen over and over again.

Mr. Franco said that personally he did not see that there was a big difference other than staff's time in having to present it differently. He agreed with Ms. Porterfield that if it is part of it that no aspect of this plan is vested at this point with the Commission. He heard Ms. Monteith and agreed that the public has not had the opportunity to weigh in on all of this. It does not matter how it is presented, but he just wanted to have the option presented to get public input on it.

Mr. Morris agreed as long as it was presented and the public gets to see it.

Mr. Strucko asked staff to proceed.

Mr. Loach said that he had no problem with getting feedback in that manner.

Mr. Strucko said that expanding Albemarle County's growth area is a big deal and they need to shine a big spot light on it. He did not think that the Places29 plan should be suggesting that there is an expansion of the designated growth area. The master planning process was to look at the existing growth areas and plan those. The Commission is willing to talk about the proposed expansion areas. The County policy says that it requires special attention. It is important and worth it.

Mr. Franco said that the task was to look at this area and to do the comprehensive planning. Expansion areas have been discussed in other master planning areas. Therefore, he did not think it was limited just to the existing growth area. His goal was to get it out to the public and get some feedback.

Mr. Cilimberg noted that in this particular area there were other expansion areas. In fairness, when they go to the public they should also identify the other expansion areas and say that the Planning Commission is not considering any language for those areas. The Commission is compelled to make a recommendation as part of their public hearing. In fairness, they should speak to the other expansion areas in talking to the public in saying these particular areas are no longer being considered, whereas, this has language that is being considered.

Mr. Strucko agreed with what Mr. Cilimberg said.

Ms. Porterfield asked that there be some discussion about how things have changed since 2007 as far as trying to make this transportation plan truly be something that could happen. The public needs to understand that this is an endeavor to not put it on their tax base.

Ms. Joseph asked when Albemarle County had last built a road.

Mr. Franco replied that it was Berkmar Drive.

Ms. Joseph asked how many years ago that was and what kind of funding did they get from the state.

Mr. Franco replied that he did not know.

Ms. Joseph said that they don't build roads in Albemarle County. Every time they have a developer come in for a rezoning or special use permits they are expected to make the improvements. She suggested that they wait to hear and see what the public has to say.

Mr. Strucko noted that the conversation would end at this point. The Commission has agreed to keep it out for public comment to review as they finish the Places29 process. Ultimately after the public hearing they will have the same debate that evening and end up having a show of hands as to what to include or not include in the final recommendation to the Board. At the end of this discussion the Commission has agreed to proceed as Mr. Cilimberg suggested that all the designated growth area expansions proposed throughout the process should be made known to the public for input. Some Commissioners are indifferent and some feel determined that it should be something separate with special attention on it. It is safe to say that in Albemarle County growth area expansions are a hot enough topic that they should do that.

Mr. Cilimberg noted that they need to make sure in asking the questions that they make it clear that there are areas of no recommended language which have been brought forth because there is not a position of the Commission to make those expansions. In this case they are actually asking about an area which staff has language written. Staff wants to make sure that the Commission is okay with that language because that is what they are going to show the public that could be added to the plan if it was decided to expand.

Mr. Strucko agreed as long as staff qualifies it that way.

In summary, a work session was held to review staff's recommendations for a possible text/map expansion of the Hollymead Development Area between the current southern boundary west of US 29 and the South Fork of the Rivanna River as requested by the Commission. The Commission discussed and asked questions about the proposed expansion, took public comment and provided direction as outlined below.

- The Commission agreed to note for the public the four (4) expansion areas that have been considered during the Places 29 review process (Hollymead South noted above; Piney Mountain—South: east of US 29 and south of the existing Piney Mountain Development Area, adjacent to the National Ground Intelligence Center complex; Piney Mountain—West: a parcel west of Dickerson Road and between the Briarwood subdivision and the North Pines subdivision; and Piney Mountain—North & East: some or all of the Rural Areas north and east of the eastern half of the existing Piney Mountain Development Area (east of US 29)). The Commission further agreed to provide the staff's recommended text language and land use map for Hollymead South separate from the draft plan for

public comment. The Planning Commission will review these comments as they finish the Places29 process. Ultimately, after the public hearing, the Commission can debate the issues and decide whether to include or not include Hollymead South in the final recommendation to the Board.

The Planning Commission took a break at 7:47 p.m.

The meeting reconvened at 7:56 p.m.

Places 29 Compiled Plan with Public Comment

The Commission received a presentation of the complete draft of the Places29 Master Plan, including major points to keep in mind and significant changes that have been made in the text of each chapter since the Planning Commission's previous reviews. Staff will also review the proposed process and schedule from this point on. (Judy Wiegand/Elaine Echols)

Ms. Wiegand presented a PowerPoint presentation and previewed the complete final draft of the Places29 Master Plan. Staff would address several concerns that have been expressed about the plan and describe some of the significant changes in the plan that staff has been made since the Commission's review of each of the chapters. It had been staff's original intent to distribute copies tonight, but due to the questions on the expansion areas staff will finish the plan tomorrow. The final draft of the plan will be distributed next Tuesday along with a memo detailing all of the changes made since their last review.

Concerns and Changes

- ❖ Concerns addressed in the complete draft
- ❖ Significant changes made since the Commission last reviewed each chapter

The Vision

Albemarle County's four Northern Development Areas will feature compact development consisting of residential and employment neighborhoods that are organized around centers. These neighborhoods and their centers will be pedestrian-oriented and mixed-use; they will offer a variety of housing choices, retail environments, office types, and employment opportunities. They will be connected by an attractive, efficient, and accessible multimodal transportation system. Integrated into this urban-style development, parks and open spaces will provide a sense of respite and contribute to an overall excellent quality of life.

The important feature is that there is no timeframe to this vision plan. This is the vision that when the area is built out this is what they want it to be able to do. Accompanying the vision they have the 15 guiding principles divided with some related to development, transportation, open space, community amenities and using the vision and the guiding principles to guide development until it is built out. It is basically a vision plan in its design to carry us through to that point of build-out.

In another way there is a timeframe to this plan. As they look at where they want to go in that ultimate vision they realize there are a series of improvements, including road, capital facilities and similar items, they need to begin. Since the population estimates and other demographics are based on 20-year horizons, staff is recommending the implementation part of the plan cover the first 20 years of the plan. It has been designed to do that. Both the vision and the implementation plan will be reviewed and updated every five years as noted below. There is an ultimate long-term vision, a 20-year implementation plan and a series of moving it forward in 5-year increments.

Implementation Plan Timeframe

- 20 Years
- 5-Year Update Cycles
 - Review the Vision
 - Revisit the demographics
 - Evaluate how we're doing with implementation
 - Modify/change the Master Plan, as necessary to continue moving toward the Vision

Staff reviewed the future North land use map. Ms. Echols will review the southern half of the land use map. When they organize these land uses and coordinate them with the transportation network it means that the transportation, the land uses and all of the community facilities can be more efficient. Some of the transportation improvements may not be necessary and other might be able to be postponed at least for a few years.

Staff reviewed the US 29 & Airport and Timberwood map. This is an area where one of their projects in the implementation plan is to do some of the connecting roads and jug- handles that will ultimately connect the overpasses being proposed at the Airport and Timberwood. If they do the connecting roads and the jug-handles first, according to the transportation modeling, it will take enough of the traffic burden off of turning movements in these two intersections that that they may be able to postpone doing the overpass portions for several years. This is one example how a coordinated, well thought out and well planned transportation program can help us delay some of the necessary funding.

Staff reviewed the Transportation Network. Regardless of whether they have a Master Plan or not these transportation improvements are essential. Some of them are to address the existing backlog of transportation improvements. They also need to address the regional traffic. The particular network addresses both the local and regional users. Staff is aware of the funding situation and concerned about the economic slowdown. Staff pointed out tonight and in a portion of the plan that it may take longer than the 20 years to accomplish the things that initially they thought they could do. But, the importance is to keep them in order and doing them as the funding can be identified. As part of the transportation network VDOT has adopted the Access Management Program that has been part of Places29 and it is already starting to have an impact on possible development decisions in the area.

Staff explained the two priorities. As part of the Master Plan small area plans will be developed for those areas. Staff finds with the intensity of development in some of these areas and the difficulty of some of the recommended transportation improvements they need to continue to work with the businesses and VDOT to try to work out mutually agreeable ways of planning these areas so they plan for the transportation improvement and coordinate the land uses in the areas. A small area plan is recommended for the area around Rio and 29 and another at the Airport Corridor, which will include the overpass at Timberwood. It will be very important for the public to participate in this process. They have had some public concern expressed particularly by businesses that are close to some of these road improvements and what will the impact be. Staff cannot tell them yet. It is during this process of preparing the small area plan as it is coordinated with the preliminary design for the road improvement that they will be able to give them the information that they need.

Two Priorities

- Existing facility, service, & infrastructure needs
- Acute regional transportation needs in the area
- Investments needed to support approved developments

The major issue they are facing is the one of funding. Since the start of the plan the funding in a lot of different areas has diminished. The important aspect of the plan and what ties it to be a vision plan is that the needs do not go away. They still need the road improvements and the various other improvements like schools, libraries and more. These services are going to be necessary whether they have the Master Plan or not. It is simply that the Master Plan organizes them, sets priorities and tries to figure out which one need to be done sooner and which ones need to be delayed. In the plan staff has identified the traditional sources of funding for each of these improvements. Staff points out where some of the projects may be funded by private development. Staff will be looking for additional sources of funds.

Funding Issue

The needs don't go away

- Road Improvements
- Other Improvements: schools, libraries, parks

Staff reviewed the significant changes in the plan as noted. A memo will be given with more details.

Significant Changes in Plan

Chapter 1: Introduction

- Text added to address major concerns, such as the difficulty with funding

Chapter 2: Vision

No changes, remains as endorsed by the Board

Chapter 3: Existing Conditions & Future Trends

- New population estimates

Chapter 4: Future Land Use Plan & Transportation Network

- Changes requested by Commission made
- New map showing locations of cross sections
- Changes related to UVA Research Park
- 4 Neighborhood Service Centers deleted
- Uptown is smaller; road removed from R-park (Note: Map to be changed)

Chapter 5: Place Types

- Text shortened and clarified
- Added lists of Centers

Chapter 6: Community Facilities & Services

- Textual clarifications only

Ms. Echols reviewed the significant changes to Chapter 7. Staff recognizes that they have not brought to the Commission the general guidelines, which will be brought after they get through this particular process. Those general guidelines are based on the Neighborhood Model. There should not be any surprises because staff has been using them, but has not written every single thing down as far as the guidance they have been giving people over the years since the Neighborhood Model was adopted. The Commission's comments related to the urban frontage conditions have been reviewed and addressed by staff as noted below.

Chapter 7 Design Guidelines

1. Made distinctions between urban frontage condition on US 29 and other EC streets
2. Clarified expectations for pedestrian access
3. Clarified use of landscape frontage as an interim step towards ultimately achieving urban frontage
4. Added expectation for reconsideration of landscape frontage condition every 5 years
5. Modified recommendation for width of Forested Buffer
6. Better explanation of boundary condition recommendations

Staff reviewed the following urban frontage treatments to be considered.

Urban Frontage – Narrow Street

Buildings – 18 feet from back of curb

Urban Frontage – US 29

Buildings – 40 feet from back of curb

Urban Frontage Recommendations

- Albemarle Place
- Approaching grade-separated intersections (Staff recommends until the small area and engineered road plans are done that they use the urban frontage treatment.)
- Airport Road

Ms. Echols noted that in the forested buffers the Commission has some concerns over the 80' to 100' width. Staff is now recommending now it be 40' for multi-family residential and industrial and 50' if there is single-family residential properties adjoining Route 29.

Forested Buffer Recommendations – US 29

- Residential designations

- Industrial designations
- Between bridge over S. Fork Rivanna up to NS center on west, Ashwood on east
- Across NGIC and Office R&D in Piney Mtn area

Map Changes

Further considerations

1. Provide better guidance on how multi-use paths should relate to interchanges
2. Make sure planting and furnishings zone gets wider the higher the speed of the cars
3. Highlight EC on Frontage Conditions Map
4. Cross-section legibility
5. Urban frontage condition on Airport Road with Industrial designations/expectations

Ms. Wiegand reviewed the other significant changes in the plan, as noted below.

Significant Changes in Plan

Chapter 8: Implementation

- Added description of 8 – 12 years for road projects
- Revised section on the Western Bypass
- Revised the List of Implementation Projects
- Expanded & revised Appendix 2. Implementation Project Descriptions

• The next steps in the process are as follows:

- August 18 - Distribution of complete draft to Planning Commission and public
- September 15 - Staff reviews complete draft with Planning Commission
- Oct 13 - Possible public hearing
- Early September through October 13 - Public events to explain complete draft master plan (At least two public events planned and staff will notify the Commission of date and location when chosen.)

Mr. Strucko said that the Planning Commission looks forward to seeing and reviewing the draft. He invited public comment.

Neil Williamson, of Free Enterprise Forum, said that while they were not going to discuss Places29 in total they were kind of processing information. There were two pieces of information that he had recently learned that he raised concern and wondered if the Commission wanted to discuss it at some point in the future. One, he learned tonight in the report that the transportation modeling for the Places29 process includes 70 acres of urban density, 90 acres of neighborhood density, 10 acres of neighborhood service and 20 acres of open space that may or may not be a part of the plan. He wanted to make sure that was communicated to the public somehow. He was curious, even though they don't have transportation dollars to take a look at it, whether it may change some of the colors on the map. He thought that they should take a look at that. Earlier this week the Free Enterprise Forum learned that the Virginia Department of Transportation is looking at or is mandating a 30' clear zone along US 29. Basically that is the area along the side of 29 where cars effectively land. That clear zone would preclude any vegetation of significant caliper and preclude some of the urban frontage that has been discussed. He was curious if staff is aware of this new determination and how this will impact the streetscape.

Ms. Echols said that it is not a new requirement and staff has looked at it in context of the drawings. The 30' clear zone applies to a 55 mile-an-hour speed limit. That is north of Airport Road where the rural section of road is expected and not the urban sections. The 30' clear zone is measured from the travel way. Between the travel way and the property line for that clear zone there is a shoulder, ditch and maybe a turn lane. Staff feels that it will not have a major effect. There might be some forested buffer and the 30' clear zone has to be on VDOT property. There are no urban cross sections shown in that direction. Staff has looked at it and plans to talk with VDOT about the areas south of Airport Road to make sure it is as clear as when they started the process.

There being no further public comment, Mr. Strucko noted that the Places29 discussion was concluded.

Old Business:

Mr. Strucko asked if there was any old business.

- Mr. Franco requested an update on Wind Turbines.

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

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 8:30 p.m. to the Tuesday, August 18, 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)