

**Albemarle County Planning Commission
March 17, 2009**

The Albemarle County Planning Commission held a meeting, public hearing and work session on Tuesday, March 17, 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, Thomas Loach, Vice Chairman; Linda Porterfield, Bill Edgerton, Calvin Morris and Eric Strucko, Chairman. Don Franco was absent. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Wayne Cilimberg, Planning Director; Elaine Echols, Principal Planner; David Benish, Chief 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. There being none, the meeting moved to the next item.

Review of Board of Supervisors Meeting – March 11, 2009

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on March 11, 2009.

Preservation Week 2009 – 2009, April 3 - 11

Mr. Cilimberg distributed the advertising poster for Preservation Week 2009 in hopes that the Commissioners would post it in their respective places of business to help promote preservation week. The poster is also in appreciation for all of the county support in helping to organize preservation week. The county is a contributing member to the Piedmont Area Preservation Alliance that charged Preservation Piedmont with organizing preservation week. For more information for the events of the week please visit www.preservationweek.com.

Work Sessions

CPA-2008-00003 Village of Rivanna

Land Use Framework and Transportation (Elaine Echols)

Ms. Echols introduced Bill Wanner with the Thomas Jefferson Planning District Commission who has been working with staff on this project. Staff was available for questions or clarifications.

Bill Wanner, of the Thomas Jefferson Planning District Commission, recognized Billie Campbell, their Chief Administrative Officer who was present for moral support. He presented a PowerPoint Presentation and explained the staff report. (Attachment)

- They have looked at the larger study area primarily to analyze whether the growth area or the development area is appropriately sized and to look at the context in a broader sense of just what are the dynamics that surround it. At this point they do not foresee an increase in the development area itself, which is something that they have discussed with the Planning Commission as well.
- He explained the background that included a series of workshops and updates with the Commission. In addition, a stakeholder's group has met several times over the course of this project. The group's primary charge was to assist in the process of community engagement in this process.

The three alternative scenarios were presented at the November 13, 2008 community workshop. The participants identified the preferred scenario as Arrangement 3. This arrangement fans out from what they were calling the Village Center of Rivanna Village at Glenmore, which did not promote additional civic greens so much as recognize that they can have some higher density development adjacent to the Village Center.

Transportation

Potential Improvements:

- Rte. 250 – 4 lanes from the intersection of Route 250 and I64 to Glenmore Way
- Rte. 250 – 2 lanes from Glenmore Way Eastbound (There is a possibility of bike lanes.)
- Rte. 250 at Glenmore Way – Signal/Roundabout - (The expected improvement to Rte. 250 and Glenmore Way is for a signal that has been proffered and will occur. The roundabout is something that they would consider as development occurs and if there were funds available to do something other than the traffic signal.)
- Rte. 250 Access Points – Rte. 250 at Hacktown Road and proximate to Breezy Hill Lane
- Rte. 250 buffer of 50' minimum
- Pedestrian crossing over Carroll Creek and pedestrian connections throughout. (The pedestrian crossing over Carroll Creek may be difficult and expensive, but they have proposed that at least as a consideration for promoting access from that eastern development area and including the Running Deer community into that ability to access the Village Center of Rivanna Village.
- Transit as feasible - (They would look at transit as an opportunity since they recognize Rte. 250 is a stressed road now. Transit would give them one other means of alleviating some of that stress.)
- Schools – The capacity in the three schools in the area are adequate for the projected development that the scenario provides. (Stone Robinson Elementary School, Burley Middle School and Monticello High School serve the Village of Rivanna project.)
- Water – The capacity for water is adequate for the entire village.
- Sewer – The waste water comes from the Glenmore Sewage Treatment Plant. Right now the capacity there really only allows for the lower end of the density range for 3 to 6 units per acre. The capacity of the sewer limits it to about a 3 acre overall density. Therefore, that is what they have modeled.
- Police/Fire and Rescue – The County goal for police is a response time of ten minutes or less. The Village of Rivanna area is meeting that County goal. The Fire and Rescue County goal is five minutes. The response time is more in the range from 7 to 8 minutes for fire and rescue squads. But, they are working aggressively to bring that down to a 5 minute level.
- **Refined Arrangement** – Staff refined Arrangement 3, the preferred scenario, based on community input and infrastructure constraints. He explained the range of density, but emphasized that this was at a 3 dwelling unit per acre overall density. The idea is to basically provide for a very low density equal to or less than 2 dwelling units per acre over the eastern side abutting the Running Deer neighborhood. Just below the Village Center is slated for very low intensity development, which abuts Glenmore and the new developments of Leake and Livengoode that would be at that low density as well. The areas shaded in yellow would be at about 3 dwelling units per acre. The areas shaded in orange would be at about 6 dwelling units per acre. They have a range of density, but the overall

average is at the 3 dwelling units per acre level. This was based on infrastructure constraints and the preferred scenario as it was shown to us by the public. In this case they have lowered the overall density in particular to that area where they have 3 semi-circles radiating from the Village Center. They now only have 1 that is at a slightly lower density than the third tier.

- There is a 50' buffered planned between the development area and Route 250. They feel as though they are meeting the needs of the community but also recognizing the limitations that the sewage treatment plant places upon them.

Refined Arrangement

New Dwelling Units and Future Population:

- New Dwelling Units 300 – 400 (Used a multiplier of about 2.5 people per household in this scenario)
- Approximately 750 – 1,000 new residents

Next Steps

Planning Commission:

- Review Community Facilities Information
- Review/Refine Land Use Plan
- Review/Refine Transportation Recommendations
- Review Master Plan text (Drafted by TJPDC) - They would then come back with a Master Plan text draft for consideration by the Planning Commission.
- Eventually there would be a public hearing and a recommendation to the Board of Supervisors.

The first 3 bullets are what they feel would be appropriate to speak to tonight.

Discussion:

- Is the recommended plan appropriate? How do you feel about the preferred scenario?
- Are there issues regarding community facilities or transportation that need to be discussed?
- Other discussion topics from Planning Commissioners based on this proposal.

Mr. Strucko invited questions from the Commissioners.

Mr. Morris noted that he was amazed at the response time for East Rivanna Fire Department up between 7 and 8 minutes because they have always been responsive. He asked what is the problem and what are they doing about it.

Mr. Wanner replied that they are working to bring that response time down, but he did not know how they were doing that specifically.

Ms. Echols pointed out that staff asked for information on the response time and received information on the last 2 years, which was averaged. It was noted that they recognize that there are some inefficiencies that they were trying to fix. They did not say specifically what they are, but noted that they are working towards trying to meet those.

Mr. Strucko noted that he always questioned the 5 minute response time standard by asking 5 minutes to where. It is very difficult to judge. If East Rivanna is responding to calls that are not within the immediate area and more in the rural areas then it is going to impact their average. If they look at the radius of the distance that the 5 minute response time ends then they are going to need to build a lot more fire/rescue stations around Albemarle County. That is just his honest disagreement with some of the standards that he keeps hearing spoken about.

Mr. Morris noted that East Rivanna was always the first unit on site in Key West Subdivision.

Mr. Benish said that their location is central to what is defined as a development area. That 5 minute response time is just to the designated development area. Once outside the response time is 13 minutes. It was probably a little bit more of an operational issue that can be addressed. He was not sure that it was a location issue that is a problem.

Mr. Morris commended that what he saw in this plan was pretty much right on target from what he heard the last time they were out at the public hearing at East Rivanna Fire Department. He agreed that they got the information about the sewage capacity and they are listening to it and planning in accordance.

Mr. Wanner agreed that they need to get that adequate infrastructure commitment.

Ms. Joseph asked when figuring out capacity are they figuring out the commercial uses that are anticipated in this or is it just the residential being looked at.

Mr. Wanner replied his understanding is that it is a blended commercial and household rate being used. His estimation is that it was quite high and the actual user rate is lower than what they are projecting for each household. But that seems to be the safety valve that they look at in terms of capacity.

Ms. Joseph assumed he was saying what they have on the plan that they can take care of. If the plan is changed for an increased density then they will be in trouble. But he was saying on the lower end at 3 units per acre that this treatment plan can handle what this plan says.

Mr. Wanner replied yes. Therefore, increased capacity would allow for higher density development. If that was the wishes of the Planning Commission they could look at that in terms of a higher density configuration and what would be the capacity needed to do that.

Ms. Joseph noted at the last meeting people were asking how many dwelling units they expect to see in the shaded orange area.

Mr. Wanner replied that they have done that and asked Ms. Echols if she had the revised numbers.

Ms. Echols replied that she did not have the revised numbers at the meeting.

Ms. Joseph noted that was a big deal and people were concerned about that.

Mr. Wanner said that the preponderance of the development is in a 2 acre or less area. The preponderance of that western side is at 3 dwelling units per acre. The area they are looking at for 6 units is very modest in scale and may not even accept a full 6 dwelling units per acre.

Ms. Joseph noted that it helps people if they have a number so they can expect to see 100 units, 20 units or whatever. It helps them envision in their mind what might happen in that area.

Mr. Wanner said that they would certainly get that specific information.

Ms. Echols noted that one of the ways that the plan is laid out that area is not totally defined with a line. The concept is that from the center it radiates out so that they know that they have the highest density that would not be over 6 dwelling units per acre towards the center. There are numbers that may play out any way, but they know as they get towards Carroll Creek it will be a very low density.

Ms. Joseph acknowledged that, but noted that question was brought up many times and they should be able to give people an idea or at least a ballpark figure.

Mr. Wanner agreed that was important. In fact, the GIS technician that prepared the map actually did an acreage calculation based on those 2, 3 and 6 figures. That information is available and they can get that to staff within the next several days.

Mr. Strucko questioned the school capacity. Stone Robinson Elementary also serves the Pantops region as well. He asked if the Pantops Master Plan and future build out numbers calculated that in with the Rivanna Village Master Plan numbers to assess capacity.

Mr. Benish replied that planning for future schools is really looked at on a county wide level. Stone Robinson Elementary does serve some portions of the Pantops area. But, Stony Point and Cale also serve that area as well. The school looks at total population growth and then the overall projected growth in the school area. What they have generally seen is a relatively flat growth. Surprisingly given their growth rate they are projecting only one new elementary school to be needed over the next ten year period. That is likely going to be in the southern urban area of Neighborhood V. So any growth in the Rivanna area would likely be dealt with through a redistricting that would shift from Stony Point to Cale to the new school.

Mr. Strucko said that was the operative word and he wanted to set public expectation that a capacity issue may very well be handled with a redistricting move.

Mr. Benish noted that this general area is not seen as a high growth area. Therefore, he was not sure to what extent people in the immediate Glenmore area would be subject to shifting since it is central to the Stone Robinson District. It is going to be the area on the fringes of this district that are more subject to change.

Mr. Loach said that he would like to see the data on how many acres of development are going in versus the overall plan. They had the expected number of new dwelling units to be between 300 and 400. What percentage of this is an overall increase in the growth area by adding 300 to 400 new homes? He asked if this is a 10, 20 or 30 percent increase.

Ms. Echols replied that there were 750 existing units in the development area. There are about 650 units that have been approved that have not been built. Leake, Livengoode and Rivanna Village at Glenmore would end up being on top of that 300 to 400 homes, which gives a total number of units of between 1,700 and 1,800 total.

Mr. Loach noted that on the sewer capacity if they went to higher density wouldn't Albemarle Sewer and Water be obligated to meet the capacity needs. He asked if they are planning down rather than looking to see if there are any things planned for improvement as far as the system.

Ms. Echols replied that she had several conversations with the Service Authority and Rivanna Water and Sewer Authority on that. Basically they asked when the expansion would occur in the existing wastewater treatment plan. The answer was that physically there is room there, but when they get into an increase in the average flow above the 381,000 gallons per day, which is what the facility is sized for, they start getting into different treatment requirements. There might be a whole different type treatment process that is needed. They could not answer the question as to what is needed, but right now it seemed it was going to be an expensive upgrade and one that could result in a complete overhaul of the existing system. It was important to them that they know that about the particular sewage treatment plan. Staff only asked the question if it can be expanded. Staff did not say what it will really take to meet the densities that are recommended in the Comprehensive Plan. That is something staff could go back and ask them.

Mr. Loach asked if there was anything planned in this grand scheme that they are upgrading the whole system or treatment plant specifically to increase the capacity.

Ms. Echols replied no.

Mr. Benish said that there are increments of growth within that plan for 381,000 gallons per day as he understands it. So there are some other improvements that are necessary, but within that capacity. But going beyond that capacity has not been planned. That would be with the facility that was sized for that capacity.

Mr. Loach noted that leads to the final question of what if any impact would this capacity now being maxed have on future development within the Pantops Growth Master Plan. He asked if that is a separate system.

Ms. Echols replied that it was a totally independent facility.

Mr. Benish noted that they need to keep in mind that there are all sorts of assumptions about what that capacity is based on regarding the gallons per household. What is planned for and what is observed might be different and that might free up some of that capacity depending on what the practice has been. The experience has been that the use is less than what they plan for. The significant more intensive development is yet to take place.

Mr. Edgerton said that in reviewing the staff report he started wondering going way back when the village was committed to by the original developer and made part of the development area if there was a density number that was proffered or suggested.

Mr. Benish asked if he meant the original Comp Plan.

Mr. Edgerton replied yes. Basically what they are looking at is the build out, which is on the low end of what they typically ask for in the development area. The consultant has been responding to some of the public input. If they have been counting on more density in this area and don't provide that in the long term plans then that is going to put pressure on other areas for that growth to go. He asked that they be aware of that if that is the decision made.

Mr. Benish replied that he would answer by giving a brief history of the development area. It was approved in 1989 as a village. It was fairly restrictive as to the development types of uses and density and development. At the time there were several villages and a village density designation identified in the Comp Plan. That is the designation that was placed on the development area. In 1995 when the plan was updated their hope was that it would generate greater net density development out of the development area. So the neighborhood density type of designation was used for the Village. What they have to keep in mind is that Glenmore is about three-fifths of the development area. So what was unplanned for was less than one-half of that development area. Staff would have to go back and verify but probably at build out now based on Glenmore being approved, the Rivanna Village Center and Leake and Livengoode are probably getting a net result in development similar to what the original Comp Plan area is. There was no proffer.

Mr. Edgerton said that there was not a specific number.

Mr. Benish agreed.

Mr. Edgerton said that he was not involved officially in any capacity at that time, but he did recall that there was a lot of back and forth between the developer and the county about seeking density that was not allowed in the rural area. It was providing a lot of amenities to support that density. Back in those days the Village concept, which was the big part of the master plan at that time, was the beginning of trying to designate development areas. If they are close to what was anticipated then he thought that it was appropriate. But, if they are way off then he thought that they need to know that.

Mr. Benish said that his opinion from what was adopted in 1989 was that they are close to what was the original intent. But they had hoped to get more benefits from it with the 1996 plan. He thought that the mix of use was important that they did get. He thought that the end product is similar the original concept in terms of residential development.

Ms. Echols noted that if numbers help that they would be looking at under this scenario 1,800 or a little more on the total build-out in terms of dwelling units. Staff said 1,700 to 1,800 dwelling units, which are general numbers. Under the land use plan they would have been looking at about 2,100 to 2,800 dwelling units. So they are close, but not exact.

Mr. Benish asked if that is from the 1995 plan, and Ms. Echols replied yes that was correct.

Mr. Strucko suggested that the Commission proceed by discussing the questions proposed, invite public comment and then finalize their discussions.

- Is the recommended plan appropriate?
- Are there issues regarding community facilities or transportation that need to be discussed?
- Other discussion topics from Planning Commission.

Mr. Strucko asked if the recommended plan is appropriate.

Mr. Morris replied yes that he was glad that the density dropped down. He felt that Mr. Edgerton's question is right on. As he recalled when they were talking about the village center the density was one of the key areas. In looking at it he thought that they have responded to the public input and to the topography of the land. He felt that they have a much more realistic point here. He was definitely in support of it.

Ms. Joseph noted that there was a woman who made a comment when they were leaving the fire house that she liked the idea of having another type of green open space somewhere. It sounds like a good idea if there is a possibility that additional green open space gets added adjacent to the water. They already have a park. If it is possible or makes sense topographically to have another green open common public space, then that would be nice.

Ms. Echols said if it was something that the Commission as a group wanted to have put in the plan, then staff could put that in the text. All of this area is zoned RA. So anything that gives a density greater than RA is going to require a rezoning. Therefore, they could look at that when a rezoning comes in. Staff could handle it as a textural comment to provide more flexibility.

Ms. Joseph noted that she did not know if other Commissioners agreed with her.

Mr. Loach noted that he had two questions regarding the right side of Running Deer. Number one, do they have the right-of-way for the pedestrian bridge. Question two is in reference to the water supply concerns in that area. He assumed that this is not served by sewer and water on the right hand side and will not be in the future.

Ms. Echols noted that it would be in the jurisdictional area because it is part of the development area. So water and sewer service would be available to that area on the west side of Running Deer, but not the east side.

Mr. Loach asked if that was the area marked in yellow, and Ms. Echols replied yes.

Mr. Loach said that area is marked for two dwelling units, which seems low to supply sewer and water.

Mr. Benish noted that is a number they could have clustered into a single-family unit that would give similar densities. There is always a question about the cost of extending utilities for a limited size.

Mr. Loach asked if they are served now.

Mr. Benish replied that all of the area that is Glenmore, Leake and Livengood would be served.

Mr. Loach said if that is the case and they have reached capacity in that then why leave it in the growth area at all.

Mr. Benish replied that it was actually a scenario that they did discuss which actually took it out of the development area. The community input heard was to leave it and split the difference to get some utility out of it at a low density. But it is not extensively developed under this concept.

Ms. Porterfield asked if he was talking about the piece on the east side of Carroll Creek over to Running Deer.

Mr. Benish replied yes.

Ms. Porterfield noted that was the section that they heard from many of the residents that they have significant water problems.

Mr. Loach questioned the significant cost for a density of two dwellings per acre if the wells go dry and they have to supply water and sewer because it is in the growth area. He was looking at the cost to the rate payers.

Ms. Porterfield said she would make the assumption, unless development is different from that of the Glenmore Community, it will be individual residents or a developer who brings in the sewer and the water. She assumed that these utilities are not going to be paid for by other people.

Mr. Loach asked if there are homes in these areas now.

Ms. Porterfield replied there are some homes, which are on large properties.

Mr. Loach noted that his point would be if this is still in the growth area and should their wells go dry that they are eligible to hook to public water.

Mr. Benish said that the way the process works is if it is an individual request the Service Authority requires individuals to pay. If it is a development proposal obviously the developer would bear the cost and they would extend it to the extent that development is approved. That would bring it closer to those property owners at risk which makes the ability for them to afford the extension more viable. But for the developer it is a more expensive cost because there is less density to distribute that cost to.

Mr. Strucko asked that they go back to the question regarding the appropriateness of the recommended plan.

Ms. Joseph said that the plan is fine, but that different colors should be used.

Mr. Strucko said that they have been talking about their issues regarding the facilities. He asked if there were any comments on the transportation plan. There looks like there are a lot of expected improvements to Route 250.

Mr. Morris said that Route 250 is and will continue to be a mess.

Mr. Loach said that actually they were talking about a very good plan for transportation that they don't have. It is the least common denominator.

Mr. Morris agreed. He asked what they are going to do.

Ms. Porterfield agreed that Route 250 is a real problem. They heard about it when the Commission heard the Vess proposal. It is going to continue to be a problem until there is money to fix it.

Mr. Strucko asked if the Commission was okay with the proposal for the expansion of the sections that are listed here including the maintenance of a rural two-lane section, etc. assuming adequate public funding.

Mr. Loach agreed with Mr. Morris. He thought that within the context of the plan itself those recommendations are adequate.

Mr. Morris agreed.

Mr. Benish clarified that there has not been an official endorsement of a four-lane section of Route 250 from the Shadwell interchange to Glenmore. That is based on a general study of long term growth. Looking at the capacity issue he felt that is a logical approach. Staff's focus was to know what may be necessary to plan for frontage improvements and make the appropriate accommodations for right-of-way when and if that improvement is approved as designed and they move forward with it. As of right now there is little funding for maintenance so improvements are going to be a long ways away. These improvements are not yet endorsed yet as the actual improvements or how those would be designed. He just wanted to be clear about that since it is based on capacity and need.

Ms. Joseph asked what happens if these are not official recommendations and they put them in here.

Mr. Benish replied that this begins the process to recognize what those improvements will likely be. The next step will probably be that it will be discussed in the next update of the regional long range transportation plan where there will be another traffic study done based on updated data. It will be refined and will be incorporated with all of their other regional improvements. This is the first step in that process.

Ms. Joseph asked if they will be putting any language in here that reflects transit as a possibility for this area.

Mr. Benish replied yes, absolutely because that is part of the regional concept for transit. It was even discussed at the Design Crossroads Study, which Mr. Wanner might be able to elaborate on, regarding the need to get more regional transit. Again, the density of development and the level that can be put out there at an affordable rate may take some time. But that is certainly a concept to provide that interconnection. Within the RTA (Regional Transit Authority) Study the notion is an east to northern connector which is certainly something in the Pantops area seen in the shorter term as an option for commuter traffic.

Ms. Joseph noted that was included as one of staff's bullets.

Ms. Echols said that some of the most important things staff wanted to get from the Commission transportation wise are the frontage treatment or that buffer along Route 250 where the interconnections to 250 would be made. She asked if they would be limited to the two points recommended in the plan, which really is what staff was looking for guidance on regarding this plan.

Mr. Edgerton asked if there was any consideration of putting pedestrian access on both sides of 250. He thought that he heard that it would only be on the north side of 250. He questioned if there is a reason for that.

Ms. Echols replied that it came out of the transportation workshop that they had with the community. It was thought that if the northern part of 250 is not in the development area then why put sidewalks across that part of 250, but to keep the sidewalk with the development area that is south of 250.

Mr. Edgerton noted that he misunderstood that from the drawings.

Mr. Benish said that the drawings were just schematics.

Mr. Edgerton said that the sidewalk is being proposed on the development area side, and Ms. Echols replied yes.

Ms. Monteith said her only comment would be that it seems like the language around the pedestrian improvements is kind of soft. The language is crisper around the vehicular improvements. She suggested that the language be comparable. There is no mention about bicycle. She suggested when they talk about pedestrians that they can also accommodate bicycles.

Mr. Strucko opened the hearing and invited public comment.

Dennis Odinov, an area resident, asked to bring up something. It was his understanding at the last Planning Commission meeting on this subject that there was considerable discussion that explored ways in which improvements to transportation would be linked to future actual development. This is assuming the plan is approved that there would be language in there which would say that actual development would be contingent upon these improvements. He would guess that the minutes would reflect this and wondered if anyone remembered that because several persons were excited that would be included. The fact is if development was actually started without anything done to 250 it would be a real mirage. He thinks that the Commission did discuss this. With regard to water on the west side of Running Deer it is his understanding that there is a sewer line or water line that runs almost to Running Deer from Glenmore that was put in by the original development. He asked for some clarification on that.

Cyndi Burton, resident of Running Deer, said that Mr. Odinov is partly right. The water and sewer line runs down Ferrington Road, which runs parallel to the western part of Running Deer. But it runs only to part of Running Deer and not everyone would have access to that line. Of course, in order to access that line they have to knock down their trees and buffer because when that section of Glenmore was built no one left a buffer except what was in Running Deer. Personally she would have to knock down quite a few trees and woods in order to run a line back there. But the day may come that they might have to do that because they are working off of two wells now. But, some of her neighbors have plenty of water. The water problems are in different spots in that area. The reason they talked about the lower density was because of the water issue and topography. On the Breezy hill property there were a lot of critical slopes from Carroll Creek.

Neil Means, area resident in the Village of Rivanna, noted regarding the transportation that in the eastern Albemarle Subarea Study it says that Route 250 is already over capacity and has been for several years. It recommends four lanes on Route 250 out to the Village of Rivanna. But, it also says if it were four lanes out to the Village of Rivanna and the Village of Rivanna were built out it still would be over capacity. That would not solve the problem. Apparently there is no transportation plan and nobody has any idea how to connect the Village of Rivanna with the City of Charlottesville with roads of adequate carrying capacity, which is part of the Comprehensive Plan.

William Orr, resident of Shadwell, said that he had 21 acres across the road towards town between the strip of Rte. 250 and I-64. He noted that there is a pond on the property and he has asked a number of times that property to be included. He thought that particular piece of land would make a nice place for another green area or park. He suggested that a golf course would look nice. When Route 250 is widened from Glenmore to I-64 he knows exactly where they are going to take the land to make it a four-lane road. He felt that about for one-tenth of a mile or so would come from his cow pasture. He thought that there would be reasons to include more people other than just the one developer's land. They have added more land since this first came about, but yet the people across the road are not included. The other thing that bothers him is that Mr. Wanner has said that there is plenty of water for the Rivanna Village to add another 300 to 400 housing units, yet the people on the other side of 250 don't have access to county water. When one gets down to the Hacktown area those wells are very poor and there are people who have not been able to move into the area because of lack of water. It just seems that if there is enough water to add 300 to 400 homes in Rivanna Village, then there ought to be enough water to let people on the other side of 250 to connect to the public water line.

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

Mr. Loach said that a good point was given by the gentleman who called for a link between development and infrastructure. He recalled that the Commission talked about it at the last meeting to the point where he asked where was Plan B. In other words, if there is no money for the infrastructure in the near future is that in effect not something they should do if they don't have the money. In other words, if they are going to make the quality of life decrease for the current residents then why do it. He asked staff to provide the quid pro quo for the 300 to 400 homes and how it gets tied to infrastructure.

Mr. Benish said that is the next step in the process. If the Commission agrees that this is the density they are working from, then the next step is to write up the implementation section of the plan. This is similar

to what the Commission will be looking at shortly in Places29. He did not know if they would take a priority area approach because this area is mostly built out. But it will try to do that same thing and that is tie new development to infrastructure capacities. So that is staff's next step to work on. Staff wanted to make sure the Commission understood and agreed to what capacity and land use plan they are working from before they got started on that. To be clear this is by no means just the community facilities section. Staff is going to be drafting a more complete plan for the Commission.

Mr. Loach hoped that staff would be looking for this as he would in that section to see what that link is going to be and how it will be tied to development.

Mr. Strucko asked for other reactions or comments.

Ms. Joseph said she was always looking for the maximum density that they can get. But it looks as if they are really inhibited in this area because they don't have the sewer capacity. When this was first approved there were people in that area who said they wanted this area not to be super dense and to limit the capacity at that point in time when the package treatment plant was designed. So what they are doing now is living with the limitations.

Mr. Strucko felt that this plan reflects what the community has expressed in the various work sessions that they have had in Glenmore. He remembered that in the work shop this was certainly the plan that was preferred more than others. So it is a combination of things. They do look at infrastructure capacity. They look at methods of developing concurrently the water, sewer, traffic, transportation, schools, fire rescue and all of that concurrent with the increase in residential and commercial development. That has always been a tricky balance. But it is certainly something that has grown more prominent in county planning and policy. He agreed with Mr. Loach that he would be looking for it as well. That is something that had its genesis in Crozet years ago and he was glad that it is playing a large role in this conversation.

Mr. Morris supported that completely.

Mr. Strucko asked for Ms. Porterfield's comments.

Ms. Porterfield said that the other Commissioners were doing a good job.

Mr. Loach asked to go back and correct something in his mind that Ms. Joseph said. He did not think that they were responding to a limited capacity. They were making a decision not to ask the Sewer and Water Authority to look into expanding the capacity. From what he heard there is a potential to increase that capacity to allow more density, but they are choosing not to do that. It is not that they are up against the max. They are actually choosing not to expand and not to ask them to spend the money to do it. He wanted to be clear about that.

Mr. Strucko asked if there were any other comments.

Ms. Monteith asked regarding the questions about transportation as in transit if they can assume when this would move along that it would be designed as transit ready.

Mr. Benish replied yes.

Mr. Strucko asked if staff has an adequate response from the Commission for what they need to take the next step.

Mr. Benish said that he heard two comments or ideas to go back to that he wanted to make sure that there was a consensus on. There was a note to beef up the pedestrian comments and put them on the same levels as the road improvements and make sure that they also note bicycle improvements. He assumed there was consensus on that. In addition, as they draft the text staff should look at other possible green space areas in the plan. He asked if that was a consensus for staff to go back and explore that.

The Planning Commission agreed with Mr. Benish's comments.

Mr. Wanner noted that they would use other colors as requested.

Mr. Strucko noted that concludes the work session. He thanked the public for coming out and providing comments to their considerations.

In summary, a work session on CPA-2008-00003 Village of Rivanna Update – Land Use Framework and Transportation was held by the Planning Commission. In a PowerPoint presentation, the consultant's representative Bill Wanner, of the Thomas Jefferson Planning District Commission reviewed the proposed recommendations or options to be presented to the public. The Commission reviewed and discussed the proposals, answered the questions posed by staff and made comments and suggestions. Public comment was taken. No formal action was taken.

The Planning Commission responded to the following questions posed by staff: **(See specific Commissioner's comments in minutes above)**

Is the recommended plan appropriate? Yes. The plan is fine, but different colors should be used on the plan.

Are there issues regarding the community facilities or transportation that need to be discussed? Yes. The following comments were made:

- There was a note to beef up the pedestrian comments and put them on the same levels as the road improvements and make sure that they also note bicycle improvements.
- In addition, as they draft the text staff should look at other possible green space areas in the plan.
- It was assumed when this would move along that it would be designed as transit ready.
- Staff was asked to provide the quid pro quo for the 300 to 400 homes and how it gets tied to infrastructure.
- There needs to be a link between development and infrastructure. That link needs to be shown and how it will be tied to development.

Old Business:

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

New Business:

Mr. Strucko invited new business.

Mr. Morris suggested that the Commission go into executive session to clear up some items that came up at the last meeting. Obviously the one hand was not talking to the other hand and so forth. There was a great deal of confusion regarding the home occupation request waiver. He felt that it was just not right and wondered what they could do to avoid that in the future. He learned more from the email from the developer about what the proffers were than he learned that night.

Mr. Strucko noted that was an email that came after the meeting from the Belvedere developer.

Mr. Morris pointed out that the email resulted from a complaint from the lady who asked what is going on here.

Mr. Strucko agreed and suggested that staff put the item on next week's agenda. He asked staff to work in an executive session.

Mr. Kamptner said that the issue would have to be discussed in an open meeting. It is not a basis to go into a closed meeting. The Code lists about 80 or 90 cases and this is not one. The only ones that might apply is when there is probable or threatened litigation or to receive legal advice on a specific legal

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matter. He would look at that latter circumstance, but generally that would not be applicable in this particular circumstance.

Mr. Morris noted that he was reluctant to air these concerns in public when they can do it in private and just discuss it and come up with a way of avoiding it in the future. He understood that when three or more Commissioners are gathered that it is public. He asked how the other Commissioners feel.

Mr. Strucko appreciated his concern and suggested that perhaps they can work this out another way. If the Commissioners could express their concerns to him then perhaps the Chair and Vice-Chair could meet with staff. That way it would be two Commissioners representing the group.

Mr. Morris agreed if they were willing to do it.

Mr. Loach agreed to do it.

Mr. Strucko noted that Mr. Loach and he would do their best to communicate with staff. A meeting can be scheduled at everyone's convenience.

Mr. Cilimberg noted that part of the missing link last week was the official determination information that the Commission ultimately asked for, which zoning is working on to get to them. That information would have helped the Commission in their deliberations that were not really about the woman's request for the home occupation. It was really about Belvedere and decisions that had been made regarding Belvedere. Unfortunately the Commission did not have that before them. That is going to be provided to them, but he thought that was the kind of thing they could talk about in terms of how to best make sure that communication is happening in the most effective way.

- In summary, the Commission requested the Chair and Vice-Chair to set up a meeting with staff to discuss the problems encountered at the Belvedere home occupation hearing on 3-10-09 to prevent a reoccurrence of the situation. Mr. Strucko to schedule meeting with Mr. Loach and staff on the Belvedere matter.

Adjournment

With no further items, the meeting adjourned at 7:10 p.m. to the Tuesday, March 24, 2009 Planning Commission hearing 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 Claytor Taylor, Clerk to Planning Commission and Planning Boards)