

**Albemarle County Planning Commission
April 14, 2009**

The Albemarle County Planning Commission held a public hearing and meeting on Tuesday, April 14, 2009, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Melissa Barlow of Thomas Jefferson Planning District Commission; Wayne Cilimberg, Director of Planning; Elaine Echols, Principal Planner, David Benish, Chief of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Loach invited committee reports.

- Mr. Morris reported that the Pantops Steering Committee would hold a meeting on May 18 at Broadus Memorial Baptist Church for all of the stakeholders. The meeting will start at 4:00 or 4:30 p.m. and end around 7:00 p.m. Members of the public are welcome to come and talk about any ideas as to how they can approach projects that they have some hope of moving forward on.

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

Other Matters Not Listed on the Agenda from the Public:

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

Neil Williamson, of Free Enterprise Forum, asked to address ZTA-2008-2 Planned Development Changes which is a matter that is on the consent agenda but does not have an opportunity for public comment. As April 15 is tomorrow he wanted to discuss the concept of rebates.

- Imagine that he is a landowner who rezoned to a Planned District in 1978. He has been paying taxes on the rezoned value since 1978. If he had done nothing else to the land and thus had not established vesting then the new regulations significantly change his application to the point of being invalid. He asked if they would refund the 30 years of taxation. If it eliminates 15 percent of his developable property will Albemarle County refund 15 percent of the taxes.
- What if the next floodplain adjustment, FEMA, places one-half of the land into the floodplain how will he effectively achieve the overall density that may be required by his application plan. He believed that under the current and the new regulations he would be required to go through a rezoning opening up for additional proffers and regulation. What if he had a project that was developing in phases and he got through one and then found out while going through the entitlement program phase four is not doable would he be able to do phases two and three.
- This is the opportunity to fix the ordinance language and make it better. Many of these concerns are not addressed in the current ordinance. He recommended that they take a look at the opportunity for a little variability there.

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

Review of Board of Supervisors Meeting – April 1, 2009 & April 8, 2009

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on April 1, 2009 and April 8, 2009.

Consent Agenda

ZTA-2009-00005 Amend Zoning Ordinance Sections relating to Enforcement and Administration - Resolution of Intent (Rob Heide)

ZTA-2009-00002 Beauty/Barber Shops in CO District; Towing and Body Shops in HI District – Resolution of Intent (Elaine Echols)

ZTA- 2008-00002 PD Changes (Elaine Echols)

Mr. Loach asked if any Commissioner would like to pull an item from the consent agenda. He noted that Mr. Franco has asked to make a statement to be attached to the record going to the Board of Supervisors.

Mr. Franco said that he would be happy to move the ZTA forward with the following statement to be attached to the record for ZTA-2008-0002 PD Changes.

“I’m coming into this process relatively late as a Planning Commissioner. While I believe that there are good aspects to the PD ZTA, I question if we are going far enough to ensure that the purposes of the planned development and neighborhood model form of development are achieved. Specifically, I see a conflict between what is required in the Code of Developments and what we allow to be varied, should new laws and regulations make it difficult or impossible to execute portions of an application plan.

In our own comprehensive planning effects, we are relying on new projects to construct needed improvements to the public infrastructure and to proffer community goals such as affordable housing. Once we approve a rezoning, it is in the public’s best interest to include a variation process which allows projects to adjust to new regulations and policies, while protecting the purpose and intent of the approved plan. This process does not have to be at staff level.

If we don’t provide for such a variation, we should continue to evaluate the level of detail that we require during the rezoning process.

We dealt with this at a late hour two meetings ago; I have heard from people that were not able to stay for that item. I would like to leave this item on the consent agenda, but would like to hear the desires of the rest of the Commission. I am happy to move this item forward with the expectation that there will be more discussion at the board level.”

Mr. Morris said that he would prefer to leave the ZTA-2008-0002 PD changes on the consent agenda.

Motion: Mr. Morris moved and Mr. Franco seconded for approval of the consent agenda with Mr. Franco’s statement to be attached to the recommendation to the Board on ZTA-2008-2 PD Changes.

The motion passed by a vote of 5:0. (Strucko and Joseph were absent)

Mr. Loach noted that the consent agenda was approved

Work Sessions:

ZTA-2009-00003 Farm Wineries – Resolution of Intent (Wayne Cilimberg)

Mr. Cilimberg summarized the executive summary.

- The executive summary states there have been some changes in State law in the last couple of years that staff feels warrant the amendment of elements of our ordinance pertaining to farm wineries so to be totally consistent with Virginia Code. (See Executive Summary) They would certainly be getting into the particulars of that as they would undertake the zoning text amendment. Tonight is simply a request that the Commission pass a resolution of intent to move that process forward. Staff would also like to get input on the type of process they use assuming that the Commission is agreeable with the resolution of intent.
- There are a couple of ways staff has approached roundtables in the past where they get public interest input on ordinance changes. One that they have primarily used is a staff process with the public. At a minimum they have one roundtable and in some cases there have been more than one. The second that staff actually used was with the Planned Development regulations with the Planning Commission sponsoring the roundtable. Staff would like to know which approach the Commission would like to take. Staff noted that the staff approach works a little better for more informal interchange between staff and the public. It is certainly a public meeting, but it is not in the public venue so to speak as an advertised meeting that the Planning Commission would hold. It allows for probably more general discussion about amendments with public interest. Certainly they could invite Planning Commissioners to attend. As long as the Commissioners were not participating he thought it would be okay. He asked Mr. Kamptner if the Commissioners were just observing if that was okay in that setting.

Mr. Kamptner replied generally yes, but that the Commission could adjourn to that particular round table.

Mr. Cilimberg suggested that it might be the more expeditious way to get input. But if the Commission wanted to sponsor the meeting, as was done with the Planned Development regulations, staff could certainly set it up in that way. He asked for the Commission's guidance on which approach they want to take in addition to their action on the resolution of intent.

Mr. Morris asked if the Planning Commission would have a public hearing on the matter no matter what.

Mr. Cilimberg replied that he would envision a roundtable followed by a Planning Commission work session to discuss the results of the roundtable. That would certainly be open for public comment. Ultimately a public hearing, which would be advertised, would be necessary.

Ms. Porterfield noted that it appears that all they were doing was bringing the ordinance up-to-date with what has been adopted at the state level. Therefore, she did not understand why they were having a roundtable. She asked if they were looking to make other changes in the ordinance.

Mr. Cilimberg replied no, but that various particular public interests, especially the local wineries, have been very involved with the State Code and he thought that they would want to have a chance to discuss the amendments before they come to the Commission. It was basically just to take care of Code requirements. The part of the State Code that was of the most interest in making the changes was cited in the discussion of the Executive Summary. The Code now stipulates that local restrictions shall take into account the economic impact on the farm winery of such restriction and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Staff believes that they can develop the language that would reflect usual and customary, but felt that it was good to have the wine interest participate in that discussion.

Mr. Morris noted that he was all for getting as much input as possible as long as they have the staff time to do it. He felt that it would be extremely good to invite the people in the industry and get their input to see if they need to do anything else just as long as the Commission has a chance to have a public hearing afterwards.

Mr. Loach invited public comment.

Matt Conrad, with the Virginia Wine Counsel, provided comment on the proposed resolution of intent. Over the past three decades or so Virginia Farm Wineries have become pillars of Virginia's economy both in agriculture and in tourism.

- Since 2006 Virginia Wineries have pursued a consistent regulatory framework in statewide solution to disparity in local regulation of their production, marketing, retail and day to day operations. In 2007 with the assistance of the Governor and the Department of Agriculture the General Assembly responded to those requests by unanimously adopting an amendment to the Code that severely limits the degree to which localities may regulate licensed farm wineries. As noted in the executive summary provided by staff Albemarle County has largely conformed its practices to State Law even though the current zoning ordinance remains out of compliance to Section 15.2-2288.3. Since that statute's enactment David King and other industry leaders have worked with staff to help conform that practice. Once again the Virginia Wine Counsel and its members stand ready to assist in developing whatever new ordinance is proposed before this body. They look forward to the roundtable if that is the desire of this body and the opportunity to participate in the process.
- It should be noted, however, that any attempt to regulate farm wineries must conform to Virginia Code particularly the section attached in Section C that he referred to earlier. That language requires that usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety or welfare of the public. So before engaging in any regulatory practices they would need to meet that sort of burden of proof to establish that threshold. Secondly, local restriction upon such activities and events of farm wineries to market and sell their products must be reasonable and take into account the economic impact on the farm winery of such restriction.
- In this past General Assembly session the Virginia Wine Counsel and its members have pursued an additional amendment to this Code section requiring local bodies who wish to engage in further regulation to also take into account the agricultural nature of such activities and events prior to any regulation they may wish to enact. So they ask that the Commission consider all of those things. They look forward to this process if this is the route that the Commission chooses to pursue. He asked that the Commission feel free to contact him or any of the members at any time.

Neil Williamson, with the Free Enterprise Forum, said that the Free Enterprise Forum believes Albemarle County in its Comprehensive Plan Economic Development chapter calls for the support of rural enterprises that fit with the fabric of the rural areas. They consider farm wineries one manner to make rural preservation economically viable. Viticulture in Virginia is one of few growing agricultural sectors in the Commonwealth. Albemarle is located in the Monticello Appalachian, the richest wine Appalachian in the state. Albemarle County is filled with good citizen wineries that are operating in good faith and generating significant tourism revenue for Albemarle County. They agree with staff that the current provisions in Albemarle County Code are in direct violation of the State Code and as such the State Code supersedes the County Ordinance. To that end they question the need for local regulation on farm wineries at all and perhaps the intent of this resolution of intent. They believe that usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is significant impact on health, safety and welfare of the public, which is pretty clear. What is the benefit to the citizens of Albemarle County to expend limited staff time to attempt this additional level of regulation? Simply the elimination of the farm wineries regulation would accomplish the task staff is seeking. If they do choose to move forward they encourage the Commission to go forward with the roundtable engaging with the Virginia Winery Association, The Jeffersonian Grape Growers Society, which are the founders of the Monticello Wine Trail, the Virginia Wine Council and all interested parties as these farm wineries are really an important part of the rural landscape of Albemarle County.

There being no further public comment. Mr. Loach closed the public comment to bring the matter back before the Planning Commission for discussion and action.

Mr. Morris noted that Mr. Williamson did have an excellent point. However, they do have their own ordinance and personally he would like to see that brought into compliance with the State Code and moved forward.

Mr. Kamptner asked to explain for the public benefit as to why they are bothering to regulate farm wineries. As Mr. Cilimberg pointed out probably most of the roundtable discussion will focus on the usual and customary activities. The General Assembly had a report prepared a couple of years ago that was intended to be the first step towards a proposed bill that failed which delineated what usual and customary activities were. But that report exists and provides a list of the events that have been determined to be usual and customary. It also puts a limit on the number of people that attend these events that this report concluded would be usual and customary. That number is 200 per event. When they met with some representatives of the Virginia Wine Council they said that they would rely on that report whenever they were challenged just to whether or not a particular event was unusual and customary. So it makes sense for the county to just simply delineate what those usual and customary events are for the benefit of the public so that every body knows what is going to be deemed to be usual and customary. That is the purpose. That is probably the main scope of the discussion that staff wants to have with the Farm Winery community.

Mr. Morris asked if the question has normally been raised by the neighbors who complain about late night sessions at the wineries and so on.

Mr. Kamptner replied that there have been those types of complaints, but he did not know if any of them had resulted in an investigation that led to a zoning violation. That is why the County is proceeding in this manner. They recognize that the current statute is self executing and the county does not need to. It probably would have helped staff in implementing the regulations a year ago when the new laws took effect. When they read Section 22.88.3, which is the State statute, they recognized that it was self executing and staff has simply been working within the framework of that legislation since then. But staff does want our ordinance to match the State law.

Ms. Porterfield asked if they are achieving anything by having two different discussions on this. She asked if they could do this in one discussion if it was mostly in broiler plate from the State. She keeps hearing that staff only has X amount of time. She was wondering why they can't do it at a public hearing here and just make sure it is done properly in the new ordinance and either bring it back on the consent agenda or whatever with one meeting as opposed to two.

Mr. Cilimberg said that it was the Commission's choice. At staff level they felt that it was important because they have had some conversation with the wine representatives that it would be important to have that conversation with them to make sure that the ordinance was doing what they felt it needed to do for the County and for the industry. As mentioned there have been some other public interests who have voiced their opinion when they have had one or two special use permits come before them. So they were trying to do that in a way that would give the best opportunity towards discussion of that and to be able to then bring the Commission something that they felt had resulted from that process. He did not think they would get away with just one meeting on this anyway.

Ms. Porterfield asked if staff has the time to do it.

Mr. Cilimberg replied that it is part of what they have put into the work program.

Mr. Edgerton agreed strongly with Mr. Kamptner's explanation of the value that would come of identifying usual and customary. He would also like see if they can identify what is meant by safety, health and welfare.

Mr. Kamptner noted that the usual and customary element is the easier to define. The other problem with this particular legislation is that they don't know before hand when they have a situation that is creating a substantial impact on health, safety or welfare. They try to capture most of the activities. He felt that what the report was trying to do by defining and establishing that threshold of 200 people was once one was below that level they were not going to have situations that create that kind of substantial impact. Once they go beyond that it is something that still needs to be worked out. They have not found a simple formula that they can plug in and say yes that will result in a substantial impact.

Mr. Loach asked does this supersede agreements that were made under special use permits in the past for the number of events they can have. He asked if that now becomes unlimited as long as it is 200 people or less.

Mr. Kamptner replied yes, that in the way the ordinance is being proposed the number of particular events or activities per year provided that they fall within the usual and customary standard will be allowed to proceed. So if there is any special use permit that is out there that put a limitation on the number of those events that numerical limitation will probably go away.

Mr. Loach asked if any constraints would have to be one size fits all or can they make the constraints equal to the size of what the events would be and how late they would go. In other words if there were 10 or 15 people and they go to midnight that is fine. But, if they have 200 people having a party next door that is a different story. He asked if they are given any latitude.

Mr. Kamptner replied that they would have to look at that since he can't give a definitive answer. He thought if they go with the General Assembly report as far as defining what usual and customary is they will be limited. There are some things that they can regulate such as noise under their normal noise regulations. They cannot single out farm winery events and activities for a separate noise standard. It will have to fall under the general regulatory scheme for noise. They will look at all of those issues.

Ms. Porterfield asked if it is going to be a roundtable if the Commissioners can come but can't participate or ask questions.

Mr. Kamptner said that if more than two Commissioners are present they could not participate. If the Commission decides that they want to sit there but are concerned that they will not be able to say anything, then they can adjourn to that meeting or they could just decide to say not more than two Commissioners to attend the meeting. When they get to that point they can work it out. They may decide that the Commission wants to sit in on the meeting or that they don't need to.

Mr. Edgerton asked if the Commission wanted to participate then they could adjourn from the previous meeting.

Mr. Kamptner agreed if they adjourned from the Tuesday meeting.

Mr. Edgerton said that Ms. Porterfield's point is a good one in why they need to have two meetings unless they might get more valuable input from two meetings. His concern was keeping the conversation going at a reasonable pace and not having too much time between a roundtable and a work session and sort of losing the train of thought. He questioned what kind of time schedule staff anticipates.

Mr. Cilimberg replied that first they have to work up the information that they want to take to the roundtable for the people attending. Then the meeting has to be scheduled. The turn around after that is going to be based on what kind of input they get and how they can respond to that input to provide the Commission what they need.

Mr. Edgerton said that the purpose of the roundtable, particularly if it was held in a remote location, would be to encourage public participation. It would be a shame to encourage that participation and then have the process get bogged down. He urged if they go that way, which he felt could be done in a valuable way; that they are tight about the schedule to try to keep it focused until something was achieved.

Motion: Mr. Morris moved and Mr. Edgerton seconded for approval of the attached resolution of intent for ZTA-2009-00003 Farm Wineries.

The motion was approved by a vote of 5:0.

Mr. Cilimberg said that staff will schedule the roundtable and let the Commission know in advance so that

they can adjourn to that meeting if they so desire.

UnJAM – United Jefferson Area Mobility Plan 2035

Melissa Barlow, Thomas Jefferson Planning District Commission Charlottesville-Albemarle Metropolitan Planning Organization, recognized her two colleagues Anne Widham and Will Cockrille in the audience. She presented a PowerPoint presentation to brief the Commission, solicit input and answer questions about the United Jefferson Area Mobility Plan which was the long range transportation plan for the TJPDC area, which is the City of Charlottesville, Albemarle, Fluvanna, Louisa, Nelson and Greene. The specific piece that they are bringing tonight has some language that discusses dramatic elements for the entire region. But the project list contained within the document received is specific to the MPO area, which are the City of Charlottesville and the urbanized portion of Albemarle. She would explain why they were here; give a little bit of background of some of the mechanics to the document and some brief conclusions and recommendations. At the end she would answer some questions. They hoped that the end result would be that the Planning Commission would recommend or give an endorsement for recommendation to the Board. (See PowerPoint Presentation) They hope for a May adoption of the entire UnJAM document.

The portion that they are here to talk about really consists of two areas: The MPO Planning Area, which has some specific federal regulations or requirements they are required to meet. The plan is required for an area that has greater than 50,000 population. The plan must be updated every five years. They forecast the transportation investments over the next 20 years. It must be fiscally constrained. It must address these 8 planning factors. The document does work through each of those. It must address all of the modes.

The second part of the document, which will be worked on for the remainder of the year, are the rural planning areas. That area includes the rest of Albemarle or unurbanized portion, Fluvanna, Greene, Louisa and Nelson. That portion is not part of a federally required document. In 2004 was the first time that a long range transportation plan brought together both the rural and urban areas in UnJAM 2025. It won lots of awards and so they continued in that vein for this five-year update. That effort was recognized by the state. Now the state is requiring all rural areas to put together a regional rural long range plan. So they are continuing moving forward. It too must forecast transportation investments for the 20-year period, but it is not required to be fiscally constrained. So she imagined that this document would grow quite a lot as those project lists are brought forward. It too must address all modes.

In terms of fiscal constraints they are given a forecasted number of revenues that are expected to be reasonably available over the 20 year time span. That number was approximately 391 million dollars. One of the other key points of fiscal constraint was that they had to take each of the project costs that were given to them by VDOT and forecast them forward into the year in which the money would be spent. So obviously a project in today's dollars is going to be much less than for example 18 years from now. So that did whittle away at that 391 million very quickly. When they hit 391 million the rest of the projects went on the vision list, which means they are not reasonably expected to be programmed or funded during this 20 year time span.

To connect the long range plan to some of the other required documents for transportation she noted that in order for a project to receive federal funding it must be in the long range transportation plan. It will then move through the process for the MPO area and will need to be shown in the federalized transportation improvement program, which is a federal document that indicates the amount of federal dollars that will be spent in a four-year period. Then obviously they have looked at the Six Year Improvement Program, which is produced by the state. So this is the process and how it connects to some of the other transportation documents.

They worked through the fall and the spring developing this document. The MPO Committees came up with a brand new of revised vision statement.

Preamble: The era of cheap oil is over. This fact, coupled with the adverse effects on our climate by the consumption of fossil fuels, will increase the need and demand for alternatives to the automobile.

Regional Vision: The Thomas Jefferson Planning District's transportation system will provide safe, sustainable, efficient and attractive multi-modal choices, support the movement of people, goods and services, and protect the environment, our communities and quality of life, while addressing regional and statewide transportation needs.

Maps were displayed for the Draft UnJAM 2035 Charlottesville-Albemarle MPO Transportation Project List and Bike and Pedestrian Project List.

Conclusions and Recommendations:

1. This document, UnJAM 2035, presents a regional vision for our future transportation system and suggests implementation strategies to attain the vision.
2. To remain compliant and eligible for any American Recovery and Reinvestment Act Funds (ARRA funds) are made available to the MPO portion of the plan, which is why they need to have it adopted by May.
3. The rural sections will be completed by the end of May, 2009.
4. She asked that the Commission recommend endorsement of the Plan.

She offered to answer any questions about the plan.

Ms. Porterfield noted that she was the new Scottsville Commissioner, representing the east side of the county. She was surprised in reading through this that the Village of Rivanna was not mentioned because that master plan has been worked on and transportation is an enormous issue to the residents of that area including what can be done with the road systems as mass transit.

Ms. Barlow noted that she could certainly bring that up. She was sure that it would be mentioned more, but it is outside of the urbanized area.

Ms. Porterfield noted that the Village of Rivanna was in the development area even though the area was 4 ½ miles to Pantops.

Ms. Barlow noted that they would be working on the rural sections and they could consider that. But they can put that part of the conversation in.

Ms. Porterfield said that if this was the way the fathers of Albemarle County wanted it -- with a development area that is disconnected -- she felt that they at least need to talk about it. The other thing is she would yield to the man to her left, Mr. Morris, but she noticed that the Pantops Master Plan is not mentioned in the timeline of plans. The Pantops Master Plan has been adopted and it seems that it should be in there.

Ms. Barlow asked when that was adopted.

Mr. Morris noted that it was adopted last spring or a year ago.

Mr. Benish said that it was adopted in March of 2008.

Mr. Loach said that he had been working on the CHART Committee. He came in after Mr. Morris on this in the latter part when the UnJAM report was finished. It is really an excellent report and if anything it is an excellent tutorial into transportation planning. From there it outlines the challenges that he felt the region itself faces in developing a transportation plan especially in today's economy and the way transportation is being handled by the state. He said that it is a very important planning document and one that is worthwhile of the endorsement of the Planning Commission.

Motion: Mr. Morris moved and Ms. Porterfield seconded to highly recommend resolution of support of this document, UnJAM – United Jefferson Area Mobility Plan 2035 with a request that they take a look at the items Ms. Porterfield brought up.

The motion passed by a vote of 5:0.

Mr. Benish pointed out related to the MPO UnJAM Plan that our Comprehensive Plan references that as our regional transportation plan and it essentially adopts the goals and objections by reference as well. So they provide our endorsement of it by recognizing it as our higher level bird's eye view plan by which these master plans then feed in more detail to.

Places 29, Chapter 8 - Implementation

Staff will present the details of the text of Chapter 8 to the Commission and the public. Staff requests direction from the Commission about the contents and level of detail in Chapter 8. Public Comment will follow the presentation and discussion with the Commission. (Judy Wiegand)

Mr. Benish presented a PowerPoint presentation and reviewed the implementation portion of Chapter 8 of the Place29 Master Plan Chapter Draft Master Plan. Primarily he would review the implementation tables that had been handed out, answer questions and receive guidance from the Commission and provide an opportunity for the public to ask questions or comment. (Attachment – Places 29 Master Plan Chapter 8 Implementation Table – Planning Commission April 14, 2009 PowerPoint Presentation)

Implementation Table:

1. The implementation tables identify the order in which the projects are expected to begin. It is based on the transportation consultants and modeling experience regarding the transportation improvements. The non transportation items are based on facility planning and service standards, which identify a level of service needs as it relates to population or service demands.
2. The responsible parties and traditional funding sources have been identified. Staff has listed the traditional funding sources so that users at the table will understand how these types of projects were typically funded. Other funding options will be discussed later. But the focus has been to primarily identify those traditional funding options.
3. In the table the purpose of the project has been identified, which is under the issues to be addressed. It also identifies those types of issues that they would encounter as they undertake the projects. It also identifies under milestones as being a way to monitor the success of achieving the improvements.

Organization of Projects:

The tables are broken down into four types of projects by time period.

- Transportation
- Land Use & Development
- Community Facilities & Services
- Parks & Green Systems

Three Time Periods:

- Ongoing projects which are those that continue to be ongoing throughout the 20-year period.
- Projects that need to be started within the first ten years.
- Projects that need to be started during the second ten years in order to satisfy expectations for improvements in the Places29 area.

Examples:

Ongoing Project: Access Management Improvements along US 29 from 250 Bypass to the Greene County line

First Ten Years: Plan/Design/Construct widening of US 29 from Polo Grounds Road to Town center Drive

Second Ten Years: New Elementary School

Important to Remember:

1. Many of the projects are needed to serve existing and approved development (a backlog of infrastructure needs).
 2. These improvements would be needed whether or not this Master Plan is adopted or stayed under the current Comprehensive Plan.
 3. Existing development, zoned land/approved projects and regional impacts/growth will account for much of the growth and infrastructure demands in the future particularly in the first 20 years of the plan.
- The Master Plan sets a vision for the future.
 - The implementation section provides a general course of action/guidance tool for addressing needs, allocating staff and financial resources.
 - The Master Plan (and Neighborhood Model Principles) encourages a form of development that can eventually reduce the demands for road improvements and land/site development needs (vehicle trips/parking, etc.) The form of development is one of the implementation measures to address some of the infrastructure needs that they have.

Places29 Required Project: TRANSIT

- Significantly enhanced transit system. The transit system is necessary to support the form of development in terms of intensity of community centers and vice versa. The transit system really can't be supported by a lower sprawl form of development with less density that would currently occur in our Comprehensive Plan.
- Places29 does recommend different forms of development for the needed projects. An example is that a grade separation could be a typical interchange whereas the concepts in the Places29 plan call for more of a jug handle type approach or utilizing parallel road systems in lieu of typical ramps. In terms of the need for the improvements a grade separation at a particular location really all of those are necessary regardless of whether they develop in the future under the current Comprehensive Plan or Places29.

Density: Comp Plan v. Places 29

One of the questions and concerns has been the amount of development that is assumed within the current Comprehensive Plan and Places29. Staff wanted to provide some of the numbers the consultant had provided in late 2007, which accesses the development potential under the current Comprehensive Plan and Places29. For residential development by dwelling unit actually Places29 is very similar at the low (29,100 dwelling unit estimate Current Comp Plan) (28,000 dwelling unit estimate Places29 Master Plan) and mid-point (48,100 versus 49,600) of the range of densities and is only slightly higher at the higher end. (67,100 versus 71,400)

Employment: Comp Plan v. Places29

For the employment growth, which for the most part is all non-residential growth, there is actually a decrease in the amount of employment opportunities at all levels under Places29 versus the current Comp Plan.

Recommended Priorities Areas Established

- Existing facility, service, & infrastructure needs - The implementation sections calls for the creation of priority areas, which are based on the existing facility needs and in those particular areas where existing development is in place or has been approved and where they perceive that there will be a significant transportation need.
- Acute regional transportation needs in the area
- Investments needed to support approved developments

Implementation Objective:

- The objective of this implementation plan and the tables is to focus the implementation of those improvements that are necessary for those identified priority areas first. The maps are identified in the attachment.
- After that it focuses on the remaining areas of the Master Plan.

Five Essential Transportation Projects

- Improvements Recommended in 29H250 Studies, which improvements to the corridor from Hydraulic Road to Emmett Street and Hillsdale Drive Extended in the City. Includes grade separation at Hydraulic Road
- Berkmar Drive Extended
- Grade-separated intersection at Rio Road & US 29
- Widen US 29 to 6 lanes north of Polo Grounds Road
- Enhanced Transit System

Approach to the “Big Five” Projects

After Adoption of the Master Plan, proceed with:

- Identification of additional funding sources
- Small Area Plan for Rio Road/US 29 area
- Profile study for Berkmar Drive Extended bridge over the South Fork of the Rivanna
- Preliminary design for widening of US 29 north of Polo Grounds Road
- Form an RTA/ implement an enhanced regional transit service
- Support City’s efforts to obtain funding for and proceed with design of 29H250 improvements

It is important to note that each one requires important starting points. As an example, for the interchange at Rio/29 what is going to be an important first step is to establish a more specific study for how that interchange could be located in that area and how surrounding land uses can relate to that interchange area. That would establish a more detailed plan by which they could work towards things such as official maps to establish the amount of right-of-way that they need and establish a more specific plan by which they would have better estimates for cost and told to use to acquire rights-of-way and move towards utility improvements. As an example those are some of the important first steps for a number of the five important projects.

Funding Mechanisms

Funding mechanisms are certainly important in the consideration of the implementation plan.

- Traditional (Federal, State, local property tax) sources are currently more limited. Alternative sources may be needed.
- Chapter 8 includes several alternative funding mechanisms.
- Mechanisms will require a policy decision by the Board of Supervisors for local options

How We Fund—Mechanisms:

- Traditional Sources (Fed, State, Local/CIP, Proffer)
- Bond (G.O., Revenue)

- o Special Taxing Districts (Service District, CDA)
- o Impact Fees
- o Pursue “nonstandard” federal and state funding sources (grants, etc.)
- o Partnering with the City, University, and Public-Private
- o Private funding for maintenance of the public realm

Funding Options

- Local funding options previously reviewed by “Funding Options Working Group,” Oct. 2005 (MPO/City/County reps)
- BOS Review of Revenue Options in 2007
 - o - Transportation Service Districts
 - o - Road Impact Fee, others

Funding Options Working Group

- Federal and State funding should continue to be major source of transportation funding; increase gas tax for additional funding
- State should look for other sources beyond gas tax
- Standing authority granted to localities to raise/enhance taxes through local referenda
- State should grant more flexibility to locality to use existing/future funds
- State funds should match local contributions

Transportation Service Districts –

Current Estimated Annual Revenue

4. Assuming .25/\$100 additional tax on non-residential Parcels (\$000)

1. Places 29	\$ 2,700
2. Pantops	962
3. Neighborhoods 6 & 7 (Western Urban Area)	776
4. Neighborhoods 4 & 5 (Southern Urban Area)	524
5. Crozet	184
6. Rivanna	10

2. Could fund debt service for transportation projects called for in Master Plans

- Funds would have to be spent in district where generated

Road Impact Fees – There are complications to this. This is an impact fee that could be applied at the site plan or subdivision plat approval level. It is equitable that it can be applied across a by-right development and not just on legislative acts. There is a number of complications both legal and management issues with impact fees. It is fairly complicated to administer. Staff brings this up more to highlight that the Board has been looking at various funding sources and options that are available to them to fund our infrastructure needs both county wide and not just the Places29 area.

Enabled in 2007 by General Assembly

Opportunities

- Potential long-term funding source for road projects
- Applies at time of subdivision or site plan
- Would be charged in addition to proffers
- Credits would be provided for previous road proffers

Challenges

Outstanding legal questions – e.g. Chesterfield County
Requires County commitment to construct roads
Well-defined projects & organizational readiness
Other sources would need to be committed
Complex to establish & administer

Additional staff analysis needed

Legal and administrative challenges
Potential revenue

Alternative Funding Recommendations

Why staff is not making specific alternative recommendations:

- Community desire to continue to encourage traditional funding sources (state and federal) to provide the bulk on needed funds
- Choice will need to be made by the Board
- Public will need to be involved in the choices

Questions for the Commission:

Does the Commission want to make specific recommendations on funding options to use/pursue?

Receive questions and comments from the PC

Mr. Benish asked if there were any questions.

Mr. Edgerton noted that staff pointed out that regardless of whether Places29 is adopted or not the priority projects are going to have to occur just to support the existing development and what is in the pipeline already. Actually it was just to support the existing. Staff listed the five top projects. Earlier it said that the projects are listed in order of how they should be done. He was curious why the top five high priority projects were not the first five that you come to. He asked why staff had other projects folded in the list. If they really want to make a strong point from a planning perspective he thought that they need to reinforce that in the layout of the table unless there is a good reason that he missed. To go one step further if in fact the projects are so important perhaps this should be factored into the Six Year Plan for Road Improvements as well so that they are speaking as a community with one voice about what has to be done. The 29 Corridor affects everybody in this community on a daily basis. If they can pull the community together, city and county, and make the case that regardless of whether they find non-traditional funding sources it will keep the focus where the focus needs to be. He thought that would probably be the most valuable piece about this table. There is no money available right now, but when and if the economy turns around again they will have their shopping list prepared ready to go.

Ms. Porterfield noted even taking that a little farther there has not been any money available for a while because VDOT's plan is that they fix stuff. They don't build something new.

Mr. Edgerton noted that in 7 ½ years he had never seen a single project on the Six Year Plan approved, built or done.

Ms. Porterfield agreed that they needed to put the emphasis there as suggested.

Mr. Benish said that it was a good point. They tried to deal with that. The mechanics of the table are a bit complicated the way that it is broken down. The way that staff tried to address providing some emphasis on the table, if they get past some of the ongoing items, the next category in the first ten years on the second page they will see transportation and US29 they began to list out some of the high priority improvements. On the far right under milestones there is a bullet in all bold for a high priority

implementation program. So within reading the table that was the tickler note for someone to read it that was an important project to step through. This table was set up to help provide some instruction to staff as to the steps necessary to undertake these plans. There are a number of steps necessary to get the ball rolling for some of these plans. So as they step through the plans over the first ten years and the second ten years they will see certain steps of things that have to take place in order to ultimately get that plan built. Staff tried to identify the top five projects in the text before even getting to the table. That is why that whole section was stepped out and said that these were the important five projects. Staff will certainly look at it to see if for reason they would randomize this a little too much. But the order was based on what the consultant gave staff as an order to try to get all of these things done.

Mr. Edgerton noted that on page 2 of 8 on the tables the first high priority implementation project is the Southbound West 250/29 By Pass where the congestion is. If the next two projects, which are not high priority, are necessary to make it possible to move on to the second high priority project from a structural point of view perhaps they should be folded into that first one. Then there are listed at least a half dozen or more smaller projects.

Ms. Monteith noted that it might really get complicated to do that. She suggested that first they could explain in the text that the way projects are ordered in the table relate to the way that they need to be phased. The way certain elements have to be done in order to support the phasing would be useful to have. She felt that they would have graphics related to this. But the way these tables are set up it really sort of allows for the graphics to occur afterwards. If one could literally see a side by side graphic on a table assuming that they were going to have an open book format, that there was some way to number or letter these projects so that people could easily see them on a diagram as they are reading the project. Then they would start to better understand the fact that there are relationships between these steps that they are creating. Third, having text that says high priority implementation project somewhere on the left side of the table would be useful. Since people read from left to right they notice that later as they are looking at this table. The text in the first box for the high priority project could be made to stand out by some type of special treatment such as red font. It would make it more obvious to those reading the table. She agreed with Mr. Edgerton, but was just thinking of different ways. She felt that a graphic was needed because the list became a sea of projects that she could not really understand how they did not work together.

Mr. Benish noted that they had discussed color coding as another way to address it. Also, a query could be done on line using an Access spreadsheet so that one could query the table in different ways depending on what they were trying to use the table for. The projects could be broken down in different ways. That is a good point and staff will go back and look at that. .

Mr. Franco agreed with what they were saying. It was just hard to organize the information. One of the things that he did not see in any of the tables has been what happens if they don't implement this in a certain way. They have talked about it is a set of improvements and that it all has to be approved together. But, they are prioritizing projects. The first ten years there is a lot of money, but he was not sure how it related to UnJAM. He was not sure what happens if they don't get all of the funding. He was not sure if it was partially funded that he would not prioritize things differently. It seems on the planning side that he needs to know what the consequences are of not doing a particular project. He did not think that they need to break it down into the traffic study and getting all the way into that level of detail. He suggested that there may be some gross standards that they could use to help us understand the importance of a project or a series of projects.

Mr. Morris noted that was a good point.

Mr. Cilimberg suggested that it may be in the form of providing another column that indicates that if not done what are some of the consequences.

Mr. Edgerton said that he wanted to restate Ms. Monteith's point about the graphic because he was quite familiar with a lot of these problem areas, but he would have to say when reading the description on the actual project he had to set back think about where it was located. A graphic would help people see that.

A lot of this was done earlier in discussions with Harrison Rue was before the Commission giving some of the transportation suggestions of what could or could not be done way back. They had at least at that time some very rough schematic graphics of how some of these things could be adjusted. If they could figure out a way to fold those into this chapter it would make it a lot more powerful. He felt that it would reassure a lot of the people who are unhappy about adopting a master plan incorporated into our day to day business without providing any thought for the implementation.

Mr. Benish agreed with Mr. Franco that staff could come up with another table or may be better use the issues to be addressed since that identifies why the project is defined and leads into what might be the implication if it is not done. It is to address a level of service or to maintain a certain flow that is expected within a section of roadway. Staff can look at it one or two ways better using that table or creating another measure of what the implication is.

Ms. Monteith said that it might be useful at the very beginning to do a sample project and talk about how they are using those cells just for somebody to be able to understand how to read the table.

Mr. Franco encouraged staff to incorporate the graphics in smaller groupings. He thought adding another column to the table would make it more confusing. He would rather talk about the group of projects. If they are going to start studying the Berkmar Bridge then they are going to fund the Berkmar Bridge and then fund the road going north. He asked how all of that integrate together. He suggested showing the graphic on that particular series or group projects that have to be done together to complete a particular component. The graphic could relate to that and then have the need in a separate thing and then have the table simplified at the end when they organize the priorities.

Ms. Porterfield suggested that it does not have to be a table. She suggested following what Mr. Franco was saying and just doing the graphics and the verbiage of sections. To take his example of the Berkmar Bridge farther, there is already verbiage in the original information that indicates that they need to do Berkmar Extended when doing the widening of the section of 29 north of the river. Those things go hand in glove. So maybe that section and then down south of there and pick up a couple of sections so that when you look at it an area makes sense.

Ms. Monteith noted that she would disagree with that a little bit because she thought that what they were trying to create here was something like a timeline. It seems that there has been a tremendous amount of work and thought that has been put into this already. She thought the matrix works well, but it just needs to have some graphics. Once they start grouping projects together they lose the timeline because they are only talking about a geographic area. She would prioritize the time line. It could be a similar graphic on the opposing page each time that just shows where these projects are so that they always have a page of matrix and a graphic opposing it rather than kind of deconstructing this time line that has been put together.

Ms. Porterfield disagreed about the timeline. When looking at the first ten years, the fourth item is the widening of Rte. 29 which has to be hooked to the item down 12 more, building the Berkmar Bridge, and then going 8 more down and there is constructing Berkmar Drive Extended. She felt that all of those pieces fall together. Therefore either they have to move the projects together in the table or a group.

Mr. Franco said that the time line is important and he did not feel that should be changed. He was trying to propose collecting this other information about how things interrelate and all of the other things they have talked about such as dependency, financing, the impact of those projects in a separate table elsewhere and then end with this time line table.

Mr. Benish pointed out that they can get the priorities within the ten year period focused at the top to make it clearer. There are some other strategic things that need to be done. If they are within that same ten year period he felt that might create a little bit of the confusion as to how the high priority projects relate to one another. Staff will do an appendix that describes in more detail what the high priority projects are and they were going to have some mapping of what those improvements entail. There are a

lot more projects listed that might need some graphics. Staff will build on what they were going to do with an appendix back up anyway.

Ms. Porterfield recommended that the notes on the column heading on the table should be on the front as opposed to being on the bottom.

Mr. Benish agreed staff could do that. He was hearing that that it would be helpful for the table to be clearer visually. Also from the last meeting there was a request to limit the cost and try to consider right-of-way cost. The existing figures are based on non-right—of-way costs. Staff has not made those adjustments yet. Staff will work on how they can deal with that. He acknowledged some of their prior comments on the specificity of the information and they will be working on those. He noted that Mr. Cilimberg had pointed out that the graphics help would help because it was hard to follow what the description of the project is. He had provided a number of changes, but he felt like it might be worth waiting to see if the Commission had any problems understanding the descriptions of the product in the implementation project on the left side. He heard that it would be helpful to have some kind of graphic to show it.

Mr. Cilimberg suggested that they focus around a few less words and a few more visuals. For example, Berkmar Bridge is one of the five top priority projects. It has increments of work to be done. It could all be in a box showing the sequence of how to get Berkmar Bridge done and have actually a visual on a map of where those things are. By being on a map there would not have to be directions, turning movements or things like that. It might be helpful. He was hearing that it was a little hard to get their mind around all of the things on the table because there is a lot here. They have been struggling with that for a while.

Ms. Porterfield agreed that a picture is truly worth a thousand words.

Mr. Benish pointed out that they did not have a base mapping of this master plan that they can quickly use. They have the transportation network maps, but the scale of them are such that it may not provide the graphics that are truly going to help depict what is needed to be done. Staff will go back to see how long it will take to create a good base map. He noted that it might take a little bit of time.

Mr. Edgerton said that the detail of what will happen to these areas of priority projects should be left to the consultant that actually designed them. But they could at least bring focus to where these are located. He wished the maps were a little bigger on the UnJAM report. He thought that they could go back and forth and say that is Georgetown Road, etc. It was not that detailed a line. It jumped out because it was a different color. There might be an easier way to do that.

Mr. Benish said that particularly in the Greenbrier intersection with 29 might be enough. That would get them focused in and they could interpret the left and right turn lanes. The first one on column 2 where they talk about the lanes from northbound to southbound three lanes along the main line with two-lane ramps could have been done in a larger scale kind of showing those improvements a little bit more so. That is what he was thinking. Some may need a little bit more detail than circling an intersection. Staff will take a fresh look at it to see what they can do.

Mr. Loach invited public comment.

Neil Williamson, with Free Enterprise Forum, said that he had all kinds of questions, which he would try to narrow down in hopes of trying to get some answers.

- It was clear in the presentation and in the chapter that the Berkmar Bridge is a priority project and #2 on the list. He was questioning that in so much that he had heard from a member of the Board of Supervisors in this room that Places29 works without the Berkmar Bridge. There is a disconnect and he would love to know what this Commission believes is the case there.
- The other questions that have come up: They have three sets of documents with the numbers in it if they count the original May document that was presented to the MPO, which he asked questions about, the technical memorandum 11, which has numbers with some right-of-way

included but not utilities, and now they have this document. This document does not have any tabulation for how much it is going to cost in the short-term, mid-term or long-term. They put some time lines on that, which he thought was helpful. It would be equally helpful to use VDOT's project escalation costs to really talk about what they are talking about which is going to well in excess of ½ billion dollars for this project. In looking at the report he wondered if it was a private entity coming forward with a master plan or for a plan for development would they be accepting this level of detail. He would leave that as an open question for the Commission in considering what is effectively a county plan coming forward. The Free Enterprise Forum is projecting this to be over ½ billion dollars in this project. Based on that they anticipate that the cost will exceed 25 million dollars annually regardless of the source they come up with.

- They have talked about the Places29 super tax, which is going to be on the business community located in that area that could raise 2.5 million dollars a year. That is a far shy way from 25 million dollars a year. That is exclusion of any other Albemarle County transportation priorities. He thought that this idea of a transportation district has worked in the past in other places that are privately generated. He knew it worked in the early 80's in Loudoun County for the intersection of Route 7 and Route 28. But, those are private entities coming forward to improve their smaller areas. This would be a huge area for a CDA or a Transportation District. He was questioning the funding. He appreciates all of the effort that has gone into this. He wanted to thank staff for getting him the charts and everything else. There is a lot here. But there are a whole lot more questions than answers.
- Morgan Butler, on behalf of the Southern Environmental Law Center, raised the point that funding would certainly be a challenge. They have to remember that the price tag only increasing with every moment that they operate without a plan in place along the corridor that lays out the steps for improving it. With that in mind he had to focus his comments tonight on some of the bright spots of the implementation chapter as well as a few of the areas where they recommend changes.
 - First, they were glad to see access management listed among the ongoing projects on page 1. They think that implementing an access management plan needs to be included on the list of high priority transportation projects, which was an absolute prerequisite to smoothing out traffic along Route 29 this limiting and consolidating the many entrances and driveways along the corridor. If they don't begin that process immediately they are just letting the hole that they have dug get deeper.
 - Second, they are also glad to see Hillsdale Extended listed as a top parallel road priority. Hillsdale embodies the parallel road strategy because it would allow people to get between Rio and Hydraulic and many of the destinations in between without having to use 29 or enter either of those very busy intersections.
 - Third, as he has stated before, the section of 29 between Hydraulic and the 250 By Pass is the most congested part of the corridor. It must be the first area the implementation strategy focuses on. Transportation studies show that a grade separated interchange is needed at Hydraulic to avoid failing traffic conditions regardless of what other traffic improvements are made. They realize that the interchange itself may not be built immediately, but they do urge them to at least make sure that the planning and design pieces are marked as a high priority item and scheduled for the first ten years. When he says the planning and design pieces he means for the Hydraulic Interchange.
 - Also, if there is a list of improvements to the intersection of the 29/250 By Pass it must take place before the Hydraulic Interchange can be built. They think the master plan must identify those improvements and make them a high priority. He noticed that only two improvements to that intersection are listed as high priority projects. He also knows that 29H250 listed several more than that. They need to make sure that all of the prerequisites for the Hydraulic Interchange are included as high priority.
 - Finally, he wanted to reiterate some of the comments that have already been made that the list of transportation projects seemed a bit unwieldy. He was going to offer a couple of ideas, but they primarily have already been covered.

- One idea was to color code based on the five priority projects and that any projects that fell from the Berkmar Extended be one color.
 - The second idea was to color code based on the geographic area along the corridor, which would help break them up a bit.
- They plan to offer a set of more detailed comments to staff in the coming weeks.

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

Mr. Edgerton said that he was curious that none of his fellow Commissioners answered the first question that Mr. Benish put up there. They did not want to make any specific recommendations on funding. He thought that it was a tricky question. One of the thoughts he had about this project because of the scale of it and the impact it has on the entire county is that maybe it should be considered as a county wide tax issue if local funds are sought for this as opposed to a taxing district. If they can really do what our Comp Plan is trying to do long term and direct growth into these development areas it will benefit the entire county. So to put the burden of a local tax on just this community he thinks should be thought about long and hard. It will benefit the preservation of the rural areas and the entire community. If it can be made to work it will benefit the transit issues and the through traffic issues. He hoped the Board will consider that when they struggle with the enormous problem with how much can be absorbed by the local community and who in the local community ends up paying that price. He did not think that the taxing district model necessarily works in this particular case.

Mr. Cilimberg said that the bottom line gets into the area of where they pay for this from. Except for the enhanced transit everything else that they see is not a cost of Places29. It is a cost of a region that has not dealt with all of its transportation issues and the result of proposed development that has come along over the years. So thinking of it in terms of where is the fairest place to try to pay for the projects he felt that the starting point is to think of it in terms of costs that really are not about Places29. They are not a result of Places29 as they plan. They are a result of some much bigger dynamics.

Mr. Morris noted that both points were very well put. He agreed that it is regional. They may not be able to do much about the region but they can sure do something about the county. He felt that they should face it as a county project. He supported Mr. Edgerton.

Mr. Franco noted that in following up on that what concerns him is how does that relate to other development areas.

- They have heard tonight about Rivanna Village. They have heard in the past about Crozet. When they talk about Places29 and the improvements with a county wide tax he did not disagree with what he was saying, but he felt that it has to pull in all of the other growth areas and all of the other projects that they have committed to or they have recommended take place on those to see what those total impacts are. He was trying to get his hands around this. There has been past debate. Until they have seen the approved version he was not ready to recommend anything.
- Last time there was discussion on the Berkmar Bridge and whether there should be an expansion of the growth area. He thought that in a way they have already recommended that is not going to be a funding option there. So the Commission is weighing in on funding already by saying don't expand the growth area. That may be a tool that the Board decides that they would want to use to fund the extension of Berkmar. He was not sure that they should take it off the table at this point if they are not going to get more information about funding or total recommendations on funding. So he was not sure how to get his hands around that. He thought that was part of what he heard Ms. Porterfield talk about last time they had this discussion in saying is there a way for them to say let it in if they get the right circumstances maybe they should revisit that as part of this funding aspect of things.
- He kept hearing over and over that these are improvements that are required today for existing development. He suggested that better emphasis on that in the report would help. He was also not sure that there was a direct direction yet that says they are not going to get these improvements for at least ten years to fix the current problem. He did not think that it comes out

that direct and says that. But, again that was related to the funding. If people understood that clearer would they be willing to consider a county wide tax or some other mechanisms to fund these. That is what he was trying to get at when he talked earlier about what are the impacts and whether it be delays, levels of service or whatever they use to evaluate these projects in trying to get that understanding out there that it is going to be ten years plus if they continue along the road that they are going to fix the existing problems.

Ms. Monteith asked to comment on the issue of specificity. On page 3, item 6 of the staff report it is a rationale for adopting the master plan. In that portion it talks about this more as a guide than an actual plan. She felt that in the time they have been reviewing it is something that they have struggled with a little bit in exactly how specific this plan should be given the large geographic area, the long build out and the uncertainty about funding. She knows that they have grappled with whether they should be more specific. She thought that the idea of talking about this as a guide is very useful rather than a plan but as a document. It does bring one thing to question to mind regarding updates. Is it possible that these priorities might change? They are talking about five major priorities. But if things play out a little bit differently then how they think they might, if something should happen in the first ten years and something in the ten to 20 years gets a higher priority, is it possible to revisit these priorities and sort of reshuffle the deck with a five-year update.

Mr. Benish replied absolutely because that was one of the reasons that a second 20 years is also a secondary influence. What they tried to do in this table is indicate those things that they need to do in the first ten years based on the current priorities. But in five years there could be a whole different circumstance. NGIC, for example, could create a whole different dynamic for other improvements. They could have areas that they think were approved for a form of development that is going to change to put different proposals in place. So yes, certainly it is going to be subject to reevaluation of a possible change.

Mr. Franco said on the tables shown earlier there was one on residential densities. He questioned how they are dealing with that and if there is a potential for the densities to go up with adoption of Places29 in allowing by-right zoning to take place.

Mr. Benish replied that the table that he was referring to shows the overall number of dwelling units for residential and then the employment generation. Most of the areas that are in the current land use plan the way that they are designated the Places29 master plan kind of followed in terms of the intensity of development. There are not many areas in the Places29 proposed plan that is decreasing the densities of development that might risk by-right development overdeveloping those areas. The areas where they did change land use and arguably made them less intensive were mostly areas that did not have zoning associated with it. As an example, the Piney Mountain area north of NGIC is in the current Comp Plan largely as industrial service. They have changed that to residential. But almost all of it, for example, is land zoned for a retirement community and zoned RA. That is an example that is pretty typically of how the existing Comp Plan relates to the proposed Places29. He did not think that they were going to see that occurring. That is part of their comfort level that they are not going to have that happen.

Mr. Cilimberg noted that the designations are at least at the level of the zoning that exists on that property.

Mr. Benish pointed out that the centers would have the most density changes because of the mix change where they can have some net density increases. He thought that was consistent with his concerns in looking at a particular example of a neighborhood and how that might develop. Most of the larger centers, the designation centers as an example, are largely based on what has already been approved. An example is Albemarle Place where those changes are not significant in the underlying Highway Commercial designation.

Mr. Franco said that speaks to the intensity so he could accept that. He asked about the other improvements such as the non-transportation, the green spaces and so on. He asked if they have any

issues like they have seen on Pantops where by-right development could mess up a plan for a large green space or park.

Mr. Benish replied that staff does not think so in this plan. But staff is going to go back and make sure that they did not over designate areas that have by-right development on them. Most of these maps were largely driven by existing open space areas that are defined by ownership. Examples include the Forest Lakes open space, flood plain or critical slopes. An example of Places29 is where the boundary was a little too stylized and did not follow the rigid boundary. Staff is going to go back to look at that. The consultant for Places29 has adhered pretty consistently to those types of designations. He felt that they have captured it fairly well. It is not so much that the open space is inaccurate. He was not sure how accurate the development bubbles were to the planned development. But, underlying that is a whole planned development and the by-right development is governed by a more detailed plan. Therefore, he thought that they were covered in those areas. Staff will look at that again.

There being no further comments, Mr. Loach noted that the meeting would move to the next item.

Old Business

Mr. Loach asked if there was any new business.

- The magisterial districts in which projects are located need to be on the Commission's tentative future schedules.

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

New Business:

Mr. Loach asked if there was any new business.

- Request when possible that information be provided to the PC up to two weeks ahead of its meetings to give the PC more adequate time to review and ask questions of staff.
- Suggestion was made that if the PC could receive the results of the site review committee review of projects that might help Commissioners formulate questions for staff prior to the PC hearing.

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

Adjournment:

With no further items, the meeting adjourned at 8:01 p.m. to the Tuesday, April 21, 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)