

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 12, 2005 at 6:00 p.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Planning, V. Wayne Cilimberg, and Clerk, Ella W. Carey.

Agenda Item No. 1. The meeting was called to order at 6:05 p.m., by the Chairman, Mr. Rooker.

NonAgenda. Certify Closed Session from Afternoon Meeting.

Mr. Dorrier moved that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session. Ms. Thomas seconded the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Bowerman, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Ms. Thomas and Mr. Wyant.
NAYS: None

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. From the Public: Matters Not Listed on the Agenda.

There were no persons present from the public to speak under this item.

Mr. Tucker pointed out that a government class from Western Albemarle High School was in attendance.

Agenda Item No. 5. Consent Agenda. Mr. Boyd **moved** to approve items 5.1 through 5.4a on the Consent Agenda and to accept the remaining items as information. (Individual discussions are included with the agenda items.) Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Bowerman, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Ms. Thomas and Mr. Wyant.
NAYS: None

Item 5.1. Boards and Commission Policy, Adoption of (**deferred from January 5, 2005**).

Mr. Boyd suggested that in Section B, Item 2, of the policy, the term "vacancies" be changed to "expired terms." Board members agreed to the proposed change.

(The following policy was adopted by the above-recorded vote:)

**ALBEMARLE COUNTY BOARD OF SUPERVISORS
POLICY FOR BOARDS AND COMMISSIONS**

A. CREATION OF NEW BOARDS AND COMMISSIONS

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.

2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the members of the Board of Supervisors. All magisterial positions will be advertised. At the discretion of the supervisor of that district, selected applicants may be interviewed for the position.

2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.

3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available will be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.

6. From the pool of qualified candidates, the Board of Supervisors, at their discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting. For magisterial appointments, the decision to interview selected candidates will be determined by the supervisor of that district.

7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.

8. All vacancies will be filled as they occur.

9. All incumbents will be allowed to serve on a board or commission without his/her position being readvertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.

10. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

C. ADOPTION

This policy shall be reviewed and readopted by the Board of Supervisors in January.

(Amended and/or Readopted 01-07-98; 02-12-2005)

Item 5.2. Resolution to accept roads in Dunlora Subdivision, Phase 3A, into the State Secondary System of Highways.

(At the request of the Roads Engineer, the following resolution was adopted by the above-recorded vote:)

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 12th day of January 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Subdivision, Phase 3A**, described on the attached Additions Form SR-5(A) dated **January 12, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Dunlora Subdivision, Phase 3A**, as described on the attached Additions Form SR-5(A) dated **January 12, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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The road(s) described on Additions Form SR-5(A) is:

- 1) **Shepherds Ridge Circle (State Route 1710)** from the intersection of Shepherds Ridge Road (Route 1709) to the intersection of Shepherds Ridge Road (Route 1709), as shown on plat recorded 01/05/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1885, page 158, with a 50-foot right-of-way width, for a length of 0.17 mile.
- 2) **Shepherds Ridge Road (State Route 1709)** from the intersection of Dunlora Drive (Route 1177) to the intersection of Shepherds Ridge Circle (Route 1710), as shown on plat recorded 01/05/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1885, page 158, with a 50-foot right-of-way width, for a length of 0.20 mile; and from the intersection of Shepherds Ridge Circle (Route 1710) to the end of state maintenance at Shepherds Ridge Circle (Route 1710) as shown on plat recorded 01/05/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1885, page 158, with a 50-foot right-of-way width, for a length of 0.11 mile.

Total Mileage - 0.48 mile.

Item 5.3. Resolution to accept roads in Dunlora Subdivision, Phase 4A, into the State Secondary System of Highways.

(At the request of the Roads Engineer, the following resolution was adopted by the above-recorded vote:)

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 12th day of January 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Subdivision, Phase 4A**, described on the attached Additions Form SR-5(A) dated **January 12, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Dunlora Subdivision, Phase 4A**, as described on the attached Additions Form SR-5(A) dated **January 12, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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The road(s) described on Additions Form SR-5(A) is:

- 1) **Ambrose Way (State Route 1708)** from Loring Circle (Route 1706) to the cul-de-sac, as shown on plat recorded 10/10/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1906, page 207, with a 50-foot right-of-way width, for a length of 0.05 mile.
- 2) **Loring Circle (State Route 1706)** from the intersection of Loring Run (Route 1705) to the intersection of Ambrose Way (Route 1708), as shown on plat recorded 10/10/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1906, page 207, with a 50-foot right-of-way width, for a length of 0.08 mile; and from the intersection of Ambrose Way (Route 1708) to the intersection of Loring Run (Route 1705), as shown on plat recorded 10/10/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1906, page 207, with a 50-foot right-of-way width, for a length of 0.10 mile.

- 3) **Loring Place (State Route 1707)** from the intersection of Loring Run (Route 1705) to the cul-de-sac, as shown on plat recorded 10/10/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1906, page 207, with a 50-foot right-of-way width, for a length of 0.05 mile.
- 4) **Loring Run (State Route 1705)** from the intersection of Dunlora Drive (Route 1177) to the intersection of Loring Place (Route 1707), as shown on plat recorded 10/10/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1906, page 207, with a 50-foot right-of-way width, for a length of 0.10 mile; and from the intersection of Loring Place (Route 1707) to the end of state maintenance intersection of Loring Circle (Route 1706), as shown on plat recorded 10/10/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1906, page 207, with a 50-foot right-of-way width, for a length of 0.05 mile.

Total Mileage - 0.43 mile.

Item 5.4. Set public hearing for February 2, 2005 to receive information on the Community Development Block Grant Program for 2005.

The Virginia Department of Housing and Community Development (DHCD) administers the federal Community Development Block Grant for non-entitlement jurisdictions in which Albemarle County is included. Such jurisdictions can apply through a competitive application for eligible community development activities. Prior to making an application, two public hearings must be conducted. The first hearing is to provide information on the availability of funding, types of activities that are eligible and past uses of CDBG funds in the locality. The second hearing would review and approve/disapprove potential applications proposed for submission.

DHCD recently announced the availability of \$10,021,328 in competitive grants for 2005. Albemarle County could apply for one or more projects totaling approximately \$2.5 million. Projects must meet one of three national objectives which are benefiting low- and moderate-income persons, aiding in prevention or elimination of slum and blight, and responding to a community need having particular urgency. Grants may be for community improvement activities and/or planning grants for future community improvement activities.

The most recent grant received by the County was used to construct a community center at Parks Edge Apartments, formerly Whitewood Village, in conjunction with the renovation of 96 apartment units. The center was completed in September 2004 and currently houses after school activities and the apartment's management office.

Staff recommends that the Board of Supervisors set a public hearing for February 2, 2005 to provide information on available funding, eligible activities, and past use of CDBG funds.

By the above-recorded vote, the Board set the public hearing for February 2, 2005.

Item 5.4a. Resolution supporting the renaming of Whitewood Park to the Charlotte Y. Humphris Park.

(The Chairman read the following resolution for presentation to Mr. Humphris at a future date:)

RESOLUTION

Whereas, *Charlotte Y. Humphris served as a member of the Albemarle County Board of Supervisors from January 1, 1990 until December 31, 2001; and*

Whereas, *Charlotte Humphris dedicated much of her life to serving on countless boards, commissions and committees that focused on the betterment of this community; and*

Whereas, *Charlotte Humphris was well known and widely respected as an advocate for rural preservation and a fierce champion of protected open space and natural areas and resources in Albemarle County; and*

Whereas, *in January 1990, Charlotte Humphris stated that the investment of maintaining the Whitewood Road property as a park "would provide for the quality of life for the people in this community over the years. A city or county is known for its parks, not by its paved areas. It is the Board's responsibility to have vision, even if it means spending money now to provide for the future. The Whitewood Road site should be kept as greenspace;" and*

Whereas, *Charlotte Humphris was instrumental in helping to shape the future of the Whitewood Park, having served as a Board representative on the Whitewood Road Park Committee that developed a master plan for the usage of the Whitewood Road property, and in March, 1998 supporting the designation of the Whitewood Park property as open-space land under the Open Space Land Act which serves to preserve land in an urban area for park and recreational purposes; and*

***Whereas**, the Albemarle County Board of Supervisors desires to honor Charlotte Humphris not only for her dedication to protecting and preserving the heritage and rural character of Albemarle County, but for her foresight in the preservation and protection of Whitewood Park as a valuable County resource;*

***Now, Therefore, Be It Resolved**, that the Albemarle County Board of Supervisors does hereby rename Whitewood Park as the Charlotte Y. Humphris Park in recognition and as a tribute to Charlotte Humphris in appreciation of her long and inspirational career as a dedicated civic leader.*

Mr. Bowerman suggested allocating funds for installation of appropriate sign changes, etc. at the Park. Mr. Tucker said there would be a rededication ceremony of the Park during the spring or early summer.

Item 5.5. Copy of draft Planning Commission minutes of November 30, 2004, **was received for information.**

Item 5.6. Copy of letter dated December 30, 2004 from John Shepherd, Manager of Zoning Administration, to Susan S. Davey, re: Official Determination of Development Rights and Parcels – Tax Map 112, Parcel 15 (Lions Watch Farm, property of Susan S. Davey) – Section 10.3.1., **was received for information.**

Item 5.7. Copy of letter dated December 30, 2004 from John Shepherd, Manager of Zoning Administration, to David H. Metcalf & P. Gail Smith, re: Official Determination of Development Rights and Parcels – Tax Map 97, Parcel 24A (property of David H. Metcalf or Gail South) – Section 10.3.1, **was received for information.**

Agenda Item No. 6. Six Year Secondary Road Plan Priority List for FY 2005-2011. (Advertised in Daily Progress on December 28, 2004 and January 3, 2005).

Mr. Cilimberg referred to the Executive Summary which was provided as information to the Board. He said the Board held a work session on the draft Six Year Secondary Road Priority List at their December 1, 2004 meeting. The Board reviewed the project priorities and recommended moving forward to a public hearing on the proposed Priority List. The Board also directed staff to make revisions to the format of the Priority List, which is summarized below (copies of all attachments are on file in the Clerk's office).

Attachment A-Draft Priority List for Secondary Road: Staff has identified the top twenty-one projects that should be the focus of the Board's annual review. This section of the Priority List is referred to as the *Strategic Priorities*. The intent is for the *Strategic Priorities* part of the Priority List to identify the high priority projects that VDOT and County staff will focus on completing over the next 10 to 20 years. The Board had requested staff identify the top twenty projects, but staff included the Greenbrier Drive project (#21) because it is in the Development Area and is an important improvement recommended in the 29H250 Study which would benefit both the secondary road system and Route 29. The remainder of the proposed Priority List will remain the same in terms of project priorities, but will be listed as a Technical Addendum A, and titled *Other Project Priorities* (pages 2-5).

Staff has also added a column with the most recent traffic count for each road project and year the count was taken. In addition, please note that the cost estimates have increased for the Gilbert Station Road and Allen Road rural rustic road projects (Attachment A, page 4). This increase will not impact the scheduled construction date.

Attachment B- Technical Addendum B: This attachment contains more specific information on the projects listed as the *Strategic Priorities*. This information is intended to provide more detail on the condition of the road segment and serve as the basis for the project's priority. The information in this Technical Addendum will be completed/updated annually for the *Strategic Priorities*.

Mr. Cilimberg noted that nine of the Strategic Priorities are included in VDOT's funding plan for the next six years. He added that staff has also attempted to initiate a listing of when the project was placed on the priority list, and included the most recent traffic counts.

Mr. Cilimberg pointed out that priorities are emphasized for major road improvements. He added that there is also a listing of unpaved rural rustic projects as well as regular paving projects. Mr. Cilimberg said that staff is recommending approval based on that list.

Mr. Rooker commented that Mr. Butch Davies of the Commonwealth Transportation Board stated at a recent meeting that unless funding at the state level is changed, increased maintenance costs of projects will mean there will be virtually nothing left by 2016 to do new road projects.

Ms. Thomas pointed out that the federal budget is looking at a \$500 billion deficit.

Mr. Bowerman asked why it would take until June 2008 to build the Meadow Creek Parkway. Mr. Rooker responded that that is assuming funding levels remain the same, but funding is actually declining for secondary road funds.

Ms. Thomas said that for rustic roads with a traffic count of over 1,000, the County qualifies for the expenditure of \$678,000; roads improved in the first four of the regular paving programs get \$4 million in paving costs. The rustic roads program is giving the County more passenger miles per dollar by a factor of seven times at that rate.

Mr. Rooker commented that he was surprised that the traffic count on Dickerson Road was not higher, noting that if it is paved, the number would increase substantially. Mr. Juandiego Wade, Transportation Planner, said that the staff just received the 2003 count.

Mr. Rooker then opened the public hearing. There being no public comment, the public hearing was closed and the matter was placed before the Board.

Ms. Thomas **moved** to adopt the Proposed Priority List for Secondary Road Improvements for FY 2005-0011. Mr. Bowerman **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Bowerman, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Ms. Thomas and Mr. Wyant.

NAYS: None

(The Priority List for Secondary Road Improvements for FY 2005-0011 is set out in following pages.)

Agenda Item No. 7. **ZMA-2004-0013. Mountain Valley Farm (Signs #21,33&83).** Public hearing on a request to rezone 14.176 acs of a 29.75 acre P from the RPD Zoning District to RA. TM 89, P 73A. Loc approx one-half mile N from intersec of Rt 631 (Old Lynchburg Rd) & Rt 706 (Dudley Mountain Rd). (The Comp Plan designates this property as Rural Area 4. Samuel Miller Dist. (Advertised in Daily Progress on December 28, 2004 and January 3, 2005).

Mr. Bowerman disclosed that he receives more than \$10,000 in compensation from Parkside LLC located on Berkmar Circle. The applicant for this rezoning is Evergreen Land Company, and the principal owner of both companies is Suzanne Brooks. Mr. Bowerman then disqualified himself from participating in the discussion and vote and left the meeting.

Mr. Cilimberg reported that this request would allow for the downzoning of 14 acres from the current planned residential development to rural areas, and would allow that portion to be included in a residential subdivision over the remaining property not currently zoned PRD. He said it would allow for two lots in a segment of Ambrose Commons Drive and small portions of two other lots; the remaining parcel is zoned RA. Mr. Cilimberg said that while the proposed development would facilitate subdivision – which is not in keeping with the goals of the Rural Area plan – it would result in fewer lots than the current PRD zoning would allow. He explained that under the current zoning, the property could be developed at .83 dwelling units per acre. Mr. Cilimberg said that there would be a total of five lots under the proposed plan. He added that the Planning Commission supported staff's recommendation for approval of the rezoning.

Mr. Dorrier asked how this property was originally rezoned without the owner's consent.

Mr. Davis replied that his understanding is that the 1977 applicant mistakenly thought he owned the property. Under today's laws, the owner has to make the application. In 1977, anyone could make application to rezone. Mr. Davis said that it was a legally rezoned piece of property.

Mr. Rooker asked the applicant to come forward.

Ms. Valerie Long, representing Evergreen Land Company, addressed the Board. She stated that this proposal would bring the property in line with the balance of the Mountain Valley Farm property, and would permit the approval of the proposed subdivision. Mr. Long noted that the Jessup family discovered in 1997 when they had their property rezoned that the 14-acre tract belonged to them, and was zoned differently from the rest of their farm.

The public hearing was opened. There being no further public comment, the public hearing was closed and the matter was placed before the Board.

Motion was offered by Ms. Thomas, **seconded** by Mr. Dorrier to approve ZMA-2004-0013.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Bowerman, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Ms. Thomas and Mr. Wyant.
NAYS: None

Agenda Item No. 8. **ZMA-2004-0014. Briarwood (Sign #17).** Public hearing on a request to rezone 123.612 acs from PRD to PRD to amend proffers of ZMA-1991-13 & ZMA-1995-5 & to amend the Application Plan. TM 32G, P 1; TM 32G, Sec 3, P A; & TM 32G, Sec 3, P 83. Loc on Seminole Trail (Rt 29) at intersec of Seminole Trail & Austin Dr (Rt 1575). (The Comp Plan designates this property as Neighborhood Density Residential in the Piney Mountain Community.) Rivanna Dist. (Advertised in Daily Progress on December 28, 2004 and January 3, 2005).

Mr. Cilimberg reported that this request would rezone 124 acres from PRD to PRD, amend the proffers of ZMA-1991-13 and ZMA-1995-5, and amend the Application Plan. Staff has provided a lot of information regarding this request, and noted that there are a number of factors favorable to the request that also reflect the history of the project: it would provide affordable housing within the designated development areas; the proposed change in unit types would create a better mixture of unit types within Briarwood; the proposed changes in Phase I-A of the Application Plan will create one additional internal interconnection; and the applicant has committed a proffer to construct Briarwood Drive to Route 29 prior to commencing certain phases, assuring a second access to Route 29.

Mr. Cilimberg said that the applicant's earliest submitted Application Plan amendment had shown where different unit types and existing development are located. He stated that in early 2004, the dialogue with staff began, and the applicant submitted the rezoning request in August 2004. Mr. Cilimberg explained that staff had this initial plan and subsequent staff comments. But then, the plan went to the Planning Commission without staff having an opportunity to have a full review. He stated that the Commission requested on December 7th that the applicant defer the matter, but the applicant refused to defer, and the Commission unanimously recommended denial. Since that meeting, the applicant has submitted a new plan for the rezoning. This plan was just submitted to staff one week ago.

Mr. Cilimberg said that Zoning staff raised several issues that needed to be addressed, as did Engineering, who indicated that their comments remained the same. He emphasized that the essence of the review and the issues are still the same, based on the Planning Commission's meeting in December. Mr. Cilimberg said that interconnection was provided from Briarwood to St. Ives Road down to Camelot Drive, and there was also provision for a section to connect to Camelot, giving an opportunity for alternative access. He added that as the plan is proposed now, the interconnection would not occur from

a portion of Briarwood to St. Ives, or from Phase 8 to Camelot, making only two access points for the development.

Mr. Cilimberg mentioned that VDOT and County Engineering both felt some traffic information needed to be provided that would enable them to evaluate the impact of additional cars at the main intersection, which is currently a lighted intersection. He added that staff was unclear based on the information provided as to the orientation of buildings on Camelot Drive. Mr. Cilimberg said that the applicant has indicated verbally that there is screening planned, but there is nothing noted on a plan or in a proffer committing to this. He indicated that there is an area designated as a Resource Protection Area, adding that the proposed Application Plan did not provide access to the open spaces on the plan, and there is no indication of that. Mr. Cilimberg added that there is also no commitment to the streetscape.

Mr. Cilimberg reported that staff feels this plan is not ready for action and staff could not recommend approval at this point. Mr. Cilimberg stated that today they have received the most recent proffers, but they do not address the concerns raised by the Planning Commission in recommending denial; they do address other matters that have been under discussion for some time. He concluded that staff recommends deferral until this proposal is in more finalized form.

Mr. Bowerman asked what had changed in the most recent application. Mr. Cilimberg replied that the applicant was trying to address what the Planning Commission identified, such as an RPA line.

Mr. Bowerman asked how many changes there had been in between the previous plan and the most recent one presented. Mr. Cilimberg indicated that the plan has only been superficially evaluated by staff for just the primary points as the application was only very recently received.

Ms. Thomas asked if the Executive Summary included was based on the most recent staff comments. Mr. Cilimberg confirmed that it was based on having the plan in hand at the time.

Mr. Boyd said he recalled an application and response in April 2004. Mr. Cilimberg stated that the pre-application conference was held in early 2004, but an actual application was not submitted until August 16th. He indicated that the applicant was trying to get information from staff during that time.

Mr. Boyd recollected that there would not be a connection between Camelot Drive and Route 29 based on the zoning approval years ago. Mr. Cilimberg responded that the connection is not directly to Camelot Drive, but comes to St. Ives instead. He noted that there is not a traffic analysis of what a change means to the existing two intersections, adding that the interconnection opportunity for splitting traffic is a concern also.

Mr. Boyd said that this proposal holds a potential for a large tract of affordable housing, and it concerns him that the item is being reviewed a year later "dickering over some very minor issues." Mr. Cilimberg emphasized that the information needs to be provided either in the Application Plan or through proffers for the item to move forward. He presented an example that there is a concern about the relationship of units to Camelot Drive, and there is nothing provided in writing on screening, streetscape, curb and gutter, etc.

Mr. Bowerman asked what the difference in the configuration of townhouses is in the plans that have been submitted. Mr. Cilimberg replied that in this case, there are units adjacent to Camelot and access provided to them. He added that it is less certain exactly how that would be provided, and under the current plan, the proposal indicates 52 lots as opposed to specific townhouses. Mr. Cilimberg emphasized that the townhouses were not a concern of staff; their relationship to Camelot Drive was something staff was trying to get specified.

Mr. Bowerman asked if there were any policy issues that could be considered at this meeting to move the plan forward. Mr. Cilimberg replied that there are no proffers presented, and no traffic information available.

Mr. Rooker asked when the traffic information was requested. Mr. Cilimberg replied that it was requested after the submission of the original plan. He noted that staff was writing the staff report for the Commission, and the new plan came in.

Mr. Rooker asked about the access to open spaces, and commitment to streetscape. Mr. Cilimberg confirmed that neither of those issues has been put in the Application Plan or the proffers. He indicated that there have been five proffers submitted, and Mr. Davis will speak on that. Mr. Cilimberg indicated that the Board would want to deal with whether they expect sidewalks on both sides of the street, etc.

Ms. Thomas pointed out that a note on the Application Plan could cover the streetscape issue, as long as the plan was proffered. Mr. Cilimberg confirmed that this is PRD, and is not subject to the Neighborhood Model District.

Mr. Rooker said that access to open space could also be designated on the plan. Mr. Bowerman said that staff comment had changed the plan concept quite a bit. Mr. Cilimberg replied that once the application was in, staff was dealing with what the report indicates – changes in unit type, etc. Staff was not trying to push for a neighborhood center. He added that in early conversations with staff, the applicant was aware of Neighborhood Model type approaches, but staff agreed there was already a pattern of development established in this area.

Mr. Boyd asked if staff felt it would be a worse traffic situation to have traffic come onto Camelot Drive than routing it to the signal. Mr. Cilimberg responded that it depends on the impact that the traffic has on signal delays there. It is really a traffic information analysis that the Engineering and VDOT folks do to make sure the signal will adequately accommodate that intersection's traffic movements.

Mr. Bowerman asked how long it would take to gather that information. Mr. Rooker said that he believes it would not take much more than a month. Mr. Cilimberg emphasized that there has not been a request for a traffic study, which can be a more involved and expensive process. Mr. Rooker explained that all that is needed is a model done based on the number of units expected, the traffic count in the directions of traffic flow, etc. Mr. Cilimberg added that it would also include numbers going to the intersection as compared to what would happen under the zoning as it is currently proposed. In response to Mr. Boyd's question, he said that there would probably be at least 25 percent affordable housing.

Mr. Rooker opened the public hearing, and asked the applicant to address the Board.

Mr. Wendell Wood addressed the Board, and said that he believes it would benefit the development as well as the County as a whole to have a different mix of housing in Briarwood, which is what made him move away from the all-townhouse model. He explained that when he first approached Bill Fritz, of the County staff, they thought it was a simple straightforward request. However, Mr. Wood said, the proffers made that not be the case. At that time, he could have developed under the original plan, and genuinely believed the change in housing was positive. He added that everyone he has met with in the County and the neighborhood has agreed that the changes were beneficial, noting that it is important to have affordable housing. Mr. Wood stated that they have revised the plans and have submitted 16 sets of plans on six occasions. He added that they have revised the proffers five times, and the only change has been in the mix of housing. Mr. Wood said the applicants have done everything that has been asked of them, with one exception.

Mr. Rooker asked about where the access to the open space was addressed. He said it seems like these things are simple matters that could be cured relatively easily. He noted that the access issues also needed to be addressed. Mr. Wood responded that there was a request to do a traffic study, and VDOT would probably prefer that residents have to go to a traffic light. He said that they only received a request to do a traffic study in December.

Mr. Rooker asked at what point did the applicant actually submit a plan that showed elimination of the connection. Mr. Cilimberg said, "November 18th." Mr. Rooker noted that the idea is to move the plan forward. Mr. Wood said that he was asked to do a traffic study, and he recalled the cost to be \$30,000 over six months, noting that VDOT is going to say take the traffic to a signalized light.

Mr. Rooker stated that PRDs are zoned for that particular design and layout of the development, and virtually any change requires a rezoning.

Mr. Davis commented that there are minor changes that can be approved administratively, but changes that are substantially different than what was shown on the plan require it to be amended.

Mr. Rooker commented that that is the nature of the zoning that the applicant got for this property. He noted that if he had approached staff at any time with information about changing road connections and lot layouts, staff would have told him it would require rezoning.

Mr. Wood stated that the proffer that was made is the only thing that triggered the rezoning.

Mr. Rooker recommended deferral because the proffers could not be changed tonight, and what was handed out today has not been reviewed.

Mr. Davis stated that the proffers amended since the Planning Commission meeting need to be turned into a form that the County could accept. At this point there is no analysis as to whether they are sufficient to address the substantive issues. He added that it would be beneficial to everyone that all the proffers would be put in one new document, because it is a challenge to make a determination about which proffers are included.

Mr. Boyd said he would like to see the proposal come back in a month for a vote.

Mr. Cilimberg stated that staff has indicated what needs to be addressed: comments from Zoning in the report, prior comments from Engineering that have not been addressed, and one Application Plan that is cohesive.

Mr. Dorrier asked about the proposal being built in phases. Mr. Cilimberg said staff wants to try to get this achieved.

Mr. Rooker commented that Mr. Wood has expressed his willingness to do these things, and the only thing needed to be done that would require more significant work would be the traffic study, which could be a model instead of a full study.

Ms. Thomas said that a month ago, what came from the Planning Commission was a recommendation that staff and VDOT were to make the traffic assessment. She reiterated that the items addressed in the proffers – commitment to curb, gutter, and sidewalks; access to the open space; the Resource Protection Area; the buildings along Camelot Drive; and the issue of the interconnection loss between Briarwood Drive and St. Ives.

Mr. Rooker said that the interconnection issue is the issue regarding the traffic information. Mr. Wood said they would like to remove it because there is a grade differential of almost 40 feet at St. Ives that would require a tremendous amount of excavating near the floodplain to achieve that connection. He added that the plan was not digitized because of the time it was done, stating that there is a note that says "if there is a conflict, the original plan survives." Ms. Thomas stated that that would mean the road connection would survive. Mr. Wood said that he is requesting that not be made.

Mr. Rooker said he thinks that the applicant needs some time to get this application in shape, so that it is clear to the Board and to the applicant what is being proffered by way of the Application Plan. Mr. Rooker said it is not clear to him.

Mr. Boyd suggested including language that says that one item would not be subject to the first plan taking precedence.

Mr. Wood said that it would cost too much to combine the two plans digitally. Mr. Rooker stated that if the applicant could combine the two plans with the notes involved, that would be a big step towards completion. He added that the traffic information would also need to be reviewed, and asked if staff could determine this over the next few weeks.

Mr. Cilimberg replied that he cannot speak for the others involved, noting that Planning comments can be done without a lot of effort, but he cannot speak to the traffic distribution study. He added that he would need to confer with Mr. Graham.

Mr. Rooker suggested that the item come back to the Board in one month.

Mr. Dorrier said that Mr. Wood is ready to move forward now.

Mr. Rooker stated that there is a certain base level of information needed, and hopefully all of that would be ready in 30 days. He added that the item could be brought back in three weeks for the afternoon meeting.

Ms. Thomas noted that she has been against neighborhoods without connectivity, and she indicated that she could interpret how the traffic would flow. Mr. Rooker stated that there are no numbers provided to back up the traffic information.

Mr. Wyant said that this is going to be a tremendous cut that will cause a lot of exposed slope, creating a drainage concern. He said that VDOT is going to look at Camelot as an entrance onto Route 29, and there is not a lot of site distance for a left turn. Mr. Wyant stated that he believes that on the Engineering side, usually data is provided to staff and VDOT for their review.

Mr. Boyd stated that he is not as concerned with interconnectivity. Mr. Rooker agreed, saying that unless the traffic report showed there were problems with forcing everyone to the signalized intersection.

Mr. Wyant asked when Mr. Wood needs to have his submittal in to get reviews in. Mr. Cilimberg responded that it would need to be soon, as there is no way to know when VDOT would comment. Mr. Wood said that he could get everything to staff soon.

Ms. Thomas emphasized that the needed information is the six things that the applicant was told on December 10th.

Mr. Wood said he could provide everything except VDOT information.

Mr. Rooker suggested providing everything possible, and noted that the new VDOT Resident Engineer might be able to come to the meeting.

Mr. Wood stated that there is no opposition to the proposal.

Mr. Cilimberg informed Mr. Wood that it would be best if he spoke to Mark Graham, and staff could let Mr. Wood know by Tuesday of the following week County Engineering's position.

Mr. Rooker then opened the public hearing.

Mr. Eric Christiansen addressed the Board. He used to commute in that area, and mentioned that the north entrance to this is adjacent to GE Fanuc. He emphasized that whatever traffic plan is considered needs to take that the GE traffic into consideration. He commented that there are too many stoplights on that stretch, and anything done to reduce the number would be appreciated.

At this time, it was the consensus of the Board to continue the public hearing until their February 2, 2005 meeting.

Mr. Cilimberg reviewed the expectations for the points raised by the Planning Commission: (1) get everything on one plan; (2) address any traffic impacts that would change, based on Engineering and VDOT analysis; (3) clarification of orientation of buildings on Camelot Drive, especially those that would rear-face that road; (4) the Resource Protection Area; (5) the open space area access; (6) streetscape – sidewalks would need to meet VDOT standards.

Mr. Boyd stated that sidewalks should be kept consistent with what is already there. Board members agreed that they would be consistent with the existing streetscape, providing they meet VDOT requirements.

Mr. Cilimberg mentioned that Attachment B covers items that need to be addressed by Zoning.

Ms. Thomas commented that those things have been addressed.

Mr. Wood noted that the sideyard setback of 30 feet was also an issue. Mr. Cilimberg stated that staff is supportive of it being reduced, and language would need to be included to address that.

Motion was then offered by Mr. Dorrier, **seconded** by Mr. Wyant, to defer ZMA-2004-0013 to February 2, 2005.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Bowerman, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Ms. Thomas and Mr. Wyant.
NAYS: None

Agenda Item No. 9. From the Board: Matters Not Listed on the Agenda.

Mr. Bowerman asked if the Development Departments should be making presentations, representing Zoning, Planning, and Engineering. Mr. Tucker replied that the references Mr. Cilimberg made indicate that there are subsets of the Planning Department that perform reviews. Mr. Cilimberg answered that some of the information needed for reviews in this application was not available, and would have to be handled by those subsets.

Ms. Thomas asked for comments from the students who attended.

One student expressed her surprise that so many details are covered when considering development.

Agenda Item No. 10. Adjourn. At 7:38 p.m. with no further business to come before the Board, **motion** was made by Mr. Dorrier, **seconded** by Ms. Thomas, to adjourn to January 19, 2005, 3:30 p.m. for an afternoon work session. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Bowerman, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Ms. Thomas and Mr. Wyant.
NAYS: None

Chairman

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| Approved by Board |
| Date: 04/20/2005 |
| Initials: DBM |