

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, began at 3:00 p.m. on May 10, 2006, in Room 235 of the County Office Building on McIntire Road, Charlottesville, Virginia. This meeting was adjourned from May 3, 2006.

The regular night meeting of the Board of Supervisors of Albemarle County, Virginia, began at 6:00 p.m. in the Burley Middle School Auditorium, Rose Hill Drive, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, from the County Executive's Office, Diane Mullins, and Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The adjourned meeting was called to order at 3:07 p.m., by the Chairman, Mr. Rooker.

Agenda Item No. 2a. Work Session: Mountain Overlay District Committee's Proposed Framework Plan.

Mr. Rooker said Planning Commissioners Jon Cannon and Harry Levin who co-chaired the MOD Committee are present today, along with citizen members Billy Lassiter, Fred Scott and Mike Thomas. He asked Mr. Cilimberg to present the staff's report.

Mr. Cilimberg said if the Board accepts the Framework Plan as presented, the Board of Supervisors would notify property owners in the MOD of the framework proposed by the MOD Committee and hold a meeting to receive public comments; the Board would then adopt a Resolution of Intent to amend applicable ordinance sections and refer the framework recommendations to the Planning Commission with directions as to how to proceed; the Commission would develop ordinance provisions, hold a public hearing(s) and make recommendations to the Board; and, the Mountain Overlay District Committee should be retained to review the draft ordinance and provide input to the Commission and the Board.

Mr. Levin said the MOD Committee was asked to develop recommendations for implementing the Mountain Protection Plan adopted by the Board in 1998. He said that during the last 25 months the Committee met 30 times and invested over 1,000 hours in the document presented to the Board today. He said the Committee was asked to use a consensus process which requires that every member agree before making a recommendation. He said all 13 members of the Committee agreed to the recommendations presented, including one member who now lives out of state.

Mr. Levin said there are three parts to the proposal. First, there is an environmental protection ordinance. He said Jon Cannon wrote the ordinance and will address it in a few minutes. Second, there is a recommendation for a clustering ordinance. The Committee's consensus was predicated on the assumption that the Board will adopt such an ordinance. Third is a recommendation for additional measures to require conservation easements. The first two parts of this recommendation will not protect the mountains to the degree wanted by the citizens. One reason is that the landowner should not be required to bear the entire cost of protecting the County's mountain resources. That concept is embedded in the proposal. The consensus was predicated on implementing all three parts of the recommendation.

Mr. Cannon said this proposal has three components (legs) which are all designed to accomplish one set of goals; that is to preserve the economic, cultural and natural resources of Albemarle County's mountains. He said the ordinance is not presented to the Board in the form of final language, but in detailed outline language they think could be transformed into ordinance language if the Board agrees with the proposal, or an alternative. He said the ordinance begins with "findings and purposes" which the Committee worked hard to get right. The findings provide the factual basis on which the ordinance would be based. The purposes were designed to guide the implementation of the ordinance. They are central to protecting public safety and to ensure that those who build houses and live in the mountains can be adequately served and protected from fire and other hazards.

Mr. Cannon said the second purpose is to protect headwater streams, water quantity and quality and public drinking water reservoir capacity. They believe all of this is related to the mountain areas where there is an enhanced possibility of erosion and degradation of water quality and interference with a steady supply of water for human consumption and other purposes outside of the mountain district. The third purpose is to reduce the impacts of development on biological diversity. The fourth purpose is to preserve properties and their values both within and outside of the MOD. The fifth purpose is to protect agricultural and forestal soils and uses. They believe these critical resources in the MOD are at risk from development that is not well directed. The sixth purpose is to protect scenic qualities and cultural and other historical resources. He said all Committee members believe Albemarle County's mountains are a unique and invaluable resource for its citizens. Those are the purposes that form the provisions to be discussed today.

Mr. Cannon said the ordinance itself would consist of five requirements. Some of them would be subject to waivers or exceptions that are designed to ease the burden on landowners while still preserving the ability to achieve the purposes of the ordinance. First is an enhanced critical slopes

provision. The County presently has provisions which limit construction of dwellings on critical slopes. This would be extended to prevent construction of roads or highways on critical slopes in the Mountain Overlay District. He said roads or driveways could still be constructed in order to serve lots created before December, 1980 for the purpose of constructing the first single-family dwelling if there were no alternative site. It would also allow the conversion of an existing road or driveway for residential use. Otherwise, construction of a dwelling or road in the Mountain Overlay District would be prohibited.

Mr. Cannon said the ordinance would require that an erosion and sediment control plan be submitted for land-disturbing activities exceeding 2500 square feet. Such plans are required outside of the Mountain Overlay District now for disturbances exceeding 10,000 square feet. This would be a significant reduction giving consideration to the particular problems associated with erosion and erodable soils in the mountains.

As to stream buffers, Mr. Cannon said the ordinance would prevent residential construction within 200 feet of an intermittent or perennial stream. That is a doubling of the stream buffer that otherwise applies in the current County ordinance. There are some exceptions to that and he will explain those later. Another provision is to restrict the construction of residential buildings in the Mountain Overlay District so they do not penetrate ridge crests (exceed a height of 35 feet within a defined ridge area). This is recommended to protect the aesthetic qualities of a very sensitive ridge area. Finally, the ordinance would require that building sites in the MOD not be approved until there had been a determination that there is safe access for fire and rescue vehicles.

Mr. Cannon said an administrative waiver or modification from these requirements on limited terms would generally be available. The waiver would be strict and be tied to the purposes of the ordinance. A waiver or modification could be granted only upon a finding that the alternative proposed by the developer would advance each of the purposes of the ordinance to the same or greater degree than a strict application of the requirements. In order to make this determination, it would require a complete review of the developer's plan. This is a "do no harm" provision. There would also be a variance available in cases of undue hardship. It would basically provide relief where restrictions might otherwise impose a taking in the constitutional sense.

Mr. Cannon said Mr. Levin had referred to this proposal as it reflects on the clustering proposal currently being discussed by the Board. He will only say that the provisions he just mentioned were designed to apply to dwellings constructed either within subdivision or outside of subdivisions, but there is a greater degree of tailoring that can go on within the subdivision review process. The Committee hopes there will be some additional ability to advance the purposes of this ordinance in site specific reviews. Finally, beyond the ordinance and clustering proposed, the Committee believes the Board must develop innovative and flexible approaches to protecting Albemarle's mountains so generated a list of ideas (set out in the Executive Summary). They encourage the creation of these additional efforts to accomplish the overall purposes that animated their efforts.

Ms. Thomas noted that Mr. Joe Jones, a member of the Committee, is also present now.

Mr. Rooker said he thinks this is an excellent recommendation. He said the Board also has a recommendation from staff as to how to move forward from this point. He asked if the Board members agree with that course of action.

Mr. Slutzky said he does not disagree but wonders about the length of time before the public can make comments.

Ms. Joan McDowell, Planner, said that will probably occur in the fall of this year.

Mr. Cilimberg said he believes it is reasonable to expect it to occur after property owners have been notified. Staff will need the Board to give directions as to how the Planning Commission should take on drafting ordinance revisions.

Mr. Boyd said he understands the Committee indicated that if any one part of the recommendation is dropped, the Committee would not have had the same consensus.

Mr. Levin said the Committee was to represent the public, and that was the reason for its diverse membership. He thinks there will be more public support if all three parts are advanced, but he is not sure about the sequence.

Ms. Thomas said she served as the Board's liaison to the Committee. She repeated to the Committee many times that the Board wanted something that was both effective and acceptable. She thinks that is the recommendation but there are limits to what can be done in Virginia. At one point she told the Committee that not everything has to be put into the ordinance. She said this is already a mountain protection program. Ordinances adopted over the years limit what people can do to their property. The goal was not to increase those limits in a burdensome way, but to think of some ways people might be compensated. It was long and challenging work by the Committee that ultimately became a successful attempt to come up with something that is both effective and adoptable.

Mr. Tucker suggested that staff present at another meeting a timeline for this work.

Mr. Cannon thanked Ms. Joan McDowell and Mr. Greg Pender, and other staff members, for their work on this matter.

Agenda Item No. 2b. Work Session: Rural Areas Implementation, Phasing, Clustering and Family Divisions (continued from April 12, 2006).

Mr. Cilimberg said that on April 12, 2006, the Board reviewed the Planning Commission's recommendations for a framework plan for ordinance development regarding rural area lot development, phasing, clustering, family divisions and the process for receiving public input on the proposed ordinances. However, the Board did not have an opportunity to give staff feedback on the public-input process. For this meeting, an executive summary outlining answers to some of the questions proposed on April 12 was provided. He said staff is prepared to implement that framework plan if the Board finds it acceptable; staff has provided a proposed resolution which can be adopted to start the process. He offered to answer questions.

Mr. Rooker said at the last meeting the Board did not discuss the public input process.

Mr. Wyant said he did not understand the term "framework." The paperwork the Board got deals generally with what would go into an ordinance. He believes that at a meeting where the public were allowed to speak, there would be concerns brought up that should be considered in drafting an ordinance. He asked if the Board is waiting for the public to comment before it decides how to proceed.

Mr. Rooker said if the majority of the Board members are in agreement with what has been presented, the Board could discuss adopting a resolution of intent to hold a public hearing to receive public comment. He noted that on Page 3 of the April 12 executive summary there is a process set out for receipt of public input, namely; the Planning Commission would conduct two public input work sessions and advise staff of any changes to make; the County Attorney would draft the ordinances; the Commission would conduct a public hearing, direct any necessary changes and then review the final draft at a public hearing; and, the ordinances would then be transmitted to the Board.

Mr. Wyant said there is mention in the process that the County Attorney will draft an ordinance. He asked what happens if the Board does not agree with what is written.

Mr. Boyd said he likes what was proposed for the MOD because the Board would take public comment before the framework goes forward. To him that makes sense rather than sending it to the Commission for two input sessions before it has been conceptually aired out in public.

Mr. Rooker said there could be a Planning Commission public input session and then a Board public input session. There could even be a combined meeting with the Commission. He suggested that the Board plan on having one of those meetings as a joint session.

Mr. Boyd said he would prefer doing that before adopting a resolution of intent. He would like that format better.

Mr. Rooker said there needs to be something to take to the public for comment.

Mr. Boyd said he thinks this framework suits that purpose. He thinks it would generate a lot of comments just from the suggestion about using only two development rights every ten years.

Mr. Rooker said the next item on the list is to conduct two public input work sessions by this Board.

Mr. Dorrier asked why the Board can't contact groups that are interested in this subject and get their comments.

Mr. Rooker said all of those groups are on the "A-mail" list so would be notified of the sessions. He does not agree with elevating the comments of any one group over the comments of other groups. He thinks it is reasonable to open it to public comment from everybody. Hopefully all groups will know about this, and those that are interested will make comments either in writing or by attending one of these sessions.

Mr. Wyant said he thinks the critical factor is when, where and at what time the hearings will be held. Mr. Tucker said public hearings to take comments on issues such as this are always held at a night meeting.

The Board discussed holding an informational meeting and scheduling a joint public hearing with the Planning Commission.

Mr. Boyd said the last time the Board discussed the idea of allowing only two lots every ten years, he asked for the rationale behind the recommendation. There has been no reason given as to why that number was picked by the Commission.

Mr. David Benish, Chief of Planning, said anything less than that does not slow down development because most development-right lots can be achieved relatively easily. There is a table in today's executive summary that was given as an example of a 100-acre parcel.

Mr. Boyd asked if this was a subjective decision not based on what other counties have done. Mr. Cilimberg said there are some examples from a couple of other counties. This was the determined approach to clustering. It is not necessarily the same as any other county has done, but it was the one considered to have the most impact on the creation of lots. It would affect development in the near term

because there are a lot of lots that could be built on. It is the creation of new lots that would be affected by the timing.

Mr. Boyd asked if any economic impact information is available with regard to the value of land that is phased in over a ten-year period as opposed to what it is today. What will this do to property values? He thinks that will be of concern to many people.

Ms. Thomas said she has asked questions in several counties. In Madison County they said their appraisals would continue to go up, and the property would sell for more than in the past, but the large outside developers who were buying large farm tracts are not staying in the county anymore. The question is: what would they have driven the price up to if they had stayed?

Mr. Boyd said he thinks landowners will want to know the economic impact on the value of their land.

Ms. Thomas said each lot will be worth more when there is a perceived shortage of lots.

Mr. Cilimberg said there might not be as many lots over a period of time. Staff has found that the preservation tracts in existence in combination with the area subdivided can add to value. He said people perceive that there is protection around them and they are willing to pay for that protection.

Mr. Rooker said some people prefer to have a two-acre lot for maintenance purposes.

Mr. Boyd thought it would be helpful to go through that exercise and put it into writing. Mr. Benish said that has not been done at this time. He said the Commission wanted to know what impact it would have on easement programs. That impact is related somewhat to value.

Mr. Rooker said part of that is the minimization in the cost of development. Today there is a pattern of development based on breaking up all of the property and running a road through the entire property in order to realize the lot values. If the combined ordinances were adopted there would be less expensive development cost because infrastructure could be placed in a smaller area for the same number of lots.

Mr. Boyd said he would like to have people who have done subdivisions before to validate that variation. He understands the theory, but in practice it might be different.

Ms. Thomas said all existing subdivided lots would increase in value based on the perception that there is a decrease in the number of lots available.

Mr. Boyd said he would hope the County continues what is happening in the development areas and makes them an attractive place to move.

Mr. Wyant said he does not think there should be as many restrictions on these preservation tracts. He said farm people will say the problem with the programs the County is trying to involve them in are the restrictions.

Ms. Thomas asked which restrictions he was referring to.

Mr. Wyant said there are restrictions on streams.

Ms. Thomas said that is in mountain protection. The mountains are forested and steep sloped by definition. The Virginia Outdoors Foundation does not put any restrictions on what can be done on farm land in terms of how it is farmed. They have found over the years that doing so is death to the program.

Mr. Wyant said some farmers have told him it is different in some places. He wants to be sure the County does not kill this idea by what it does to the conservation land.

Mr. Slutzky said it is not his intent in this phasing exercise to do anything to erode agriculture. He agrees with Mr. Wyant.

Mr. Rooker said he believes everybody agrees with that.

Ms. Thomas said the hardest thing is to have residential development right in the middle of agriculture.

Mr. Rooker said the more houses intermingled with the farmland the more problems there will be.

Mr. Wyant said he thought clustering was a good idea because it left more open land.

Ms. Marcia Joseph, Chairman, Planning Commission, said the Commission looked at the criteria for the preservation parcel. It is based on all the information currently in the Comprehensive Plan (whether it is good farmland, whether the land is good land for forestry, if there are sensitive areas on the property) with the idea of keeping all the good agriculture soils and their uses on the preservation tract in order to preserve the farming that is going on now.

Mr. Wyant said he wants to preserve the farmland. At the last meeting, he asked how the words on paper can be implemented.

Mr. Rooker asked if what the Board has discussed today concerning the process is acceptable to the Board.

Mr. Tucker said concerning the MOD, he understands the Board wants staff to advertise for a hearing/forum on the MOD Framework. Mr. Rooker said that is correct.

Mr. Tucker said staff will also start the process of putting together a joint Planning Commission/Board hearing/forum and set a date to review the Rural Areas Framework. Mr. Rooker said that is correct.

Mr. Cilimberg said if the Board thinks it is important for the Planning Commission to also join it at the meeting on the MOD Framework hearing that is acceptable.

Mr. Rooker agreed it would be good to have the Planning Commission join the Board at both hearings. He said the more input, the better. He asked if there should be a public information display/exhibit on both of these items. It would be an opportunity for people to come and look at exhibits, look up their parcels to see how they would be affected (maybe a month in advance of hearings), as opposed to them getting up at a public meeting and stating their opinions.

Mr. Boyd and Ms. Thomas both felt that was a good idea.

Mr. Cilimberg said staff would need to make a determination as to its resources. He asked that staff be allowed to think about that and recommend what it thinks would work best.

Agenda Item No. 3. Recess and Reconvene at Burley Middle School on Rose Hill Drive, Charlottesville. At 4:45 p.m., the Board recessed, and reconvened at Burley Middle School at 6:01 p.m.

Agenda Item No. 4. Call to Order. The meeting was called back to order at 6:01 p.m.

Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. From the Public: Matters Not Listed on the Agenda. There was no one who wished to speak to any matter not listed on the agenda.

Agenda Item No. 8a. Proclamation – Emergency Medical Services Week – May 14 through May 20, 2006.

Mr. Rooker read the following proclamation into the record:

Emergency Medical Services Week

WHEREAS, *emergency medical services is a vital public service; and*

WHEREAS, *the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

WHEREAS, *access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

WHEREAS, *the emergency medical services system consists of communication officers, emergency medical technicians, firefighters, law enforcement officers, educators, administrators, hospital and rehabilitation personnel, and others; and*

WHEREAS, *the members of emergency medical services teams, volunteer and career, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*

WHEREAS, *it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;*

NOW, THEREFORE, BE IT RESOLVED *that I, Dennis S. Rooker, Chairman, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim*

May 14-20, 2006

as

Emergency Medical Services Week

with the theme

EMS: Our Community's Front Line Response

in Albemarle County, Virginia, and encourage the community to observe this week with appropriate programs, ceremonies and activities.

Mr. Rooker presented the proclamation to Mr. Dan Eggleston, Director of Fire/Rescue.

Agenda Item No. 8b. Proclamation – Police Memorial Week – May 14 through May 20, 2006.

Mr. Rooker read the following proclamation into the record:

NATIONAL POLICE MEMORIAL WEEK

WHEREAS, May 15 of each year was proclaimed "**Police Officer's Memorial Day**" by President John F. Kennedy on October 1, 1962, in honor of those peace officers who, through their courageous deeds, have lost their lives or become disabled in the performance of duty; and

WHEREAS, Albemarle County is faithfully served by a professional and committed Police Department whose men and women are dedicated to providing outstanding service to the community; and

WHEREAS, these days of increasing fear, rising crime, reckless acts of violence, recall to our minds President Kennedy's words of praise for these officers as "**truly men and women of courage, judgment and dedication;**" and

WHEREAS, we share his sentiments and agree that it is time to remind the public of the day-by-day heroism of our officers, both those on active duty and those who have given their lives in the line of duty; and

WHEREAS, we will be recognizing Police Memorial Day in Albemarle County with a special ceremony to be held on May 17, 2006;

NOW, THEREFORE, I, Dennis S. Rooker, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby declare and set aside the week of

May 14 through May 20, 2006, as

NATIONAL POLICE MEMORIAL WEEK

and call upon all citizens to recognize the significant efforts and accomplishments of these officers.

Mr. Rooker said the proclamation will be presented on National Police Memorial Day at a ceremony to be held at the County Office Building-Fifth Street.

Agenda Item No. 9. Consent Agenda. **Motion** was offered by Ms. Thomas to approve the Consent Agenda with a note added to the resolution under Item 9.3 (see conversation concerning this amendment with that item). The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Item 9.1. Key West Dam - Authorize an additional \$180,000.00 to proceed with construction/repair.

It was noted in the Executive Summary that the Board was alerted in 2004 by residents living on Key West Lane in Key West Subdivision that the dam that Key West Lane passes over was in danger of collapsing. Key West Lane is the only ingress/egress for residents on the north side of Key West Lane as well as for the recreation center in Key West.

The County hired Kimley-Horn and Associates to inspect the dam and submit a report on its condition and offer options. This report was received on August 4, 2004. After County staff analyzed the report and presented their recommendations, the Board, at its meeting on December 1, 2004, approved Option 3, appropriating \$347,000 and directed staff to proceed with the repairs.

After review and approval from a host of regulatory agencies, the project was designed and bid in the fall of 2005. The bids received were much higher than expected (low bid was \$872,500). A re-bid resulted in no bids being received. Staff contacted several contractors and after getting their input made major changes to the original design by Kimley-Horn to get the project within budget. Through this process it was determined that the original design was far beyond what was necessary given the goals for repair of the dam. The bids recently received resulted in a low bid of \$360,122. This includes one addition to the project, the installation of a guardrail to ensure safe passage over the dam. The redesign is acceptable to the County Engineer and General Services staff and meets the original goals of the project.

The current competent low bid, combined with all costs pertaining to the project (design/engineering fees, plat preparation and contingency) results in a total project cost of \$527,000. There is a need for additional funding to be appropriated before proceeding with awarding the bid and completing the project. An additional \$180,000 is necessary.

Staff feels that three alternatives are available to the Board of Supervisors:

1. Approve the additional funding;
2. Cancel the project entirely; or
3. Direct General Services to attempt a redesign of the project and re-bid a fourth time.

Staff, with input from the contracted engineering firm, believes the low bid is fair and the contractor competent to perform the work. The County has already invested in excess of \$70,000 for design fees and the preparation of bid packages and advertising. This project was originally funded through the Stormwater CIP Fund but will require an additional \$180,000. The Office of Management and Budget advises that additional funding is available in this fund to complete the project without impacting other projects. Therefore, staff recommends that the Board appropriate an additional \$180,000 from the Stormwater CIP fund to complete the repair to the Key West Lane dam.

By the recorded vote set out above, the Board appropriated an additional \$180,000 from the Stormwater Capital Improvement Program (CIP) Fund (APPROPRIATION NO. 2006-073) to complete the repair to the Key West Lake dam.

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2006-073
DATE: 05/10/06
EXPLANATION: Additional Funding for Key West Dam

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9100	41058	800975	Key West Dam	J1	180,000.00		
1	9100	41000	800975	Storm Water Improv	J1	(180,000.00)		
TOTAL						0.00	0.00	0.00

Item 9.2. Resolution to accept road(s) in Springridge Subdivision into the State Secondary System of Highways.

At the request of the County's Engineering Department, by the recorded vote set out above, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Springridge Subdivision**, described on the attached Additions Form LA-5(A) dated **May 10, 2006**, 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 street(s) in **Springridge Subdivision**, as described on the attached Additions Form LA-5(A) dated **May 10, 2006**, 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.

* * * * *

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

- 1) **Shadybrook Trail (State Route 1341)** from the intersection of Route 1521 (Powell Creek Drive) to the intersection of Route 1342 (Turnberry Circle) as shown on plat recorded 12/11/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2123, pages 96-111, with a 50-foot right-of-way width, for a length of 0.22 miles.
- 2) **Turnberry Circle (east) (State Route 1342)** from the intersection of Route 1341 (Shadybrook Trail) to the cul-de-sac as shown on plat recorded 12/11/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2123, pages 96-111, with a 60-foot variable right-of-way width, for a length of 0.42 miles.

- 3) **Turnberry Circle (west) (State Route 1343)** from the intersection of Route 1341 (Shadybrook Trail) to the intersection of Route 1342 (Turnberry Circle) as shown on plat recorded 12/11/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2123, pages 96-111, with a 60-foot variable right-of-way width, for a length of 0.35 miles.

Total Mileage – 0.99 miles

Item 9.3. Resolution to Authorize Rivanna Water & Sewer Authority to Sign the DEQ Grant Contract and Other Appropriate Documents Related to the Source Water Planning Grant and the Regional Source Water Supply Plan.

This item had been added to the agenda at the request of the Chairman. There was no paperwork attached to the proposed resolution.

(Discussion: Ms. Thomas said she knows the Planning District Commission members hoped the regional source water supply plan would include all the members of the region and not just Charlottesville, Albemarle and Scottsville as stated in the proposed resolution. She suggested that the Board either pull this item or add a note saying Albemarle would like for the plan to include the entire Planning District region.

Mr. Rooker said if no one objected, the note recommended by Ms. Thomas will be added to the resolution and the Board can go ahead and approve it tonight.)

By the recorded vote set out above, the Board adopted the following Resolution:

RESOLUTION

Resolution to Authorize Rivanna Water & Sewer Authority to Sign the DEQ Grant Contract and Other Appropriate Documents Related to the Source Water Planning Grant and the Regional Source Water Supply Plan

WHEREAS, the Virginia General Assembly has mandated the development of water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

WHEREAS, based upon these regulations, Albemarle County is required to complete a water supply plan by November 2, 2008 that fulfills the regulations, and

WHEREAS, the Virginia Department of Environmental Quality (DEQ) has announced the availability of grant funds, subject to inclusion of such funds in the General Assembly's adopted budget for FY 2007, to assist localities offset some of the costs related to development of these plans, and

WHEREAS, DEQ is encouraging localities to submit applications for grant funds to develop regional water supply plans of multiple local government jurisdictions, and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all local government jurisdictions participating, and

WHEREAS, the Rivanna Water & Sewer Authority has previously managed the development of successful regional plans and is a logical entity to organize and manage a regional water supply planning process, and

WHEREAS, the Rivanna Water & Sewer Authority desires to participate in a regional water supply plan that will serve the needs of Albemarle County and other localities in the region, and desires to secure DEQ grant funds to help offset the cost of the plan development.

NOW THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the Rivanna Water & Sewer Authority to develop an application for water supply planning grant funds and to develop a regional water supply plan which will meet mandated regulations, and

BE IT FURTHER RESOLVED that the Rivanna Water & Sewer Authority is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan.

Agenda Item No. 10. Ordinance to amend Chapter 8, Licenses, Article VI, Schedule of Taxes, Division IV, Personal, Professional, Business or Repair Service Business, Occupations and Professions, of the Code of the County of Albemarle, Virginia, by amending Section 8-617, Retailers or retail merchants. The proposed ordinance would reduce the license tax from twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts to ten cents (\$0.10) for each one hundred dollars (\$100.00) of gross receipts for sales made to a remote buyer ordering by telephone, internet, or mail in which the

item(s) sold is/are shipped by common carrier or by the U.S. Postal Service. The proposed effective date of this ordinance is January 1, 2007 (continued from May 5, 2006).

Mr. Robert Walters, Chief of Administration/Taxation, was present to summarize the change requested in this ordinance. He said the change affects direct retail sales made to a remote buyer ordering by telephone, internet or mail in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service. The current tax rate is \$0.20 per hundred of gross receipts. Staff has estimated that between \$140.0 and \$200.0 million in gross receipts would be affected by this change. The proposed ordinance reduces the rate from \$0.20 to \$0.10 per hundred. The proposed decrease would decrease revenues by \$200,000. He said Greene County recently reduced its rate for similar sales to \$0.015 per hundred. A similar decrease in Albemarle would decrease revenues by \$350,000. He then offered to answer questions.

Mr. Rooker asked if any county, other than Greene, makes this distinction. Mr. Walters said he is not aware of any other locality in the state which makes this distinction.

Mr. Rooker then reopened the public hearing.

Mr. Bill Crutchfield said he is the founder and CEO of Crutchfield Corporation. Also present tonight is Mr. Dell Wood, CEO of Music Today, and Mr. Paul Oppy, founder and CEO of International Auto Parts, and Mr. Mark Lee, his vice-president of Sales & Marketing. He has looked at a reduction in the BPOL tax two ways. First is a philosophical/fairness case for the reduction. He understands this tax was enacted after the War of 1812. At that time, virtually all retail sales were to people who lived in the same taxing jurisdiction as the retailer. There was good logic for a high gross receipts tax on retailers. The same logic does not apply to Twenty-first Century direct retailers. They do not have physical stores where people can visit.

Mr. Crutchfield said that International Auto Parts and Crutchfield do have retail stores in Albemarle, but the request for a reduction in the BPOL rate only applies to their direct sales, not to their retail store business. He said direct retailers have catalogs, the internet and 800 telephone lines that their out-of-the-area customers use, so the community provides almost no incremental services for these people. Therefore, these retailers should not be taxed for services which the County does not provide.

Mr. Crutchfield said a second issue deals with good business practices. He said Charlottesville and Albemarle are expensive places to live. This makes it difficult for companies with a regional and national market to profitably manage their businesses when competitors operate in less expensive communities. One solution is for businesses to move to less expensive areas. He said Crutchfield has over 100 employees at its call center in Wise County, Virginia. They pay these employees ten percent less than those in Albemarle County. Even so, Wise County employees seem to have a higher standard of living, and they provide Crutchfield's customers with the same high level of service as that provided in Albemarle. He would like to keep Albemarle County employees in Albemarle, but they must manage costs. He feels that seeking a reduction in the BPOL tax is a reasonable way for them to reduce operating costs. He thanked the Board for its consideration and for the members' dedication to the citizens of Albemarle County.

Mr. Dell Wood said he is the Chief Operating Officer at Music Today. They are located in Crozet and have 220 employees. He can reinforce everything Mr. Crutchfield said. They are operating in a fierce competition free market. They compete across the country and across the world. They must constantly look for ways to reduce their costs and efficiency. The Board's consideration of this amendment will help them. It is important to them to remain in Albemarle County and to continue to be an employer. They intend to grow dramatically, as they have over the past five years. They constantly look for other alternatives. They have a data center and a call center in the County. They are bombarded with other opportunities and options to move those centers outside of the County. He thanked the Board for consideration of this ordinance.

Mr. Erwick said he works for the Chamber of Commerce. He said the Chamber supports the ordinance. It is clear that the catalog/internet industry should not be confused with the traditional in-store sales and use tax treatment. That is a very different thing. He said there is an inequity in this instance. He said this type of homegrown and home-owned industry should be encouraged, and the Chamber encourages the Board to support this change.

With no one else from the public rising to speak, the public hearing was closed, and the matter placed before the Board.

Mr. Davis said staff prepared an ordinance for the Board's consideration; it was given to the Board for last week's meeting.

Ms. Thomas said for about 12 years she has worked on VACo's Finance Steering Committee trying to "even the playing field" between internet and hometown retailers. She appreciates the comments from the people who spoke as they are valuable community members, but the Board does not usually make taxation decisions on whether the Board likes a person. The issue before the Board is whether to reduce the BPOL tax for retail sales that take place over the internet or through catalog transactions. She said retail sales are one of the lowest taxed categories in BPOL. For example, professional, residential property, personal business, and repair services are all much higher than the \$0.20 per hundred being talked about today.

Ms. Thomas said she thinks all can agree that they don't like BPOL in the same way that the real estate tax does not relate to a family's annual income. BPOL is a gross receipts tax and does not take into account how profitable a business has been, only its varying rates are based on the usual profit margin of a business. She said BPOL is a business tax. The State Chamber of Commerce has recognized this and when participating in State level discussions suggested that the sales tax rate and the corporate income tax rate both be increased if BPOL is erased. If cut, it is a revenue source that would need to be replaced by other taxes. She does not want to shift the burden to local homeowners or other local businesses. Furthermore, the State Chamber recommends not taking piecemeal approaches to BPOL but considering it through a complete study of the tax system.

Ms. Thomas said she hopes everybody agrees that part of the local economy is the small, locally-owned business. Nationally, and historically, employment growth is sustained by the small, locally-owned businesses, certainly in terms of participation in the community. She asked several small, locally-owned business owners what they thought of reducing BPOL to internet retailers. She asked in the Scottsville Shopping Center, at Pantops, in her own district, and along Route 29 North. She did not find a single locally-owned business that had to compete with internet sales that thought internet sales should get a tax break. Many were outraged. She said it was not easy to find small locally-owned businesses because "the big guys are elbowing them out" in many ways. She said cutting BPOL is not a pro-business vote. Constituents who are regular retailers may have a thing or two to say about that.

Ms. Thomas said she did some research on the internet. Other localities claimed they do vary their retail BPOL tax rate. They were asked about the category of "catalog sales." Fourteen other local governments make a distinction when asked about that category. Thirteen have a higher tax rate for direct sales (Augusta, Staunton, Winchester, York, and Spotsylvania). She suspects that not all of Albemarle's small and numerous retailers will pack up and move to some other community if the Board leaves them with the higher rate. But, that is a relevant aspect of this decision. The large employer can threaten. The heart and soul of the business community cannot threaten; they just get left "holding the bag."

Ms. Thomas said there may be inequities and unfairness in the County's BPOL. Other localities this last year have been looking at their rates. Alexandria as an example, in a City Managers' memo to City Council, said that BPOL is not a deterrent to businesses moving into the City, although some of their categories are higher than some of their neighbors. She said Albemarle's categories are higher than Fluvanna's because Fluvanna does not have a BPOL tax. She said some localities are lowering the rates for gasoline stations. That is a business which has had great increases in its gross receipts, but no increase in its profit margin.

Ms. Thomas said she agrees with the State Chamber when faced with a statewide review of BPOL. They suggested that governmental decisions should only be made after looking at the whole system of taxation. To piecemeal one category without any review of the other tax rates and their impact on other businesses she finds to be anti-business, and opens the Board to similar demands from other sectors. The BPOL tax can be picked to pieces and the Board will be left with a sieve that will catch only the mainstream businesses that cannot threaten it.

Mr. Dorrier said he thinks the Board needs to encourage the internet business and direct sales. People simply send their money in and get a product. They never set foot in Albemarle County, and he thinks that is something that should be encouraged. People who come into retail stores use the roads and services of Albemarle County. He sees this as the distinction that can be made between direct mail and purchasing in retail stores. Also, these people employ nearly 800 people who are paid well and have a high standard of living. He thinks the County gets the money back through taxes of those employees. He thinks this is a step in the right direction and he supports the amendment.

Mr. Rooker said he will not support this amendment. He thinks what Ms. Thomas said is the case and it is not the proper way to amend the tax rates which amounts to an *ad hoc* piecemeal approach based on a single request to change the ordinance. It will cost the County about \$350,000 a year, and that money must be made up somewhere else. There is only one county in the State that draws the distinction being made today and that is Greene County, and they made that distinction at the request of Mr. Crutchfield who indicated he might move his business there if they made the change.

Mr. Rooker said he does not think this is the way to change a tax ordinance. Also, he does not think it is fair to other businesses who sell the same kind of goods and services. Some of them sell to out-of-state people, and they don't get to exclude that from the BPOL tax. There are categories of businesses which are taxed substantially higher than the category in which Mr. Crutchfield and Music Today are presently in. He said professionals are taxed about 80 percent higher. Many professionals provide services to people out of the area. The Board has not talked about excluding them from taxation or lowering their tax rate because they have out-of-the-area sales. He does not think the equities argue in favor of passing this ordinance.

Motion was then offered by Mr. Dorrier to adopt an Ordinance to amend Chapter 8, Licenses, Article VI, Schedule of Taxes, Division IV, Personal, Professional, Business or Repair Service Business, Occupations and Professions, of the Code of the County of Albemarle, Virginia, by amending Section 8-617, Retailers or retail merchants, as advertised. The motion was **seconded** by Mr. Slutzky.

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

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

(**Note:** The ordinance as adopted is set out in full below.)

ORDINANCE NO. 06-8(1)

AN ORDINANCE TO AMEND CHAPTER 8, LICENSES, ARTICLE VI, SCHEDULE OF TAXES, DIVISION IV, PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 8, Licenses, Article VI, Schedule of Taxes, Division IV, Personal, Professional, Business or Repair Service Business, Occupations and Professions, of the Code of the County of Albemarle, is hereby amended and reordained as follows:

By Amending:

Sec. 8-617 Retailers or retail merchants

CHAPTER 8. LICENSES

ARTICLE VI. SCHEDULE OF TAXES

DIVISION 4. PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS

Sec. 8-617 Retailers or retail merchants.

Each person engaged as retailer or retail merchant shall be subject to the license tax, and other provisions, set forth herein:

A. Each person engaged as a retailer or retail merchant shall be subject to a license tax of twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts, other than as provided in subsection (B) herein.

B. Each person engaged as a retailer or retail merchant shall be subject to a license tax of ten cents (\$0.10) for each one hundred dollars (\$100.00) of gross receipts for direct retail sales. For purposes of this section, a "direct retail sale" is defined as a retail sale made to a remote buyer ordering by telephone, internet, or mail, in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service.

C. Retailers or retail merchants include, but are not limited to, the following:

- Aircraft or aircraft parts.
- Alcoholic beverages.
- Antiques.
- Auto accessory, tire, battery.
- Automobile graveyards.
- Auto sales, motor vehicle dealers.
- Bakeries, caterers.
- Bicycles.
- Boats, motors.
- Books, stationery.
- Building materials.
- Candy, nut stores.
- Cigar, tobacco stands, newsstands.
- Confectionery.
- Custom tailor.
- Dairy products.
- Delicatessen.
- Department stores.
- Drapery, curtain, upholstery.
- Drugs.
- Dry goods stores.
- Eggs, poultry.
- Family clothing.
- Farm equipment.
- Filling stations.
- Firearms.
- Fish, seafood market.
- Floor covering.
- Florists.
- Fruit stores, vegetable markets.
- Fuel, ice.
- Furniture.
- Furriers.
- Garden supplies.
- General stores.
- Gift, novelty, souvenir.

Grocery.
Hardware.
Heating, plumbing, electrical equipment.
Hog, grain, feed, seed.
Hosiery.
Jewelry.
Junk or secondhand merchandise.
Lightning rods.
Luggage.
Lumber goods.
Meat markets.
Men's and boy's clothing.
Millinery.
Motorcycle.
Musical instrument.
Office, store, appliance supply.
Optical.
Other clothing.
Paint, glass, wallpaper.
Photographic, supply, equipment.
Radio, television or household appliances.
Restaurants, eating places, nightclubs.
Secondhand stores, other than junk.
Scientific, medical supplies.
Shoes.
Soda fountain.
Sporting goods.
Travel bureau or tour agent.
Used cars.
Variety stores.
Workmen's clothing.

All other retail stores and retail merchants' occupations, businesses or trades not included herein and not otherwise taxed by this chapter.

(3-15-73, § 55; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-68; Code 1988; § 11-68; Ord. 98-A(1), 8-5-98; Ord. 06-8(1), 5-10-06)

State law reference--Va. Code § 58.1-3703.

This ordinance shall be effective on and after January 1, 2007.

Agenda Item No. 11. **Public Hearing:** ZMA-2000-09 and SP-2002-72, North Pointe. Proposal: Rezone 269.4 acres from RA, Rural Areas zoning district, which allows 0.5 residential units per acre & agricultural, forestal & fishery uses to PD-MC, Planned District-Mixed Commercial zoning district, which allows large-scale commercial uses; & residential by special use permit (15 units/acre). Approximately 675,000 square feet of commercial and office space is proposed. Special use permit to allow 893 residential units in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for residential uses in a PD-MC, Planned Development-Mixed Commercial zoning district. Proffers: Yes. Existing Comprehensive Plan Land Use/Density: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions & schools & other small-scale non-residential uses. Urban Density Residential - residential (6.01-34 units/acre) & supporting uses such as religious institutions, schools, commercial, office & service uses. Regional Service - regional-scale retail, wholesale, business and/or employment centers, & residential (6.01-34 units/acre). Office Service - office uses, regional scale research, limited production & marketing activities, supporting commercial, lodging & conference facilities, & residential (6.01-34 units/acre). Entrance Corridor: Yes. Location: North of Proffit Road, east of Route 29 North, west of Pritchett Lane & south of the Rivanna River in the Hollymead Community. Tax Map/Parcels: Map 32, Parcels 20, 20a, 20a1, 20a2, 20a3, 22h, 22k, 23, 23a, 23b, 23c, 23d, 23e, 23f, 23g, 23h, 23j and 29i. Magisterial District: Rivanna. (Notice of this public hearing was advertised in the Daily Progress on April 24 and May 1, 2006.)

Ms. Elaine Echols, Senior Planner, said the North Pointe rezoning request is a request to rezone 269.4 acres from RA, Rural Areas, to Planned Development-Mixed Commercial, PD-MC, with special use to allow a mixture of commercial and residential uses. The property is located in the Entrance Corridor Overlay District (EC). A maximum of 893 residential units is proposed with special use permit SP-2002-72. Approximately 540,000 square feet of retail use is proposed, along with approximately 135,000 square feet of office and 217,000 square feet of other non-residential uses. Two hotels containing a total of 250 rooms are proposed, along with a church, a library, two clubhouses, a day care, senior housing for assisted living, and an elementary school.

Ms. Echols said that in 2003 when the Planning Commission recommended disapproval of these petitions there were a number of things that needed to be changed. They dealt with environmental features not being adequately protected, interconnections being needed, amenities missing in parks, not a pedestrian-friendly development in terms of its design, parking was not relegated, uses were segregated, the ARB had not been asked to review the plan, there was no grading or lot standard information, mitigation of off-site impacts of development was not adequately provided, proffers were

dependent on a CDA for standard improvements, stormwater management was inadequate, and a lot of other reasons. Therefore, the Commission did not feel comfortable with recommending approval. The school site size was not acceptable, there was a short sunset date, the proffers were confusing, the Commission had standard information it wanted the applicant to address, the commercial square footage could not be reasonably absorbed over the next ten years, and there did not seem to be an appropriate and equitable contribution to a transportation study for Route 29.

Ms. Echols said since then there have been a lot of changes, but not to the Plan. More blocks have been created in the Plan, and the environmental features are better protected, street connections have been added, but most of the changes have been in the proffers. Affordable housing has increased from about five percent to almost ten percent. Three hundred thousand dollars has been provided for the County's Housing Initiative Fund. One of the most critical features is that the request for a CDA to help finance the improvements on the site has been dropped. A library site has been added. The sunset on the school site proffer has been extended. An additional proffer was added for transit at \$25,000 a year for ten years, as was \$100,000 for a regional transportation study and a commitment to make stormwater management ponds an amenity. There have been substantial changes to the proffers since the Commission saw them in 2003.

Ms. Echols said the proffers are complex. Due to the specifics in the proffers she invited Board members to ask questions. There were no questions at this time, so she turned the presentation over to Mr. Mark Graham, Director of Community Development.

Mr. Graham said there had been an issue with a landscape buffer. The ARB requested 50 feet. The applicant provided a buffer which was partially on VDOT's right-of-way with a commitment that they would convert their on-site uses to provide that buffer if VDOT ever needed the property. However, where that was shown on the Plan there was parking. Staff was concerned that it might be required parking and there would be an issue with adequacy of parking if the buffer had to be converted.

Mr. Graham said there was an issue with the maximum square footage of the buildings and the number of residential units. At that time, the Board was looking at plans for Hollymead Towncenter and Albemarle Place, and the concept of a 70,000 square foot limit on the "big boxes" was introduced. The question now is whether the limitation on the size of the larger buildings at 88,500 square feet plus ten percent is acceptable.

Mr. Graham said one plus for the project is the dedication to the County of the floodplain along the North Fork of the Rivanna River. That will allow the County to put that area into a "blueway" versus a greenway to protect that stream area in perpetuity. There were adjacent properties (specifically the trailer park) off of Pritchett Lane that were exacerbating the problems on the stream. The applicant has agreed to address the stormwater for those problems. The applicant has agreed to work with the County Engineer to insure that the erosion and sediment control measures on this property provide the greatest level of protection considered reasonable.

Mr. Graham said the applicant has proffered to do extensive stream buffer restoration. Some of it may be required under permits, but other things are just things they are providing. He said an extensive trail system is being provided including access to the "blueway" he previously mentioned. If the County wants it, the stormwater lake in the commercial area will be dedicated, but staff does not think the County should take over that facility. However, the applicant has offered to do so.

Mr. Graham said there has been a significant change in the branch library site. The applicant agreed to proffer a 15,000 square foot building pad which would allow for a two-story 25,000 square foot library. There is room for a small park in front of the library, and the applicant would also provide parking area for this library and get the utilities to the library.

As to affordable housing, Mr. Graham said 84 units are being provided along with \$300,000 to help with down payment assistance. After a number of iterations, the school site is almost 13 acres. The School Division has reviewed that site and feels it is acceptable. There was a change made in the County's Subdivision Ordinance last year requiring that right-of-way be extended to adjoining property. There was a question as to whether that could be required of the applicant at the time of site plan submittal, so he addressed that question.

Mr. Graham said two new signalized intersections are proposed in the transportation proffers on Route 29 between Airport Road and the Lewis & Clark entrance into North Pointe. Both intersections are necessary to support the traffic demands created by this project. The applicant proposes building a third lane all the way from Airport Road to Lewis & Clark Drive. Part of that is necessary to get in the crossovers and entrances to the property, but part is above and beyond that need.

Mr. Graham said Leake Road (near the entrance to 84 Lumber) will be upgraded to a public road and connected to Proffit Road. Associated with that, improvements will be made on Proffit Road between Leake Road and Route 29 North. Northside Drive (which will be the middle entrance into the property from Route 29) will be realigned to line up with Northside Drive on the opposite side of Route 29, and the applicant will make the necessary changes on that opposite side. The applicant has agreed to contribute \$100,000 to a regional transportation study (that study is ongoing at this time in conjunction with the Places29 Master Plan Study). He will also contribute \$25,000 a year for ten years as a transit contribution, if transit is provided within ten years of approval of the zoning. Staff does not know if it is reasonable to expect that transit can be provided in that timeframe. Associated with that transit proffer, the applicant has agreed to provide ten bus turnoffs inside the development.

Mr. Graham said Ms. Echols will explain the issues with the special use permit conditions.

Ms. Echols said staff has recommended a set of special use permit conditions, and the applicant does not totally agree with all of those conditions. Generally the recommended conditions are:

- a mix of housing types with no less than 25 percent of the three types, and staff and the applicant agree on that condition;
- commercial will be phased with residential so that 290,000 square feet of commercial is not developed until at least one-quarter of the units are constructed (this is a condition on which there is disagreement with the applicant);
- there is agreement about restrictions on the conservation areas;
- there is agreement on adequate restrictions on open space;
- reservation for dedication of the greenway (the floodplain is to be developed as a blueway, but the applicant has reserved it for dedication to the County and staff agrees);
- a landscape buffer along Pritchett Lane (a number of houses will backup to Pritchett Lane but rather than have those houses have a relationship to Pritchett, a landscape buffer has been proffered to keep that area either undisturbed or replanted so a screen can be developed between the houses inside the development and the houses on the rest of Pritchett which is a rural area boundary). Ms. Echols said there has been a question as to whether there will be roads connected to Pritchett. The answer is "no." There are emergency access points proposed to be connected. The applicant has been asked to grade them out so that at any time in the future there is a demand for those roads to be connected; the grading is already in place. They would be for emergency vehicles only and would not be opened for public access;
- street extensions to the adjoining property if it is submitted as a site plan and up-zoned (staff and the applicant are in agreement on this one);
- overlot grading plan (staff and the applicant may agree on this one although everything has not been reduced to writing at this time);
- all lots are to be served by gravity sewer (staff and the applicant agree on this one).

Ms. Echols said these are the special use conditions. She said there are four "big picture" problem areas. First is the form of development which is fairly conventional. On the slide being shown there is a building with parking surrounding that building. She said the Neighborhood Model suggests a more integrated development bringing the commercial and residential closer in proximity to each other so that people would feel comfortable walking in those areas; they would not have to walk across a vast expansive parking lot. That integration is important to the Neighborhood Model so it is not just the little pieces of sidewalks and street trees, but how they all relate together to make a whole.

Mr. Graham said he will discuss transportation impacts. He said this goes beyond what the applicant proffered which deals with immediate impacts and their entrances onto Route 29. This development could potentially put 30,000 additional cars per day onto Route 29. Staff realizes that there are no approved plans for how to deal with this additional traffic on Route 29. Places29 is working on a transportation study trying to deal with that issue, but it has not been addressed at this time.

Mr. Graham said he had mentioned at an earlier meeting that the applicant proffered to complete improvements for a third lane on southbound Route 29. Today the applicant submitted another set of proffers which staff has not had time to review; these proffers address some of that issue. Staff's real issue is that it wanted some assurance that those improvements would be built in the foreseeable future rather than extended an indefinite period of time.

Mr. Graham said the applicant proffered to do some improvements on Proffit Road associated with the Leake Road entrance, but staff does not know if that will be adequate for the whole development. He said this proffer has become more and more of an issue associated with time. At one time, in the State's Six-Year Plan it showed Proffit Road improvements as being completed within a reasonable time as related to North Pointe. It now looks as if all of those improvements are being pushed back in time, so it is not known when the Proffit Road improvements would take place.

Mr. Graham said there has been a question as to whether the applicant will grade out the emergency access connections to Pritchett Lane so they can be easily converted to a road at some point in the future. He understands the applicant has addressed that question in this latest set of proffers, but he cannot address that issue tonight.

Mr. Graham said the proffer related to addressing the crossover on Route 29 relates to staff's problem with the complexity of the proffers. In the last few weeks, staff became aware of the possibility the applicant could build up to 290,000 square feet of commercial without putting a signalized intersection on Route 29 (it had been in the proffers all along, but had gone unrecognized by staff). This needs to be addressed.

Mr. Graham said the proffers call for the transit commitments to begin within three years of approval of the zoning. Staff questions whether there will be the demand necessary to justify running transit to that area in that timeframe. Regarding the transportation impacts, the biggest thing involves Route 29. More than 60 percent of the development's traffic is expected on the most congested part of Route 29. He said Mr. Rotgin has spoken in the past about this being a regional center serving the broader area including surrounding counties, an estimated population of 160,000. He thinks about 130,000 of those people would be coming from the south on Route 29. By putting this size of development on the rim of the development area, it probably maximizes the amount of traffic that has to take place to serve people. The proffered improvements come after the development takes place and that is a big issue for staff. Finally, there are no funding solutions for the long-term improvements of Route 29.

Mr. Graham said the retail absorption question has come up again and again. Staff continues to have concerns that this is over zoning at this time which could potentially result in stale zoning and other problems for the area.

Ms. Echols said staff has had difficulty comprehending the proffers as written. They wonder if future staff and applicants will know what the proffers mean. Also, Mr. Graham just mentioned reading through the proffers and not catching, until now, something that had been a part of the proffers all along. Staff would like to see the proffers rewritten in a more comprehensive way. New proffers were submitted today, but staff has not had time to review them, being involved with this presentation for tonight's meeting. They appreciate the applicant's efforts, but it could not accommodate them at this late date.

Ms. Echols said the Board has not really decided what is acceptable. There have been numerous work sessions on this proposal, and there have been as many as six different opinions on the various and sundry aspects of the proffers.

Ms. Echols said there are some favorable factors to the rezoning. One of them is that the residential development is in the development areas and not in the rural areas. She mentioned that the commercial development could not go in the rural areas anyway. Also, the project has been brought in as a single project, rather than developing piecemeal. About 22 properties were put together to make this a single development, and this makes developing it as a whole easier for the County to deal with.

Ms. Echols said a parallel road system, which is a good aspect of the proposal, will be developed in a short timeframe; in the next ten to 20 years, as opposed to 30 to 40 years and that is a positive. A school, a library site, transit money, and affordable housing are being proffered. Significant environmental resources are being protected. The money is proffered to study solutions to the regional transportation system. The request for a CDA has been dropped from the proposal.

Ms. Echols said there are favorable factors, but there are many factors which are unfavorable. The biggest one is that staff does not believe the development is reflective of the integrative form that the Comprehensive Plan is looking for. Staff thinks the project could provide a development which is more neighborhood-friendly and livable than what is proposed. There are no solutions for Route 29. Leake Road has not been completed, so staff has no solution to that. Staff thinks the commitment to residential development is low compared to the commercial development. Affordable housing is not at 15 percent. That may not be problematic to the Board, but it is what the Comprehensive Plan says. Staff does not believe the amount of retail can be readily absorbed. Staff thinks the landscape buffer is insufficient. Staff thinks the "big box" size is excessive; there seems to be a different understanding of the expectation for the size of the larger buildings. Also, the proffers are not easily understood.

Ms. Echols said staff recommends disapproval of the requests, but does not want to say this is totally a bad idea. Staff has said this to the Board and to the applicant. They think there could be changes to the Plan which could make it acceptable. She is not saying that if the applicant made the four changes mentioned staff would recommend approval. They think that if the area devoted to commercial use was reduced, if there was better concurrency between the residential and the commercial development, if the residential and commercial were truly integrated to create a walkable community, if the commercial uses were phased to match the transportation improvements, staff could potentially recommend approval. This is not a surprise to the applicant and should not be a surprise to the Board. It is no different than many of the things staff has talked to the Board about. Staff respects that the Board has a difficult decision and will try to answer any questions.

Mr. Rooker asked if any Board member had a question for staff. He said the Board will not be making a decision on these requests tonight. The Board has policy stating it will not act on a rezoning proposal unless the proffers, which are the details of what the developer is offering to do, are filed with the County a certain period of time before the public hearing. He expects there will be a lot of public comments tonight, so the Board will need time to assimilate those comments and study the new proffers and have time as a Board to discuss those proffers. He said this will be deferred to a work session on June 7. After that work session, a date will be set for a final opening of the public hearing and, hopefully, a vote at that time. He said the public hearing tonight will not be closed, but will be adjourned to the date the Board expects to vote on the requests. Members of the public who do not comment tonight will have the opportunity to comment at that time. It will also give anyone speaking tonight an opportunity to make comments on some new facet which may come up in the interim. He said public comments are limited to three minutes.

Mr. Boyd said he was not involved in any Board discussion about what Mr. Rooker just said, it must have been a decision of the Chairman about opening the public hearing again later, etc.

Mr. Rooker said he did not discuss this with Mr. Boyd but did discuss it with several Board members. He understood that someone had spoken to Mr. Boyd and he was in agreement with this course of action.

Mr. Boyd said he agrees with not making a decision tonight.

Mr. Rooker asked if Mr. Boyd agrees with holding a work session on June 7 so the Board can discuss anything that comes up tonight, and the new proffers, and the special use permit conditions.

Mr. Boyd said he does not have a problem with any of it, but did not understand this was going to be done.

Mr. Rooker said the Board can discuss another approach if someone has a suggestion for a different approach. He was just trying to find a way to get this very complex issue resolved.

Mr. Boyd said he understands that, and he would like to get some closure at some point in time.

Mr. Rooker said that is the intent. He then opened the public hearing and asked that the applicant speak first.

Mr. Chuck Rotgin, principal of Great Eastern Management Company and representative of the North Pointe Community applicant, thanked everyone for the tremendous amount of time each has spent on North Pointe during the last six years. He is grateful for their input and guidance, particularly through the *ad hoc* committee process, forward. In many respects there is a better plan now than when the *ad hoc* committee process started with Mr. Dorrier's recommendation in late 2003. He also thanked County staff, particularly Ms. Elaine Echols, Mr. Mark Graham and Mr. Greg Kamptner, for the many hours of work on the project. He said this is the 26th in a series of public meetings and workshops, and those staff members have been involved in most of them. He thanked the Board for what looks to be an unprecedented size crowd in this auditorium tonight. He hopes there are some people present in support of the request. He knows there are numerous people present in opposition, and although he will not like what they say this evening, he is supportive of the public hearing process.

Mr. Rotgin said for those at Great Eastern Management, North Pointe reflects a vision that goes back to 1981. They joined with Mr. Eric Cantor to begin assembling the 18 parcels that now make up the proposed community. It is an exciting proposal that represents a new paradigm for creating communities in Albemarle County. He said new paradigms are not new to Great Eastern. They were the first people to put significant money from an investment standpoint into Charlottesville's Downtown Mall back in the mid-1970s. He said that last week this Board took a courageous action to facilitate expansion of the National Ground Intelligence Center (NGIC) with the attendant high paying career ladder jobs. Earlier tonight the Board took additional action that will preserve, and possibly encourage, new jobs within the mail-order retail internet sales component of the local job base. Combined with the jobs being created in the University Research Park, the previous Board's Comprehensive Plan land use decisions to concentrate new jobs in this northern portion of the County is finally coming to fruition. A short bicycle ride away, they think North Pointe will offer the perfect complement to those job-producing areas within a designated development area. He then asked Ms. Valerie Long to lead the Board and the public through the highlights of North Pointe.

Ms. Long said she was present with the applicant, Great Eastern Management Company. She said staff gave the Board a very detailed, comprehensive summary of the proffers, so she will try not to duplicate that presentation. She also appreciates the time staff spent with the applicant over the last 14 months that she has been involved with this request. She said this is an exciting mixed-use community where generations of residents can live, work, play, learn, worship, exercise, all in the same community. They can ride a bike to their job at the UVA Research Park across Route 29 or perhaps to NGIC.

Mr. Slutzky broke in to ask the audience if they could hear the presentation. The response was negative.

Ms. Long said she would start her presentation again. She went through the same information as that just given. She said Great Eastern will build walking paths to access the Rivanna River "blueway" trails system. Great Eastern will donate land for that trail system. She said public transportation infrastructure has been designed into the road network. Great Eastern will financially support provision of bus services to the community. There will be a dynamic mixed-use area including the library and a park. The library block area will include three- and four-story buildings combining small stores, offices and residences in the same building. North Pointe will put the necessary infrastructure in place at the time the community is built.

Ms. Long said North Pointe is consistent with the Comprehensive Plan. Its Land Use Plan designates this area for the exact uses that are proposed for North Pointe and in the exact same locations. North Pointe fits like a glove on top of the Comprehensive Plan map. In addition, it is consistent with the applicable provisions of the Neighborhood Model. North Pointe will offer a great deal to this community in the form of proffers and special use permit conditions. She said staff explained them thoroughly, but she would like to highlight them because they are so significant.

Ms. Long said the proffers include approximately \$10.0 to \$12.0 million in offsite road improvements including third lanes in both the northbound and southbound lanes of Route 29. This includes the elimination of the expensive, dangerous vertical curve on the southbound lanes. It includes donation of land for an elementary school, a branch library, parklands, a greenway trail, and

interconnections to adjacent properties. She said the proffers include enhanced erosion and sedimentation control measures that will drastically cut down on existing sedimentation and significantly reduce sedimentation during the construction process.

Ms. Long said this is a well-planned community which includes a full spectrum of housing types, including affordable and workforce housing. It includes Charleston-style houses as well. Also, as staff pointed out, it includes a significant parallel road network. North Pointe Boulevard and Northwest Passage will connect with Lewis & Clark Drive which is the entrance to the University Research Park; it is an important parallel road network that would not be possible without the efforts of Great Eastern. There are improvements to Proffit Road including an additional lane on the north side of Proffit Road and a roundabout.

Ms. Long said she will mention the stormwater management design which is intended to accommodate not only the stormwater from North Pointe, but stormwater management from up to eleven offsite parcels that is presently not being treated and is contributing to the sedimentation problem in the River.

Ms. Long said the applicant has agreed to some phasing of the residential units. They acknowledge that there is not agreement at this time with staff about this phasing. They have agreed to insure that 138 homes would be started before the second phase of commercial would be permitted. This rate is deliverable and is practical. She said most of those 138 units would be single-family detached homes. They think it is in the public's interest to provide the flexibility to insure that the second phase of commercial and the Route 29 southbound road improvements be constructed at the time market forces make it possible.

Ms. Long said in terms of form and design of the plan, the applicant worked closely with the *ad hoc* committee on this process. She was not involved at the time the *ad hoc* committee was in effect, but she has been told the committee itself "brokered the deal" that defined this existing plan. With regard to the landscape buffer along Route 29 they are committed to providing 25 feet of landscaped buffer between Route 29 and the project. Because of the very large size of the VDOT right-of-way in that area, there is room not just for a third lane on the northbound side, but room for a fourth and fifth lane, plus some turn lanes. That is the reason Great Eastern feels it is reasonable for part of that 25-foot buffer to be on VDOT's right-of-way. VDOT has been cooperative in that regard. They are committed to it. If in the future should the applicant have to tear up parking to make room for the rest of the buffer on their property, they are willing to do that. At that point, there would probably be six lanes of traffic in each direction on Route 29, and they would probably be looking at structured parking.

Ms. Long said she was glad to hear that staff thinks they are almost in agreement on overlot grading. It sounds like they are in agreement on the extensions to Pritchett lane. They did not understand the issue in the staff report released last Friday. She thinks they are now in agreement that the accessways would be constructed as emergency accessways. They are willing to grade them out and design them for any future street connections requested by a future board of supervisors. They think a commitment was made that it would only occur if the property on the other side of the road was up-zoned. They will continue to talk to staff about that.

Ms. Long said 84 units of affordable housing are proposed. This is a mixture of for rent and for sale units, including single-family detached (those are the "workforce" units) units which are affordable to a slightly higher income for families. That housing fills the gap in the community. There is also \$300,000 cash for downpayment assistance for qualifying families. Much has been said about the need for downpayment assistance in order for the County's policy on affordable housing to work effectively. If qualifying families do not have access to funds for downpayment assistance, there is a possibility the units would not go to these families. They think that a combination of the 84 units (just under ten percent) plus the \$300,000 in cash is consistent with the Comprehensive Plan. She said they are ready to answer any questions and would appreciate the opportunity to respond to any issues raised.

Mr. Rooker asked if any Board member had questions at this time.

Mr. Boyd said Ms. Long indicated that the applicant believes he has met the Neighborhood Model principles and staff said the plan does not. He asked Ms. Echols the difference in interpretation. Is it the size of the stores or too much commercial?

Ms. Echols said it is the fact that the development is not integrated. In the southern part of the property there is all conventional development. The only mixed-use area is near the library site. The potential for having a location in the development which would give one a "sense of place", a place where people could shop and feel part of the community, only occurs in one location. Nearby areas have large expanses of parking and there is no good way for one location to integrate with another location in that sense. Staff thinks there are ways to do that with not quite so much commercial, and in an integrated way. It is so segregated that it gives staff pause.

Mr. Boyd asked if because the development is being billed as regional shopping, not just neighborhood shopping, it is the principle that is a problem. He keeps hearing from people on the retail side that a certain number of rooftops, a certain amount of parking, a certain number of stores, and anchor stores, are needed to make it work. He said staff has also talked about the amount of commercial needed in the area; he feels that is a market decision. He is trying to understand what staff is saying.

Ms. Echols said the location of this development is on the fringes of the development area, so demographics do and do not play in. If there is not the demand and the residential units to support it,

then there will be a more sprawling form of development, rather than it being compact. She said in the case of Albemarle Place, it will have similar anchor stores, but it is more fully integrated, it has a greater mixture of uses, it is a place where people can walk and also do their major shopping. Staff provided both Mr. Rotgin and the Board with a number of examples of urban places with anchor stores. The argument has been that the County does not have the population necessary to support anything like those examples. That is why staff thinks this request is premature. Development should be concentrated in the areas which have already been rezoned. Then, when the need arises, North Pointe might provide something similar.

Mr. Rooker said staff supported Albemarle Place; they recommended approval.

Mr. Boyd said they did not support Hollymead Towncenter.

Ms. Long said the applicant believes the development is very much a Neighborhood Model project. The property lies in the development areas and is not exactly on the "fringes" since it is surrounded by development area property. The University Research Park is located directly across Route 29. Then there is the Piney Mountain Community which is just north of the Hollymead Community. She said North Pointe integrates well with the entire area. The parallel road network is there. It is not exactly on the fringes of the development areas, and even if it were, she does not think that is a bad thing. The Old Trail projects in Crozet are on the edge of the growth area and there was support for that project.

Ms. Long said the mixed-use library block is larger than what Ms. Echols indicated in her presentation. Within that library block there are two- and three-story buildings containing a mixture of uses. There is retail on the ground floor level, there are offices on the second floor, and then residential on the third and fourth floors. There are 139 condominium units in the mixed-use area. In addition, the area she referred to as the Charleston-style single-family area contains 84 single-family attached and detached units. They think a good job has been done in integrating these uses. County staff provided a lot of help on that and encouraged Great Eastern to locate those Charleston-style homes on the southern end of the property. They acknowledge that it makes a much better plan, and the applicant is happy to do that.

To respond to the comments about Albemarle Place, Ms. Long said she is not as familiar with that project, but she recalls that there are some larger stores in that project which are "off to the side." That says a lot; the large retailers feel that is important to help the smaller stores survive. She talked with a number of commercial real estate brokers in the past few months and most said the smaller stores must have the draw of the large stores.

Mr. Wyant asked the distance from the library to the units on the south of the property. Ms. Long said there are one-quarter mile and one-half mile radiuses shown on the Application Plan. From the center of the circles is the library building itself, so the distance would be about one-half mile.

Mr. Rooker said staff had recommended 50 feet for the landscape buffer and the applicant is proposing 25 feet, part of which is in VDOT's right-of-way. He has a copy of the applicant's North Pointe Mixed-Use Perspective Sketch Renditions and it says "VDOT right-of-way with North Pointe landscaping 40 feet" and then there is another landscaping strip on North Pointe property of 10 feet for a total of 50 feet. He asked if that has changed.

Ms. Long said there will be additional landscaping as well. They are proposing a 25-foot area, but in some areas the right-of-way is wider than what she described earlier, so it will vary in some locations. She said the exhibit to which Mr. Rooker referred was designed to show the existing berm on the side of the road so when driving north on Route 29 the row of parking closest to Route 29 will not be seen.

Mr. Rooker said he is having trouble with the footage referred to on the rendition. It says the width varies not less than 40 feet which indicates that the strip would be at least 50 feet in all places since the width of the planted strip would be no less than 40 feet. He said the Board will have a work session in June and he would like to have his question answered at that time.

Ms. Long said she thinks County staff supported a 25-foot buffer. The only issue of disagreement was whether any of the buffer would be located within VDOT's right-of-way or whether it would all be located on the North Pointe property.

Mr. Wyant said it was always 50-feet whether it was 25 feet on VDOT and 25 feet on North Pointe. If VDOT took the 25 feet, North Pointe was still going to give the 50 feet. There was always a 50-foot landscape buffer. Ms. Long said it was 25 feet.

Mr. Rooker pointed out earlier that staff was recommending 50 feet and the applicant was recommending 25 feet and part of it would be in VDOT's right-of-way. The rendition was done by North Pointe and it indicates a 50-foot strip, so something changed between the rendition and the proffers. Ms. Long said they will work with staff on that issue.

Mr. Rooker said if there were no further questions for staff, he would open the public hearing. He said the Board will hear those people who signed to speak first. He asked that the audience not applaud or indicate displeasure with anything said; all speakers should be respected. He said each speaker will be allotted three minutes in which to make their presentation.

Mr. Doug Long said he owns a townhouse just off of Route 29. He was born and raised in Charlottesville until 1962 when his family moved way out to the then brand new Northfields Subdivision on Rio Road. He worked at the gas station on the corner of Rio and Route 29, and there was not even a traffic light at that intersection. He feels most of changes that have taken place in the last 45 or so years are for the best. From the Barracks Road Shopping Center north to the Airport and beyond, there is development that fuels the economic engine that makes Greater Charlottesville a great place to live. He does not think most people would want to change the dynamic economy that is now enjoyed for those bucolic days of yesteryear. Can new development be done in a better way? No doubt it can and he thinks the plan before the Board tonight includes most of the elements recommended by today's community planners. He said this is a well-planned development in an area of the County that has been determined to be a growth area. He urged the Board to approve the rezoning request for North Pointe.

Mr. Dave Ramsey, principal of the Williamsburg Environmental Group, was present. He said that with him tonight is Mr. Jeff Hancock who is one of their senior Water Resource Engineers. Their firm works statewide relative to environmental assessments, water resource engineering, stormwater management, mitigation of impacts, etc. He did not come as an advocate for North Pointe, or to request a vote one way or the other. He wants to lay out some of the details and some of the facts of the assessments they performed on the property over the course of the last three years at the request of Great Eastern. He was pleased to hear that it has been acknowledged that the project is better since 2003. Some of that is a function of County staff recommendations.

Mr. Ramsey said he would describe the process as they made their assessments. What he will say was presented at a meeting two weeks ago attended by staff, advocacy and public interest groups and Great Eastern representatives. He said their initial task was to determine the environmental resources on the property. Great Eastern asked them to look at the property and make recommendations without taking cost into account to make the project better. They walked the entire property numerous times, collected relevant data related to wetlands and streams, assessment of the streams related to bugs, etc. The U.S. Army Corps of Engineers has been on the property and confirmed the boundaries of the wetlands and waters. They assessed the streams to determine the erosive rate currently occurring. Much of the offsite area drains through this property causing much of the southern part to be erosive because of currently uncontrolled runoff. They concurred with a lot of the work that Mr. David Hirschman from County staff had done earlier.

Mr. Ramsey said the North Pointe property contributes less than one-half of one percent of the total drainage area to the Rivanna River at this point. As proposed, post-development conditions of the project would reduce the sediment load into the River from the current load of approximately 794 tons per year to approximately 146 tons per year. That is a fivefold decrease in the sediment load occurring now through the uncontrolled nature of the runoff. He said they helped finalize the proposed proffers with Mr. Graham to assure that stormwater management requirements exceed the minimal standards required by State and local ordinances. He said if the project is approved, point source discharges need to be examined closely as the project moves forward.

Mr. Rooker said Mr. Ramsey had exceeded his three-minute time allotment, and he asked that he finalize his statement.

Mr. Ramsey said they believe sufficient oversight by local and State governments, and the permanent requirements of the County's site plan process will allow the project to proceed and ensure that the environmental impacts are minimal.

Mr. Don Marshall said he is a senior vice-president of GMAC Commercial Mortgage which is the largest commercial mortgage company in the country. They are also one of the largest retail financing companies in the country. He is a member of the International Council of Shopping Centers which is the largest trade group in the retail industry in the country. His field of expertise is financing, so he will speak only to the viability of North Pointe. He has had a long time relationship with Great Eastern and its principals. They are capable, confident, conscientious and honorable people. There is no way to finance anything these days without a project being viable. As to the amount of retail space and the statement that it may not be absorbed, he will emphasize that the space cannot be built unless it is already leased. He said the International Council reviews markets with relation to its liability to retail. The Charlottesville market has proven to be underserved in retail. That is based on the fact that the vacancy factor up and down Route 29 is less than two percent. A healthy market has a vacancy rate from five to seven percent. Obviously there is additional need or demand for retail in the area. There has been some leakage from retail sales out of the Charlottesville market area into Richmond with its many malls. He has looked at some of the studies done with regard to the North Pointe development. He was surprised by the Southern Environmental Law Center study as it relates to the lack of viability and absorption of the project. There is a contradiction in the study. When it says a traffic hazard will be created because of the retail that must mean that the retail is viable.

Mr. Rooker said Mr. Marshall had exceeded his three-minute time allotment, and he asked that he finalize his statement.

Mr. Marshall said the viability of this center can be proven by retail bringing in retail. The concentration of this retail, as well as the quality of the development, is unsurpassed. He said the town center concept has been proven by the Stony Point as well as the Short Pump mall center in the City of Richmond.

Mr. Mike West said he is with R.D. Wade Builder, a local homebuilder who has been supplying homes to Charlottesville area residents for over 40 years. He has been following the North Pointe project

and hopes to be working with Great Eastern as one of its homebuilders. He said the availability of competitively-priced building lots has not kept pace with housing demand in recent times. This shortage has created dramatic price increases in all housing, but particularly in single-family housing. North Pointe looks to be part of an attractive solution to this shortage and to also meet the future housing demands of the nearby University Research Park and the NGIC. As a company they have built almost exclusively in the County's designated growth areas for the past 20 years. They look at North Pointe as an opportunity to continue building in the growth areas, but it only works if the new community reasonably meets the expectations of the market. North Pointe will have a good mixture of single-family and other home types, affordable shopping, nearby employment and a community elementary school site at its center. He said the North Pointe plan will offer a high quality of life in the community while also reducing the pressure for single-family homes in the rural areas. In his opinion, North Pointe is a winner for the County. It will create new shopping opportunities, new school and library sites, improve stormwater management, make improvements to Route 29, provide a parallel road to Route 29, provide bus service to the area, reduce development pressure on the rural areas, and give great housing opportunities to the people of Albemarle County. He encourages the Board to support the North Pointe project and to support local companies and their employees in the kind of housing people want to buy.

Dr. Don Richardson said he is a local physician and farmer. He is nearly a 40-year resident in the White Hall District. He has been very much concerned about the environment and protection of the rural areas over the years. He welcomed and supported the prior boards of supervisors as they developed a Comprehensive Plan with the concept of designated growth areas. He found it innovative and appealing that these boards chose to set aside only five percent of the County in order to maintain the character of the rural areas which represent the other 95 percent. He has been following the North Pointe approval process for many years and has not been able to understand why it has taken so long for it to be approved. Reading through the materials, and viewing the Application Plan, the perspectives and proffers, as well as listening to Ms. Long tonight, he can't imagine a more thoughtful, well-conceived, well-mixed community. He is vitally concerned about the lack of workforce housing in the community, meaning those medium income families such as his own office administrative staff who work hard and make good livings. They have said they make more money than those in other physician's offices, but still they have to commute to his office from Waynesboro, from southern Fluvanna County, from Greene County, a lot of the surrounding areas. He said this is an unhealthy scenario and one that is not sustainable in the long-term. This cannot continue to exist as a vibrant economic community if administrative workers, the core and fabric of the County, have to commute long distances each day to their jobs. He said North Pointe appears to address this critical need with its mix of housing types. As to the Southern Environmental Law Center's report on demand for retail space in this area, he is bemused by an environmental organization all of a sudden becoming an expert on retail business and shopping. For all these reasons and all the others heard so far tonight, to protect the Comprehensive Plan directives, and to provide the needed housing for residents, he urges the Board to vote in favor of this well-conceived North Pointe community.

Mr. William Atwood, said he has practiced architecture in the Charlottesville/Albemarle area for 32 years. He came to the County 34 years ago to do the first PUD; Bob Tucker was a junior planner at the time. He supports the North Pointe proposal, particularly the workforce housing portion. He has concluded that the process in many rural counties centers on developers buying marketplace land in unrelated portions of the counties. These projects, with or without golf courses, are expensive on the environment and on the homeowners. Common, high energy locations which have great housing opportunities have been ignored. Locations such as interchanges on I-64, on Route 29, in Charlottesville's perimeter, in Crozet and in Scottsville have been ignored so now there are villages, crossroads, and arterials inhabitable with rural subdivisions closing in on infrastructurally-connected areas. Crozet is surrounded today; it is not improved in the center. The development evolution has been created in reverse and its process by its nature eliminates moderate income in workforce housing. He said everyone in the room tonight started at some time needing a home for his family. Many of his friends started in Albemarle County with a home they could afford. As the process of developing inward continues, these opportunities become a part of the past. He said North Pointe, with its layout, its adjacency to major infrastructural elements and its 900 housing units is a model pointed toward a more normal development pattern through its efficiency, and it creates a new plan for workforce housing. He said no one can prove to him that this project with its current design placement is anything but more environmentally-sensitive than having 900 units floating across the County's hills and valleys.

Mr. Charles Martin said he is glad to be here with the Board again. He came tonight to lecture. Based on some of the comments made earlier tonight, he would guess it will just be a reminder. Before he starts he wants to say he lives in this community. Pritchett Lane is the dividing line between the development area and the rural area and he is one road east of Pritchett on Terrybrook. Most of his neighbors who live in that rural area are in support of this project and want the Board to get going. He is not speaking for that community in the way of representing some organization. He has not followed the project very well, just what is in the newspaper. It came to his attention that either staff or the Board were trying to push the developer to open up an entrance onto Pritchett Lane. Because of that he came here to lecture.

Mr. Martin said based on what he has heard, he will just remind the Board that when the Comprehensive Plan was passed, people from Pritchett Lane came out and supported the Comprehensive Plan amendment on the condition that the Board did not let this spill out onto Pritchett. That was the only lack of support for the Plan. He was a member of the Board of Supervisors at the time, and he had said that would not happen. He is no longer on the Board, but he still asks people to trust him. He wanted to talk about commitment. While he was on the Board he was in favor of a Bypass, but prior to his being on the Board there was a commitment made by the Board to the Three-Party Agreement and he felt obligated to maintain the commitment of his predecessors. Also, along the lines of

commitment, the Meadow Creek Parkway would have been built years ago if there had been respect for commitment, but there has not been, and, therefore, the Board is still talking about the Meadow Creek Parkway. He said the commitment to the Meadow Creek Parkway by this Board continues to be there, it is the commitment of others that has stopped.

Mr. Boyd said he would like to say that he also stays committed to the people on Pritchett Lane.

Mr. Sam Craig said he owns and operates Craig Builders, a small homebuilding company. He said they have been building houses in the community for almost 50 years. He grew up in the community, attended Burley, and has spent his entire career working in this area. He supports North Pointe because he hopes to be a builder in North Pointe and he is convinced it is right for the community. The layout of houses seen on the Plan is what the market wants. If it is not 100 percent Neighborhood Model, it is what the market wants and what will sell. He said that when you are part of a community for as long as he has been, you develop a commitment to its well-being and to its future. He said his employees, hundreds of suppliers and subcontractors, share the desire that the County become a better place to live. Most have children and hope for a great future living in this wonderful county. The few who have lived here for many years are proud to see the community grow. Growth over the past 50 years has provided many benefits, and future growth will continue to keep this a vibrant community. However, they are concerned that the lack of homes in the growth area forces odd-lot, rural subdivisions and the resulting affordability issues. He has watched North Pointe evolve over the past 25 years. Having been tweaked, prodded, pushed, and molded by many professionals, County staff, and community volunteers, it is now time to make this product available to the marketplace. He thanked the Board members for hearing him. He wants the best for the County which means moving this project forward.

Mr. Pete Stoll said he came to speak about the Executive Summary dated May 10, and to which the applicant tonight has made a lot of changes. He said before the meeting is held on June 7, he hopes a couple of points in the staff report he considers serious can be ironed out. He is concerned about the health of the North Fork of the Rivanna River. The housing part of the applicant's development is on that North Fork. Item 5 in the Executive Summary discusses the overlot grade proposals about which there have been some disagreements. He hopes the Board can sit down with staff and the applicant and get it worked out in a way staff feels is correct. If that can't be done, then the Board needs to change something on the staff so the County goes ahead in the correct direction. He hears there is still some disagreement on the frontage, 25 feet versus 50 feet. He thinks the Board should iron it out and not necessarily give in to the applicant. A real big thing is the confusion over the wording in the proffers. That is something the applicant is giving to the County but unless everyone understand what it is, it is of no value. He thinks the County needs to understand what it is, and he hopes the Board does not support this project unless everybody can come to an agreement.

Mr. Tim Hulbert said he is from the Charlottesville Regional Chamber of Commerce (see copy of statement on file in the Clerk's Office with the permanent records of the Board of Supervisors). He said this project responds to what the Board has directed. It is growth in the growth area. There could be an endless argument about what is or isn't a neighborhood plan, but this is a mixed-use human-scale neighborhood, a community development project that incorporates 800 homes in a range of styles including affordable homes, and makes a contribution of \$300,000 to a much needed fund. It has parks, planting strips, sidewalks, curbs, landscape medians, tree-lined streets, bike lanes, a Rivanna River greenway and blueway, improved reduction of environmental sedimentation, a public school site, a library, an interior pedestrian park, other parks, and a community church. On transportation, they will add millions of dollars of improvements that would not happen without this plan; it is not happening from Richmond. They will improve Route 29 and bring millions of dollars in new private investment, capture between \$200.0 million and \$450.0 million in retail sales, millions of dollars in recurring tax revenue to the locality, and hundreds of jobs. He said these people are our neighbors, good citizens, raise their families here, work here and invest here. That should be encouraged. They have helped to develop this community which all call home. They contribute their time, their person, their money and their spirit to many civic endeavors. They have been responsive to the County's directions. They have worked diligently through a six-year regulatory process that is challenging to say the least. They have earned and deserve everybody's respect. Reasonableness suggests that this project has earned the Board's approval. The Chamber agrees.

Mr. Tim Rose with the University Real Estate Foundation spoke next. About ten years ago when he came before the Board to develop North Fork (now called UVA Research Park), there was a component that came out to speak against what they proposed. Hopefully, people in the community now see that the Research Park is a good addition to the community. Likewise they hope that North Pointe will be approved and developed in a manner that is also a positive addition to the community. They have watched the North Pointe rezoning over the past six years. Mr. Rotgin and his associates went out of their way to keep him informed of what is proposed "across the street." He said the University faces challenges in recruiting faculty, something that is important in keeping its preeminence in the country. Their efforts to create the University Research Park and the Fontaine Research Park have been in part to attract and nurture businesses that have an affinity with University activities, and also to provide a home for University initiatives. Those things are important as the University is trying to attract faculty and further its research mission. At the UVA Research Park, there are approximately 1000 employees. They meet with employees regularly to find out how the University can better interact with them. One thing that comes up consistently is the need for housing close to the Park. He said the UVA Research Park is essentially connected to the North Pointe property except for the road which runs between the two projects. He understands this is an area where the County wants jobs to be located. It is critically important that housing accompany those jobs. He reviewed the staff's comments, and said that a tremendous amount of time has been put into the project by all and they have been conscientious in their approach to the project. It is complicated and he appreciates what is being done for the community. He

hopes the Board can approve this project which will have a positive impact on the University's Research Park.

Mr. John Cruickshank was present to speak for the Piedmont Group of the Virginia Chapter of the Sierra Club. He said the Group has about 1170 members in Central Virginia, with about 400 of those residing in Albemarle County. The Sierra Club believes the County needs to change its development diet. The community has been moving in an unhealthy direction. The Board needs to make the hard decisions needed to conserve natural resources and protect the health and safety of its citizens. The Group believes the North Pointe proposal provides an opportunity for the Board to set a new course for the community. They urge the Board to deny the current request to develop this area. The construction of a large number of new residences within 125 feet of the Rivanna River will have serious consequences to the ecology of this important waterway. Construction on the slopes that drain directly into the River would lead to increased erosion and sedimentation. There are people living downstream. A North Pointe development would greatly exacerbate the traffic problems that already exist on Route 29 and create new problems on Proffit Road and Earlysville Road. This automobile traffic has caused the EPA to pronounce that Albemarle County is ranked among the dirtiest 20 percent of all counties in the United States in terms of an average individual's added cancer risk from hazardous air pollutants; 96 percent of that comes from cars, trucks and busses. He said a new development in this area should be designed to create a neighborhood, a community which encourages walking and bicycling, where people can enjoy the beauty of nature and interact with neighbors. It should not include large department stores, hotels and thousands of square feet of office space. Most residents of Albemarle do not want more shopping options. They want clean air and water. They want natural areas preserved, biodiversity and beauty. They want Albemarle to be the place where their children and grandchildren will chose to live. He asked that the Board have the foresight to consider future generations and what needs to be preserved for them. They urge the Board to deny this request for rezoning.

Mr. Rodney Thomas said he is a lifelong resident of the County, lives in the Rio District, and is a former member and chair of the Albemarle County Planning Commission. As a member of the Commission he voted in favor of North Pointe and wishes to express his continued support for what has evolved to be a special opportunity for the County. He said North Pointe meets the critical needs of the house buying public, area shoppers, and, unlike many other developments in the County, will provide the concurrent infrastructure that supporters of this and the Neighborhood Model envisioned. He is disappointed that the staff report said North Pointe was initially rejected unanimously by the Commission, which is true. But, the report did not follow-up by saying North Pointe went through a difficult regulatory process and was ultimately not recommended for approval by a split vote. He said this was not unique to North Pointe as even Hollymead Towncenter on a 3/3 vote went from the Commission to the Board without a recommendation, and it was ultimately approved by the Board. In the case of North Pointe, of the four "no" votes, one was cast by a Commissioner who did not have enough information, and two of the other "no" votes were cast by Commissioners who later served on the *ad hoc* committee made up of Commissioners and Board members. That group created and unanimously approved the form and design of North Pointe that is before the Board tonight. He considers staff's characterization and omission to be at least unfair to North Pointe and its applicant if not somewhat disingenuous. Clearly North Pointe has gone through a very difficult regulatory approval process but the process led to an improved design from what was originally anticipated. North Pointe is truly the type of mixed-use pedestrian-oriented community that was envisioned by the DISC Committee in which he was a member. It is a radical change from how development was to be encouraged in the growth areas of the County. If the County and this Board are serious about protecting the rural areas as envisioned by the Comprehensive Plan by encouraging growth in the designated development areas, then North Pointe is worthy of the Board's approval.

Ms. Collette Hall said she is a resident of Charlottesville. The City is small and is surrounded by a large populous county similar to a land blocked country. About 50 percent of the Board's decisions directly affect the lives of Charlottesville residents. She had several points to discuss, but thinks others will cover those, so will mention only one. She thinks it will be years before the height of the Ragged Mountain Reservoir Dam will be increased and a pipeline built between the reservoir and the South Fork Rivanna Reservoir. She fears the County and the City will run out of water if there is continual building. "No" is a good answer and sometimes is the best answer. For the residents of the County and the City, she urges the Board to vote "no" on building North Pointe.

Mr. Charlie Trachta said he is a resident of the County in the urban ring. He asked why the citizens must always be "pro" or "anti" development. As with Wendell Wood's project, he had concerns but he supports this Board's decision to approve it thus keeping NGIC here. Still, it seems that if a developer wishes to say "no" to the comments and suggestions of both County staff and the community, all he has to do is wait and make some minor concessions. Instead of going over all the things Great Eastern has said "no" to he will speak of just one. He said the definition of "affordable housing" is a joke. Even with this, it is only ten percent. Although Great Eastern has said they will also donate \$300,000 for affordable housing, what good is that if the County does not build real affordable housing? If a person is given money to buy a house and he is still restricted as to where he can live, that money is worthless and tainted. He is not just talking about the homes, but also the people, but more to the point, the children who live in them. Look at the schools in the northern part of the County. Does the term "upper crust" mean anything? He said to take the makeup of Baker-Butler School and compare it to Woodbrook, Greer or Agnor-Hurt, those schools in the urban ring. He suggested the money being given by Great Eastern should be used by the Schools to buy more busses. Equality could then be achieved in the schools by turning back time and returning to school bussing. He wondered how many homes Great Eastern could sell if they had to tell their homebuyers that their children will be bussed down Route 29 to an urban ring school.

Ms. Barbara Cruickshank said she is a long-term resident of the County and a healthcare provider. She heard a report on the radio recently about the factors to consider when talking about the true cost of gas. There are 40,000 to 50,000 deaths on the highways each year in the country, thousands of injuries, degradation of the air and water quality, loss of rural space and wildlife habitat. More and more roads are added. With all of these items factored into a gallon of gas, cheap gas does not sound like a bargain to the citizens. She suggests that there are items to factor in when looking at the true cost of rampant development in Albemarle County. The Southern Environmental Law Center said that what is proposed by this development is two- to three and one-half times more commercial space than can be reasonably absorbed. Factor in traffic congestion from the cars from out of the area, from the buses and trucks, the increased need for bypasses, and further degradation of air quality. A report from the American Lung Association in 2005 states that air quality in Virginia is rated an "F"; that should also be factored in. She said 60 percent of lung cancer diagnosed now is in people who are nonsmokers. Factor in increased numbers of asthma and bronchitis cases. Factor in loss of workdays and loss of school days. Factor in an increase by 33 percent of childhood cancers in the United States since 1975. Two of the big factors are degradation by pollutants in the air and in the water. She said to factor all of these things in so the true cost of rampant development in Albemarle County can be known. When this is done it does not appear to be a true bargain for the citizens.

Ms. Ginger Slavic said she works for Montague Miller Realtors. She has assisted homebuyers and sellers in Albemarle County for 30 years. She said Great Eastern Management has proposed an exciting 264-acre mixed-use, pedestrian-oriented community in a designed growth area. She thinks North Pointe will provide positive economic growth in the County while creating a community where residents can live, work, play, shop, ride bicycles, visit the library, and send their children to school within their own neighborhood-friendly streets. She believes North Pointe will meet the real and pressing needs of the marketplace. This carefully-planned neighborhood offers many desired options for homeownership with a significant number of affordable and moderately priced homes. In addition, it will provide employment opportunities and increase the tax base. This will be a model community of which the County can be proud. She thinks Great Eastern will be a good neighbor. It will create a new neighborhood that will offer an exceptional opportunity for those residents who work in the northern sector off of Route 29. The Board's "yes" vote will be a win-win for all.

Ms. Debbie Elliott said she is a software engineer and mother of two small children. She wants to talk about shopping. For those who do not remember, she explained what it is like to shop with two small children. She saw the pictures shown by Ms. Echols of the cute little walk-in stores, but anybody who has taken a couple of kids shopping will say "no way", it ain't gonna happen." She needs a big multi-purpose store to make life easier. There is no place where she wants to go in Charlottesville. She needs a place where there are groceries and a multi-purpose store in one stop. She hopes the Board will approve this beautiful plan.

Mr. Jack Marshall said he is president of Advocates for a Sustainable Albemarle Population (ASAP) and an 18 year resident of the County. On behalf of the ASAP Board and its 250 members, he urged the Board to deny the North Pointe rezoning request. In ASAP's letter to the Board members last week, they detailed their specific objections to North Pointe which includes residential units for over 2000 new residents, hotels and more retail space than Barracks Road and Fashion Square. They explained why its benefits are far outweighed by the negative impacts on the quality of life in the County. He said this proposed development comes to the Board at a time when County residents are voicing reservations about local growth and development. The Board has been given the responsibility to ensure that planned change in the County enhances the long-term good of the whole community, rather than simply the short-term benefit of a few. The citizens count on the Board to view with an intelligent skepticism the claims that every new development makes about how it will satisfy critical unmet market needs. They rely on the Board to have the wisdom to examine each proposed development, including North Pointe, not just by itself, in isolation, but in the context of the dozens, hundreds, of other residential and commercial transformations that the Board will have to decide on in the coming years. What might have been good for the County 25 years ago is not necessarily in the collective best interests today, the benefits of past growth will not necessarily visit the citizens with future growth. They know the Board tries judiciously to weigh the marginal benefits of every proposed new development against the added costs to the quality of life and the environment. They depend on the Board as it makes decisions to appreciate that every additional development adds to the cumulative impact on the community. They trust the Board to look at the big picture over the long haul, but fear that the Board occasionally focuses on individual components divorced from the accumulation of the hundred of other elements. The Comprehensive Plan allows this land to be rezoned but does not require it. The Board has the authority to deny the rezoning request, and ASAP urges the Board to do so.

Mr. Ed Roberts said he lives on Stony Point Road at its intersection with Proffit Road. He and his wife and many of their neighbors are concerned about the proposed North Pointe development. He said there is too much to say in three minutes to cover the broad spectrum of the problems that arise with this development. He said the North Pointe proposal is simply unacceptable. It is the wrong project at the wrong time in the wrong place for Albemarle County. From his perspective this is the wrong project because it is designed to bring significant additional traffic into the County. Mr. Rotgin has stated his intention to make the intersection at Airport/Proffit Roads into the equivalent of retail destinations in Goochland, Henrico and Fairfax counties. The major problem is that the North Pointe site does not have the nearby traffic fusion offered by I-64 and I-288 as in the case of Short Pump. That intersection on Route 29 is already the third most accident-prone intersection in the Charlottesville/Albemarle area. Also, he thinks the development is truly proposed in the wrong place. The traffic will be diverted into an already overburdened Route 29 and the narrow, winding pavements of Advance Mills and Earlysville Roads to the west, and to Proffit Road and Route 20 to the east. He thinks the impact on existing parallel and adjacent roads represents a major problem. He has attended every Board meeting when North Pointe

has been on the agenda since 2002. He has never heard any significant discussion of this important reality. In earlier days the Board may have assumed that increased traffic would bring increased VDOT funding. Current discussion in Richmond would negate that delusion. Local funding supported by local taxation is increasingly discussed as the answer to limited State Highway Funds. Does it make sense to proceed in the face of those concerns? Absolutely not. There are a host of other concerns which, as far as he knows, have not been discussed in the public forum. Traffic on Proffit Road, assuming the developer's hoped for volumes of out-of-town shoppers, would probably result in downgrading the joy of living along with the affordable housing assumed in the discussion of the development.

Mr. Roberts' three-minute time limit had expired, and Mr. Rooker asked him to finish his presentation.

Mr. Roberts said the North Pointe rezoning proposal should be rejected. Both the County Planning Commission and County staff, after extended review and much discussion with the developer, stated their conclusion that it should not be approved.

Ms. Margareta Douglas said she and her late husband have had a farm for 20 years in Albemarle County. She has been elected to the Thomas Jefferson Soil & Water Conservation District Board of Directors for one period. She knows something about water, particularly natural water. The North Fork of the Rivanna River divides her farm into two parts. During the past 20 years she has seen it get worse and worse; there is less water, more sand, and more gravel. She is worried that nobody is talking for the North Fork and the influence of this project on the water table in the northern part of the County. She has been to the Nature Conservancy about fencing off both sides of the North Fork Rivanna River on her farm. She depends on natural water from water sources. If the water table from this proposed development goes very deep, the water table in northern Albemarle will be affected. She asked that the Board look into the water question before it does anything more. She thinks the whole project is unnecessary.

Ms. Carol Roberts said she has been present at nearly every public work session related to this project since they moved to the County. She cannot understand why this request for a rezoning is still on the table. She thinks it should have been denied long ago. She believes that from the beginning, North Pointe was fundamentally inappropriate. Through six years and a myriad of proffers later, it still remains unacceptable. The Comprehensive Plan was created and touted to preserve the rural areas by allowing dense growth in designated areas according to a Neighborhood Model. The Neighborhood Model was to be pedestrian-friendly, offer a school, a library and a few retail operations that would service that neighborhood and reduce the car trips on the already crowded roads. This is a project that runs far-a-field from that Neighborhood Model. She thinks it counters the goal and the spirit of the Comprehensive Plan. If built, North Pointe will adversely impact the rural areas the Comprehensive Plan purports to protect. The resulting heavy trucking for a retail center of this size will turn scenic Route 29 into a default bypass and the result will be the same for Earlysville and Proffit Roads. This does not preserve some of Albemarle County's quintessential countryside. She said that at a public meeting at the Hollymead Elementary School on March 7, Mr. Rotgin declared that the retail component of his project (440,000 square feet of big box stores) will be a shopping magnet attracting consumers from all the surrounding counties. This declaration alone makes the case for the defeat of this project. Instead of decreasing car trips, the project is designed to invite traffic to the already congested roads. Adding lanes and lights and roundabouts will not eliminate the problem. In short, this project does the opposite of what a model development is supposed to do insofar as car usage is concerned. She is not insensitive to more housing in the County, but is adamantly opposed to the disproportionate, inappropriate and non-conforming commercial component of this development. Why has a project that has twice been denied by the Planning Commission and repeatedly refused approval by the County's staff been allowed so much time? She cannot understand it. A development that six years of tweaking and no number of proffers can make right should be abandoned. She said the Board's constituents are worried sick about what is happening to their community. Please stop the bleeding now, or the Board will be dealing with complications that cannot be reversed and scars that cannot be erased. Please do not let this be the Board's legacy.

Mr. Bill Hopkins said he lives in Dunlora Subdivision. He has lived in the County since 1982, was born in Virginia and educated for 18 years in the state. He asked why Dunlora residents are in favor of approving North Pointe. He began his career with GE in this area in 1982; he had been accustomed to a one-hour plus commute to work each way. When he moved to Dunlora, his commute was about five minutes. At the time, there was no Forest Lakes and a smaller Hollymead. There were few desirable homes available for purchase without building a new home. He settled on a lot in Waverly Subdivision and ended up with a 20 to 30 minute commute each way each day. At the time, the average price of gasoline was \$1.40/gallon. In 1998 he moved closer to work when he moved to Dunlora. The move allowed him to avoid frequent power outages, snow issues requiring a four-wheel drive vehicle, and brought the additional advantages of cable TV, DSL and close interaction with his neighbors. GE-Fanuc still has people moving in and out of Charlottesville each year. Many of those persons are on training programs and live in apartments for one or two years. Mostly, their option is to drive 20 minutes into Charlottesville. Others, like him, move here and stay. He has retired now, so will stay longer. He said that most of the people who moved here permanently in the last 15 years moved into more affordable housing in Greene County, Orange County and Lake Monticello. When North Pointe is built and there are many single-family houses available, he thinks many of those permanent residents will opt to live closer to work with their shopping within walking distance or just a couple of minutes drive away. From Waverly it was a shopping excursion. One had to buy groceries, go to the cleaners, buy gas, and do everything necessary when they came into town. With the expansion of jobs at NGIC and with new jobs at the UVA Research Park, immediate approval of North Pointe will be a benefit. The fiscal impact report on the North Pointe Website suggests about \$3.0 million in annual positive net revenue to the County even after all costs are subtracted. The development is in the designated growth area, and it appears to be in

compliance with the County's Comprehensive Plan. Therefore, he urges the Board to approve the rezoning request.

At this time (8:40 p.m.), Mr. Rooker called for a recess. The Board reconvened at 8:53 p.m.

Mr. David Sutton said he is president of Tiger Fuel Company. He was born in Albemarle County and has been a resident for over 57 years. Many of the comments he had planned to make have already been made. As a lifelong resident he has mixed emotions about the amount of development he has seen in his lifetime. He is often saddened when driving by property that used to be a farm which is now developed. With that development has come some beneficial things for the community and things which have improved the community. The Board, with its Planning and Zoning staff, has done a good job of heading in the right direction of preserving the rural areas as rural and trying to focus the growth in the designated growth areas. He said this project was designed to be in the growth area and he thinks it is the correct use in the correct area. He advocates continuing down that track to take pressure off of having residential development of the rural and agricultural areas. He thinks it is important that this type of growth be accommodated so the rest of the County can be left in open lands with less residential development. He knows the individuals involved with this project, the principals of Great Eastern. They are good people, good citizens, good corporate citizens, and contribute greatly to the community in many ways, not just financially. He urges the Board to look favorably on this project.

Mr. Tom Olivier said he lives in the Schuyler area of the Scottsville District. He said the desirability of where to live is subjecting the citizens to new development proposals that will spur growth even though the County has grown rapidly for years and the sentiment among the citizens is that the County has already grown enough. Development affects not only the parcels on which the houses sit but they can have major lasting effects on surrounding natural systems and the many aspects of the human community. He said Virginia law explicitly allows localities to consider a broad range of community needs in deciding rezonings. In judging whether a development proposal such as North Pointe is desirable, anticipated effects must be examined. If commitments to the Comprehensive Plan for sustainability, protection of natural resources, and a high quality of human life are to be met, both the onsite and offsite effects must be considered. Narrowly, he agrees with staff, ASAP, the Sierra Club and others in urging that this project not be approved. Problems include weak conformance to the Neighborhood Model, potential construction of excess commercial space, and more traffic that impacts on natural resources in the North Fork of the Rivanna River and surrounding areas. The planning process routinely considers traffic and fiscal impacts of the development proposal, but its effect on offsite natural systems usually gets only brief consideration. He believes Albemarle County must bolster its ability to analyze offsite environmental effects of development. Decisions on large-scale development proposals are being made with insufficient information to protect the long-term public interests. The County has begun an examination of streamlining its development proposal review process. Given the extensive public concern about negative effects of growth, and given the large scale of development proposals currently before the Board, surely the County could find the means to provide staff with whatever resources it needs for fuller analyses of impacts a development could have on nearby open spaces.

Ms. Kay Slaughter was present to speak for the Southern Environmental Law Center. She said that for several years, County staff has consistently outlined the fundamental flaws of this proposal. The applicant made a series of incremental changes, tinkering at the edges, but the core concerns remain unaddressed. The County needs to deny the petition for rezoning, complete the Places29 Master Plan, and only then consider development of this parcel redesigned to fit into the County's plans for sensible growth. First, the proposal fails to follow the principles of the Neighborhood Model called for in the Comprehensive Plan by blending residential, office and retail into a pedestrian-oriented community. Instead, the project is dominated by big-box, commercial development and surface parking lots. Applying a veneer of Neighborhood Model designs (for example the library block), is not the same as building a pedestrian-friendly neighborhood.

Ms. Slaughter said that second, the development would seriously damage the North Fork of the Rivanna River and the streams leading into the river. To be clear, staff's position in seeking a more stringent overlot grading plan is already a significant compromise from what should be allowed. The steep slopes above the Rivanna in the northernmost portion of the project are not suitable for the proposed development. Third, the County has a massive amount of retail already in the pipeline. She is glad so many present tonight have read SELC's recent report, but the report is not based on their information but on the County's own data from its Fiscal Analyst. She said Albemarle's current amount of retail under consideration is two and one-half to three and one-half times what the County can reasonably absorb. In the 29 North Corridor alone, the County has already approved more than a million square feet of new retail, significantly more than the County's estimates of what could be absorbed over the next ten years, countywide. Simply put, if retail is overbuilt on 29, it will make it that much harder to achieve quality retail density in other growth areas, thus further eroding the concept of the Neighborhood Model.

Ms. Slaughter said the Route 29 Corridor is already congested. North Pointe would add 30,000 vehicles per day. It would require three additional entrances on 29, two with a stop light, thus increasing frustrating gridlock for local commuters as well as through travelers on this State highway. She said the Board has the duty to protect the public's broader interest in sensible growth and quality of life *vis a vis* those who stand to financially profit from this project. Moreover, the Board has ample authority to reject this proposal under State law. She offered to answer questions. (See copy of statement with attached memorandum – both are on file in the Clerk's Office with the permanent records of the Board.)

Ms. Jana Briedis-Ruiz said she is a resident of Pritchett Lane which is in the rural area bordering this proposed development. She does not support the North Pointe development. She thinks there is plenty of development in the northern part of the County and maybe Hollymead Towncenter should be

filled in before moving on to the next project. When she looks at the part of the shopping center where Target is located, she sees a huge amount of denuded land. She wonders when North Pointe begins if it will move as responsibly as Hollymead Towncenter which brings to mind the mudslide which closed Route 29 and the huge sinkhole where part of Route 29 collapsed. When she hears all the compromises and the cash flow to this project, the schools and the roads, she is worried that this is moving close to a done deal. Maybe she should ask for two small concessions. First, she has been coming to these meetings and planning sessions since day one, and there was a promise that there would be no access onto her rural lane. Now she is hearing "graded access" for emergency vehicles that could easily be converted, and she is thinking "easily converted to a short cut to Proffit Road." She asked that the Board stick to the promise. Second, in the spirit of growth, could the top of the green space that would border between the rural land and the development area be at least 50 or more feet in width. She closed by thanking the developer for explaining that all of the residents of North Pointe are going to be working in their community and the Research Park across the street, because when he mentioned all those people riding bikes, she thought "29 North is barely safe for cars. Let's leave the bikes off."

The next person who had signed to speak was Ms. Grace Yu, but she was not present at this time.

The next person who had signed to speak was Mr. Mike Erwin, but he was not present at this time.

Mr. Jeff Werner was present to speak on behalf of the Piedmont Environmental Council (he read from a prepared statement which is on file in the Clerk's Office with the permanent records of the Board of Supervisors). He said that over the past 30 years PEC has worked hard to keep Albemarle a special place to live. Working with many partners almost 60,000 acres of the County's countryside has been protected with voluntary conservation easements. PEC has taken a leading role in promoting smarter growth and transportation solutions; PEC participated in development of the Neighborhood Model. PEC respectfully recommends that the Board listen to its staff and reject this rezoning request. The staff report is clear, the affordable housing component is inadequate. The Board adopted a Vision statement in the Comprehensive Plan that recommends affordable units be included in new development. North Pointe fails to adhere to this policy. Additionally, a lot has been said tonight about all the homes this applicant is going to build. He has a copy of an E-mail sent to the Board members yesterday from the applicant clearly rejecting the proposal that they build 224 units; Great Eastern will only commit to 138 units until the commercial section is done. It further states that this is in tune with the realities of the marketplace. Then they say "in the event the residential market slows down" they want to be released from this housing commitment and be allowed to proceed with their commercial development. There is obviously no need for more retail. He said that almost two million square feet of retail space has already been approved in Albemarle Place, Hollymead Towncenter, Gazebo Place and North Town Center, alone. He said Short Pump is only 1.3 million square feet. Furthermore, the Comprehensive Plan is not being followed. The Neighborhood Model was intended to encourage infill development. On April 21, the applicant told him the applicant was actually anticipating infill opportunities on the acres surrounding the parking lot. If the applicant believes such infill is a positive step in the evolution of an aging shopping center, why isn't such creative thinking being used at any of the shopping centers he already owns? He said the staff report is crystal clear, transportation issues remain unresolved. Mr. Mark Graham mentioned earlier that there would be 30,000 vehicle trips per day. People are already upset about traffic in this area. There is a lot of development in Greene and Orange counties, so he worries about what will happen on Route 20 and on Proffit Road. He said that earlier the consultant from Williamsburg said they had a meeting, and the environmental groups were in agreement with what they heard about the environmental effort. He said that is absolutely false, it is not what anybody said at that meeting. Finally, he said growth belongs in the growth area. This community demands delivery on the Vision statement in the Comprehensive Plan. Albemarle County is a great place to live. He thinks this project could do better and not just step closer to any place.

Mr. Lucius Bracy said he is a resident of Charlottesville. For purposes of disclosure he is a very minor investor in this project. Also, his law firm does some work for Great Eastern Management. He is also an average citizen and is not a land use lawyer. No matter how it is colored, there has got to be economic growth in the community to have vitality. This project substantially complies with the County's plans. The other speakers here tonight are tweekers, but the tweekers will tweak all the economic vitality out of the County if they have their way. Those who want economic vitality in the community can't help but compare this project with the Hollymead Towncenter. He is not being critical of that project, but North Pointe offers so much more in the way of land that is devoted to public use, in the way of affordable housing and in the way of more small retail shops and not as big a retail store as at Hollymead. It seems nonsensical to the average person to be as critical of this plan. He urges the Board to approve this plan and continue the economic vitality of this community.

Mr. Bryan Thomas said he has lived in the County for more than 20 years and served on the Chamber of Commerce, the TJ Planning District Commission, and other groups that have helped the community. He came tonight to support the North Pointe rezoning. He said this development is within the County's designated growth areas and it will bring affordable workforce housing to the community; a need consistently heard. A real positive is a parallel road to Route 29 which can take some of that traffic. Lastly, for all of us to continue to enjoy the economic prosperity of this community, thoughtful, well-planned residential and commercial developments are needed. Otherwise taxes will continue to increase, and the problems will continue. He asked the Board to consider voting for the North Pointe rezoning.

Mr. Steve Ashby said today in the Commonwealth of Virginia, politicians appear to be more interested in what the people do in their bedrooms than how they get to their bedroom communities, which in most cases is by car. He said Mr. Rotgin's development does not follow the Neighborhood

Model and is largely dependent on the automobile. In order for the developer to get any reasonable return on his investment, he must make way for the only form of transportation available in the northern growth area, which is the car. If Mr. Rotgin were to adhere strictly to the Neighborhood Model, narrow streets with on-street parking, fewer parking lots, and store fronts against sidewalks, etc., his large retailers would be sharing only the 900 or so families that would live there because the County would not make the necessary commitment to capitalize the building of a comprehensive multi-modal transportation system centered on mass transit, bicycles and pedestrian-ways. In other words, unless one lived in the North Pointe development, there is no way to get there except by car. Right now, none of the growth areas have interconnected sidewalks or transit. As for transit in the northern growth area, it is a dangerous four and one-half mile walk or bicycle ride down Proffit Road and Route 29 to get to the closest bus from this neighborhood. He said Mr. Rotgin has proffered \$25,000 a year to subsidize bus service for up to ten years. He knows he will never have to pay a nickel of it because it is unlikely the Board will approve it, and will probably leave transit to another generation who will have to pay up to a hundred times more than if it were built today. He believes both the Commonwealth and the County should immediately begin building the necessary infrastructure to support the Neighborhood Model. He thinks the regional transportation authority proposed by Mr. Slutzky is a step in the right direction. He asked if this version of North Pointe should be built just because there has not been the foresight to make it possible for a profitable Neighborhood Model at North Point; of course not. We owe it to ourselves and our progeny to create livable communities in the growth area. He thinks Mr. Rotgin and his fellow developers should be able to make a profit by following the Neighborhood Model to the letter. The public must fund what is needed to make this possible. The alternative is clutter, congestion and chaos. "While we tap our collective foot in the halls of power, Mr. Rotgin should be made to wait along with the rest of us."

The next person who had signed to speak was Mr. J. Allen Toms, but he was not present at this time.

The next person who had signed to speak was Mr. Tony Seaman, but he was not present at this time.

Mr. Dave Phillips said he is the CEO of the Charlottesville Area Association of Realtors. He is a resident of Forest Lakes Subdivision so this project is near and dear to his personal life. He is not present to speak for or against the project. CAARs does not address projects in terms of being for or against them. He came to talk about two issues this project and lots of other projects affect; affordable housing and preservation of the rural areas. He has been told by developers that every month in the planning process adds \$1000 to the cost of each unit in a development. Since this project has been in the works for six years, that is 72 months of \$1000 increases in the units that will eventually be built there. The cost of waiting is costing homebuyers. He knows the Board recently appointed a committee to look into the planning process and he hopes they understand the affects of time on money and the affordability of housing. He thinks this project should have been turned up or turned down a long time ago. All have been to dozens of meetings on this project, so at some point enough is enough. That kind of cost cannot continually be added to a project. He also wanted to mention protection of rural areas. It must be made easier to develop in the growth areas or development will go to the rural areas. Growth cannot be stopped unless the community is made undesirable. This area will develop so growth must be funneled into the growth areas. An efficient path must be provided for that growth because growth, like water, follows the easiest path. That has not been done with this project or with many other projects that have languished in the planning process. In conclusion, he said the Board has talked a lot about affordable housing and preservation of the rural areas, and has even dedicated \$250,000 this year toward affordable housing. That is just "a drop in the bucket" considering how much is lost each year by delaying a project like this one.

Mr. Rooker said he would like to say something about the mention of delaying this project. The reality is that there have been projects like Albemarle Place, Hollymead Towncenter, Belvidere, and Old Trail, all of which applied after North Pointe applied and all are approved and underway. He would suggest that it has not been the County that has held up this proposal.

Mr. Andy Boniti said he is the owner of Rivanna Realty and Investment Company. They are a commercial real estate firm started in 1988. He has been in the real estate business in this community since 1976. At this time, Rivanna is responsible for leasing retail space at the Pantops Shopping Center, the Rivanna Ridge Shopping Center, the Garden Shopping Center, most of the Seminole Square Shopping Center, the Rio II retail building, the soon-to-be-constructed Blue Ridge Shopping Center in Western Albemarle, the proposed new center on Fifth Street, and the Coin & Park Shopping Center in Waynesboro. They are the retail leasing experts in this community. He would like to address what he sees as a complete misrepresentation concerning the potential absorption of retail space in the community. He has a copy of the staff's report on North Pointe, and he has also read the SELC Report on Albemarle retail capacity. This report quotes the Albemarle Fiscal Planner and the Places29 consultants and says that only 1.0 to 1.4 million square feet of retail can be absorbed in the next ten years. Lacking in all of these reports is real world data. The report from staff and the Law Center start with the premise that there is too much retail and the County can't absorb anymore. How do you go about proving that? He said the problem is that they are not correct. Has anyone spoken to any national retailers about their expansion plans? Has anyone spoken to any of the leading brokerage firms around the State? Has anyone attended any of the national retail conferences held several times a year in different regions of the State? Has anyone spoken to any national tenants in this community about what their expansion plans are in the market right now? There are anchor tenants right now in this market that already want to open a second store. Has anyone studied the demographics of this area to understand why Charlottesville is so popular with the retailers - things like the unemployment rate, the education of the population, the average household income, the spending power of the population, and its lifestyle

trends. He said the rewards this community wins are not lost on the retailers. They see Charlottesville being named everything under the sun. In making a decision to approve the rezoning, he would encourage the Board to cast aside these inaccurate assumptions. If the retail space were available today, in one year the community could absorb what is being said can be absorbed in ten years. That is the real world. He suggested that the Environmental Law Center focus on the environment, the Planning staff focus on the plans, and the market forces take care of the retail absorption.

Ms. Priscilla Carter said she is a resident of the County. Her situation is unique in that she is a reverse commuter. She lives in the Ashcroft community but drives to Richmond everyday to work at the Innsbrook Office Park. Because of the lack of convenience and competitive shopping in Charlottesville, she has for many years shopped in Richmond, most recently at the Short Pump Town Center. She has been following the zoning development of North Pointe for many years, mainly because her family lives in Madison County. She visits them often and would pass this North Pointe location. While other speakers have talked about affordable housing and the housing alternatives and benefits of North Pointe, she is selfishly looking forward to the additional shopping alternatives this community will provide so she can spend her shopping dollars locally. She disagrees with people who say additional shopping is not needed. She said larger department stores where shopping trips can be combined are needed in this area, and she asks that the Board vote in favor of North Pointe.

Ms. Tatyanna Pattern said she is an avid environmental activist. She is the founder of Earth Week, Nature Spirit and the Tayvo Awards which were granted to Ms. Sally Thomas this year. She is a Director for the Rivanna Conservation Society and noted that she sent a memo to the Board members. She did not come to speak as an environmental activist. She will speak as a citizen. She has lived here since 1972 and will be inheriting property in White Hall. She is genuinely concerned about an emphasis from the developer on commercial retail in this development. She is pro affordable housing and if this development had more truly affordable housing she might find a way to get behind it, but what she heard at the meeting on March 7 is that the cheapest homes will cost \$190,000. She can't afford that. People like her will not be living there. What does the Board consider affordable? If the Board wants affordable housing and it wants developments to concentrate on that, then make that its focus. This is not a development which does that. It focuses on big-box development. It focuses on commercial retail space. She said her mother likes going to Short Pump because it gets her out of town. Quite frankly, she does not want Albemarle to become another Short Pump.

Ms. Louise Schwarting said she is present at the request of Mr. Larry Hall who is the owner of Hall's Auto Body and also the owner of land adjacent to the planned North Pointe development. He could not attend tonight, but asked her to express his gratitude to the Supervisors for moving the crossover to Northside Drive. He said the trucks coming from Northside Industrial Park create a safety issue. There are trucks from Colonial Concrete, Sunbelt Rentals, and Hall's Auto Body coming onto Route 29 everyday. The large trucks needing to go north must first go south to the median crossover at Airport Acres, then attempt to merge into the traffic going north. This creates an unsafe traffic pattern. She said the idea to build a frontage road connecting Northside Drive to Cypress Drive will correct the dangerous situation now with residents crossing from 29 North onto Cypress Drive in Cedar Hill Mobile Estates. A new traffic signal will ensure the residents will have a safe way to enter and exit. She said the Northside Industrial Park has been underdeveloped for many years, but development has now begun. This new crossover as proposed with a traffic light will be an asset to everyone in the community. She said they support the North Pointe project.

Mr. Cale Jaffe said he is with the Southern Environmental Law Center. He wanted to respond to a couple of points raised tonight. As Mr. Jeff Werner noted, Mr. Ramsey from Williamsburg Environmental hinted that everyone agreed that coming out of that meeting there was a better project. He said that while the meeting was cordial, there are many troubling problems that remained. No consensus was reached. Turning to SELC's retail report, he wanted to emphasize that smart growth is an environmental issue, primarily because poor growth leads to traffic and air pollution, water pollution, and degradation of resources. Their report used the County's own data on what can be absorbed (1.0 to 1.4 million square feet) and the County's own data on what is in the pipeline (3.5 million square feet). He said there is a bit of a disconnect there. As for real world data, that is also referenced in their report. Looking at Richmond with the new Short Pump Town Center and the Stony Point Fashion Park, an industry publication interviewed people around Richmond and found that the excitement of the new developments is prompting retailers to quit older suburban centers, leaving those centers with dark boxes and causing vacancy rates to rise. Eventually, some of the older centers will close. Lastly, to the gentlemen who mentioned "the not there yet button", he thinks to get there this project must be denied now. Let the Places29 Master Plan process be completed, and then come back in a year with a revamp of a project that meets the needs of the community.

Mr. David Dallas said he is a six-year resident of the County. He chose to move to Charlottesville because of the quality of life and the job opportunities. He is an avid outdoorsman and attended the February 10 town hall meeting for the North Pointe project to see his then new colleague, Valerie Long, in action. Personally, he believes that growth in Albemarle County is inevitable and that the North Pointe project manages that growth in a sensible manner. He applauds the effort that has gone into the design and the proffers and concessions that Great Eastern has made to meet the County's objectives. Their value to the community would appear to be extraordinary. Nevertheless, he is concerned about the process he is observing as both an outsider and an insider. It has been said tonight that Great Eastern has been working with the County for six years to responsibly develop its site in the County's designated growth area, all in accordance with the standards of what appear to be a somewhat illusive Neighborhood Model. During that period, Great Eastern significantly modified its design to comport with the conclusions of a special *ad hoc* project study committee that he understands included two members of the Board, Planning Department staff, representatives of Great Eastern, and perhaps others. Tonight, it has been

said there have been 26 planning work sessions between the County and Great Eastern. Nevertheless, given this history, only last Friday the Planning Department issued its public recommendation report all without first circulating a draft of that report to Great Eastern to at least confirm factual statements and prevent last minute addressing of staff's concerns. When the process is reconsidered, he thinks the timing of such a work and circulation of a draft would be appropriate in matters like this. That would save time for the Board and public so there is not a "PowerPoint" with a statement "the applicant submitted changes today." He does not think that was fair to the applicant. He is glad to know a decision will be postponed until after the work session on June 7. After that work session, when the Board votes, he hopes the project is not rejected because it fails to address all the traffic problems on Route 29. He asked that the Board not be persuaded by eleventh house "PR" type packets. He hopes the Board will approve the project on its merits consistent with the County's Comprehensive Plan and recognize its overall value to the County as an extremely well-planned mixed-use development. He feels that failure of this project to succeed will send a message that Albemarle County is not open to sophisticated commercial development no matter how conscientious the developer is.

Mr. Rooker said that completes the lists of people who signed to speak. He asked if there were other people in the audience who would like to add their comments.

Mr. Mike Henderson said everyone has been articulate tonight. From the outside, he loves the project. He knows people have talked about the Neighborhood Model, etc. He is married and has five kids and if he lived at the farthest point, he would only need to walk 20 minutes maximum to the farthest store. If he can walk 20 minutes with his wife in a fast-paced world, he is in a Neighborhood Model. If he can walk with his kids, drop them off at school or a baseball practice for an hour while he and his wife pick up a few things at a grocery store, walking instead of driving, that is a Neighborhood Model. He can walk for 20 minutes and meet other people in the community; people do not experience that today. He said we live isolated lives. We drive into our homes, open the garage, close the door, go in and turn the TV on and don't know who lives next door. He said Albemarle County is a great place to live. He believes the Board's vision is to make it an even greater place. With that in mind, how do you make it a greater place? He thinks this plan can be approved thus putting growth in the growth area. NGIC is bringing in over 1000 families. Other families are coming. Let them be close to where they are going to work. Our vision should be to put growth in the growth area. This development does that and takes the pressure off the beauty of the rural areas.

With no one else from the public requesting to speak, Mr. Rooker said the public hearing was closed. He thanked the public for all of the excellent comments they had made tonight. It gives the Board members a lot to think about between now and the work session on June 7. He asked if anyone had anything to bring up before the meeting adjourns.

Mr. Mark Graham said he wants to be sure staff understands the Board's expectations for the meeting on June 7. Is staff to bring anything to that work session?

Mr. Rooker said if Board members have individual requests for information they do not have at this time they should get their requests to staff as quickly as possible. He said he had asked for a simple chart showing the affordable housing being offered by the developer and staff's analysis of what the Comprehensive Plan requires. In the staff report where it talks about affordable housing, it is mentioned that affordable housing begins at \$238,000 and mentioned mortgage rates, etc. He has always understood the number to be about \$192,000.

Ms. Thomas said a lot of people tonight mentioned workforce housing. She should have asked the first person who mentioned it for the figure they are thinking of when talking about workforce housing. She wondered if staff could contact some of the larger employers and ask them for a figure. It would be useful to know what people are thinking of when they talk about workforce housing. That information would be useful in order to know if this proposal responds to that need.

Mr. Slutzky said because there were last minute changes in the proffers for tonight's meeting, he asked if the Board members could get a copy of the most current proffers and a succinct statement about them from staff.

Mr. Rooker said in the past staff had a chart indicating what the proffers were and how they met staff's expectations. There have been a couple of changes moving the plan closer to staff's recommendations in several areas. It would be helpful to revisit that chart.

Mr. Slutzky said maybe there could be a "score card" setting out the issues which have been historically unresolved which have now been resolved, so the Board can have a snapshot of where the staff and the applicant are not in complete alignment.

Mr. Rooker said he would like to thank the applicant.

Mr. Chuck Rotgin said they will pass on the rebuttal hoping that in the next several weeks they can work out a lot of the issues. He wanted to respond to Ms. Thomas' question about workforce housing. He said that at the last work session Mr. Ron White said one of the problems with the policy in the Comprehensive Plan is that the very people the Housing Policy is designed to help (those people making 80 percent or less of the adjusted median income) in a two-income family make more than the \$50,000 a year which is the 80 percent limit. He understands the Housing Director supports the workforce housing concept of the applicant. It is a program which addresses people who make between 80 and 120 percent of the adjusted median income. It is designed to dovetail with the Virginia Housing Development Authority program. He said VHDA has many financing packages which can be more

attractive to potential purchasers from an interest rate standpoint. Conceivably somebody who would buy a \$238,000 house is not going to pay much more money than somebody buying a \$180,000 house being financed through VHDA at a different interest rate. With their workforce housing proffer, those are single-family detached houses, they are not condominiums and are not attached houses. He understands they are the only people who have made that suggestion so far under the affordable housing policy. He said the Piedmont Housing Alliance (PHA) takes care of people from generally 50 to 70 percent of the adjusted median income and it is expanding its scope. So between what the Albemarle Housing Improvement Program (AHIP) does, what Habitat for Humanity does, and what PHA does, they have taken care of people up to 70 percent. He said nobody is taking care of the people making between \$80,000 and \$120,000 a year. Those are people who were referred to by some speakers tonight as being the folks "who make up the fabric of our society." He hopes that is an issue which gets cleared.

Ms. Thomas said she thinks the Board needs more figures about the number of houses to be provided and gets an idea from some employers as to their view of workforce housing since it was mentioned so often.

Mr. Rotgin said he is concerned about a second thing. Obviously the process designed by the Chair is not something they are crazy about. He did not realize there was going to be another session and the vote was not going to occur at the next meeting. He said they agreed yesterday that no vote would be taken tonight. They understood there would be discussions of any questions Board members had, discussion with staff and they would iron out the remaining difficulties on the proffer statement, and also with the special use permit conditions, but that the first meeting in June would actually be a vote. The way it is set up the first meeting in June will be a work session and then it will have to be advertised for another public hearing. It means there could not be a vote until sometime in July. He would like for the Board to consider a work session on June 7 with consideration of the request occurring at the second meeting in June. He said there has been good interaction between staff and Ms. Long for the last 48 hours. There has been a tremendous of progress made on the proffers and on the special use permit conditions. He thinks that needs to continue. He thinks it would be detrimental to everyone if they had to wait until the Friday before the work session to get the staff report. He thinks there should be a draft staff report shared with Ms. Long in the interim. There should be ongoing discussions so staff does not issue a report like the last one and they do not have an opportunity to talk and work with staff to see if outstanding staff issues can be addressed before the meeting. Even if the staff report came out the Friday before the meeting, they could focus on the issues where they have agreed to disagree.

Mr. Rooker said there will be a work session on June 7. Part of the ability to get this to public hearing depends upon finalizing the proffers. They have to be in a form acceptable to the County the requisite number of days in advance of the hearing. He said there were changes made in the proffers even today. He thinks staff did a fantastic job, and he would like to compliment staff on a tremendous amount of hard work on this project. Staff does have numerous other projects they are working on simultaneously. They did a great job of guiding this process to the point where it is now. He also thanked Mr. Rotgin and his team. It has been a long process. He said Ms. Long has done a good job during the period she has been involved with the project. Also, Mr. Ron Keeney, the architect. There have been times when there were disagreements, but he thinks everyone has been extremely affable and gotten along well through the process. He thanked everyone for being cordial and approaching this in that manner. He asked if any other Board member wanted to make a comment at this time. There was no response.

Agenda Item No. 12. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were no other matters mentioned at this meeting.

Agenda Item No. 13. Adjournment. At 9:50 p.m., with nothing further to come before the Board, the meeting was adjourned. (**Note:** The meeting which was to be held on May 23, 2006, at 6:00 p.m. with the Planning Commission, had been cancelled.)

Chairman

Approved by the
Board of County
Supervisors

Date: 12/06/2006

Initials: EWC