

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 9, 2010, at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: Assistant County Executive, Thomas Foley; County Attorney, Larry W. Davis, and Senior Deputy Clerk, Meagan H. Hoy.

Agenda Item No. 1. Call to Order. The meeting was called to order at 6:00 p.m., by the Chair, Ms. Mallek.

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

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

Mr. Thomas confirmed with other Board members that they had received a letter from Rockydale Quarries.

Mr. Rooker said that he has sent an email to the Secretary of Transportation concerning the visit with himself and Mr. Thomas. The letter sets out what occurred at the meeting. He asked that if anyone has any questions, they give Mr. Thomas or himself a call. He also has sent email copies to Board members.

Ms. Mallek stated that several members of the Western Albemarle High School Rowing Team recently won awards at the Virginia Scholastic Rowing Championship Regatta held on May 22, 2010 in Occoquan: Junior Jennifer Biscayer and Senior Chelsea Trice won silver in the Women's Double; and Junior Carolyn Schneller won gold in the Women's Single rowing event. She said that all three qualified and competed in the Scholastic Rowing Association event in May in Saratoga, and have been invited to compete in the nationals in Cincinnati. Ms. Mallek noted that the team is all volunteer and is supported by private fundraising. She also recognized their coach Miriam Pitts, who also teaches Spanish at Western Albemarle High School.

Mr. Boyd said that there is a vacant lot next to the BMW dealership on Pantops which they eventually would like to develop. The owner of the dealership would like for his employees to park there – but according to Zoning they are not permitted to park on the vacant lot. He added that the owner was cited with a Zoning violation a few years ago, and they ended up being fined \$10,000. He asked if there is a temporary procedure this Board can do to ease the problem until the owner has time to submit his plans through the process. He added that it is a gravel lot that is just sitting vacant and would like to know if there is anything the Board could do to allow the employees to park on the lot temporarily.

Mr. Davis commented that there is nothing that the Board can do without amending the Zoning Ordinance. He stated that the BMW owner would be in violation until that is done. It is his understanding that the lot is a separate parcel and the determination made was that the parking is an accessory use, and not permitted parking.

Mr. Boyd said there use to be an old gas station on the lot and the owner tore the structure down because it was falling down. He added that the BMW owner is leasing the property; he does not own it.

Mr. Davis said there is nothing in the Zoning Ordinance that allows the Board to grant temporary suspension of the Zoning Ordinance regulations.

Agenda Item No. 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Sharon Ackerman addressed the Board and introduced Drew Givens. Ms. Ackerman stated that Mr. Givens is with the U.Va. Animal Law Society and would present a model anti-tethering ordinance to the Board. She stated that after Mr. Givens presentation, they would present a packet of information on North Carolina's ordinance.

Mr. Givens explained that there is a strong correlation between tethering and neglect, as well as aggressiveness in dogs. He said that often these dogs live their entire lives in small, single confined areas with no protection from heat or cold. There are also major sanitation issues when dogs sleep, eat and use the bathroom in the same area; and problems with collars becoming embedded in dog's skin. Mr. Givens added that there is a lot of evidence showing a link between tethering and attacks on people – and there is consensus with the SPCA, Humane Society, and USDA that this is a huge problem. He said that current County ordinances only mirror state law, meaning that a dog owner could keep their animal chained for 24 hours without violating the ordinance. Mr. Givens reported that the Code says that adequate exercise must be provided for an animal, but it is still feasible to keep an animal chained for 24 hours. He said that

five counties thus far have passed anti-tethering ordinances, and nationwide there are over 100 – with 25 that completely ban tethering; and about 60 place strict time limits on how long an animal can be tethered.

Mr. Givens then referenced information from other communities on anti-tethering, noting that surveys of those who have passed the ordinances show there are no major problems with enforcement of the complete bans – but there have been some issues with those that have lesser restrictions. He added that there have been several successful prosecutions, but very few actually go to court. Mr. Givens said that these provisions have been very effective in reducing animal neglect cases, and encouraged the Board to adopt an ordinance banning tethering.

Agenda Item No. 6. Consent Agenda. Mr. Rooker **moved** to approve the Consent Agenda. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Item No. 6.1. Approval of Minutes: March 10(A), 2010.

Ms. Mallek had read the minutes of March 10(A), 2010 and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 6.2. Resolution requesting traffic control on Rio Mills Road.

By the above-recorded vote, the Board approved the following resolution, which was requested at the June 2nd Board meeting:

RESOLUTION

WHEREAS, Rockydale Quarries Corporation plans to operate a quarry located at 2430 Rio Mills Road (Albemarle County Tax Map 45, Parcels 58, 60 and 61) under the trade name of Charlottesville Stone Company; and

WHEREAS, the operation of the quarry is a by-right use under the Albemarle County Zoning Ordinance; and

WHEREAS, the truck traffic to be generated by the quarry may have substantial and detrimental impacts on the safety and maintenance of the roads adjacent to and leading to and from this site; and

WHEREAS, the impacts on the safety and maintenance of the roads can be reduced if such truck traffic can be directed to ingress and egress via the segment of Rio Mills Road that extends south to the Route 29 intersection, rather than the segment of Rio Mills Road that extends north of this property to Earlysville Road; and

WHEREAS, the County desires that Rockydale Quarries Corporation and the Virginia Department of Transportation take and implement every reasonable and available means to direct the traffic to reduce such substantial and detrimental impacts.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby requests that Rockydale Quarries Corporation and the Virginia Department of Transportation take and implement every reasonable and available means to direct truck traffic generated by the quarry to ingress and egress via the segment of Rio Mills Road that extends south to the Route 29 intersection, rather than the segment of Rio Mills Road that extends north of this property to Earlysville Road.

BE IT FURTHER RESOLVED THAT the Clerk provide a copy of this Resolution to Rockydale Quarries Corporation and the Virginia Department of Transportation and request that each respond to this Board regarding what measures they will take in response to this request.

Agenda Item No. 7. Update from Chiefs, Chief Tim Cersley, ACFRAB (**deferred from June 2, 2010**).

Chief Tim Cersley, Chairman of ACFRAB – the Advisory Board to the Board of Supervisors from the Fire and Rescue Division – addressed the Board. He stated that he has been a Chief at Scottsville for about eight years and also a paid Captain for the City of Charlottesville. Chief Cersley said that the purpose of his presentation is to discuss the proposed ordinance and how they feel it is being pushed upon the system. He explained that ACFRAB is a representation of each fire department, rescue squad, and County paid staff in the system. Chief Cersley stated that with the current ordinance, there was a decision made by ACFRAB – unanimous but one vote – of a “no” or discontent with the ordinance as written because the wording in it says “collaborative effort,” and the ordinance doesn’t really provide for that nor does a strong fire chief. He said that the current system, ACFRAB, does give that system because it is a representation of everyone that is involved in the playing field. Chief Cersley commented

that it has been said the group is “dysfunctional” and takes time to get things done. He stated that he would address that point.

He explained that for the last six months, they have worked on an accountability system, which was viewed as an area needing improvement. Chief Cersley reported that a group was put together and they would have a draft plan to be reviewed and discussed at the next ACFRAB meeting for vote in July and training to follow. He noted that this accountability system would allow for better tracking, which was encouraged by Chief Eggleston and other members of their board.

Chief Cersley emphasized that what is needed is not an unwanted ordinance, but a radio system that will provide needed coverage. You can put all the accountability systems in place, but without a radio system that will allow the man that is inside to talk to the person that is outside it is not going to work – and that is how they are going to lose somebody. He stated that they have been working on an 800 MHz system for four or five years now and there are still areas of the County that have zero service. He believes they are going to kill somebody if they do not get that straight.

Chief Cersley said that in the past six months, they have worked on an after-action review, which is the ability to discuss specific issues after a scene. The ACFRAB Board was not in favor of making that an SOG because they felt there were enough policies in place as well as an existing protocol of one-on-one discussion. He emphasized that their board is in favor of an open-door policy, with no closed meetings, adding that when Mr. Thomas made his presentation to them in April there was no talk of the ordinance – just of revenue recovery and budget. Chief Cersley said that two days later, there was an email out that the ordinance “has to go,” along with dates for adoption and implementation. He stated that in May ACFRAB had their last meeting and the next day there was a report on the County consolidation. It could have been very easily stated that “tomorrow there will be a meeting about City/County consolidation and that we are going to move forward in talking about it”. Chief Cersley emphasized that the ACFRAB Committee is a collaborative effort, and in the past six months they have been able to accomplish more than they have in the past three to four years. If the ordinance is what this Board wants then ACFRAB asks that they be allowed to work with the players sitting at the table as one moving forward. They do not feel that pushing an ordinance on a group that does not want it is working in a collaborative effort.

Mr. Rooker commented that the radio system was mentioned a couple times, along with bold statements that someone might be killed, and asked if he is suggesting that they are not as well off today as they were before the County, City and University created a unified system and spent \$18 million on a new radio system.

Chief Cersley responded that the system in place has positives, as it has opened up channels and provided the opportunity to operate on more channels. He explained that the negative of the system is that there are spots that have no coverage, such as Howardsville, and there is an 8-10 mile radius in that area without communication capability. Chief Cersley added that there are other locations where this is an issue also, such as Sugar Hollow.

Mr. Rooker stated that when this system was put in, there was a lot of input from many people – along with maps of coverage that showed at least 95% coverage around the County. Before the system was put in, wasn't it the case that there were a lot of areas in the County where they didn't have inter-operable radio service.

Chief Cersley replied that there were, and there seems to be a wall there that can't be overcome. Towers need to be put in place; there are things that can be done – but ACFRAB does not feel that is a priority. The ACFRAB Board as a whole feels that a priority is pushing an unwanted ordinance on them and making a strong fire chief. The push needs to be to make sure that the radio system that is in place is getting better. They need to come back now, update those areas and put towers in place so that they do not have somebody sitting out there that doesn't have radius coverage.

Mr. Rooker asked for a cost estimate, but Chief Cersley indicated there was none available.

Ms. Mallek asked if the booster for Heard's Mountain was in the plan for this year. Chief Cersley responded that he wasn't certain.

Mr. Thomas emphasized that David Brown was the person who mentioned consolidation, adding that he and Ms. Mallek are the representatives from the County and have an open mind. He thanked all of the Chiefs for their service.

Mr. Rooker noted that the idea for those meetings came from a big open meeting with the public in attendance, which focused around how to maintain and improve service given budgetary constraints.

Mr. Foley added that staff would follow up on the 800 MHz issue, adding that the ECC Board is overseeing the project.

Agenda Item No. 8. **Appeal: ARB-2010-02. Singleton (AT&T)**. Request for approval of a treetop personal wireless service facility with a steel/metal monopole that would be approximately 69 feet tall (10 feet above the height of the reference tree), within a 20 x 30 foot lease area. This application is being made in accordance with section 12.2.1. (16) of the Zoning Ordinance which allows for Tier II personal wireless service facilities by right in the (VR) Village Residential zoning district. The site is located on 2856 Morgantown Road [State Route 738] approximately 600 feet from the intersection of Morgantown Road [State Route 738] and Ivy Road [State Route 250]. The property, described as Tax Map 58A1 Parcel

40F1, is 2.089 acres in size, and is located in the Samuel Miller Magisterial District. The Comprehensive Plan designates the property as Rural Area in Rural Area 3. **(Remove from agenda at applicant's request.)**

Mr. Davis commented that there may have been a miscommunication on this item, and suggested that Ms. Valerie Long, the applicant's representative, might want to make a comment.

Mr. Rooker and other Board members indicated they had received an email that the item was going to be removed from the agenda.

Mr. Mark Graham, Director of Community Development, responded that there was a miscommunication about a question as to whether the Planning Commission can act on this application on June 22, 2010 and approve it on that day with the ARB still having a denial of the Certificate of Appropriateness. He explained that Section 18-5.40.d of the Zoning Ordinance states that: "the Commission can approve an application on the requirements...and set aside all conditions of the Architectural Review Board." Mr. Graham stated that staff has interpreted that as meaning the ARB's certification is separate – and Mr. Davis advised them that that was one of the conditions the Planning Commission would have to consider.

Mr. Graham said that staff is recommending that the Board defer the request, and allow the Planning Commission to determine whether they want to deny the tower based on its visibility – which they could do on June 22. Mr. Graham stated that if they made the determination that the visibility was acceptable, staff has been advised that the Planning Commission would then need to defer action and allow the Certificate of Appropriateness to come back to the Board. If the Commission recommended denial based on visibility, the Board could consider both an appeal of that denial by the Planning Commission and a denial of the Certificate of Appropriateness by the ARB.

Mr. Rooker said it makes sense to consider both appeal actions at one time since the basis of both decisions would be on the same issue.

Mr. Thomas asked if Tier II can be done administratively. Mr. Graham replied that the Commission must review all Tier II decisions.

Mr. Davis pointed out that the issue in this appeal is whether the location of the tower has minimized its visibility – which is a primary consideration by the Planning Commission and is a part of the ARB's determination.

Ms. Valerie Long addressed the Board on behalf of AT&T, stating that they had agreed to a deferral of the appeal for a second time based on the representation that the Planning Commission did have the authority to take action on the application on June 22. She indicated that they had received some mixed signals earlier in the day as to whether the Commission had the authority to take action before the ARB had granted the Certificate of Appropriateness.

Mr. Davis responded that the Commission can deny it but they cannot approve it – but they can indicate whether or not they would approve it if the ARB appeal was overruled. He emphasized that they must find that the ARB requirements have been met, adding that only the Board can overrule the Certificate of Appropriateness decision.

Mr. Rooker then **moved** to defer ARB-2010-02 until July 14, 2010. Mr. Thomas **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

#16). Agenda Item No. 9. **Public Hearing: SP-2009-00029. Charlottesville Kingdom Hall (Sign**

PROPOSED: Modify layout of approved plan (SP2008-057) to include a new building and parking lot location. No residential units proposed.

ZONING CATEGORY/GENERAL USAGE: R-2 residential - 2 units per acre and R-4 Residential - 4 units/acre.

SECTION: Sections 14.2.2.12 and 15.2.2.12 of the Zoning Ordinance which allow for Churches.
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses in Neighborhood 5.

ENTRANCE CORRIDOR: Yes.

LOCATION: 665 Old Lynchburg Road (Route 631), at the intersection of Old Lynchburg Road and Sunset Avenue Extended.

TAX MAP/PARCEL: 76/51. MAGISTERIAL

DISTRICT: Scottsville.

(Advertised in the Daily Progress on May 24 and May 31, 2010.)

Mr. Cilimberg said that this request would allow for the amendment of a prior special permit. This request is for a location on 5th Street Extended in an area where there is an existing building. He said that the Church wishes to further develop the site, and would incorporate a modified layout and other

conditions of approval that reflect a new building and parking lot location – different from that approved with SP-2008-00057. Mr. Cilimberg presented the originally approved plan, noting that it included a large area of parking and a larger Church facility. The proposed plan reduces the area of parking and the building. He said that staff has noted several favorable factors such as providing an institutional use in support of the development areas. There is also an accommodation made for a potential road that would connect Southwood Mobile Home Park and 5th Street. Mr. Cilimberg stated that no ordinance changes have occurred since the prior approval that would change the finding of appropriateness of the proposal in this location. He noted an unfavorable factor that the parking area is not relegated, and the circulation shown on the plan does not fully meet County standards – but that can be dealt with at the site plan level. The Church does not propose to connect to public sewer at this time due to distance and cost, but it will connect when lines are brought closer to the site. Mr. Cilimberg added that the Albemarle County Service Authority would be dealing with that if they were to try to connect to sewer.

Mr. Cilimberg stated that staff and the Planning Commission have recommended approval of the special use permit with revisions to the originally approved conditions – as noted in the staff report. He said that staff have included a four-year approval, which is what they got in March 2009, so the special use permit would cover activities that would commence by June 2014.

Ms. Mallek asked if the non-relegated parking could be solved by planting and screening.

Mr. Cilimberg replied that they would have to deal with the landscaping as part of an Entrance Corridor; it is not a huge matter of concern.

Mr. Boyd commented that these types of applications take up an awful lot of staff time, Planning Commission's time, this Board's time, and could perfectly be handled administratively. He said that hopefully improvements in the development review process would address this.

Mr. Cilimberg responded that staff operates under Virginia law when it's a legislative matter, and going to the Planning Commission and Board cannot be avoided. He added that there may be ways to generalize condition language so that some changes can be dealt with under an interpretation of the condition rather than a change in the special use permit.

Mr. Boyd stated that it is Albemarle's ordinances that drive this back through the process.

Mr. Cilimberg emphasized that a bigger issue is whether churches are going to be allowed by special use permit, or what level or size a church should be.

Mr. Rooker commented that last week the Board voted on moving forward with improved efficiency through administrative changes, but State law requires that special use permits go through a legislative procedure.

Mr. Davis confirmed that a special use permit is a legislative process, and staff cannot change conditions without it going back through the process – but what's being considered now is a system where churches of certain categories would be by right with supplemental conditions that would mirror a lot of the conditions seen on the special use permits. That would save a lot of time and staff effort for routine applications. He said that the danger of this is that it takes away the legislative discretion as to how a church would impact an area in a particular circumstance.

Mr. Boyd commented that the proposal today just seems to be a scaled-down version of what was already approved, and it doesn't appear that there is anything new about it.

Mr. Cilimberg responded that the process is a function of Virginia law and there is nothing the staff could do in County ordinances that could change that. He reiterated that special use permit changes or changes to conditions cannot be dealt with without Board review, but it could be established that churches of a certain size or certain level of development could be handled administratively – but that would not be a special use permit. Mr. Cilimberg said that there are not usually public concerns with churches, but occasionally there will be significant issues – such as one situation where there was a church planned in a neighborhood, but opposition at the Planning Commission hearing caused the project to fold.

Mr. Rooker commented that there are changes to the site plan that could be made without going through the special permit process. He asked if there is some way where the site plan was not linked to the conditions.

Mr. Davis added that any site plan change that does not conflict with the conditions of the special use permit could be done administratively, but that doesn't apply to this application.

Mr. Cilimberg noted that in the original approval of this application, there were four elements that were cited as needing to be in strict accord with the concept plan – relation of parking areas to building areas, building areas to the street – and those were removed this time. Some of it is about what staff puts in the conditions.

Mr. Rooker added that to the extent that the site plan can stand on its own and the conditions can stand on their own, there can be changes made to the site plan that prevent it from coming back to a legislative process.

Mr. Davis noted that that's why conditions in the site plan do not need to be restated in the special use permit, and that gives staff more flexibility to deal with site plan issues.

At this time the Chair opened the public hearing.

Mr. Bill Moore, Civil Site Design Engineer with Balzer and Associates, said that others present were Mr. Mike Sansell, representing the Church, and Mr. Mark Lupo, Architect for the project. They would be happy to answer any questions from Board members.

No further public comment was offered, and the Chair closed the public hearing.

Mr. Dorrier **moved** approval of SP-2009-00029 subject to the five conditions as imposed by the Planning Commission and staff, including approval until June 9, 2014. Mr. Rooker **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

(Note: The conditions of approval are set out in full below:)

1. The development of the site shall be in general accord with the concept plan entitled Kingdom Hall of the Jehovah's Witnesses prepared by Balzer and Associates, Inc., Sheet No. 1 of 1 dated 11-16-2009 (hereinafter, the "Concept Plan"). In addition, the following elements shall be in strict accord with [or "conform to"] the Concept Plan location of the area for sidewalk dedication and reservation of area for the extension of the Southern Parkway;
2. The area of assembly shall be limited to a maximum of one (1) auditorium with one hundred ninety (190) seats;
3. The final site plan shall show an area across the front of the site to allow the future installation of a sidewalk by others (the "sidewalk area"). The final site plan shall include a note reserving the proposed sidewalk easement and a five (5) foot right-of-way area for future dedication. The area for dedication shall allow for a minimum width of a five (5) foot sidewalk and which shall meet all applicable VDOT and County standards per Section 32.7.2.8 of the Zoning Ordinance. Upon request by the County, the sidewalk area shall be dedicated for public use. The owner shall grant all necessary temporary construction easements to allow the sidewalk to be installed;
4. There shall be no day care center or private school on site without approval of a separate special use permit; and
5. Construction of the development plan referenced in Condition 1 above shall commence by June 9, 2014 or this special use permit shall expire.

Agenda Item No. 10. **Public Hearing: SP-2009-00035. St. Anne's Playing Field (Signs #38,42&45).**

PROPOSED: Allow playing field, spectator area, and overflow parking on 13.5 acres.

ZONING CATEGORY/GENERAL USAGE: R-1. SECTION: 13.2.2.5 which allows private schools by Special Use Permit.

COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood density residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses in Neighborhood 7.

ENTRANCE CORRIDOR: Yes.

LOCATION: 1600 feet from the intersection of Faulconer Drive and the Ivy Road/Rt 250 off ramp from the 250 Bypass.

TAX MAP/PARCEL: Portion of TMP 60-24.

MAGISTERIAL DISTRICT: Jack Jouett.

(Advertised in the Daily Progress on May 24 and May 31, 2010.)

Mr. Cilimberg said this is a request to amend an existing special use permit to incorporate an area that was not part of the original permit, to move a field across Faulconer Drive and include a spectator area and an as-needed parking lot. He presented a map of St. Anne's and the proposed location of a playing field, adding that in the original plan there was an area proposed as a field but it would have required a lot of grading. The applicant is now proposing a different location for the field – across the drive that comes around the school. Mr. Cilimberg pointed out that the field is still adjacent to Route 250, as the originally proposed field was, but it's in an easier area for the applicant to work with. He noted that there would be less environmental impact in this location – less grading, no tree removal – and it would result in preservation of more of the buffering vegetation along the 250 Bypass than in the original location. Mr. Cilimberg stated that the new location will also be easier for event attendees to locate, adding that staff could find no unfavorable factors. He said that the Planning Commission is recommending approval with two conditions.

Mr. Snow asked for confirmation that there is no lighting on this field. Mr. Cilimberg responded that condition #2 states that "the playing field shall not be lit."

At this time the Chair opened the public hearing.

Mr. Rick Carter, representing St. Anne's, stated that the only purpose of this request is to move the field to a better location. He added that Michael Waylett, of St. Anne's, and Kurt Gloeckner, the engineer, were also present, and would answer any questions from Board members.

There being no further comments, the public hearing was closed.

Mr. Rooker commented that it looks like an excellent move to him.

Mr. Boyd said that this application, like the last item, seems to be a lot of time, effort and expense.

Mr. Cilimberg explained that the applicant was incorporating an area offsite of their original approval.

Ms. Mallek noted that this property also has a different owner.

Mr. Rooker then **moved** approval of SP-2009-0035 subject to the two conditions as presented by staff. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

(Note: The conditions of approval are set out in full below:)

1. Development of the use on TMP 60-24 shall be in general accord with the Conceptual Plan entitled "UVAF Property/Plan (Leased) Athletic Field/Gravel Parking Area," Revision 1, prepared by Gloeckner Engineering/Surveying, Inc., and dated February 10, 2010 (hereinafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- The location of the playing field and overflow parking

as shown on the Conceptual Plan, except that the landscaping and fencing may be modified to meet the requirements of the Architectural Review Board (ARB) and the location of the crosswalks on Faulconer Drive may be changed to meet the requirements of the Virginia Dept. of Transportation (VDOT). Minor modifications to the Conceptual Plan, which do not conflict with the elements above, may be made to ensure compliance with the Zoning Ordinance; and

2. The playing field shall not be lit.

#4). Agenda Item No. 11. **Public Hearing: ZMA- 2009-00004. National College Relocation (Sign**

PROPOSED: Rezone 6.34 acres from R-1, Residential zoning district which allows residential (1 unit/acre) to LI - Light Industrial - industrial, office, and limited commercial uses (no residential use) to allow relocation of business college facilities.

PROFFERS: Yes.

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service-warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) and Neighborhood Density Residential-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses, in the Community of Hollymead.

ENTRANCE CORRIDOR: Yes.

LOCATION: 3926 Seminole Trail, Charlottesville, VA, approximately 1100 feet south of the intersection with Lewis & Clark Drive.

TAX MAP/PARCEL: TMP 32-22L1.

MAGISTERIAL DISTRICT: Rio.

(Advertised in the Daily Progress on May 24 and May 31, 2010.)

Mr. Cilimberg reported that this application would provide for a new facility to allow for relocation from the City facility to allow for school growth. He stated that it is located on US 29 North, noting its proximity the University Research Park and other buildings – such as Fabrics Unlimited, which is adjacent to the entrance that would be provided for the school. Mr. Cilimberg indicated that most of this area is designated Industrial Service, with current zoning as R-1; the rezoning would be to allow for the school to relocate behind the fabric store, with parking to the rear of the college building. He added that there would be a large area in the rear that would be preserved under this proposal, and the entrance proposed for Route 29 would provide entrance for both the school and Fabrics Unlimited. Mr. Cilimberg noted that there would be inter-parcel access provided to the Townsend property in the event it would ever be needed in the future, although there is no requirement that it be utilized by adjacent development. He said that it was verified during the Planning Commission meeting that larger trucks could make the turn in the Townsend property should it ever be opened for that use, as the radius is available.

Mr. Cilimberg stated that there is one proffer that has been signed and verified. He said that favorable factors are that the rezoning enables the construction of this facility serving the entire region; and the proposed entrance changes to this site will improve the flow of traffic for both the college and Fabrics Unlimited. He reported that there were no unfavorable factors identified, and both staff and the Planning Commission recommend approval of the rezoning with the proffer.

Ms. Mallek commented that one question she has concerns the crossover from northbound to southbound Route 29, adding that it is a "pretty dicey" slip-lane there now as it is not continuous through North Fork. She asked if there would be any changes to that situation.

Mr. Cilimberg responded that there would not be any changes to that side of the road as part of this proposal.

Mr. Boyd asked if this is a tax exempt organization.

Mr. Cilimberg said the applicant would have to respond; he is not sure.

Mr. Rooker asked if there would be traffic improvements with the North Pointe development.

Mr. Cilimberg replied that as part of the North Pointe proposal, there would be a new crossover but it would not be at this location. He said that what is being provided is a possible connection southward, but that would have to be through the mobile home park for future development to get to the location. He added that right now it is going to be status quo in terms of Route 29 crossovers; that is not being changed by this plan.

Mr. Snow asked if another lane of traffic is not being added.

Mr. Cilimberg said that eventually there would be a third lane southbound here, as part of the proffers for the University of Virginia Real Estate Foundation project – and tying in with North Pointe. Depending on how it is built and depending on topography, Mr. Cilimberg added that they may work with the median more than they work with the outside, but there are no plans right now as to the design of the widening of that area.

At this time the Chair opened the public hearing.

Mr. Larry Hatfield, of K-4 Architecture and K-4 Construction, representing National College, addressed the Board. He also introduced John Hash of Timmons Engineering and Jeff Doering of K-4 Architecture. They are all present to answer any questions from Board members.

Ms. Mallek asked if the school is tax-exempt.

Mr. Hatfield responded that it is his understanding they are not.

Mr. Rooker commented that the onsite plan is very well done.

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

Mr. Boyd then **moved** to approve ZMA-2009-00004 subject to the proffers as presented. Mr. Snow **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

(Note: The proffer is set out in full below:)

Original Proffers _____
Amendment _____

PROFFER STATEMENT

ZMA No. **2009 - 00004**

Tax Map and Parcel Number: **03200-00-00-022L1**

Owner(s) of Record: **Corolla Management Corporation**

Date of Proffer Signature:

6.34 acres to be rezoned from **R-1, Residential** to **Light Industrial**

Corolla Management Corporation is the owner (the "Owner") of Tax Map and Parcel Number **03200-00-00-022L1** (the "Property"), which is the subject of rezoning application ZMA No. **2009-00004**, a project known as "**National College Relocation**" (the "Project").

This Proffer Statement shall relate to the Rezoning Plan entitled "National College," dated February 2, 2010, and prepared by **Timmons Group**.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. Development of the use shall be in general accord with the Rezoning Plan entitled "National College," prepared by Timmons Group, and dated "February 2, 2010," (hereinafter, the "Rezoning Plan"), as determined by the Director of Planning and the Zoning Administrator, except that the landscaping and fencing may be modified to meet the requirements of the Architectural Review Board (ARB), and except that the owner may expand the building up to 4,000 square feet on each of two floors in the area shown on the Rezoning Plan and the parking area may be expanded as shown on the Rezoning Plan.

To be in general accord with the Plan, development shall reflect the following central features within the development essential to the design of the development:

- building orientation;
- building mass, shape, and height;
- location of buildings and structures;
- location of parking areas;
- relation of buildings and parking to the street; and
- environmental features, including the spring, unnamed creek, and existing vegetated area on the west side of the site

shown on the rezoning plan. Minor modifications of the Plan that do not conflict with the features above may be made to ensure compliance with the Zoning Ordinance.

OWNER

[INSERT NAME BY WHICH LAND IS OWNED]

Agenda Item No. 12. **Public Hearing: CPA-2005-010 – Places29 Master Plan.**

PROPOSED: Amend the Land Use Plan section of the Albemarle County Comprehensive Plan by replacing the existing profiles of Neighborhood 1, Neighborhood 2, the Community of Hollymead and the Community of Piney Mountain with the Places29 Master Plan, which establishes new land use policies, guidelines, recommendations, goals and strategies for future development within the master plan area, which may include lands beyond those described in the existing neighborhood and community profiles. The master plan would establish the following for the master plan area: a vision for the area and guiding principles; land use designations and place types such as neighborhood service centers, community centers, destination centers, uptown, mixed use areas, employment areas and residential areas; a plan for the transportation network and its integration with the land uses; a plan for providing and supporting community facilities and services; design guidelines for the entrance corridors and boundaries; and a plan for implementing the master plan.

(Advertised in the Daily Progress on May 24 and May 31, 2010.)

Mr. David Benish, Chief of Planning, said that this is the first of two public hearings the Board has requested to receive public comment on the Places 29 Master Plan. He added that the Places 29 Master Plan is one of a number of master plans that have been approved and/or are under development for the County's urban development areas. He stated that the master plan area for Places 29 covers the four development area neighborhoods in the 29 North Corridor and is a coordinated land use and transportation plan.

Mr. Benish said that the vision for the Places 29 Master Plan emphasizes compact development, pedestrian-oriented and mixed-use neighborhoods, choices of housing and retail, and employment opportunities. It also calls for an "attractive, multi-modal" transportation system as well as parks and open space contributing to an overall excellent quality of life. Mr. Benish explained that the vision statements and recommendations of the Plan, and guiding principles, essentially established the major concepts in the Plan. He added that one of the earlier goals and directions from the Planning Commission and the Board was to respect existing neighborhoods, so one of the efforts in the Plan was the recommendation for limited land use changes in those areas.

Future land use plans, he noted, have been developed – which establish a pattern of development that is consistent with the visions and concepts. Mr. Benish reported that a parks and green systems planning process took place and maps were developed for those that identify important new parks, open space, and greenways and trails for the area. He stated that the Plan also establishes priority areas, which provide guidance and resource allocations for capital investments and land use decision making. Mr. Benish mentioned that there are three corridors considered: the transportation corridor for Route 29 itself on the left side; the other two areas are the corridor between the Hydraulic Road intersection and Rio Road intersection in the southern urban area. He said that the second area incorporates the area that includes the Hollymead Town Center and Airport Road area in the Hollymead community.

Mr. Benish reported that within the draft Master Plan, two expansion areas are being considered by the Board – one being the area of the southern end of Hollymead, west of Route 29 and south of the existing boundaries near where Ashwood Boulevard intersects with Route 29. He said that mixed use development and neighborhood density residential are recommended for that area; mixed use development would allow a large-format or "big box" retail development. The other area being considered is an expansion on the east side of the Rivanna Station military base where NGIC is located; it is approximately 30 acres that was requested by the Board to be considered to compensate for land lost to the base. Mr. Benish noted that the proposed designation for that area would be neighborhood density residential.

He indicated that the major challenges for the transportation element of the Master Plan were: balancing the competing interests between State, regional and local traffic demands on the US 29 Corridor and trying to address the backlog of needed improvements to deal with existing approvals in development that has already taken place. Mr. Benish said the transportation strategies to address those needs are to create a pattern of development that lessens the need for vehicular travel; establish a multi-modal system with transit, bike, and sidewalk facilities; establish a network of road systems of parallel and perpendicular roadways; manage access points and traffic flow within the corridor; and make strategic improvements to the US 29 Corridor that are needed to maintain volume and flow of traffic.

Mr. Benish reported that within the Master Plan, five essential transportation improvements have been identified: improvements the City currently has underway in design work to add additional lanes in the Route 29 Corridor between Hydraulic Road and the existing Bypass ramp and additional lanes to the Bypass ramp.

Mr. Boyd asked if the City is moving forward with that work and does it have sufficient funding to be able to complete these projects.

Mr. Benish replied that there is about \$4.7 million allocated to the project, which includes VDOT, Urban System monies, Revenue Sharing monies – as well as \$1 million from Albemarle Place proffers. He said that there is a request for an earmark to provide for a small additional amount.

Mr. Boyd said it is possible the two high objectives – Hillsdale Drive and the Best Buy ramp – can get done.

Mr. Rooker said Mr. Benish was speaking to the additional lane from Hydraulic to the Route 250 Bypass and the additional ramp, and that ramp would have an additional length so it could taper out.

Mr. Benish stated that Hillsdale Drive is currently under active design work. The City, the consultant, and VDOT are working with property owners in the area and they have incorporated components of that design in the Whole Foods development. He added that the funding for full construction is not there yet.

Mr. Rooker noted that after fixing Route 29, south of Hydraulic, Hillsdale is the City's highest priority project – but their urban funds have been cut; if some of that gets restored, the intent is to allocate some of it to Hillsdale and try to get that done as quickly as possible. He also said that the project there is about \$20 million – half of which is right-of-way costs – and landowners have indicated that they would donate the right of way. Mr. Rooker stated that like projects in the County, they are waiting for funding. They are doing the work that can be done internally.

Mr. Boyd commented that he'd wondered if the City had identified just the top priority projects and pooled their money.

Mr. Rooker replied that he believes they have – with the Jefferson Park Avenue bridge project, the Route 29 improvement around Hydraulic Road, and the Hillsdale extension.

Mr. Benish continued with his report, noting that other parts of the Places 29 improvements include: Berkmar Drive Extended, grade separations at Rio Road and US 29, the widening of Route 29 to six lanes north of Polo Grounds Road, an enhanced transit system, and improved access management and applying intelligent transportation systems to improve traffic flow. Mr. Benish stated that the Places 29 Plan identified these as the five target areas and considers all of the primary targets essential to moving forward with the process.

Ms. Mallek asked if this is supposed to be a priority list.

Mr. Benish said the list can be fine tuned in an order of importance. These were crafted with the idea that they all need to move forward in some way so they can progress to development.

Mr. Rooker stated that the Board has prioritized the widening of Route 29 and the allocation of some funding to it, and that's reflected in what the MPO has done. Internally, that is #2 on the list. He mentioned a technical memorandum on the TJPDC website from the MPO's May meeting, stating that there is a cost-benefit analysis for the improvements north of Rio. It makes it very clear from the traffic modeling that the most important improvement that can be done in that area to save traffic time is the widening of Route 29 in that specific area – that it would save six minutes of travel times and the combination of that with Berkmar, along with other assumed improvements in that area actually creates a traffic situation 25 years from now that's pretty much identical to what it is today.

Mr. Boyd asked about the long-term need for interchanges at Hydraulic Road and US 29, adding that he had thought that had been dropped from the list of improvements.

Mr. Benish responded that the order of the improvements in the 29/H/250 Study call for it to be a very long-term project. He said that both interchanges were identified in the MPO Regional Plan, but only one is within the constrained long-range plan – which is based on projected funding available over the 20 years of the plan.

Mr. Boyd said he thought Places 29 had reduced the proposal for interchanges down to Rio Road and Airport Road.

Mr. Benish said the one at Hydraulic is identified as a very long term project. He added that staff knows the Board wants more detailed information on the implementation of these improvements in terms of how to get them funded, their status and clarifying the intent of the language. Staff will be bringing that information back to the Board as it is developed in consultation with VDOT.

Ms. Mallek asked if inclusion of some long-range projects in the Master Plan can help them get funded later, perhaps in the small area plans.

Mr. Benish replied that this is one component that is beneficial to this.

Mr. Rooker added that Albemarle Place proffers include some significant at-grade improvements to the Hydraulic Road/Route 29 Interchange, as well as a turn lane that goes back to the Waffle House. He added that there was about \$1 million moved from improvements proffered on the City side of Hydraulic, and that was moved over to the additional lane south to the Route 250 Bypass because every traffic model shows that is the biggest choke point in the area.

Mr. Benish said that there have been concerns about the grade-separated interchanges, but the intent of the Master Plan is that the small area plans would provide the next step in the process of further fine tuning design and determining impacts. He stated that staff talked to VDOT recently to get some preliminary information regarding the implications if the interchanges were deleted from the Master Plan. Mr. Benish mentioned that the Master Plan is a Comprehensive Plan Amendment and is subject to the 527 Review Process. He added that VDOT staff has indicated that if the interchanges or grade separations identified in the transportation study component of the Master Plan were deleted out of the plan it would potentially make the Comprehensive Plan not compliant with that transportation analysis – and therefore the Comprehensive Plan may be considered not compliant with the 527 Review Process.

Mr. Dorrier asked if the exact locations of the grade-separated interchanges and the cost of them had been determined.

Mr. Benish responded that there is a concept for what they would be and the intent is to move to a next step in the small area planning process – particularly to determine what their impacts are. They have not been designed yet because they have not been endorsed and included in this particular Comprehensive Plan amendment. He added that VDOT reminded the County that past studies have shown that grade separations would be necessary in the long term at many of these locations.

Mr. Rooker said that the land use aspects of this plan are not a rezoning of property, and they do not change anyone's use of their property – but they do make some potential rezonings possible for people if they decide they want to do that. He also stated that approval of a master plan does not approve any particularly transportation project for funding, and this Board would still have to make decisions each year about which projects can be funded. The Board does not give up that authority by including something in the Comprehensive Plan.

Mr. Benish added that the interchanges are identified in the MPO Regional Transportation Plan – one in the constrained plan and one in the vision plan – and the County's Comp Plan by reference identifies the Regional Transportation Plan improvements, so they are already in the Comp Plan by reference.

Mr. Benish said that this is a public hearing with no action anticipated, but staff would like any additional direction from the Board as to next steps for the Master Plan. As he previously mentioned, the Board has provided direction to further clarify the recommendations and methods of implementation for the major intersection/interchange improvements in conjunction with VDOT, business and residential property owners. Staff hopes to come back with recommendations to address the issues. He added that they have already had a conversation with a 29 Business Council board member with the potential of addressing common interest points. That process will be incorporated into the information that comes back to the Board.

Mr. Thomas commented that he does not like the implication that if the at-grade separations are not included, the whole plan is invalidated.

Mr. Cilimberg explained that a recent legislative change from 2006 requires under State law that VDOT must sign off on part of the County's Comp Plan. VDOT funded all of the transportation study work for Places 29, so all the transportation components in the plan were funded and signed off by VDOT. VDOT has recognized that their transportation plan is now the plan that supports the master plan, and if any components of that transportation plan are not included in the master plan, then they cannot sign off on the master plan – which is something that is required under state law. Mr. Cilimberg reiterated that the interchanges are already referenced in the County plans anyway, so it's not a major change for how planning is envisioned for the area. He added that the County needs to do some work this summer with VDOT and property interests on how they can best approach these intersections to carry into future planning. Staff has heard from a couple of the business representatives during recent meetings of what might and might not be acceptable if there are going to be interchange designs. The businesses are very concerned about losing at-grade access on Route 29, which he can certainly sympathize with and recognize because they have oriented themselves to Route 29. Mr. Cilimberg noted that perhaps in the future with parallel and perpendicular streets, new orientation of business might be possible – but there is still a reliance on Route 29. He added that changing grade causes business to lose visibility and lose immediate access. The question is how an interchange design would minimize the impact.

Mr. Rooker commented that the interchanges are in the Comp Plan, and have been in the transportation plans for the area for many years – because every traffic study that’s been done shows Route 29 failing unless there is some way to get people across Route 29 going east-west, not at grade in some locations. He said that the last study showed that during peak travel times it takes 16½ minutes to go 10 miles on Route 29 from Airport Road down to the Route 250 Bypass, with a combination of widening the intelligent transportation system, etc. – but as the community grows more and more people are having to cross Route 29. There is not time to increase the signalization on Route 29 to allow more time for east-west crossings if you’re going to have Route 29 flowing well. Mr. Rooker emphasized that there must be some way to get people across Route 29 without being at a stoplight waiting to get across, adding that pedestrians and bicyclists are not going to move across without grade separation. He added that there also is no money for any of this. He stated that the Board needs to keep in mind that the east-west movement must be handled.

Mr. Cilimberg said that County staff wants to work with VDoT and property owners this summer on the order of addressing the intersections, because to fund the interchanges will take many, many years – but the pressing issues will continue to be here well before then. He stated that one area of focus will need to be what else can be done for the intersections until the interchanges are built, such as the “jug handle” approach which is perpendicular and parallel streets at the intersection areas so that people don’t always have to go through the big intersections and have more immediate access to properties.

Mr. Thomas said he is familiar with the jug handle approach in other areas and it works.

Mr. Dorrier asked if the plan deals with the Western Bypass.

Mr. Cilimberg responded that it was not a part of this plan, but previous studies illustrated that the interchanges are needed regardless of the Bypass.

Mr. Benish indicated that the process for Places 29 from this point forward would be providing more information for the Board on transportation improvement funding, and background information and pros and cons of the expansion areas. Both items will be brought back to the Board in a summer work session, followed by a public hearing tentatively planned for September.

Mr. Boyd commented that the County should “push back” on VDOT as they are not giving any indication they will have funding available anytime soon. In his opinion it is irresponsible for them to hold us to something when they are not providing any money.

Mr. Cilimberg explained that VDoT is doing this because it is required by State law; it is in the State Code.

Mr. Rooker added that in 2006 the General Assembly passed legislation requiring VDoT review and approval of Comprehensive Plan changes for transportation impacts on major arterials. He noted that this was not in place when the Crozet Master Plan was done. He then asked if VDoT has reviewed the plans for Pantops.

Mr. Benish said that for Pantops, the County utilized VDoT’s corridor planning – which did not have a comprehensive transportation planning component to it otherwise – what they reflected in the Pantops plan was consistent with that corridor study recommendation, and VDOT was comfortable with that. He also clarified that the County asked VDOT some questions regarding Places 29 as to “what if,” and they in turn provided some good advice that the County can use as they work towards the next steps. Mr. Benish emphasized that this was simply an inquiry as to what hurdles must be overcome in the review process.

At this time, the Chair opened the public hearing.

Mr. William West said that he lives on Commonwealth Circle in the area that abuts Waffle House. He said their neighborhood is well established residential area, but they represent a “classic problem in the planning.” Mr. West stated that the situation there represents the need for barrier and buffer areas between commercial and residential, adding that they are a precedent-setting situation as well as the largest established residential section closest to Route 29 in the entire corridor. These may be details that could be worked out later, but he has been working on improving the barrier and buffer for 30 years, especially with Waffle House, and there is no consistent permanent barrier. Mr. West suggested that looking at the Commonwealth Circle situation might be helpful in setting future guidelines.

Mr. Saunders Midyette, a County resident, said that he and his wife live in Colthurst Farms. He said that VDoT acquired a right-of-way across the Colthurst neighborhood for its proposed Charlottesville Western Bypass of Route 29. Mr. Midyette said that as a Board member of the Colthurst Farms Neighborhood Association, he is present to speak in support of the Master Plan for the Route 29 North Corridor. He stated that the transportation plan is in sharp contrast to VDoT’s proposed 6.2-mile Charlottesville Western Bypass. If built at an estimated cost of \$275 million, this proposed Bypass would not improve the projected “F” level of traffic flow on Route 29 North. Mr. Midyette said that to address the current and projected traffic congestion on Route 29 North, the Places 29 transportation component provides for cost-effective, incremental road improvements as limited VDoT funding is available. He stated that the centerpiece of the Places 29 road improvements is building the grade-separated interchanges at the critical Rio Road and Hydraulic Road intersections, adding that numerous state and local studies over the years have indicated that building these is absolutely essential to improve the traffic flow from an “F” level to a “B” level. Mr. Midyette added that without those, it is predicted that Route 29 North congestion will reach gridlock in the near future, and the approval of 3,500 housing units and 3.0

million square feet of new retail will only add to the problem. Mr. Midyette said County consideration of making growth areas in North 29 bigger should be out of the question until VDOT and the County together can address transportation issues. He urged the Board to adopt Places 29 Master Plan as proposed.

Ms. Kathleen Galvin cited an Edmund Burke quote – “People will not look forward to posterity who never look backward to their ancestors”. Ms. Galvin said when she transmitted the Development Areas Initiative Steering Committee report, she cited this quote. She said that from 1997 to 2000, 25 people representing a range of interests grappled with the divisive issues of growth and density, and they developed a consensus on 12 principles of development. Ms. Galvin said that those principles in many ways looked back to our ancestors for a vision of a landscape that was less auto-dominated, and more walkable, compact, and distinctive – that simultaneously preserved a rural heritage for posterity. She stated that Albemarle County was ahead of its time in the last decade of the 20th Century and by the first decade of the 21st Century it was the envy of the country – having incorporated the Neighborhood Model into its Comp Plan, master planned Crozet, won CNU awards, and conducted the Places 29 study. Ms. Galvin commented that the Places 29 plan is “visionary,” and will give the community a detailed blueprint for redeveloping suburban areas. Albemarle County’s main street will not be found along the six to eight lane highway; it will be found in the interconnection of streets. This fine-grained network of smaller scale roads is an integral part of Places 29 and is a balanced system. By distributing local traffic across multiple roads in multiple directions, the corridor can become efficient through auto-traffic. She said that if one connection is severed though, the system will break down. Ms. Galvin stated that in order to move away from an unhealthy life, there must be an infrastructure that cultivates wonderful places to live and work – linked by thriving streets, circular networks, and bus-rapid transit lines. She ended with another Burke quote – “Your representative owes you, not his industry only, but his judgment. And he betrays instead of serving you if he sacrifices it to your opinion.” Ms. Galvin encouraged the Board to keep Places 29 intact.

Ms. Joan Graves said she has been a resident of the Berkeley Subdivision for the last 48 years, and she hopes to stay there a few more years. Ms. Graves said that she has tried to understand the rationale for Cedar Hill Road Extended, a parallel road to Route 29. She commented that she knows that there is no money for it and that future development of the road will depend upon the reconfiguration of the commercial properties fronting on Route 29, but she cannot accept its very placement. If the County needs a parallel road with a connection to Berkmar Drive then it is already there: Hydraulic Road to Rio Road to Berkmar Drive, four lanes with a center turning lane, a bicycle lane and a sidewalk. Ms. Graves stated that the proposed road between the Commonwealth Circle residential properties will destroy the tree line buffer, which the homeowners fought hard to have established. She added that it has to be because there simply is not enough room. She said that failing the optional development of that portion of the road, the 2400 block of Commonwealth will most likely bear the brunt of the traffic, and it already carries enough traffic. Ms. Graves said that borrowing a natural disaster or a hostile takeover of Albemarle County, Berkeley is going to stay where it is, and the residents need some protection.

Mr. Paul Grady said that he lives just outside of Crozet. He stated that he has followed the development of Places 29 from the beginning. Whereas he generally agrees with the recommendations of the later studies, he believes that the initial study – 29/H/250 – was flawed beyond credibility and should be discarded and redone. The cheap quick-fix extra turn lane, extra exit ramp plan will do more harm than good; it will destroy two blocks of businesses on Emmett Street and it will destroy all the trees along the Route 250 Bypass that provide some sound protection for the neighborhood northwest of it. He added that it will require the construction of an expensive 50-foot sound wall and a reconstruction of the Barracks Road interchange. Coupled with the cost of the interchange at Hydraulic Road, both in loss businesses and scarce construction dollars, there has to be a cheaper and a better solution. Mr. Grady stated that in the 29H250 study, there was an option for a four-lane elevated expressway on an earthen mound down Hydraulic Road with a two-lane Hydraulic south of it. He said that the idea was not thought out very well and never further developed, but it was still the best idea. He asked if Board members remembered VDOT’s US 29 Corridor Study which briefly recommended the fly-over expressway that sliced through Kroger on its way to the Route 250 Bypass. That idea did not fly with this Board and was removed from consideration quickly. Again, it was not thought out very well, but was still a good idea, but just in the wrong place.

Mr. Grady said the best solution to the problems of the 29/H/250 area would be a four-lane, elevated expressway directly above existing Hydraulic Road with no major excavation and loss of only one business other than the 7-Eleven that is already proffered by the developers of Albemarle Place, so it has to be cheaper. Mr. Grady stated that most of the land for the interchange at Hydraulic Road and the Route 250 Bypass is already owned by the City. As an extra bonus, the stoplight at Hydraulic Road and the Route 250 Bypass would be eliminated at no extra cost, an interchange that would never get built as a standalone project because of a lack of construction funding. He is so convinced that this idea would work that if he were not so financially challenged he would offer to go out into the community and raise the funds privately to finance a new limited study. It has to be cheaper and less disruptive, and he hope this Board will take a step back and say maybe there is a cheaper and better solution to the 29H250 area’s problems,

Mr. George Larie, on behalf of CATCO – the Charlottesville/Albemarle Transportation Coalition – stated that the issue of solving the traffic congestion on Route 29 has been contentious for over 25 years. He said that CATCO believes that Places 29 is a reasonable, realistic document that combines land use and transportation planning to the Route 29 Corridor. The concept of parallel roads to Route 29 through the construction of the Meadow Creek Parkway, Hillsdale Drive Extended, Berkmar Drive Extended, and the six laning of Route 29 north to the Greene County line is a responsible solution to the traffic congestion and the current financial funding problem of the Commonwealth. He added that the six-laning of Route 29 to Polo Grounds Road to Hollymead is the single most important traffic improvement in the Route 29 Corridor in Albemarle County. CATCO heartily supports the Places 29 plan. A key part of this

plan is the construction of grade separated interchanges on Route 29 at Hydraulic and Rio Roads so as to minimize traffic stoppage due to east-west traffic. He said that these grade-separated interchanges combined with the coordinated light system on Route 29 will provide an improved level of service. Unfortunately some businesses oppose the grade separated interchanges and urge the construction of a Western Bypass. Mr. Larie said that a Western Bypass would not solve the traffic problems on Route 29 and would result in a level of service "F" on Route 29 if the interchanges are not built. The current total cost of the Bypass is \$275 million. He added that all of the projects in the Places 29 Plan can be built for less money, can be built incrementally as critical funds become available. On the other hand the Bypass can be built if the total funding is available, a very remote possibility which would leave little or no funding for other much more cost-effective solutions. Mr. Larie said that numerous studies have shown that building grade-separated interchanges is absolutely necessary to reduce the congestion on Route 29. Without grade-separated interchanges, every analysis projects increased congestion. Mr. Larie urged the Board to keep the Places 29 Plan intact; it is more affordable, more likely to be funded, less intrusive and will reduce Route 29 congestion in a cost-effective manner.

Mr. Robert Humphris, a County resident, said that representatives from the Lynchburg area, and some Board members, have recently been in the news concerning revisiting the Western Bypass and eliminating the grade-separated interchanges proposed by Places 29. Mr. Humphris said that before such action is seriously considered, there must be a thorough review of the history of these projects showing their misrepresentations, the broken commitments of the Commonwealth Transportation Board – as well as opposition to the Western Bypass and support for interchanges by public and citizens groups, the Supervisors, the City of Charlottesville, and the University of Virginia, in a three-party agreement, the MPO and its Design Advisory Committee, and by current VDOT and CTB positions. There is a wealth of well documented information available, but not time to seriously address the issues at this meeting. However, there were two federal organizations which, after review of the \$3.6 million 1990 Draft Environmental (DEIS), made very strong summary comments concerning issues to be addressed in the Final Environmental Statement (FEIS). In their comments, they stated that the Federal Highway Administration (FHWA) stated "the purpose and need is clearly to relieve traffic congestion on the three-mile section of US Route 29 North of the US 250 Bypass. Listing a secondary purpose of specifically completing a gap in improvements to existing US Route 29 seems to add confusion to the endeavor in that all the alternatives studied do not equally address this secondary purpose. None of the alternates seem to meet the stated purpose and need without grade separation of the interchanges."

Mr. Humphris said the US Environmental Protection Agency (EPA) stated "the proposed candidate build alternatives will not relieve the traffic congestion problem without the construction of grade-separated interchanges at Rio, Hydraulic, and Greenbrier Roads. Since the proposed build alternatives would not improve the level of service of Route 29, we questioned the need for a highway on a new alignment."

Mr. Humphris encouraged the Board not to listen to the Chamber of Commerce and a small group of businessmen along Route 29 to dictate what is best and feasible for the County and reverse the results of every study. This Board has an obligation and ethical responsibility to act in the best interests of Albemarle County and its citizens – and the right thing to do is apparent from all of the official traffic studies and the Places 29 study. Politics should not play a role in this topic.

Mr. Morgan Butler, of the Southern Environmental Law Center, said that the SELC has been actively involved with the development of Places 29 since its' inception five years ago. Improving the Route 29 corridor is such a priority because it is vital to the region. He said that transforming this sprawling part of the County into a more appealing and less congested area is absolutely critical to sustaining Albemarle's quality of life and economic health – and is very important to other parts of the State too. Places 29 is the long overdue blueprint for that transformation, and the solution it proposes in the form of local road connections, grade-separated interchanges, and better land use patterns all build on one another to improve traffic flow. He stated that they also address local and regional trips, instead of focusing on funding one to the exclusion of another. Mr. Butler said that Places 29 shows how incremental investment of limited funds can have the greatest impact. He stated that there isn't unanimous agreement on the plan. There are clear concerns from business owners along Route 29 about the potential impacts from building grade-separated interchanges. Mr. Butler said that based on the oversized interchange designs that this community has been shown in the past, that concern is understandable. He emphasized that the cross-traffic must be addressed in order to improve flow, and a fair solution is to get everyone at the table to come up with a detailed design that minimizes negative impacts and identifies shorter-term fixes needed while preparing for the interchanges. Mr. Butler commented that the Rio small area plan would do just that, adding that the Meadow Creek Parkway will only bring more traffic to that crowded intersection. He said that although the promises of cash and right-of-way for a part of Berkmar Extended might sound appealing, the South Hollymead growth area expansion is a very bad idea at this time. Mr. Butler explained that doing so would start a chain of events that will almost certainly lead to a new shopping center connecting directly to Route 29 long before the County has the rest of the funds it needs to build Berkmar Extended. He said that there will be a major traffic generator right across the street from Forest Lakes long before the road needed to handle that traffic is built. Mr. Butler added that the huge glut of retail space that has been approved but not yet built is also a problematic factor. He said that the SELC applauds the Board for moving forward with this plan in its current form and as recommended by the Planning Commission.

Mr. Scott Elliff, a member of the Board of the Forest Lakes Community Association – which represents 1,400 houses and 5,000 residents, making them the largest single group affected directly by the northern part of the Places 29 plan, that the Association has been involved with development of the plan. They support the overall plan – including the five transportation priority projects and the

interchanges, as well as the widening of Route 29. Mr. Elliff said that the jug handles can work, but need a little more work. He added that they also support Berkmar Drive Extended and the west side transportation system. He emphasized that they strongly opposes expanding the growth area (Hollymead expansion) at this time, and doing so to try to get some partial contribution from developers toward the cost of infrastructure improvements is wrong-headed. Mr. Elliff said that building the network first is a critical prerequisite to enabling any further development – as there is a huge backlog of planned development already. He stated that any plan to expand the growth area must first ensure that there are firm funding commitments of 100% of the cost of Berkmar Drive Extended and the bridge over the Rivanna River. Mr. Elliff stated the Association has several concerns with the plan, one being that the worst-case scenario is trading some partial funding commitments for added big box components – with the retail being put in without any transportation improvements happening. He said that the second item they have an issue with is the intersection at Ashwood Boulevard, and the visibility northbound is the single worst intersection from Charlottesville to Madison. Mr. Elliff stated that all that is needed is some trimming of some trees and grading of the median, but VDOT has not responded to requests from the community.

Mr. Boyd said that VDOT had indicated there needed to be major grading out there and they did not have the money to do the work. They said it was not simple and cheap.

Mr. Elliff responded that VDOT took it as a big engineering project, with a change in elevation of Route 29 at that intersection – and the community has identified low-cost improvements such as trimming trees and knocking down the median a bit.

Mr. Boyd said he would look into the issue, but he thought VDOT said that would not solve the problem.

Mr. Elliff said they met with VDOT on site about two months ago. In their opinion it is a safety issue. He asked that they not let somebody else get killed there again because of the poorness of the intersection.

Mr. Rooker pointed out that when the road is widened the geometry would be fixed, and that is in the County's top priorities.

Mr. Elliff agreed, adding that there are some smaller measures that could be taken now.

Mr. Timothy Hulbert, President of the Charlottesville Regional Chamber of Commerce, said that the Chamber was established in 1913 and has 1,000 member enterprises that employ 45,000 people. Mr. Hulbert said that the Chamber believes there can be some agreement reached on approach to the US 29 Corridor that pulls doable" transportation projects out of the cumbersome Places 29 project. He stated that the Chamber believes there are six projects that are doable and can achieve consensus from the community: US 29 South additional entrance ramp at Route 29 and Route 250 (at Best Buy); an additional entrance lane and relocation of the Bypass to eliminate the weave that is there; Hillsdale Drive Extension to and beyond Hydraulic Road; additional travel lanes on US 29 North from the Rivanna River to Airport Road; construction of Berkmar Drive Extended from its current northern terminus over a new Rivanna River bridge and connecting to Hollymead Town Center; and increased public transit where reasonable and appropriate.

Mr. Hulbert said the land use around these improvements could and should reflect the new, improved network. That would include rezoning the area along US 29 North into the designated growth area – restoring a relatively small amount of acreage of the more than 700 growth area acreage that is now a State park. The Chamber has continuing concerns that the small area plans contained in Places 29 have the potential, even likelihood, to retard and ultimately arrest economic vitality within the leading commercial, job sustaining and tax revenue generating area within the County.

Mr. Hulbert said they like the idea of amending Places 29 into a "Consensus 29", pulling out that which is doable over the short term, and over the next two to five years doing what the community can come to agreement on. Places 29 is fundamentally flawed and much of the work is very important and deserves to be incorporated into a doable plan.

Mr. Jeff Werner, of the Piedmont Environmental Council, said that the PEC endorses the draft Places 29 plan and encourages the Board to move forward with its implementation. He stated that the critical components of Places 29 are primarily related to transportation improvements. The plan prioritizes a backlog of transportation improvements needed to support existing development and establishes a planning framework for moving forward with a series of improvements necessary at intersections where the east-west traffic conflicts with the north-south flow on Route 29. Mr. Werner said that Places 29 recommends grade-separated interchanges in many locations, and traffic analyses have shown that these are necessary to accommodate projected on Route 29. This is the same conclusion VDOT reached in 1989 with its comprehensive study, where they indicated the interchanges would do much more to resolve congestion than a bypass. He stated that opponents argue that the interchanges will close businesses and take land from adjacent properties, but since no formal designs exist it is impossible to evaluate these claims. Mr. Werner said that these concerns should be taken seriously and addressed in the detailed small area plans that Places 29 calls for. He said that page 420 of the Plan states "The small areas plan will allow land uses and a design of road improvements to be coordinated and for the business owners and residents of the planning area to be included in the planning process." Mr. Werner said that removing the interchanges would suggest that your plan is to not plan at these intersections. He added that this is not a plan for a high-speed highway, as a traffic analysis shows that future modeled traffic time indicates the travel time would be essentially the same as it is now. Mr. Werner stated that this is also not planned

as a limited access highway, citing numerous new points of access. He said that he had about 53 people send emails to the Board, and all of them are counting on you all to respect their opinions in their deliberations.

Mr. Eric Swanson said that he lives on Commonwealth Circle in the Berkley neighborhood. He would like to echo some previous comments that there are some precedent setting things going on in the Cedar Drive Extension project. He said that the Cedar Drive Extension will affect a fairly small number of homes, but the beauty of this community is in the small details – and invoking the greater good argument arbitrarily will dilute that. It is important to look at the small details.

Mr. Lance Fjeseth, a resident of Commonwealth Circle, said that the proposed road behind Waffle House is poorly planned, as it removes the backyards from several yards as well as removing the buffer. The road would be extremely close to four existing homes and will definitely have an impact. Mr. Fjeseth stated that he hopes that the connecting road could be run against Route 29 to prevent this. The road does not take into account the plan's emphasis on green areas and neighborhood plans. He knows that the plans show the road as optional, but he hopes that it be redesigned or removed. He also sees a precedence in terms of where roads are located and how the County respects existing properties.

Mr. Neil Williamson, of the Free Enterprise Forum, said that he has been involved with Places 29 since 2005. Mr. Williamson said that he finds it difficult to believe the statement in the plan that "road improvements in the access management plan may change the way some properties are accessed, Places 29 calls for minimal disruption of existing businesses." He stated that State Code stipulates that a Comp Plan focuses on a 20-year window, but he understands that only one transportation project in the Places 29 Plan is a part of the constrained plan approved by the MPO. Mr. Williamson commented that the transportation plan is somewhat of an academic exercise. With regard to land use, he said, Albemarle County continues to dictate priority areas as it relates to land use decisions. He said that the Forum does not have an issue with Albemarle County creating priority areas for locality spending. Mr. Williamson added that they also have concerns that many of the pieces can be construed to be somewhat of a forced, form-based zoning that forces high density in a certain model in certain areas. He thinks that there needs to be market flexibility included in this plan. He also said that it's important to recognize that even if the Board approves both development areas under consideration by the beginning of December, the County's development area will be smaller on December 1, 2010 than it was on December 1, 2009. Mr. Williamson thanked staff for bringing the plan forward, and said he would like to get more information on the VDoT threat; it seems somewhat clouded.

Mr. John Erdwurn, a resident of Carrsbrook, said that the Board should not be too unnerved by any potential threats or displeasures from VDoT, as the Western Bypass had funding 20 years ago but has still gone nowhere. When these issues are addressed, he thinks everyone needs to remember that we are looking at the same timetable that the Meadow Creek Parkway is on. He does not think any of us will be present when Places 29 reaches a point where dirt will be turned with a shovel. He commented that there are some excellent parts of Places 29, but there is also too much reliance on previous studies. He thinks it is time for some fresh thinking and some more innovative thinking and he hopes to address some of those issues in the future. He also hopes that the Board will see fit to remove the split-grade interchanges from the plan – given the potential aesthetic impact. Mr. Erdwurn said that in small communities these interchanges are ugly and kill businesses, and they are not a great solution; they are a desperate solution. He stated that the Places 29 planning process is a good time to clarify what purpose Route 29 intends to serve – shopping corridor or highway. He does not think you can have one road doing both of those functions.

With no further comments from the public, the public hearing was closed.

Ms. Mallek thanked everyone for their comments and suggestions. She stated that the Board would engage in more discussions and staff will come back with evaluations throughout the summer.

Mr. Rooker commented that there was mention of the additional lane on Route 29 South in the City section down to the Route 250 Bypass would wipe out a lot of businesses, and that's not the case. He said that that is a City project, but regardless the plan is to utilize the median space there for the increase and not take a single business out.

Mr. Thomas noted that that is the main concern, and he is not certain that the City is even in favor of the grade-separated interchange at Hydraulic Road.

Mr. Rooker commented that he thinks they can access some funding to do a small area study, which will engage everyone in the area in finding an acceptable solution to moving the east-west traffic there. He said that there was another comment that only one project was included in the constrained long-range plan, and that is also not the case. Mr. Rooker stated that Hillsdale, the widening of Route 29, the Hydraulic intersection, and Berkmar Extended are all included in the long-range plan.

Mr. Boyd asked if the small area study focuses on Rio Road and Route 29.

Mr. Benish explained that two intersection areas have been identified, with the other being Airport Road and Route 29.

Mr. Boyd commented that the concentration should be on widening Route 29 between the Rivanna River and Hollymead. He thinks that it should be the top priority as it would also solve the Ashwood Boulevard problem; it is right up there with Hillsdale and the Best Buy ramp.

Mr. Cilimberg said that they would want to get design done on that.

Mr. Rooker commented that it is more of an engineering than a land use issue.

Mr. Boyd stated that the developer would likely proffer money for widening Route 29 instead of Berkmar Drive if that is preferred.

Mr. Rooker responded that if the goal is to approve another shopping center there, it would create another traffic generator onto Route 29 that could not be served by a parallel road because it would not be built.

Mr. Boyd said that it could be studied as a small area.

Mr. Rooker commented that he agrees that it might be a better approach to apply money to a project that can be built, rather than spending money on another study.

Mr. Dorrier suggested that rather than dealing with long-term issues all the time, let's deal with the short-term issues, see what they can fix, reach a consensus on it, and then move from that project on the next one they can reach a consensus on.

Mr. Rooker commented that it is up to this Board how they allocate money.

Mr. Boyd commented that staff needs to come back with additional information.

Mr. Benish said that staff hopes to come back with more detail on how the five priorities might align – what funds are available for them and where shortfalls occur.

Mr. Snow asked if there is a way to convey to the State which projects would be moved on first.

Ms. Mallek said that it has been in the long-range plan since at least 2000.

Mr. Rooker added that it's done every time there is a long-range plan or a six-year plan, with priorities set out in those plans. He said that the MPO went to the State and tried to get stimulus money for Hydraulic Road to Route 250, which they got, and for money for the widening of Route 29 from Polo Grounds north. There is a second round of stimulus money and they are still trying to get some funding for that project.

Mr. Boyd stated that there should be a focus of staff time on how the widening is done, with Berkmar Drive Extended being second. He added that there was a whole laundry list sent to the State for stimulus money, with about 50 projects requested.

Mr. Rooker responded that the City sent a big list, but the County's was relatively narrow.

Mr. Benish said that when the Board adopted the budget, they retained in the Places 29 Neighborhood Plan \$1.3 million to help implement important improvements – and that money can be used for the County to take on the design work ahead of VDOT so that a project is shovel-ready and ready for development. He noted that that would be an implementation measure for one of these items, and the CIP identified that money for the Route 29 widening, Berkmar Drive Extension, and the small area plan study. Mr. Benish said staff is at a point of possibly giving the Board information as to how best implement these strategies; the Board can then advise staff on which item to focus.

Mr. Boyd stated that it doesn't excite him very much to do another small area study, and would rather use that money for the projects that can be realistically completed.

Mr. Benish replied that the process here is to lay out the priorities and ask the Board for their preference for what moves forward.

Mr. Boyd said he would like to have cost estimates for doing what they want to do and move forward.

Mr. Rooker added that it would be outstanding to get even three of these projects done given the funding climate. He agrees that he thinks they need to focus on the widening there, because there are clear traffic studies that show that that best moves the traffic in that part of the corridor. Perhaps the currently funding can get preliminary engineering done for the widening project.

Ms. Mallek asked if there has been any preliminary engineering done by VDOT yet, as that project has been on the list since at least 2000.

Mr. Benish responded that the primary plan shows about \$2 million invested in that, but he is not sure if that includes work already done or for future work. That is the type of information staff would get back from VDOT.

Mr. Cilimberg suggested that staff come back with a priority list that indicates what can be accomplished short term – before this plan comes back to the Board within the five-year process period, and sources that would be available to do that. There are certain projects that are more doable during that time.

Mr. Dorrier commented that a vision of the plan is needed that includes the good, the bad, and the ugly.

Ms. Mallek said that the short-term list and the vision plan need to include all projects, but they need to be separated.

Mr. Boyd stated that there was a lot of work that went into the Meadow Creek Parkway, but it does demonstrate that when decisions are made they can be moved forward on, and he would like to see the Board continue in that vein.

Agenda Item No. 13. From the Board: Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 14. Adjourn.

Mr. Foley commented that the Board needs to adjourn to June 30, 2010 for its Strategic Planning Retreat.

At 8:31 p.m., Mr. Rooker **moved** that the Board adjourn to June 30th 9:00 a.m., the Forestry Department building on Fontaine Avenue. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Chairman

Approved by Board
Date: 0/06/2010
Initials: EWJ