

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 13, 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: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Senior Deputy Clerk, Meagan Hoy, and Director of Community Development, Mark Graham.

Agenda Item No. 1. The meeting was called to order at 6:05 p.m., by the Chair, Ms. Mallek.

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

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

Mr. Snow said that he plans to compile a list of information presented at the VACo Annual Conference and will share it with the Board at a future date.

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Mr. Dorrier said that he learned at the VACo Conference that the Governor was given \$50.0 million to work on economic development, and the General Assembly is working with him on it. Mr. Dorrier commented that he would like for some of that funding to come to Albemarle County, if possible. He does not know if the County is in a position to seek some of those funds.

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Ms. Mallek noted that she also gathered information at the VACo conference, including some materials on community planning for agriculture and how ordinances are either helpful or not helpful to rural enterprises. She mentioned that Mr. Cilimberg also did a presentation on the rural economy at the conference. She has also provided Board members with a copy of the amended legislative program in which VACo will be representing counties.

Ms. Mallek stated that the County was recognized again by the "Go Green" Virginia challenge and was awarded a plaque in recognition of the efforts County staff has made to save money by improving energy efficiency.

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

There were none.

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Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Rooker to approve the items on the Consent Agenda. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 6.1. Request for continuance of deferral of ZMA-2006-0008 – Berkmar Business Park from December 8, 2010 to January 12, 2011.

In an email dated November 1, 2010, Mr. Frank Stoner, the applicant, requested that this item be deferred to January 12, 2011 to allow adequate time for further staff review of the proffers and a meeting of the minds regarding the enforcement of the proffers as drafted for separate property owners.

**By the above-recorded vote, the Board deferred ZMA-2006-0008, Berkmar Business Park, until January 12, 2011.**

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Item No. 6.2. Cancel December 8, 2010, Regular Night Meeting.

**By the above-recorded vote, the Board cancelled the December 8, 2010 regular night meeting.**

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Agenda Item No. 7. TJPDC Legislative Program, David Blount, Legislative Liaison.

Mr. Blount said that he has provided the Board with a list of high priority action items including the Chesapeake Bay TMDL, state and local funding and revenues, public education funding, transportation funding, land use and growth management and the Comprehensive Services Act. He said that these positions are general statements that are written broadly and have been the regional priorities for a

number of years. Mr. Blount said that the section that follows has the ongoing policy positions and concerns, broken down by topic area, which includes action items that have been requested by various localities in the region as well as changes to address some important issues that are outside of topic areas.

Mr. Blount stated that the Chesapeake Bay TMDL is a new item that will be a very important issue for the entire community. The legislative position presented has been through a very extensive process – with concerns and input from the Piedmont Regional Pilot Project, a group of local planning and community development staff, and a group of elected officials representing the City of Charlottesville, the counties and the region. Mr. Blount added that the position was further reviewed and amended at the Planning District Commission meeting held last week. He said that the version before the Board is the latest version, adding that it has been very well vetted over the last several weeks. Mr. Blount stated that this position will allow for proactive discussions during the upcoming General Assembly session and will offer some options. The legislators representing this region are also in a position to weigh in fairly heavily on this issue by virtue of their positions on either the House Appropriations Committee, Senate Finance Committee, Local Government Committee, and Agriculture Committee.

Mr. Blount said that the position states that the Planning District supports the goal of improved water quality and does address a number of concerns that were raised in the focus group meetings under the pilot program, talks about fairness in allocating the requirements across the various sectors, and urges the necessary state and federal funding in order to implement the TMDL. He also stated that the perennial position on state and local funding has had more revisions than the other action items to react to specific proposals and discussions that have taken place this year related to local taxes and local revenue authority – including the BPOL tax, machinery and tools, and communication sales tax. Mr. Blount added that the Lieutenant Governor had mentioned at VACo that he didn't anticipate legislation coming from the Governor on the tax issues – but it is probable to be coming from other corridors. Mr. Blount noted that the position also maintains the stance held for a long time that opposes unfunded and underfunded mandates and urging the state to resist shifting costs down to localities and preserve local flexibility to meet state requirements.

Mr. Blount stated that Board's new positions particular to Albemarle County adopted at previous meetings have been incorporated into the program – specifically the support for simplifying and clarifying the Ag/Forestry District statutes, which is in the land use and growth management position; opposition to changing the burden of proof on real property assessments, in the state and local funding section; and support for changes to the local composite index to account for land use valuation, in the public education section – as well as positions relating to issues raised by the VACo Transportation Steering Committee and request to preserve the integrity of the Virginia Retirement System while asking that there be a review of some options for localities to include defined contribution plans. Mr. Blount said that there has been one change to the Program in the land use and growth management position, with a statement concerning conservation of land. He explained that previously the language in the program has been showing support for dedicated funding through the Virginia Outdoors and Virginia Land Conservation Foundations for requiring preserving and maintaining open space – and the direction now is to broaden the language so that it is not specific to just those two programs, but also addresses state funding for local purchase of development rights programs. The change was to just strike through those two named entities and continue with the position.

Mr. Blount then mentioned that there would be a legislative forum with the legislators this year on Tuesday, November 30, 2010 from 6:00 – 8:30 p.m. at TJPDC's Water Street Center.

Mr. Dorrier asked what the Governor intends to do with the \$55.0 million in economic development money.

Mr. Blount replied that he does not know specifically what is planned for those funds.

Mr. Boyd commented that he is happy to see the inclusion of VRS options, and VACo is going to study it in the next year and bring it back as a specific legislative proposal for next year's session.

Mr. Blount stated that he and Mr. Davis participated in a conference call several months ago, and the end result of that was for VRS to assist some of the stakeholders and localities.

Mr. Rooker said that the introductory paragraph to the legislative position starts out by saying "The state general fund budget for year FY11-12 contained additional significant reductions in state aid to localities. These cuts are on top of roughly a 15% reduction in the prior two years." He emphasized that the position statement points out all the areas where state funding has been cut, including public education – where state funding per pupil has dropped from \$5,300 in FY09 to \$4,500 for the current biennium. Mr. Rooker said that this equates to about a 17% reduction, or \$10.0 million for Albemarle's school system. He asked Mr. Blount if he was aware of the possibility of the state accepting stimulus money for education, then cutting state aid to localities by a comparable amount.

Mr. Blount replied that that pertains to some "non-supplant language," and if a state maintains their state dollars to education at least above what they did in the given fiscal year, they can do something else with the money. That was first raised by staff of the House Appropriations Committee several weeks ago. It is his understanding that is not something they can do when they come back this General Assembly session to the FY11 budget. It is something they can do in FY12.

Ms. Mallek mentioned that the state has already held onto the \$2.5 million in education stimulus funding that was supposed to be coming to Albemarle. She added that she was glad to see the items in

workforce development section of the position statement addressing some of the rural enterprise items. She also noted that at VACo's conference that there was a huge rebellion about the Cooperative Extension service. Under the blueprint for restructuring passed last year, the local Extension Office would be reduced from six personnel to one and the County will have to pay for one-half of that person. She hopes that the County can get this bill overturned that requires this agency to just disappear. They are providing a tremendous assistance all across the board in many different categories – not just farmers, but children, leadership and nutrition.

Mr. Blount pointed out that given the amount of discussion this report has generated, the General Assembly would probably have this on their agenda. He said that the bill from last year was actually language contained in House Bill 30, which is the budget, and directed the Extension Service to look at their strategic planning and ways to restructure. There was a focus in that language on consolidation and doing more with less, focusing on the core services of Cooperative Extension.

Mr. Boyd noted that one suggestion he heard was to not keep all of the money in the university system but instead spend it out in the field.

Ms. Mallek said that the research dollars stay at the universities, and that information is supposed to be disseminated to individual users.

She also stated that there was marked opposition at the VACo conference to the onsite wastewater systems that were progressively having more and more notice in jurisdictions with a lot of failures and a lot of difficulty keeping track of them. One of the bills requires that the location of these sites is recorded on the deeds when the properties sell so the new owners are informed about the presence of the alternative systems on their new property – and the maintenance requirements, which are between \$1,000-\$3,000 per year. When they are not maintained, the catastrophic disaster is much greater than a problem that you have with a conventional system.

Mr. Blount responded that the regional position statement includes a mention of legislative and regulatory actions under environmental quality.

Mr. Rooker then **moved** to approve the draft TJPDC Legislative Program understanding that additional, suggested revisions to the draft may be incorporated into the final version. Ms. Mallek **seconded** the motion.

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

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

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Agenda Item No. 8. **PUBLIC HEARING: PROJECT: SP-2010-00021. Carter's Mountain Trail - Verizon Tier III PWSF (Sign #10).**

**PROPOSED:** Replace two (2) existing microwave dishes with (2) new dishes at heights of 112 and 175 feet on an existing 185 foot lattice tower on Carters Mountain ((which requires a waiver/modification of section 5.1.40.C.3).

**ZONING CATEGORY/GENERAL USAGE:** RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

**SECTION:** 10.2.2 (48) Special Use Permit, which allows for Tier III personal wireless service facilities in the RA Zoning District.

**COMPREHENSIVE PLAN LAND USE/DENSITY:** Rural Areas uses in Rural Area 4.

**ENTRANCE CORRIDOR:** No.

**LOCATION:** Tax Map Parcel 91-28: on Carters Mountain Trail approximately 1 mile south of the intersection with Thomas Jefferson Parkway (State Route 53).

**TAX MAP/PARCEL:** 09100000002800.

**MAGISTERIAL DISTRICT:** Scottsville.

*(Advertised in the Daily Progress on October 25 and November 1, 2010.)*

Mr. Bill Fritz, Chief of Current Development, said that this is a special use permit request for alteration of an existing tower that's located on Carter's Mountain. He presented a map showing the location of the tower on the property. He said that the original special use permit was approved in 1995, and it is an existing 185-foot lattice tower. Mr. Fritz explained that the applicant wants to relocate two microwave dishes, and there are waivers that are associated with that. He said that one of the dishes, both six feet in diameter, would be raised in height and the other would be eliminated and replaced with a two-foot dish.

Mr. Fritz stated that staff noted two favorable factors – it is an existing facility and thus represents an opportunity site, and due to the location of the facility and distance from adjoining properties it would not have any negative visual impact. The request was reviewed by the Planning Commission in October and unanimously approved; staff also recommends approval.

Mr. Fritz noted that he worked with Mr. Davis to modernize the conditions that were passed in 1995. He added that there are two actions the Board of Supervisors needs to take. The first relates to three Zoning Ordinance modifications, two of which relate to tree conservation plans. He said that staff doesn't feel a tree conservation plan is necessary as there is no change in the site. The second action is that one of the antennas would not be flush mounted, but would be moved closer to the tower; however, it would still exceed the 12-inch standoff requirement. He said that staff recommends approval of the

modifications and approval of the special use permit. The conditions presented include approval of two of the three waivers with no conditions – and one waiver that would allow the antenna to stand off from the tower 19 inches.

Ms. Mallek asked if the conditions provided are the standard tower conditions.

Mr. Fritz responded that the conditions are the same as those recommended by the Commission but they have been refined to be more clear and concise.

Mr. Rooker asked if there was originally a tree conservation plan.

Mr. Fritz replied that there was, noting that the old condition simply said “compliance with Section 5.1.40.”

Mr. Davis stated that he doesn’t think there was a tree conservation plan in 1995.

Mr. Fritz indicated that the applicant did submit a plan with the special use permit showing the trees that would be removed, but there was no tree conservation plan. He then provided a copy of the conditions recommended for the special use permit.

At this time the Chair opened the public hearing.

Mr. Stephen Waller said that he is a planner and site development consultant for Verizon Wireless. He also introduced Mr. Maynard Sipe, legal counsel for Verizon. Mr. Waller explained that this site will replace an installation that the Board approved in 2007, when Verizon had planned to do a new, independent installation on a totally different tower. Since that time, Verizon and Alltel have merged, so they have reviewed all existing facilities. Verizon currently has three frequencies they are licensed to provide in the County. Mr. Waller explained that only the 850 MHz system that was inherited from Alltel was in place at this site, but by doing these upgrades Verizon will be able to integrate Alltel’s microwave backhaul system into their own microwave backhaul system. He stated that they may have to modify the 12 existing panel antennas in the future and replace them with newer models in order to add a 700 MHz frequency for long-term evolution and a 1900 MHz frequency for personal communication services.

By modifying these sites, Mr. Waller said, it will integrate what Verizon has licensed in other markets to provide the full range of services. He is available to answer any questions.

Ms. Mallek asked what backhaul means.

Mr. Waller explained that it is the way a network has a link to their switch, which is the “brains” of the network released for this region. These microwave dishes will donate fiber from an existing site that has access to fiber optics and then link those sites to the fiber lines connected to sites where it is more readily available. The smaller sites out in the County will communicate with these microwave sites and they will in turn communicate back to the Richmond and Lynchburg switches. If the site goes down, it allows them to know that there are issues with a particular site, but it also gets fiber again to these smaller sites and to these hub sites. The microwave that replaces the fiber optics in these places basically does the same thing that the fiber optics would do. It increases call capacity and also increases the broadband capabilities. It basically does a lot.

Mr. Fritz mentioned that the backhaul is a way for the signal to get into the main telephone switching system. All of the towers have to be able to communicate with each other and also with the land-based system. He said that they can do backhaul through a variety of ways, the most common being through fiber optics or microwave relay.

With no other public comments, the public hearing was closed.

Mr. Dorrier **moved** to approve SP-2010-00021 subject to the six conditions as recommended. Ms. Mallek **seconded** the motion.

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

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

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

1. The tower height, including its base, foundation, or grading that raises it above its ground elevation existing on November 10, 2010, shall not exceed two hundred (200) feet;
2. The antennas permitted on the tower shall be those depicted on Sheet TE-2 of the Applicant’s Application, which are as follows: (a) up to twelve (12) panel antennas as they exist on the tower on November 10, 2010 located on a platform at the one hundred eighty-three (183) foot height on the tower; (b) one (1) microwave dish not exceeding six (6) feet in diameter affixed not higher than the one hundred seventy-five (175) foot height on the tower; and (c) one microwave dish not exceeding two and one-half (2.5) feet in diameter affixed not higher than the one hundred twelve (112) foot height on the tower. The two (2) microwave dishes authorized by this condition shall replace the two microwave dishes existing on the tower on November 10, 2010;

3. No additional antennas shall be installed on the tower, and no existing antennas shall be relocated to a higher position on the tower, than as authorized by Condition 2 without an amendment of this special use permit;
4. The personal wireless service facility shall be located within the lease area as shown on Attachment C (on file in SP 1997-34);
5. The tower shall be designed and located so that in the event of structural failure, the tower and its components will remain within the lease area; and
6. The personal wireless service facility shall comply with County Code §§ 18-5.1.40(b), 18-5.1.40(c)(2) through (9) and 18-5.1.40(d)(2), (3), (6) and (7), if applicable, unless any such requirement is modified by the Board of Supervisors.

Mr. Dorrier then **moved** to approve SP-2010-00021 subject to the three Zoning Ordinance modifications recommended with the condition on Modification #3. Mr. Rooker **seconded** the motion.

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

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

**(The Zoning Ordinance modifications are set out in full below:)**

1. Waiver of Sec. 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit;
2. Waiver of Sec. 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan; and
3. Waiver of Sec. 5.1.40(c)(3)- Flush mounting requirements modification:
  - The 2.5' diameter dish located at a height not to exceed 112' above ground level may protrude up to 19" from the face of the tower.

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**Agenda Item No. 9. PUBLIC HEARING: PROJECT: SP 2010-00022 Heard's Mountain - Verizon Tier III PWSF (Signs #12,16&17).**

**PROPOSED:** Replace three (3) existing microwave dishes with (2) new dishes at heights of 74 and 90 feet and replace four whip antennas and six panel antennas with a single full sectored array of up to twelve panel antennas on an existing 150 foot tower on Heard's Mountain (which requires a waiver/modification of section 5.1.40.C.3).

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

SECTION: 10.2.2 (48) Special Use Permit, which allows for Tier III personal wireless service facilities in the RA Zoning District.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas uses in Rural Area 3.

ENTRANCE CORRIDOR: No.

LOCATION: On Heard's Mountain Trail (State Route 633) approximately 2 miles west of the Intersection of Heard's Mountain Trail and Hungrytown Road (State Route 698).

TAX MAP/PARCEL: 09700000004F0.

MAGISTERIAL DISTRICT: Samuel Miller.

*(Advertised in the Daily Progress on October 25 and November 1, 2010.)*

Ms. Megan Yaniglos, Senior Planner, said that the site is located off of Route 29 South. This special use permit was originally granted in 1990 with conditions. She explained that it is an existing 150-foot monopole compound located on Heards Mountain, approximately two miles west of the intersection of Heards Mountain Trail and Hungrytown Road. Ms. Yaniglos stated that the property is wooded and mountainous and contains multiple personal wireless service facilities that create a small tower farm, similar to Carter's Mountain. She presented photographs of the existing facility, noting that the proposal is to replace and relocate three existing microwave antennas with two microwave antennas, replace four whip antennas and six panel antennas with a single, full-sectored array of up to 12 panel antennas. Ms. Yaniglos said that there are three Zoning Ordinance modifications required – two for the tree conservation plan and one for the flush-mounting requirements.

She stated that staff found favorable factors to be that the existing monopole presents an opportunity site, and the changes will have minimal impact on adjoining areas. Ms. Yaniglos said that staff recommends approval of both the special use permit and the Zoning Ordinance modifications, with the flush-mounting modification to include a condition that the panel antenna size shall not exceed 1,152 square inches per antenna – a requirement of the personal wireless service facility ordinance. She also presented the additional conditions recommended for the special use permit.

Mr. Rooker asked how many square inches of antenna will now be on this tower.

Ms. Yaniglos responded that the panel antennas are calculated at about 750 square inches per antenna, but the ordinance does allow up to 1,152 square inches per antenna.

Mr. Fritz clarified that the Ordinance states that the size of the antennas is limited to that specified in the application but not to exceed 1,152 square inches. They were having a little bit of difficulty ensuring the exact size of the antenna so staff analyzed whether there was any impact that would be caused by going to the allowed amount in the Zoning Ordinance. Therefore, staff recommends the 1,152 square inches. They do not believe it will have any visual impact.

Ms. Yaniglos added that since the antennas are not going to be flush-mounted, even at that size they are going to be on the array and that is where the modification for the flush-mounting requirements comes into play.

Mr. Fritz noted that the Commission also unanimously recommended approval of this special permit.

Mr. Davis asked if this is a monopole.

Ms. Yaniglos confirmed that it is.

Mr. Davis asked what the pole color is.

Ms. Yaniglos responded that it is gray.

Mr. Davis pointed out that 5.1.40(c)(7) of the general conditions would require it to be painted brown if it is a monopole, and he is not sure that was intended.

Mr. Rooker mentioned that the other towers on the site are not painted brown, adding that these towers were built before the cell tower ordinance was in effect. None of these would qualify under the current requirements of the ordinance. These are not typically the kind of towers that the Board would approve today, but they are allowing some changes and modifications of the arrays of antennas that exist on these nonconforming towers in order for them to upgrade their technology.

Mr. Snow added that they are not in a residential area so it is a moot point.

Mr. Dorrier said that this could have been handled administratively.

Ms. Mallek stated that it's important for the public to be able to weigh in and keep any changes done out in the open.

Mr. Davis noted that these are the high-impact antennas under the new scheme that are called "Tier III," so under that adopted wireless policy these do require some public scrutiny. Certainly these pre-existing ones are ones that are more easily approved.

Mr. Fritz commented that Section (c)(7) refers to a wood monopole and this is not wood.

Mr. Davis said the language also refers to "each metal or concrete monopole shall be painted brown..." He thinks it needs a waiver or it is going to be required to be painted brown.

The Chair then opened the public hearing.

Mr. Lonnie Murray, speaking on behalf of the Albemarle County Natural Heritage Committee, said that he recommends that the forest management plan for this site be kept – as the mountain has been identified as an area of biodiversity and the entire mountain region is considered a priority area. It would be of great value to keep a forest management plan on the site.

Mr. Stephen Waller, representing Verizon Wireless, said that this is another site where Verizon is trying to integrate its frequencies with Alltel's frequencies. He said that although the antennas won't be flush-mounted, they will be using an existing mount that is in place and removing the four whip antennas, which will reduce the total height placed on the tower. This would also allow Verizon to install its antennas side-by-side with the existing towers instead of running along vertically on the tower. He and Mr. Sipe can respond to any questions.

Mr. Rooker asked if there is an existing forest management plan for this site.

Mr. Davis responded that he is doubtful of that, as this was a 1990 approval and the management plan requirement was added as part of the updated wireless provisions.

Ms. Mallek said that this permit today is to change the wireless apparatus only, and asked if a change to the site or road would trigger a review.

Mr. Fritz responded that that would be a modification of an existing facility, so under Section 5.1.40 would kick in and start that process.

Mr. Waller clarified that Verizon is not planning to expand the compound at all; everything that is being done is done on the tower.

Mr. Rooker said that the difference under the current rules is that visibility is required to be shielded by surrounding trees, so those trees must be maintained.

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

Mr. Davis suggested separate motions – one for the special use permit, and another to grant the modifications.

Mr. Snow **moved** to approve SP-2010-00022 subject to the five conditions as presented. Mr. Thomas **seconded** the motion.

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

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

NAYS: None.

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

1. The tower height, including its base, foundation, or grading that raises it above its ground elevation existing on November 10, 2010, shall not exceed one hundred fifty (150) feet;
2. The antennas permitted on the tower are as follows: (a) up to twelve (12) panel antennas, none of which shall exceed one thousand one hundred fifty-two (1152) square inches in area, located on a platform at the one hundred forty-seven (147) foot height on the tower; (b) one (1) microwave dish not exceeding six (6) feet in diameter affixed not higher than the seventy-four (74) foot height on the tower; and (c) one (1) microwave dish not exceeding six (6) feet in diameter affixed not higher than the ninety (90) foot height on the tower. The panel antennas authorized by this condition shall replace the four (4) whip antennas and two (2) sets [composed of six (6) panel antennas total] of flush-mounted panel antennas existing on the tower on November 10, 2010. The two (2) microwave dishes authorized by this condition shall replace the three (3) microwave dishes existing on the tower on November 10, 2010;
3. No additional antennas shall be installed on the tower, and no existing antennas shall be relocated to a higher position on the tower, than as authorized by Condition 2 without an amendment of this special use permit;
4. The personal wireless service facility shall be in general accord with the Applicant's Justification Letter (Attachment B); and
5. The personal wireless service facility shall comply with County Code §§ 18-5.1.40(b), 18-5.1.40(c)(2) through (9) and 18-5.1.40(d)(2), (3), (6) and (7), if applicable, unless any such requirement is modified by the Board of Supervisors.

Mr. Snow then **moved** to approve the four Zoning Ordinance modifications as recommended. Mr. **Rooker** seconded the motion.

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

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

NAYS: None.

**(The Zoning Ordinance modifications are set out in full below:)**

1. Sec. 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit;
2. Sec. 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan; and
3. Sec. 5.1.40(c)(3)- Flush mounting requirements modification
  1. Panel antenna size shall not exceed 1152 square inches per antenna; and
  4. Section 5.1.40(d)(7)- Tower can remain the color as it exists on November 10, 2010.

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**Agenda Item No. 10. PUBLIC HEARING: PROJECT: ZMA 201000006 Hollymead Town Center, Area A2 (Signs #40,55&56).**

**PROPOSED:** Rezone 77.365 acres from Neighborhood Model zoning district which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses and R-15, Residential which allows 15 units/acre to Neighborhood Model zoning district which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses and R-15, Residential which allows 15 units/acre in order to amend the application plan, the code of development, and the proffers.

**PROFFERS:** Yes.

**EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY:** Town Center - Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre); Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses; and Parks and Greenways - parks, greenways, playgrounds, pedestrian and bicycle paths in the Community of Hollymead.

**ENTRANCE CORRIDOR:** No.

**LOCATION:** Parcels are west of US 29/Seminole Trail and accessed from Towncenter Drive and the unnamed street connecting Towncenter Drive to Dickerson Road (Rt. 606) in the Hollymead Development Area.

**TAX MAP/PARCEL:** 03200-00-00-04500, 03200-00-00-05000, and 03200-00-00-05600.

**MAGISTERIAL DISTRICT:** Rio.

*(Advertised in the Daily Progress on October 25 and November 1, 2010.)*

Mr. Cilimberg said the purpose of the rezoning is to amend the application plan that covers a portion of the A-2 area, and there is a boundary change for B-1 and B-2, and also a change to the internal circulation and layout of buildings in those two blocks; the code of development would also be amended to allow and indoor theatre in block B-2, as well as technical changes to the proffers. He said that there are

two parcels involved, and this area is shown in the Comp Plan for Town Center designation – and it is zoned for Neighborhood Model. Mr. Cilimberg stated that this area is located to the west of the new Kohl's site and southwest of the existing Target shopping center. He reported that the plan originally approved for A-2 encompassed a number of blocks along Meeting Street to the north of Town Center Drive as well as west of Meeting Street along Town Center Drive going towards Dickerson Road – with the area still proposed for mixed use, with portions slated for office, retail and residential.

He said that at the Planning Commission meeting it was noted that the theatre will provide an additional entertainment destination in that part of the County, and the changing of alignment of the mid-block road (road connecting Town Center Drive and Meeting Street) would be in a better location as it would align with Lockwood Drive that goes to the east side of the Abingdon townhouse development. Mr. Cilimberg pointed out that the relocated mid-block road no longer has buildings shown on both sides of the street so there's minimal spatial enclosure in this plan – and the layout of buildings and parking would require a very high retaining wall on the back side of the buildings where the theatre would be located, and other buildings to the rear overlooking the greenway could detract from its character. He said that the Planning Commission made a 4-3 recommendation, with several points they felt needed to be addressed. Mr. Cilimberg said that the Commission felt there should be no more than four access points from the parking lot to mid-block road (which has been provided); that the greenway trail should be shown at approximately the same height as the retaining wall, with provision of pedestrian access across the stream (that has been provided); that parks and public spaces be consistent with the 2007 plan, with the number, location and approximate size. He noted that the number and location is generally consistent, and the size of the pocket park must be 10,000 square feet unless the proffer is amended; as shown now it is not 10,000 square feet.

Mr. Cilimberg stated that the perpendicular parking that was shown in the original plan adjacent to the theatre has now been eliminated as requested by the Commission; sidewalks and pedestrian access should be shown on both sides of the through street and from the parking lots to the actual buildings, including the theatre, and there has been provision made for that. He said that the Commission also stated that the Code of Development should be changes to provide the indoor theatre – and that's been provided by the applicant. He also said the Commission felt that the Willow Glen connection, which was being proposed for a different location, should be removed from this plan as it is being addressed separately – and that has been provided by the applicant. Mr. Cilimberg reported that the changes to the proffer were to note that the application plan applies to a certain area of the total plan – blocks B-1, B-2, and B-4 – and all other provisions to the 2007 proffers remain the same. He said that there are two changes to comply with changes in State law, and there is new ownership as reflected by the proffers.

Mr. Cilimberg reported that staff's finding, with the understanding that the substantive provisions of the 2007 proffers still apply unless subsequently amended, is that the proposal complies with the direction of the Planning Commission. He said that staff recommends approval inclusive of the proffers dated and signed November 4, 2010 and the revised Code of Development. Mr. Cilimberg explained that the three dissenting votes from Commissioners reflected their primary concern that they did not actually have the revised plan coming back to them for review – but Commissioners giving the four favorable votes felt that the revised plan could be presented to the Board.

Ms. Mallek asked if people would be able to walk at sidewalk level from the building between the theatre and the building to its southwest and into the greenway area.

Mr. Cilimberg responded that the wall will still be there, and the applicant has provided cross-sections that show this is a pretty deep stream valley, so the Commission wanted to ensure that the wall on the building side is at approximately the same height as the greenway trail. It's not that you can literally walk from any location on the back side of the wall to the trail, but the trail is provided at a height, an elevation, that is approximately the same elevation as the wall on the back side of these buildings. He added that there is one point of access being provided along the stream and a sidewalk along Town Center Drive that would give access to the trail.

Mr. Snow asked if the area is landscaped, or if there are existing trees.

Mr. Cilimberg replied that this is a cleared area, and most of Hollymead Town Center was cleared early – so there is a large area of cleared land where there are is no original foliage left. He confirmed that there are still vegetation along the stream area, but the proposed theatre site has been cleared.

Mr. Thomas asked if the stream was Powell Creek.

Mr. Cilimberg responded that it is an upper tributary that feeds into Powell Creek, and also runs through the drainage area of the sewer line leading to the Airport and flowing southeasterly.

Mr. Thomas asked why the park was required to have 10,000 square feet.

Mr. Cilimberg explained that that was the approval back in the original rezoning, and was the area considered necessary to provide for a pocket park to serve the residential area as well as this area.

Mr. Thomas asked if the trail has been completed.

Mr. Cilimberg responded that the trail is not yet completed for this section.

Mr. Rooker asked about the status of the opening of Town Center Drive through to Dickerson Road.



Ms. Mallek said that it is the frontage for this property and she would like to know what is going on. They were informed several months ago that it was imminent to be opened.

Mr. Rooker stated that there were specific proffers about when that road would be opened, and they have not been met.

Mr. Mark Graham, Director of Community Development, reported that the road is basically done at this point but the final course of pavement hasn't been put down yet. The applicant is actually trying to move a pile of dirt down the road before he opens this section of the road. Once that is done, it should be ready. If the weather holds it could be a month. If the weather doesn't hold, they don't know, but it could be March or so. The applicant has to get it open for Kohl's.

Mr. Rooker said that he would need an occupancy permit before opening Kohl's.

Mr. Graham stated that this plan clearly requires that road, as there is no access without Town Center being completed. The applicant could not even get a site plan approved.

Mr. Rooker commented that the County has a strong interest in making certain that that connection gets done and open.

Mr. Graham said staff is pushing as hard as possible. Mr. Wood may be able to respond to that question.

Ms. Mallek asked Mr. Cilimberg to point out the new connection to Willow Glen.

Mr. Cilimberg noted its location on the map presented, and said that the road would be located slightly differently – but the applicant has apparently worked this out with Willow Glen, with assistance from the County Engineer.

Ms. Mallek asked if the County has received confirmation from both parties that that is finished.

Mr. Cilimberg said he has not received anything personally, but it is a zoning requirement.

Mr. Rooker asked if that is a requirement before an occupancy permit can be granted for Kohl's.

Mr. Ron Higgins, Chief of Zoning, replied that the Willow Glen connection is part of two separate proffers – one for Willow Glen and one for Hollymead Town Center, which is a different issue from Kohl's. He added that there is a dedication plat that has been developed for the final location and dedication of Town Center Drive, and that will show the new location of the entrance for Willow Glen. Right now they are trying to abate a violation, and the abatement is a matter of dedicating the entrance; so that will be done at any moment. Staff has the final plat in review. Mr. Higgins stated that Mr. Wood's obligation is to dedicate the entrance across his property, and Willow Glen would build it when they build their project.

Mr. Davis stated that that would happen upon the County's request for the dedication, which would happen after they resolve those issues, then the County would request Willow Glen – as a condition of their plan approval – to make the construction improvements.

Mr. Rooker commented that Willow Glen has said they are ready to go as soon as they get the dedication.

Mr. Davis said that the County has the ability under the proffer to require the dedication, but was letting them resolve the location before that requirement was made. Once the County makes that demand, it becomes a Zoning Ordinance violation if it is not met. At that point in time the County would not have to approve any additional permits until that was complied with.

Ms. Mallek stated that she doesn't want to lose an opportunity to make sure progress is being made.

Mr. Davis responded that his understanding is that the issue is resolved.

At this time, the Chair opened the public hearing.

Mr. Scott Collins, representing Route 29 LLC, stated that the Willow Glen connection has been worked out between the two property owners, with the alignment shifted about 100 feet to the west to avoid cutting through a stormwater management pond. Since then, he said, both parties have agreed on the location and the plat is at the County for final review and approval – and does show the new right of way and construction easements for dedication. He said that approval of that plat will approve Town Center Drive right-of-way and the right-of-way for this connection. Mr. Collins reported that Town Center Drive is almost completed, and the applicant just got plan approval to move the dirt up the road – and if the weather holds out it will be done in about 30 days and they will proceed with adding the final coat of asphalt and dedicating the road.

Mr. Rooker said that the ability of people to get to this development from the back side is very important in relieving congestion on Route 29 in that area.

Mr. Collins agreed, adding that the intent is to get the road open as soon as possible. He added that VDoT came back and wanted some additional changes to the widths and roundabouts based on

updated traffic studies, so the applicant is making those adjustments. They are working very hard to get everything wrapped up so that the road can be opened up and be used.

Mr. Rooker asked if he had a prediction as to when that will all be ready.

Mr. Collins said everything including the sidewalks and roundabout has been done other than the final coat of asphalt.

Ms. Mallek asked if all the drainage issues have been corrected to VDOT's satisfaction.

Mr. Collins replied that they have. In terms of the wall, he added that the original rezoning contemplated a 10-20 foot wall just as the current site plan along the greenway. It is a heavily wooded area and very hard to maneuver. The trailway on the other side is a benefit. He added that they have not decreased the size of the pocket park, but the location has changed. Instead of one large pocket park on Town Center Drive, they now have a pocket park of a larger size on Meeting Street and a smaller one on Town Center Drive. Mr. Collins stated that the applicant may come back with a proffer amendment in January 2011 to address that issue. They are under a time line because they wanted the theatre to open in November/December which is why this request is before the Board today.

Mr. Gregory Quinn said that he lives on Piney Mountain and he thinks that before the Board gets into Places29, a four-lane parkway on Dickerson going behind GE would alleviate a lot of the traffic problems on Route 29 and pull that traffic off. He added, in the event of a national emergency there is nowhere for traffic to go if one of the bridges on Route 29 is out.

Ms. Mallek commented that when the County had money for road improvements, all of the money was put on the Dickerson Road project – but the State made it so expensive that it's not going to happen anytime soon.

Mr. Justin Morgan said that he lives in the Abingdon Place Subdivision. He said that he is excited about the prospect of the theatre across the street, but one of the drawings shows one of the exits to the parking lot as connected through to Abingdon Drive. Mr. Morgan expressed concern that if there is an exit on Abingdon Drive it could serve as a cut-through to Deerwood and Abingdon Drive is not wide enough, as Lockwood Drive is the designated through-street. He added that there is no sidewalk connection from the end of his subdivision to Town Center Drive.

Mr. Cilimberg said that one of the connections to Town Center Drive in front of the theatre lines up with what could be connected through to Abingdon Drive, but it's not currently a through-street. He stated that Lockwood Drive is the primary street that would go through the new development over to the Kohl's site – which was an intentional alignment. Under the old plan, Mr. Cilimberg said, the street would have come through where Abingdon Drive could ultimately connect. The staff expects that much of the traffic flowing through the area from north to south would use either Lockwood Drive, or when Meeting Street is open or also could come in Town Center from Dickerson Road. He added that there is a site plan in for townhouses along Lockwood Drive, and that would include completion of the sidewalk system along Lockwood Drive on the east side. Mr. Cilimberg confirmed that the road that goes in front of the theatre is intended to be a drop-off lane for people going to the theatre. There is no parking on the street, but there is parking across the travelway from the theatre. He noted on the map the location of the primary parking along the Lockwood Drive extension.

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

Mr. Thomas **moved** to approve ZMA-2010-00006 with the understanding that substantive provisions of the 2007 proffers still apply unless subsequently amended, and inclusive of the proffers dated and signed 11/4/2010 and the revised Code of Development. Mr. Snow **seconded** the motion.

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

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

Original Proffer: \_\_\_\_\_  
Amended Proffer:  X

#### PROFFER FORM

Date: November 4, 2010  
ZMA #: ZMA 2010-006, Hollymead Town Center Area A-2  
Tax Map Parcel Numbers: 32-45 and 32-50

44.5 Acres to be rezoned from RA to NMD

In conjunction with the Application Plan entitled "ZMA Application Plan for NMD Portion of Hollymead Town Center A-2," dated March 13, 2006, revised August 31, 2007 (the "Application Plan" and the Amendment to the Application Plan entitled, "Amendment to the General Development Plan for ZMA 2007-001," dated November 1, 2010 (the "Amended Application Plan for Blocks B1, B2 and B4") and Hollymead Town Center Area A-2 ZMA 2010-006 Rezoning Application and the revised Code of Development approved in conjunction with ZMA 2010-006.

Tax Map Parcel Numbers: 32-45 and 32-50, comprising 44.5 acres and also identified as Hollymead Town Center Area A-2, are subject to rezoning application ZMA 2010-006 and to this Proffer Statement (the "Property"). The Property is described with more particularity on the Application Plan, which applies to all portions of the Property except for Blocks B1, B2 and B4, and the Amended Application Plan for Blocks B1, B2 and B4. The Application Plan and the Amended Application Plan for Blocks B1, B2 and B4 are attached hereto as Exhibits A and B, respectively.

The Owner of the Property is Route 29 LLC, a Virginia limited liability company (the "Owner").

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the Property to Neighborhood Model District (NMD) as requested, the Owner shall develop the Property in accord with the following proffers pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the requested rezoning, and the Owner acknowledges that the conditions are reasonable. These proffers supersede the proffers accepted in conjunction with ZMA 2007-001. If rezoning application ZMA 2010-006 is denied, these proffers shall immediately be null and void and of no further force and effect, and the proffers accepted in conjunction with ZMA 2007-001, as well as the Application Plan and the Code of Development approved in conjunction with ZMA 2007-001, shall continue to apply to Hollymead Town Center Area A-2.

1. **Affordable Housing.** The Owner shall provide affordable housing equal to twenty percent (20%) of the total residential units constructed on the Property, in the form of for-sale condominiums and townhouses, and for-rent condominiums, townhouses, apartments and accessory units. At least 40% of the affordable units will be in the form of for sale condominiums and townhouses. Each subdivision plat and site plan for land within the Property shall designate the lots or units, as applicable, that will, subject to the terms and conditions of this proffer, incorporate affordable units as described herein, and the aggregate number of such lots or units designated for affordable units within each subdivision plat and site plan shall constitute a minimum of twenty percent (20%) of the lots in such subdivision plat or site plan.

The Owner may "carry-over" or "bank" credits for affordable units in the event an individual subdivision plat or site plan designates affordable units that in the aggregate exceed the twenty percent (20%) minimum for such subdivision plat or site plan, and such additional affordable units may be allocated toward the twenty percent (20%) minimum on any future subdivision plat or site plan, provided however, that the maximum number of affordable units that may be carried over or banked shall not exceed twenty percent (20%) of the total units on any subdivision plat or site plan. The Owner shall convey the responsibility of initially constructing the affordable units to the subsequent owners of lots within the Property. With the written approval of the County's Subdivision Agent, the Owner or its successors may revise which lots and unit-types are designated on the subdivision plat or site plan that will contain affordable units as provided under this proffer; provided that the number of the lots so designated shall not be reduced. The actual owner at the proposed time of construction shall offer units affordable to households with incomes less than eighty percent (80%) of the area median income such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income.

A. **For-Sale Affordable Units.** Affordable units shall be affordable to households with incomes less than eighty percent (80%) of the area median family income (the "Affordable Unit Qualifying Income"), such that the housing costs consisting of principal, interest, real estate taxes, and homeowner's insurance (PITI) do not exceed thirty percent (30%) of the Affordable Unit Qualifying Income, provided, however, that in no event shall the selling price of such affordable units be required to be less than the greater of One Hundred Ninety Thousand Four Hundred Dollars (\$190,400) or sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) maximum mortgage for first-time home buyers at the beginning of the 90-day identification and qualification period referenced below. The Owner or its successors in interest may at its option provide down payment assistance or soft seconds (silent second mortgages) to reduce the costs to the homebuyer, so that the resultant first mortgage and housing costs remain at, or below, the parameters described above. All financial programs or instruments described above must be acceptable to the primary mortgage lender. Any soft second (silent second mortgage) executed as part of the affordable housing proffer shall be donated to the County of Albemarle (the "County") or its designee to be used to address affordable housing. Each dwelling unit qualifying under these parameters counts as one (1) affordable unit.

B. **For-Rent Affordable Units.**

(1). **Rental Rates.** The initial net rent for each for-rent affordable unit shall not exceed the then-current and applicable maximum net rent rate as published by the County Housing Office. In each subsequent calendar year, the monthly net rent for each for-rent affordable unit may be increased up to three percent (3%). For purposes of this proffer statement, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rent affordable units may not exceed the maximum rents established in this Proffer 1B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each for-rent affordable unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

(2). **Conveyance of Interest.** All deeds conveying any interest in the for-rent affordable units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Proffer 2. In addition, all contracts pertaining to a conveyance of any for-rent affordable unit, or any part

thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Proffer 1B. At least thirty (30) days prior to the conveyance of any interest (other than for the securing of a mortgage or deed of trust) in any for-rent affordable unit during the Affordable Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Proffer 1B(2) have been satisfied.

(3). **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each for-rent affordable unit, the then-current owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

2. **Road Improvements.** Within one (1) year after approval of ZMA 2007-001, the following streets shall be completed:

- A. Meeting Street from the intersection of Town Center Drive to the northern boundary of Area A. Meeting Street will have two northbound and two southbound travel lanes, one northbound and one southbound bicycle lane. Initially, one lane in each direction may be utilized as on-street parking
- B. Town Center Drive (Previously Access Road A) from the Eastern edge of the NMD zoning boundary at the intersection of Meeting Street to its intersection with State Route 606, also known as Dickerson Road. This section of Town Center Drive shall be constructed to accommodate two travel lanes, with a cross section approved by the county and VDOT in a minimum 60-foot wide right-of-way.

For purposes of this Proffer 2, construction of each street shall be deemed complete when it is ready to be recommended by the Albemarle County Board of Supervisors for acceptance into the state-maintained system, and the Owner has obtained from the County Engineer a written determination that the street is safe and convenient for traffic.

The road improvements listed herein shall be constructed in accordance with the NMD Code of Development as approved as part of ZMA 2010-006 (which with respect to the road improvements are the same as those contained in the Code of Development approved in conjunction with ZMA 2007-001), and with road plans submitted by the Owner and approved by the Virginia Department of Transportation ("VDOT").

3. **Public Transit Stop Construction.** The Owner shall construct two public transit stops within Hollymead Town Center Area A-2. The location of the public transit stops shall be identified on the Application Plan and retained in the County files. The locations shall be approved by the Director of Planning prior to approval of the first subdivision plat or site plan for Hollymead Town Center Area A-2. Construction of the public transit stops shall occur in conjunction with improvements for the subdivision plat or site plan or the public street plans which include the area for the transit stops. The design of each public transit stop shall be subject to approval by VDOT and the County Engineer, and shall include no less than 200 square feet of paved surface and two benches.

4. **Cash Proffer.** Beginning with the 151st Market Rate unit, the Owner shall contribute cash on a per dwelling unit basis for the purposes of funding Berkmar Drive Extended, other County infrastructure, transportation, public safety, school, parks and library improvements. The cash contributions shall be: \$12,400 cash for each attached/townhouse/condominium dwelling unit, other than an affordable dwelling unit ("Market Rate Unit"), and \$11,900 cash for each multifamily/apartment dwelling unit other than an affordable dwelling unit ("Market Rate Unit"). Such cash contribution shall be paid at the time of the issuance of the building permit for each new unit, unless the timing of the payment is otherwise specified by state law.

Beginning January 1, 2008, the amount of each cash contribution required herein shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Comparative Cost Multiplier, Regional City Average, Southeast Average, Category C: Masonry Bearing Walls issued by Marshall Valuation Service (a/lc/a Marshall and Swift) (the "Index") or the most applicable Marshall & Swift index determined by the County if Marshall & Swift cease publication of the Index identified herein. In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by these proffers. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the calendar year most recently ended, and the denominator of which shall be the Index as of December 1 in the year preceding the calendar year most recently ended. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.

5. **Greenway.** The Owner shall dedicate in fee simple a minimum 7.6 acre "greenway" to Albemarle County for public use. The dedication is identified on the Application Plan as "Greenway Area dedication to Albemarle County," and shall include a strip of land that runs along Powell Creek with a minimum width of 50 feet on the each side of Powell Creek, subject to the limitations of the Property boundary. The dedicated area will also include all flood plain area along Powell Creek within the Property boundary. The Owner shall complete the improvements shown on the Application Plan and shall dedicate the Powell Creek Greenway to the County at the time of the first site plan or subdivision plat approval. After it is dedicated to public use, the Greenway Area shall continue to be included in the total area of open space and amenities within the Property. If the Greenway is not dedicated by subdivision plat, the Owner shall be responsible for the cost of a survey and preparing the deed to convey the Greenway to the County.

6. **Pocket Park.** In conjunction with the subdivision plat or site plan that includes the land described in this Proffer 6, the Owner shall establish an approximately 10,000 square foot pocket park (the "Pocket Park") located on the northern edge of Block B1 fronting Town Center Drive as shown on the Amended Application Plan for Blocks B1, B2 and B4, and shall include all such improvements, landscaping and other features identified in the Code of Development. The Pocket Park shall be included in the total area of open space and amenities within the Property. The subdivision plat or site plan shall include a note stating that the Pocket Park is reserved for future dedication to the County of Albemarle and, upon the request of the County, the Owner shall dedicate in fee simple the Pocket Park to the County. If the Pocket Park is not dedicated by subdivision plat, the Owner shall pay the costs of surveying the Pocket Park, preparing one or more plats thereof and preparing and recording one or more deeds of dedication.

7. **Recycling Center or Other Community Facility.** Upon the request of the County, the Owner shall dedicate in fee simple a two (2) acre parcel of land for use by the County or its designee as a Recycling Center, or other community facility identified in the CIP, to be located in an area most appropriate for such use as agreed by the County and the Owner. If the land for the Recycling Center or Community Facility is not dedicated by subdivision plat, the Owner shall pay the costs of surveying the land, preparing one or more plats thereof and preparing and recording one or more deeds of dedication.

8. **Recreational Facilities.** The Owner shall contribute \$500.00 cash per residential unit, to be paid at the time of issuance of each building permit unless the timing of the payment is otherwise specified by state law, for the purpose of funding the expansion or new development of regional outdoor recreational facilities as determined by the County Parks and Recreation Department.

9. **Critical Slopes, Erosion and Sediment Control and Stormwater Management.**

- A. Critical Slopes. The Owner shall apply for critical slope waivers for any roads located in critical slopes governed by § 18-4.2 *et seq.* of the Albemarle County Code.
- B. Erosion and Sediment Control. The Owner shall, to the maximum extent practicable as determined by the County's Program Authority, provide additional erosion and sediment controls to achieve a sediment removal rate of eighty percent (80%) for the Property. (As a reference, current regulatory structural measures achieve a 60% optimal removal rate.)
- C. Revegetation. Within nine (9) months after the start of grading under any erosion and sediment control permit, permanent vegetation shall be installed on all the denuded areas, except for areas the Program Authority determines are otherwise permanently stabilized or are under construction with an approved building permit. A three (3) month extension for the installation of permanent vegetation may be granted by the Program Authority due to special circumstances including but not limited to weather conditions.
- D. Stormwater. The Owner shall, to the maximum extent practicable as determined by the County's Program Authority, provide additional stormwater management to achieve a removal rate 20% better than would otherwise be required by the Water Protection Ordinance (Albemarle County Code § 17-100 *et seq.*) up to a maximum of an eighty percent (80%) removal rate for each phase.

10. **LEED Standards for Core and Shell Development.** The Owner shall cause the commercial and mixed-use buildings in the Project to be designed and constructed to meet minimum standards for certification (twenty-three (23) credit points) under LEED Green Building Rating System for Core and Shell Development as set forth in the U.S. Green Building Rating System, Version 2.0, July 2006. Prior to the issuance of a building permit the Owner shall submit a certification from the LEED certified architect to the Director of Community Development that the building plan meets LEED standards. Before the Owner requests that a certificate of occupancy for any building for which a licensed architect rendered such a certificate, the Owner shall submit to the County's Director of Community Development a written statement from the architect that the building was built to the plans on which the certificate was based.

11. **Phasing Plan.** Prior to the issuance by the County of a building permit that would authorize the construction of any square feet of gross floor area (aggregate) of commercial and office gross floor area within the Property, building permits shall have been issued by the County for at least 100 dwelling units. Prior to issuance by the County of a building permit that would authorize the construction of more than 200,000 square feet of gross floor area (aggregate) of commercial and office gross floor area within the Property, building permits shall have been issued by the County for at least 600 dwelling units.

12. **Willow Glen Connection.** Upon the request of the County, the Owners shall dedicate for public use a public right-of-way determined to be appropriate by VDOT and the County Engineer, extending from Town Center Drive to the Property's boundary with the proposed Willow Glen development, as shown on the Application Plan and within Block C6 as shown on the Block Plan (the "Willow Glen Connection"). Upon the request of the County, the Owner shall grant all necessary drainage easements required for the Willow Glen Connection and all temporary construction easements to appropriate parties, including the developer of the proposed Willow Glen development, to allow the construction of the Willow Glen Connection. Approval of the County Engineer and the Owner for the location of the connection to Willow Glen may be shifted from the area shown in the Application Plan to a more suitable location to both the Owner and the County which still provides access from Willow Glen to Town Center Drive.

13. **Community Development Authority.** Upon the request of the County, Owner shall petition for and consent to a Community Development Authority ("CDA") established pursuant to Section 15.2-5152, *et seq.* of the Code of Virginia ("Code") to be created, excluding residential property within the Property, for the purpose

of financing, funding, planning, establishing, constructing, reconstructing, enlarging, extending, or maintaining (except to the extent VDOT maintains any public improvements) Route 29, and roads and other improvements associated therewith.

**WITNESS** the following signature:

**ROUTE 29 LLC,**  
a Virginia limited liability company  
P. O. Box 5548  
Charlottesville, VA 22905

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Agenda Item No. 11. **PUBLIC HEARING: CPA-2005-010. Places29 Master Plan.** 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 October 25 and November 1, 2010.)*

Mr. David Benish, Chief of Planning, said that this is the seventh meeting the Board has held on the Places29 draft plan, including work sessions and public hearings. He stated that most of the Board's discussions on the Master Plan to date have focused on the transportation recommendations and potential expansion areas under consideration. Based on direction from the Board the Plan has been revised to reflect changes recommended by the Board for the transportation network – including a revised schedule for some of the improvement projects in light of the lack of available funding and resources; changes to the descriptions of the most essential transportation improvements to reflect the Board's preferred priority and planned implementation – Hillsdale Drive Extended, US 29 widening along Hydraulic Road south to the Route 250 Bypass interchange, the widening of US 29 from Polo Grounds Road to Town Center Drive, Berkmar Drive Extended planning and development, and transit improvements. Mr. Benish noted that the Rio Road small area plan is no longer a priority and it is now recommended for the second five years and only after substantial completion of work on priorities 2 and 3.

He reported that the Master Plan also indicates now that all transportation improvements – including the grade-separated intersections – are potentially needed based on the current transportation modeling for the 20-year period, but the transportation recommendations will be reevaluated with each five years of the Plan. Mr. Benish stated that staff made modifications to the text in the Plan to reflect the direction to reevaluate the remaining recommendations, adding that these changes were intended to mirror the Board's desire to focus in on "doable projects" and to focus on them for the next five years – with remaining recommendations revisited with the five-year update of the Plan. He said that they also added more information on the small area planning process to address business and community concerns, including an outline of steps taken and the desire to prolong the life or utility of the existing at-grade intersections for that area.

Mr. Benish stated that staff also deleted a number of local roads – conceptual locations for road interconnections on the future land-use map as discussed at the October meeting.

Mr. Rooker asked him to review those changes, as the Board received a letter expressing concern that they were still in the Plan.

Mr. Benish indicated that the information is included later in his presentation, adding that the revised land-use maps delete those conceptual road projects. He stated that there are two potential expansion areas under consideration by the Board – one to the southern end of the Hollymead community and one in the southeastern portion of the Piney Mountain development area. Mr. Benish said that there is recommended text related to the Hollymead South amendment and the revised maps are available in the last pages of the document. He also noted the location of the proposed expansion areas.

He stated that the remaining issues for the Board are the expansion areas, and public concern was raised regarding information in the Plan relating to various funding options – specifically with special taxing district options. Mr. Benish said that there are no specific recommendations within this Plan to use the special districts, so that section of the Plan can be deleted if it is of concern to the Board. He stated that it was provided for information purposes to describe those options, but is not essential to the implementation of this Plan. Mr. Benish pointed out that the business community continues to raise concern about the specificity remaining about potential transportation projects, and most of this information is found in the appendix of the document also with project descriptions that provide that explanation. After reviewing the North 29 Charlottesville Business Council and Chamber of Commerce comments, staff recognizes that further revisions and modifications could be provided to clarify the text. Mr. Benish said that staff met with representatives of the NCBC and Chamber earlier today to discuss their concerns and review some of the revisions in order to clean up the Plan. He stated that this is an issue of continued editing to make sure the Plan is understandable, and staff believes that changing the language from "ultimate improvements" to state "potential improvements" or "consideration of potential

design” will address their concerns and the County’s desire to at least reflect what the 20-year plan called for as potential improvements.

Mr. Benish concluded by stating that staff’s recommendation is adoption of the Plan with changes as directed by the Board to address the issues noted. He said that he has actual sections of the Plan with him if the Board wants to go through them.

Mr. Tucker added that this item is scheduled for December 1<sup>st</sup> also, if necessary.

Mr. Rooker stated that the Board doesn’t want to vote on something that is not complete, and said it would be helpful to discuss specifics for members of the public present at this meeting.

Mr. Benish indicated that the project involving improvements to Rio Road and Route 29 North intersection is no longer considered a “doable” project, as it will not be implemented in the first five years. He emphasized that the idea of the small area planning process is to have it determine those specific road improvements, and it was apparently causing concern that descriptions of projects such as “ring roads” were still noted in the Plan – so staff deleted those. Mr. Benish said that staff used the language “ultimate grade separation” to refer to the 20-year study that indicated that type of improvement may be necessary – but “ultimate” was interpreted by some that this was a definitive direction. Mr. Benish said that with the Board’s direction, they were planning to reevaluate the need for these improvements every five years. Staff does not know whether it is going to need to do that; they are comfortable with the revision to say “potential grade-separated improvements or other viable alternatives if deemed to be necessary”. This is an example of qualifying the statement, but it also leaves some understanding to what the model called for.

Mr. Boyd asked why the language states it’s going to be reevaluated every five years instead of during the small area planning processes – as those may not occur every five years.

Mr. Cilimberg responded that the Plan must be evaluated every five years, and in this case a new traffic modeling result would be needed. It may yield some very different results; staff does not know, but wanted to make sure that at the least it was stated for the understanding that it was going to potentially be reevaluated every time they had a review of the Plan. It may not be necessary to change anything.

Mr. Benish then presented a list of implementation projects, with “doable” projects emphasized and detailed descriptions of particular projects included – with the language intended to qualify that the modeling would be subject to review. It is to recognize the 20-year study and those concepts laid out to officially carry the traffic, but again to qualify that these are projects that are going to be revisited first in the five-year period and that these are concepts for consideration.

Mr. Boyd asked if it would be realistic to revisit the plans every five years, noting the Crozet project – which became a two-year project that consumed a tremendous amount of staff resources. Is it going to take a huge section of our Planning Department and does the County have the resources, personnel and all to do that? Staff is specifying some major reevaluations here.

Mr. Benish replied that the major reevaluation will be looking at the traffic modeling, but there is a model in-house at the Thomas Jefferson Planning District Commission that has been updated and they can assist with the modeling. He said that unless there are major problems with this Master Plan, the focus will be almost exclusively on the transportation needs. Mr. Benish added that he thinks it is doable with the TJPDC’s model and participation in transportation planning. The reason the Crozet plan took so long was that was all done in-house with basically two staff, and it was labor-intensive.

Mr. Rooker stated that it would be a big mistake not to continue master planning in the growth areas of the community, adding that Places29 is the result of a huge amount of up-front work by a lot of people, and not all pieces will fit into the puzzle without some big picture first.

Mr. Boyd said that his concern is spending time studying multi-million dollar interchanges when there won’t be any money available for projects in the next five years.

Mr. Rooker responded that the language in the Plan has been changed to reflect that, and at some point there will need to be a plan established to move traffic east to west across Route 29. The County won’t necessarily have the money to build everything just because a small area plan is done, but maybe it will develop a concept that’s reasonably agreeable to the community that satisfies the transportation demands that the County can block in and say “well, in ten years when money is available this is what we plan to do.”

Mr. Boyd added that maybe we can bring back a bypass concept too and include it in the studies.

Mr. Thomas agreed with Mr. Boyd.

Mr. Dorrier commented that planning the communities before the transportation is “putting the cart before the horse,” and the roads are the essential prerequisite for development of the community.

Mr. Thomas said that when he came onto the Planning Commission he was disappointed that there hadn’t been a lot of long-range planning done, and he would like for planning to continue in all parts of the County, not just the Route 29 North corridor.

Mr. Benish said he thinks the NCBC had some legitimate comments that staff just did not have time to review and have a dialogue, but staff will continue to work with them. He also thinks that staff can address most of what has been heard and it stays consistent with the Board's intent for the Plan.

Mr. Boyd stated that the biggest concern for the business community is that they are not left with a plan that has some degree of doubt or a cloud hanging over them and their properties. He added that he doesn't want to encumber business leaders for something that might never happen. The concept is how the Planning staff will interpret what is going on.

Ms. Mallek commented that it is more challenging when there is existing development there, citing the example of Hollymead Town Center – whereby there were reservations made in the Plan for future plans.

Mr. Cilimberg said that a lot of the parallel and perpendicular roads that have not been in plans and have not been the basis for identified projects have been removed from this Plan so those are not looming out there over properties with some expectation they will be built through. That is another place where there is no money to build.

At this time, the Chair opened the public hearing.

Mr. Gregory Quinn said that he lives on Piney Mountain and would like to scrap Places29. He said that the cost of Places29, the uncertainty to business, and the possibility of a "super-tax" scares business – so they will go to Fluvanna, Greene and Waynesboro. Mr. Quinn stated that there is an air in this community that growth and business are not wanted. He added that this Plan does not really address the traffic situation; it is a basically an expensive band aid for what the County won't address. He advocates a four-way parkway with a lower speed limit that could be done behind GE on Dickerson Lane. It is common sense to start at the beginning of the County, follow Dickerson to the Airport, pick up where the bypass had land designated and get the traffic around Charlottesville. He would make it a similar to a landscaped boulevard, like Peter Jefferson Place. Mr. Quinn stated that if there were an incident in Washington, D.C. right now, there are only two bridges in a narrow corridor. They need a road that will take big trucks in the event of an emergency around Route 29, especially with NGIC there. He added that the County should look to the federal government for homeland security and have them incorporate it into a national defense program where bridges and roads could get built for the County's infrastructure and for a long term national security issue.

Mr. Bob Hodous, a resident of 1309 Lester Drive, said that he is here in place of Mr. Tim Hulbert of the Charlottesville Regional Chamber of Commerce. Mr. Hodous said that Mr. Hulbert would request to hold off on a decision until the entire Plan can be seen. He stated that when these plans are considered – especially in an area where there is a lot of economic development – they shouldn't be made too specific so that there isn't a cloud put over the main economic area of the County. Mr. Hodous commented that economics change over time, and the County could actually hinder future use of these properties if designations are too specific and contradicts its own Economic Vitality Action Plan. He is glad some of the parallel roads are being eliminated.

Mr. Morgan Butler, on behalf of the Southern Environmental Law Center, said that the portion of the Route 29 corridor that runs through the County is important to not only this region but to the State. Route 29 is home to about 25 percent of the County's residents and as additional growth is planned this area will only increase in importance in the coming years. Mr. Butler said that the corridor is facing traffic problems that are also increasing, adding that he has heard people comment that they will only go up Route 29 to shop if they absolutely have to. They are feeling the pain of having approved new development before the road improvements are put in place to handle it, and with more growth coming the County desperately need a plan to show us how to dig itself out of that hole – and how new development can actually help make things better, rather than make things worse. Mr. Butler stated that the Plan presented tonight does that for the most part, noting that the land use patterns that this plan promotes will reduce future transportation demands – lowering the amount of money otherwise needed to address traffic. He said that the Plan is not perfect, but it reflects a great deal of compromise and at least gets the County moving in the right direction.

Mr. Butler added that the Plan is a fluid document that it will be revisited every five years, and because of that there is no need to include the two proposed additions to the growth area at this time. The County has already approved enough development to satisfy demand along Route 29 for the foreseeable future, and adding to the growth area at this time will only make the transportation deficit worse. He said that while it may make sense to add the South Hollymead area at some point, but there is no compelling reason to do it now if the Board agrees that key road projects need to be in place before development happens here – and that there is very little realistic possibility that any of those road projects will be in place in the next five years. Mr. Butler stated that one item that is needed is the Rio Road small area plan, as repeated studies have shown that the intersection there needs to be untangled to get traffic moving smoothly on Route 29 regardless of what other transportation improvements may be built. He said that it's imperative that everyone be brought to the table to figure out a workable solution there as soon as possible. They understand the need to put funding toward only one or two priority projects right now, but at a cost of \$100,000, moving forward with the Rio Road small area plan, moving forward with that collaborative process won't make or break your one or two priority project approach. He urged the Board to make the small area plan a five year priority project.

Mr. Butler thanked staff, the Planning Commission, and the Board for all the time and effort invested in developing the Places29, as many other localities are just now realizing how much less it costs taxpayers to have a good plan for growth rather than just react to it. He stated that the SELC urges the



Board to move forward with adoption of Places 29 without any additions to the current growth area, and with the Rio Road small area plan being a five-year project priority.

Mr. Rod Gentry, on behalf of the Chamber of Commerce, applauded the Board's efforts and willingness to work more closely with the business community and support for economic vitality. He urged the Board to defer a decision tonight until the edits are available for public and Board review. They really appreciate the opportunity to work more closely together and he thinks it is in our entire community's best interest.

Mr. Lonnie Murray, representing the Natural Heritage Committee, said that the Committee does not believe this is the time to expand the development areas – as there is a 22-month inventory of homes unsold right now, not counting people who have “for sale by owner” listings. Mr. Murray stated that they also feel it is important to focus first on redevelopment of existing areas as opposed to development of green fields, and if expansion does occur they want to ensure it is consistent with the goals in the Comprehensive Plan. He said that the Comp Plan encourages development to be directed into designated areas and conserve the balance of the County for rural areas and resource protection. The reason the County has growth areas are for natural resource protection and protection of rural areas. Mr. Murray commented that if the growth area is going to be expanded, then there needs to be some actual rural protection out of the deal. He suggested that perhaps applicants could proffer either to buy development rights in some of the designated conservation areas or contribute toward a watershed restoration fund to help mitigate costs incurred from new EPA regulations. Mr. Murray said that a similar policy would also be very useful when impacts are made to critical slopes, intermittent streams, stream buffers, to meet stormwater requirements, or even to grant family subdivision rights when none are left. He commented that sometimes rural protection can be a very abstract concept, noting that when a friend's grandmother chose a site to be buried it was rural but it is now surrounded by development on all sides “with a great view of Target” and cars whizzing past. There have been sacrifices by generations of people in this County, and if they are going to make that sacrifice they need to get some rural protection as part of that deal.

Ms. Valerie Long, as a member of the Chamber of Commerce Board, thanked staff and the Board for their collaborative efforts. Ms. Long said that she also looks at the Plan with a critical eye in her capacity as counsel for rezoning applicants, adding that her concerns are with the level of complexity in the Plan. It is such a dramatic shift from where they are now in terms of helping landowners understand what the rules are with regard to their particular plan. She stated that there are numerous charts that have to be consulted and a variety of rules that apply as well as various land use designations, categories and exceptions. You practically have to read it cover to cover as an individual landowner to know what you can do with your property, what the expectations are with regard to your property. In her opinion it will be very challenging to assemble a land use application for a rezoning project in the future. She is concerned that it will take a tremendous amount of staff time, Planning Commission and Board member time to review and analyze projects for conformance with this Plan. Ms. Long added that there is an entirely new set of design guidelines that are included in the Plan that would apply to the entrance corridors. She is just concerned about the level of detail and how that relates to other initiatives that the Board has been putting forth in terms of trying to streamline the development process and not make it take so long and time consuming. Ms. Long said this Plan will be in place for a long time and it is necessary that when it is adopted it is workable for everyone.

Mr. Chris Hapgood said that he present on behalf of the Forest Lakes Community Association Board of Directors, which represents approximately 5,000 residents who live in the area. Mr. Hapgood stated that Forest Lakes supports the overall Places29 plan, including the high priority given to Route 29 improvements and widening along the northern section from Polo Grounds to Airport Road – and building the west side transportation network, including Berkmar Drive Extended and the west side bridge over the Rivanna River. He said that these are critical components of relieving traffic congestion on Route 29. Mr. Hapgood emphasized that residents strongly oppose expanding the growth area at this time, as enabling the development of the parcel on the west side of Route 29 opposite Ashwood Boulevard is inappropriate and undesirable. He stated that there is a backlog of planned development already and they do not want or need any more right now. Mr. Hapgood pointed out that any plans to expand the growth area must first ensure that there are concrete plans and firm funding commitments for 100% of the cost of Berkmar Drive Extended and the west side bridge. Building this network is a critical prerequisite to enabling any further development. Without having this infrastructure in place, all the traffic associated with this parcel will be a single island surrounded by woods on all sides and no other roadways or connectivity. This would all be channeled onto Route 29 and the Ashwood Boulevard intersection. This is not acceptable to the residents at Forest Lakes.

Mr. Hapgood said they recognize that money is tight and that executing Places29 would be a challenge that is not a rationale for authorizing added unnecessary piecemeal development. He asked the Board to not be seduced by the vague promises of developers for partial contributions to the total system cost or vague illusions to potential ready-to-go tenants. He reiterated that residents feel the infrastructure must be funded first and then allow for modest appropriate development afterward – then revisit this issue in five years or so after some of the development backlog is worked down and some of the Places29 infrastructure program has been executed, as part of a more comprehensive look at the entire stretch from the Rivanna River up to Hollymead Town Center.

Mr. George Larie, speaking on behalf of the Charlottesville Albemarle Transportation Coalition, (CATCO) said that the group has studied and been active in the Route 29 issue for over 20 years, and all of the official studies indicate that the level of service on Route 29 will be an “F” unless the need for grade-separated interchanges at Rio and Hydraulic Roads. Mr. Larie said that as far back as 1990 the EPA stated “the proposed candidates for 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 on Route 29, we question the need for a bypass on a new alignment.” He also said that in 1991 the Federal Highway Administration stated that “the purpose and need is clearly to relieve traffic congestion on the three-mile section of US 29 North of the Route US 250 Bypass. None of the alternatives seem to meet the stated purpose and need without grade separation of the interchanges.” Mr. Larie commented that it’s frustrating that interchanges are still an issue, and CATCO strongly supports the approval of the Places 29 as recommended by staff and VDOT – including grade separation at Hydraulic and Rio Roads. He said that the group has comprised a summary of the Route 29 issues known as “The Green Book,” along with a seven-page document history of the interchange issue for the Board’s consideration. Mr. Larie also asked the Board not to expand the Route 29 North growth area, as the need to address specific current traffic problems before creating new ones is important – and it’s clear that the infrastructure necessary to support any proposed development of an expanded growth area will not be in place. At this time there is simply no need for an expansion.

Mr. Fulton Gaylord said that he is a Forest Lakes homeowner and fears the entire Route 29 corridor is doomed to look just like Gainesville and Fairfax, Virginia in a few years and that saddens him. Mr. Gaylord said that when he moved here, he applauded County efforts in requiring screening and stormwater controls for commercial development along Route 29 as the presentation is better than other surrounding towns because there are defined building designs and predetermined zoning patterns. He stated that many developers probably resent the County’s efforts to control growth because these measures are costly for them. Mr. Gaylord stated that many people are pleased with the newest seating of Supervisors because they are more business and growth friendly, with less constraint and regulatory guidelines. He said that he believes that is what has brought them here this evening. He added that as a community, citizens are forced because of the current economic climate to accept less stringent controls over growth for the promise of much needed income to support our aging infrastructure. Mr. Gaylord emphasized that the County needs to be wary and cognizant of the push by developers and planners to approve more and more growth without first addressing the underlying of the necessary support of infrastructure. He stated that as a parent of two teenage boys, it is an absolute rule of thumb that you get the work done first, then reward after. Mr. Gaylord said that if this growth is deemed necessary then all proffers and compliances must be in place first before any more development is allowed in this already backlogged area.

Mr. Gaylord reiterated the comment of Mr. Hapgood that we cannot be seduced by vague promises by developers for partial contributions toward the total cost of building and maintaining needed infrastructures that enable better access to their businesses, protect them in time of loss, and hedge against depreciating values. He added that moving forward with growth without systematically developing the infrastructure needed to support it, the community and way of life will be undermined – with increased traffic, a dilution of general income per business, de-beautification of the entry corridor, and devaluation of surrounding neighborhoods. Mr. Gaylord pointed out that there is already a 30-35% vacancy in commercial space and asked if this is the time to build more. He then distributed a signed petition to the Board.

Mr. Carter Myers, a County resident and a business owner on Route 29, said that at a previous meeting, a majority of Board members had asked staff to make changes to this Master Plan – but none of those changes were made until Mr. Tim Hulbert met with staff. He does not understand and he is not sure who is running things. Mr. Myers added that while roads were taken off of the map, language was strengthened so the document was probably just as dangerous coming out of that last meeting until Mr. Hulbert met with them. He stated that the cost of this planning project has gone on for seven years and it needs to be ended. This thing is just nothing more than the same old argument that Mr. George Larie just gave. This is the expressway plan hidden in a new name, all over again. Somebody’s driving this deal and it needs to come to an end. If they want to help Lynchburg and Danville’s traffic but destroy our local community, then just keep this plan alive and it will hurt the business, ruin the business, hurt our tax base, send more people to Waynesboro to shop, send more people to Short Pump, or to Northern Virginia. Mr. Myers stated that he spent eight years on the Commonwealth Transportation Board and went around the State to look at other areas that had a viable commercial district that built interchanges, ramps or jug-handles around a fully developed area. He noted that Virginia Beach Boulevard doesn’t have them, Short Pump – West Broad doesn’t have them except for limited access road as you go over it. He does not think you can stop it although it might look good on this plan, but when the VDOT engineers try to build these things, it will look massive. Places29 needs to be brought to the end of its life. Mr. Myers suggested picking the six or so projects that are doable, and spend the money on making those happen.

Mr. L. F. Wood, a lifelong County resident, Chairman of the North Charlottesville Business Council, an arm of the Chamber of Commerce, addressed the Board. He applauded the Board for prioritizing “doable” projects and for the clear direction they’ve given regarding Places29. Mr. Wood said that the Chamber has stated their concern that the recent revisions to the master planning document fail to follow the full and clear direction directed by the Board of Supervisors at its September and October meetings. He noted that the Board had stated their favor for the Plan to emphasize the doable projects and wanted to eliminate current considerations for any jug-handles, ring-road roadways, or grade-separated interchanges in the Route 29 corridor. Mr. Wood said that the Places29 text has language that locks in highway designs that are of grave concern to many area businesses and citizens. He mentioned language in the document that says potential grade-separated intersections are ultimately necessary, and in another place states that the small area plans will incorporate an ultimate grade-separated design. Mr. Wood also expressed concern about mention of a local taxing mechanism, which the NCBC opposes in keeping with their view that transportation funding is a core responsibility of the Commonwealth of Virginia and the federal government. He said that the local government should not be creating ways to relieve those governments from their responsibility. Mr. Wood stated that the NCBC urges the Board to again direct staff to follow the Board’s previous direction or reject the Plan until the language throughout can be

corrected. He is heartened that most of the Board and Planning staff have listened to their concerns and are attempting to find common ground to improve the document. If the Supervisors and Planning staff proceed with these recommendations, the NCBC could support the approval of Places29. Tonight he urges the Board to provide staff and themselves with the additional time necessary to incorporate the changes and get the Plan right. He asked that they get the map coordinated with the text in the Plan so they know what they will be dealing with during the next 10-15 years.

Mr. Tom Olivier said he is Conservation Chair of the Piedmont Group of the Sierra Club. He said the group is aware there is interest in some corridors and expanding the development areas as part of the approval of the Places29 proposal. The group opposes any additions to the development areas at this time. Mr. Olivier mentioned that the Optimum Sustainable Population Size Study conducted by the Advocates for a Sustainable Albemarle Population found that the ecological footprint of our community far exceeds the local landscape's ability to generate biologically useful products. He said that other studies showed that the world as a whole moved into a place of ecological deficit and population overshoot about 20 years ago. Together these findings mean that we cannot assume that the biological products we require, such as food, can in the future reliably and equitably be imported from open spaces of other places. The Ecosystem Services Study showed that all growth degrades vital ecosystem services in our landscape. Mr. Olivier pointed out that the Stream Health Study showed that even small increases in low-population density watersheds significantly degrade water quality in those streams. He said that growth of the population undermines County commitments to environmental protection and commitments to move towards a state of sustainability. Mr. Olivier stated that the group believes that a top priority of County planning processes at this time should be identification of a path by which they can move to a community in which the values they cherish are maintained but in which an expectation of constant growth is no longer present.

Mr. Neil Williamson, of the Free Enterprise Forum, said that it is important to recognize that restoration of the growth area might be something to consider after the growth area was reduced by the Commonwealth of Virginia last December. He stated that the language in the Places29 Master Plan relating to the small area plans say they are "to define purpose, location, and use design expectations more completely as well as market feasibility and timing." Mr. Williamson emphasized that that's not the purpose of the government; it is the role of the private sector that puts money at risk to make projects viable. He said that he would like to get Mr. Davis' input on Pages 8-8F, "Commitments to Phase Proposed Developments to the Availability of Adequate Services and Facilities," noting that the adequate public facilities actions proposed in the General Assembly have failed over the last five-six years – and Orange County lost a case in court for denial of a permit. Mr. Williamson mentioned that he is happy about striking the super-tax consideration language. He also encouraged the Board to review the use of perpendicular main streets – as it may further divide the community along Places29. He also said that Project 16, in addition to having an incorrect map notation, references a property owner as the responsible party for creating a new road that goes through their property. Mr. Williamson asked what contact the County has had with that owner, and how the property owner will feel about funding that road.

Mr. Henry Weinshenk, a County resident, said he owns and operates a business on Route 29 that is in the City but fronts the County. Mr. Weinshenk stated that he thinks it is important to focus on the "doables" in the Plan. Route 29 is a regional road and that is the only thing that puts pressure on trying to improve the speed of traffic on it. He added that all urban roads have a level of service "F". Level of service is to measure highways, not urban streets, so he does not see a problem there. He added that a viable solution for the traffic flow on Route 29 would be changing the timing of the traffic lights. He said that "a lot of the enlightened people" advocate infill development, and now that there is a proposal to do so there is an outcry for more infrastructure. Mr. Weinshenk emphasized that two of the doables are infrastructure right there in South Hollymead – the widening of Route 29 and the extension of Berkmar Drive. He mentioned that grade-separated interchanges are underway right now in Gainesville and he doesn't think that is really what the County wants. Mr. Weinshenk concluded by stating that if the County is concerned about regional traffic they should think about a western bypass.

Mr. Jeff Werner, of the Piedmont Environmental Council, said that PEC has long supported Places29 and opposes the growth area expansion for South Hollymead. Mr. Werner stated that according to Places29 that expansion would require projects totaling \$110.0 million, and if the development community is willing to put that in to get that done, that would be appropriate. He thinks that what the community will get is a big box there where the towers are, and it will dump traffic on Ashwood Boulevard. He said that since January the Board has received numerous emails about this proposed expansion, in addition to a petition from Forest Lakes residents. Mr. Werner stated that when he mentions to colleagues in other states that the business community here doesn't support a plan to make this corridor work, they are baffled. It just doesn't make any sense. He said that the PEC supports the growth and development planned through Places29, and if the Board wants to put language in there that "pretends" grade-separated interchanges are not needed then that's their prerogative. Mr. Werner stated that what's most important to him and PEC is that the Board is committed to the small area plan, which will evaluate that intersection. That's the whole intent of it. He emphasized that this is a 20-year comprehensive plan and this Plan has a very long list of doable projects. He asked why not adopt it?

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

Mr. Thomas stated that the growth area would not be expanded – the 800+ acres lost to Biscuit Run would be moved to 29 North. It is not enlarging the growth area. He added that the County has already lost those 800 acres to the State, and the Board would like to move part of it to another place.

Mr. Dorrier commented that this Plan has gotten too complicated, and if developers and lawyers cannot deal with it he does not know who can. He suggested that the maps be simplified down to one or two. The Plan should be simple and easily understood by everyone, not just lawyers and engineers. He does not think the Plan is ready to be passed. He thinks the Board needs to put it off for several months. The Board needs to look at the whole thing and see how it's integrated together; there is pressure on Route 29 North with the intelligence community moving in, North Pointe development, existing businesses, etc. Mr. Dorrier added that the Board needs to make some decisions on what they intend to recommend for the area, and there is no unanimity about what the County should do. He thinks it is in the best interest of the public to delay the Plan and take it back to the drawing board.

Mr. Snow said that there are four things that the Board is all in agreement on which include the extension of Berkmar Drive, the widening of the road, and the increased lanes going onto the bypass. He stated that the State has \$1.5 billion to be released over the next 12 months, which was reported at the recent annual VACo meeting. If this Board sits around twiddling its thumbs and not be prepared to apply for some of that money, he thinks it would be missing a great opportunity. He thinks the Board can go back to the drawing board on the entire Plan, but it does need to move forward rapidly and send a clear message to the State that it is ready to move forward on these things.

Mr. Rooker said that there are many people weighing in on a master plan, and to suggest that there will ever be unanimity is unrealistic. He thinks that the vast majority of the public supports the Plan, including the Forest Lakes community of 4,000-5,000 residents. The Plan is long because it covers a vast amount of land and the reason for the number of maps is because there is a north section, a south section, a map for greenways, and a map for transportation for each of the areas. Mr. Rooker said that if you're developing a piece of property in Albemarle Place, for example, you don't really need to study the map in Piney Mountain. He noted that it is no more complex than the Crozet Master Plan if you look at it in an area by area basis. One comment he received from a citizen is that he didn't like the Plan because it had gone on so long. Mr. Rooker said that there have been a number of public comment sessions and many public roundtable discussions, and it would be doing a tremendous disservice to the public to not move forward with a master plan for this area after this much time and effort. He stated that what this boils down to now is people who have property in the area who have concerns – as voiced by the NCBC and Chamber of Commerce – which would be addressed in language between this meeting and December 1<sup>st</sup>.

Mr. Rooker said he certainly hopes that the Board not “throw out the baby with the bathwater here.” He said that this plan was partially paid for by VDOT because the State considers it “of utmost importance to integrate land use planning and transportation planning” not just in Albemarle but throughout the State, and especially in the Route 29 corridor. He commented that this plan works in conjunction with the State and in certain areas with the City, to integrate land use planning and transportation planning that actually minimizes the need for transportation improvements.

Mr. Rooker said you can put this plan in the fire, and you are still going to have whatever growth is going to happen. The question is do you have planned growth, or do you have growth that happens haphazard without any thought to the impacts on the transportation network, without any real consideration of the impacts on existing neighborhoods, without any thought about trying to accompany pedestrian/bicycle traffic throughout the area in some meaningful way. Or, we can have a plan that sets forth how we expect this to be accomplished, recognizing that it is a general plan. This is not zoning. This plan would not change the zoning on any piece of property in the County. It wouldn't change the requirements on any particular zoned piece of property to do anything to realize whatever it wants to realize with respect to its current zoning. It becomes important when somebody is rezoning property to understand how it fits into the broader community and what might be expected in terms of the form of that development and how it would interact with the surrounding transportation network, et cetera. Without that, we have haphazard nothing going on out there.

Mr. Rooker stated that he hopes the Board will take the direction requested earlier by the Chamber and others – to finish the Plan up and take care of the remaining details – with the Plan coming back to the Board in a month hopefully in a form that is supported by a majority of the people.

Ms. Mallek said that this is a vision for where we intend to go, and for people who do plan to do the building and have the businesses in this area. It optimally is a comfort to know that it's predictable, that you will know that others are going to be meeting the same high-performance bar that you will. There are many businesses, people who have contacted her and said they like the fact that there is continuity, that we all are working at the same level, and that they do not have to worry about something going in next to them or behind them that's going to destroy the value of what they have built. The long-range plan is a very important one for the citizens, and if there are 25% of County residents who live in this neighborhood, that is a big number of people. Ms. Mallek noted that the Board has heard from many of them, and the residents of Forest Lakes are emphatic in their concerns that they would like to have the master plan adopted. She supports tidying the language so that it helps everyone to understand and use the Plan effectively. She said that she is also in favor of language that allows for the option of having a taxing district, adding that about eight years ago she sat on a transportation working group along with other Board members, that was organized by members of the business community and focused on ways to raise money without the State's help for the kinds of projects that would help the local area function best. To have that in there as an option is realistic. It doesn't mean it is going to happen tomorrow, it would certainly need to have lots more consideration on its own individual merit at that time.

Ms. Mallek stated that to consider moving the growth area from the southern part of the County, where there isn't much highly developed commercial growth, into an area that is very heavily developed does not seem to be compatible. She added that it is not a simple substitution in her mind that the Board

should be considering at this time. Ms. Mallek said that the County has many projects that have already been approved, with applicants having invested millions of their dollars to get them online. It seems a disservice to the community that the Board would continue to push more and more empty projects into the pipeline when there is no demand to make them happen. She stated that she looks forward to hearing specific suggestions, rather than "general sweeping ideas."

Mr. Snow said that he is opposed to having the taxing district added to this as it would put retail businesses at a distinct disadvantage to other areas that wouldn't have that tax." He commented that he is opposed to have that potential cloud hanging over our retailers.

Mr. Rooker said that he agrees with Mr. Snow on that point, adding that he served on the committee that was created by the MPO that considered it. Virtually every group in the community was represented at the table there, and everyone acknowledged the need for transportation dollars – and that was before they got as bad as they got now. Mr. Rooker pointed out that the County has gone from \$5.0 million per year in secondary road funds to \$300,000 this year, with the State saying there will be none next year. He added that the language won't really make a difference in terms of whether it could be done or not, but somehow, some way, transportation's got to get funded on a regular basis in the State. If not, localities are going to be fending for themselves in trying to find a way to fund transportation or growth will be taking place with no transportation network expansions to meet that growth. Mr. Rooker said that including the language doesn't really help or detract from making it happen in the future, but without a decision on it one way or another it does become a cloud hanging out there without any great benefit to be realized from it.

Mr. Boyd stated that he agrees there is no need to have it in this particular plan, as it could be decided in the future to be a viable source of transportation funding. He said that VDOT is welcome to come to the table and tell the County how to plan the roads, but if they are not going to follow up with funding those roads, as far as he is concerned the County does not have to follow their plans.

Mr. Rooker said that his point was simply that VDOT had participated in the Places29 plan, and the State wants integration of land use planning and transportation planning because everyone recognizes it is one way to reduce traffic volume.

Mr. Boyd said that regarding the designated growth areas, he doesn't know of a plan other than Rivanna Village where the County hasn't made adjustments to the growth area. The Board certainly did it in Crozet, did it in Pantops, and actually ended up with net increase by taking areas out of the growth area when they did Pantops because they took the Wheeler property out and another property which was adjusted there. This is not something new to look at expanding the growth area. He stated that he has had a lot of conversations with Forest Lakes residents about the development of the property across from Ashwood Boulevard. If the Board puts it in the growth area, that does not approve development there. He has tried to explain that to his constituents there – that it still has to go through a zoning process, and a zoning process is where they deal with proffers to it. He agrees 100% that they cannot put any more development there without the infrastructure ahead of the development, and they need to do that, and he doubts very seriously whether any one plan will come forward which will put up the \$110.0 million – which he think is a little exaggerated – for these infrastructure changes.

Mr. Boyd said if the Board does not invite private investment into the roads, the County is not going to get any of this stuff done, including the top priority items, two of which are widening Route 29 through that stretch and Berkmar Drive Extended done. He does not think the County will get the money from the State any time in the future. The Board does not have to approve development just because they have added to the development area or put it into the development area; that doesn't do anything towards rezoning property just to simply say that is now designated development area. What it does is invite private investment into that area. Mr. Boyd said that his observation is that master planning is not liked anywhere and he is not sure what it has accomplished for the County. The people in Crozet asked why the County was putting all that growth in their area. He commented that every time the County talks about doing any kind of master planning, which calls for high density areas, he hears concerns from citizens about the infill. Forest Lakes is not going to be held harmless from tremendous growth up there because they are designating that for high-density growth, and where the County wants all the growth in the area to be. Mr. Boyd said that he sees it as a no-win situation because the people don't want that growth around them; the people in Fontana Subdivision didn't realize that they were going to have developments all around all four sides of them. The people in Crozet said "wait a minute, you're not going to put 24,000 people here in my area"; that was the first thing they had against the master plan.

Ms. Mallek commented that the people in Crozet were promised 12,000, not 24,000.

Mr. Rooker stated that the master planning is not what created the density, the current Comprehensive Plan says if you want more density, approve more growth area – but that doesn't create the density.

Mr. Boyd responded that the Comprehensive Plan was developed in 1970, and the County is still living off our playbook that was designed in 1970.

Mr. Rooker said that is changing it.

Mr. Boyd replied that the adjustments are only minor tweaks. He is not willing to sit here and say that he is going to live by what a Board of Supervisors said was going to be law forever, in 1970. He is only saying that he does not take that off the table.

Mr. Boyd also stated that he is going to withdraw his support for expanding the growth area across from Ashwood Boulevard. He was elected to represent the Rivanna District and he has heard from a number of people who do not want that. Therefore, he is going to do what the people he represents want him to do, because that's what they put him in this job to do. Mr. Boyd stated that he does still favor the expansion of Piney Mountain. He reiterated that he doesn't see what was accomplished with master planning, adding that he doesn't see the growth in downtown Crozet. He meets with the Pantops Advisory Council regularly and they ask what input they have because everyone is already zoned and done. He does not know that downtown growth has been promoted in Crozet.

Mr. Rooker said that the County had a plan come in for developing a significant part of downtown in accordance with the Master Plan.

Mr. Boyd responded that the reason is that a landowner in that area agreed to turn his property over.

Mr. Rooker noted that that decision was made in accordance with a plan, and it's important to an investor to know what is going to take place around him.

Mr. Thomas said that it is only a plan right now.

Mr. Boyd stated that he would be amazed if that development takes place within the next five years because of the economic times. He also said that a majority of the Board made a commitment this year to start listening to the business community. He thinks they are an important part of the community and Route 29 North has the largest concentration of businesses that create jobs and tax revenue. They're an integral part of this community. You'll find these business people coaching little league teams and supporting them by buying them jerseys and uniforms, etc., they are philanthropic. How can people sit here and say that our business community isn't a high priority to us in this community. It just appalls him that people talk about developers and people that want to have small businesses and how bad they are and how we cannot let them come into this community.

Mr. Rooker responded that he hasn't heard anything like that tonight.

Ms. Mallek said she does not hear that and doesn't know where Mr. Boyd is hearing it.

Mr. Boyd stated that he's heard people say that we can't just let developers go helter skelter, we can't let businesses just jump up anywhere they want to.

Mr. Rooker said that he agrees with that statement, but there is a difference between having some reasonable plan for development.

Mr. Boyd added that he will support this Plan if it is revised and if the business community will buy into the rewording of it. He would hate to have to scrap it because too much time and effort has gone into it. He thinks it's salvageable. He said that he wants to move front and center with the top priority items which include Hillsdale and the Best Buy ramp to make sure the emphasis of the plan is that this is what the Board wants to do. They should not be in Section 8 but instead in Section 1 or at the beginning.

Mr. Dorrier then **moved** to establish an ad-hoc committee of business people and citizens, set the Plan off for six months, have them work on it and come back to the Board in six months with recommendations for improvement of the Plan. (**Note:** There was no second to the motion.)

Mr. Boyd said that that's too long of a timeframe.

Mr. Rooker pointed out that the business community has been actively involved with staff over the past several weeks, based upon the instructions the Board provided at the last Board meeting on this. We are not far from having a final plan here; we can drag it on forever and we can spend more [good citizens'] time, effort and money, or we can get something done.

Mr. Dorrier responded that if we can't afford to do anything what's the rush?

Ms. Mallek said that there are people who would like to get this finished so they know where they stand and can go forward from there. It's ridiculous to keep putting it off.

Mr. Snow said the staff and the Board need to move forward with other priorities.

Mr. Tucker asked that Mr. Benish have some time to clarify what the Board is in agreement on changing.

Mr. Benish noted that he has had about a one-half staff planner to work on this, and for the purposes of the Board's packet, that report is due Friday. Staff will work as much as it can to try to bring that back to the Board as soon as possible. Staff will make every attempt to get it to the Board in December, but may need some extra time to do that.

Mr. Boyd commented that January would be fine.

Ms. Mallek asked that staff not reprint the entire document for the next meeting; just correct or add in pages where necessary. After it has been adopted, they could then get a final printed product.

Mr. Benish said it would be helpful if staff did have clear direction on the Board's intent with the expansion areas. He has not quite heard the consensus on those yet.

Ms. Mallek commented that she does not think the Board has finished that part of the discussion.

Mr. Benish said that the Board seems to indicate they would like to delete the special taxing district section.

Board members agreed to have it removed.

Mr. Cilimberg clarified that the Board also wants staff to work with the input from the business community regarding the third bullet – "further modifications to the language regarding future transportation improvements."

Mr. Boyd stated that he wants the Plan to be acceptable to the business community and suggested that staff could go through a mock rezoning with Ms. Long, using this plan.

Mr. Cilimberg said that from staff's standpoint, sometimes the plans haven't given enough guidance to be able to provide direction to the applicants – and this provides a lot more to go from. He agreed that it might be helpful to work with Ms. Long on a hypothetical scenario.

Mr. Snow commented that he doesn't know where things stand with the five items for resolution, but there is an MPO meeting on next Wednesday, and it would be helpful to have the Board sign off on something that Mr. Rooker and Mr. Thomas can take to that meeting.

Mr. Benish mentioned that the first three priority projects are already in the regional plan and in the primary plan priority list. They have already established those as important and priority projects. It is more [imperative] that this master plan reflects what the Board has directed staff with the primary plan priority list that's in the UNJAM regional plan.

Ms. Mallek said that she would be happy to have the Board sign off on a definitive resolution.

Mr. Snow asked Mr. Rooker if it would help to have such a resolution.

Mr. Rooker responded that when the last transportation plan was passed, those projects were already highlighted. He cited the County's solicitation of funding for the road from Hydraulic Road to the Route 250 Bypass as an example of a situation where the plan was very helpful. The fact that the County has a plan that is coordinated with the City, et cetera, is important. It's an important part of those applications to be able to say you've done integrated land use planning and transportation planning, you can see where these projects are highlighted as the most important projects, and how they fit. This is one-tenth of probably all of the things that back up the traffic model. Board members have seen pieces of these things from time to time as they have come along. They have traffic-modeled and done cost-benefit analysis on all the transportation projects in the area, so when you go forward and we meet with people and say 'this is why these are important,' we've got traffic modeling to support it." He emphasized that with Hillsdale, there is traffic modeling that shows 8,000-10,000 vehicles per day will be taken off of Route 29 at its most busy point. The cost and the private land contribution are important and helpful when you're trying to get some money. He thinks the work the Board has done up to this point provides them with what is needed when trying to tap into some funds.

Mr. Boyd asked where they are with the expansion of the growth area.

Ms. Mallek commented that there were three Board members that were not involved in any way in any of the discussions about Piney Mountain. There is a whole lot that nobody seems to know about.

Mr. Rooker said that there is not support with moving forward to include the southern growth area in this plan, so if that decision could be made he would like to request that the Board set aside an hour to talk about the Piney Mountain expansion, what it would entail, what the recommendations are for the land use in the area, etc., so the entire Board understands something more about that expansion rather than just saying "yeah, it's a good idea or it isn't a good idea."

Mr. Boyd asked if the Board is going to have to have another public hearing.

Mr. Davis replied, "no".

Mr. Boyd said that is fine then.

Ms. Mallek said that there is time already established to have this on the December 1<sup>st</sup> agenda to consider this, so the Piney Mountain discussion could certainly be assigned to that slot.

Mr. Dorrier said that he would like to hear from the Piney Mountain residents.

Ms. Mallek responded that they could have been here tonight as this was advertised as a feature of this meeting.

Mr. Snow commented that he supported the southern expansion area because if it were designated for growth and a project came along that offered to build the bridge or widen as a proffer then

it would already be in the plan as a growth area, as a business area, and would go forth more quickly. It might help the Board to complete Berkmar faster.

Ms. Mallek said that the word was out over two years ago that if somebody had made a commitment to build the bridge, everything would have happened by now.

Mr. Boyd responded that that is not going to happen.

Ms. Mallek said that is what was offered and when that was offered to her, she said "sure, give me the paper, sign it and we'll move on".

Mr. Boyd stated that while he agrees with Mr. Snow and he does think it is the wrong decision by him to not do it, but there are just too many people that have come forward and said they are opposed to it. So, he is going to go with their wishes. Personally, he thinks the Board should do it because it will attract private investment and get the County to those infrastructures sooner. It won't get the County there 100%, but it will get it there sooner.

Ms. Mallek said that there is a lot of area between the River and that spot that other people control.

Mr. Boyd commented that an applicant could come forward with a Comprehensive Plan Amendment and go through that process and it still could happen.

Mr. Rooker said that the likelihood that the necessary infrastructure is going to be put in place to support development in that area over the next five years is "a pipe dream." He asked why expand the growth area there, and then if something were approved it would enter onto Route 29. It would enter right where the people in Forest Lakes don't want it to enter because it would impact their neighborhood substantially, and you would end up with, in his view, two million square feet of approved commercial in that area, four altogether throughout the County. It is not like the Board does not have a place for development to go. The County has plenty of places for development to go. He thinks what you end up with is the likelihood of ghost towns as you spread out development in piecemeal and little areas, pockets here and there, as opposed to developing out the areas that have been approved.

Mr. Boyd stated that he disagree because he does not think you'll ever get any kind of development if you're going to wait for Mom & Pop stores to fill out a huge area. It's not going to happen without some kind of anchor tenant.

Ms. Mallek said there are projects that have been approved that don't have any tenants.

Mr. Rooker cited North Pointe as an example.

Ms. Mallek cited Avon Park as an example.

Mr. Rooker said Ms. Long represented North Pointe when it came along, and there was a great urgency to get that approved – and here we are years later and it hasn't done anything. The reason is because of demand. A representative for the Albemarle Place developer was here earlier today. He has been working with them for years, and their issue has been getting the demand for the space; the commitments necessary to go forward. If you spread it out too much, you'll never have the commitments in any particular area to get things off the ground.

Mr. Thomas said that he really wanted Albemarle Place on the ground first, but Hollymead hit the ground first. He firmly believes that Hollymead may have slowed down Albemarle Place.

Mr. Cilimberg asked for clarification of the Board's position in the southern expansion area.

Ms. Mallek suggested that each Board member state their position.

Mr. Thomas said that he thinks it might help move the infrastructure along, as Mr. Snow said.

Mr. Snow said that he'd be willing to take it out and if a project comes along, then the Board can address it when it comes.

Mr. Thomas responded, "yeah".

Mr. Cilimberg stated that if the top four on the list is accomplished in the next five years, there will be designs for Berkmar and the route 29 widening – and knowing the project designs that would serve it will be helpful in deciding what to do with that southern expansion area.

Mr. Cilimberg clarified that the Board will discuss the Piney Mountain expansion at their December 1<sup>st</sup> meeting. The staff has provided that information, so he thinks it's really just for you to discuss among yourselves.

Ms. Mallek said that none of the background information has been shared with her, nor Mr. Snow or Mr. Thomas. If people are relying on some private meeting, then all Board members need to be a part of that if they are expected to vote for it.

Mr. Cilimberg and Mr. Benish indicated that they weren't part of the discussions either.



Mr. Rooker stated that hopefully there will be a presentation and discussion of that on December 1<sup>st</sup> so that everyone is on the same page with the same information.

Mr. Cilimberg asked who would be doing the presentation, as there is nothing in staff's hands other than a proposed resolution.

Mr. Boyd said that he would speak to the resolution.

Mr. Dorrier asked when the business community could weigh in on Places29.

Ms. Mallek responded that they had that opportunity tonight and in the previous public hearing.

Mr. Benish said that he would like to continue to meet with Mr. Hulbert and Mr. Wood regarding the changes they discussed. He thinks the best thing to do is to continue to make drafts that they can respond to.

Ms. Mallek said she also thinks it is incumbent upon Board members that if they have any questions, they send them to staff.

Mr. Cilimberg stated that he would like to see the resolution Mr. Boyd has.

Ms. Mallek said that this is important to hand in, not just to hold onto.

Mr. Rooker commented that the business community is very important to the community – but so are the citizens of Forest Lakes, the citizens of Colthurst, the citizens of Montvue, etc. No one has an elevated status in the County, and he wants to make certain that that's understood.

Mr. Boyd said that was not his intent.

Mr. Snow asked that the Board not forget the Ivy citizens.

Ms. Mallek stated that staff has direction. The discussion of Places29 is concluded for this meeting, and would be resumed on December 1<sup>st</sup>, with respect to Piney Mountain only because the Board has not made a decision on that.

Mr. Davis said that it may be helpful to defer this to the January 2011 meeting for further consideration of adoption of the Master Plan.

Mr. Rooker then **moved** to defer adoption of the Places29 Master Plan until January 2011. Ms. Mallek **seconded** the motion.

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

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

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

There were none.

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Agenda Item No. 13. Adjourn to November 11, 2010, 4:00 p.m., for Joint Meeting with School Board.

At 9:22 p.m., Mr. Boyd **moved** to adjourn to November 11, 2010 at 4:00 p.m., Room 241. Mr. Thomas **seconded** the motion.

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

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

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Chairman

Approved by Board
Date: 01/05/2011
Initials: EWJ