

**Albemarle County Planning Commission
May 10, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, May 10, 2016, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Karen Firehock, Vice Chair; Mac Lafferty, Jennie More, Daphne Spain, Pam Riley, Bruce Dotson and Tim Keller, Chair. Bill Palmer, UVA representative, was present.

Other officials present were Megan Yaniglos, Principal Planner; Rebecca Ragsdale, Senior Planner; Elaine Echols, Acting Chief of Planning; Bill Fritz, Manager of Special Projects; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission, Mark Graham, Director of Community Development and Greg Kamptner, Deputy County Attorney.

Joel DeNunzio, Charlottesville Residency Administrator with the Virginia Department of Transportation (VDOT) was present.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Keller invited comment from the public on other matters not listed on the agenda. There being no comments, the meeting moved to the next item.

Review of Board of Supervisors Meetings – May 4, 2016

Mr. Benish noted there was nothing to report since there were no items on the May 4th Board of Supervisors meeting that the Planning Commission had reviewed.

Item Requesting Deferral

ZMA-2016-0002 Hollymead Town Center (A-1)

PROPOSAL: Request to amend a Proffer on property zoned PD-MC which allows large-scale commercial uses; and residential by special use permit (15 units/ acre).

PURPOSE OF NOTICE AND HEARING: Amend ZMA 2012-00005 Proffer #4 Public Transit Operating Expenses. The Applicant is proposing an alternate proffer contribution amount over seven (7) years, or a one time lump sum towards transit operating expenses.

ENTRANCE CORRIDOR: Yes

PROFFERS: Yes

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space.

LOCATION: Hollymead Town Center Area A-1, the southwest quadrant of Seminole Trail (US 29) and Towncenter Drive in the Hollymead Development Area

TAX MAP/PARCEL: 032000000042A0, 03200000004400 (portion), 03200000004500 (portion), 04600000000500

MAGISTERIAL DISTRICT: Rio

(Elaine Echols)

Mr. Keller noted the applicant has requested deferral on ZMA-2016-00002 Hollymead Town Center (A-1) to June 21, 2016.

Mr. Keller opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter before the Commission for action.

Motion: Mr. Lafferty moved and Ms. Firehock seconded to accept the applicant's request for deferral of ZMA-2016-2 Hollymead Towne Center Center (A-1) to June 21, 2016.

The motion was approved unanimously by a vote of 7:0.

Mr. Keller noted that the request was deferred to June 21st.

The meeting moved to the next item.

Deferred Items

SP-2016-00005 Verizon Wireless "Southland"/River's Edge, LLC.

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 078B0010010100

LOCATION: Winding River Lane, approximately 700 feet from the intersection of Route 250 and Route 20

PROPOSAL: Construction of PWSF on an existing high tension power transmission to include a monopole extension with antenna placed at 135' and associated ground equipment within a 450 square foot lease area

PETITION: Tier III PWSF under section 22.2.2(14) of the Zoning Ordinance

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT: EC Entrance Corridor; FH Flood Hazard; Steep Slopes Overlay - Preserved Slopes; SC Scenic Byways

COMPREHENSIVE PLAN: Neighborhood 3-Pantops; River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses

(Rebecca Ragsdale)

DEFERRED FROM THE APRIL 26, 2016 PLANNING COMMISSION MEETING.

Ms. Ragsdale summarized the staff report in a PowerPoint presentation on SP-2016-5 Verizon Wireless "Southland/River's Edge, LLC.

This is a request for a special use permit for a Tier III wireless facility to be constructed within an existing lattice electric power line structure in Pantops. The photo simulation was shown in the slide. There are also two special exceptions associated with the special use permit request.

It is located in Pantops along Route 20 within the Rivers Edge Office Park near commercial uses such as the McDonald's and some of the gas stations. Nearby is the Riverside Village Development that is getting underway. Avemore and Wilton Farm are the closest residential developments. It is also near the Free Bridge Lane and Rivanna River Corridor.

This request is for a facility that we already have an example of in Pantops at the Clean Machine Car Wash at the corner of Riverbend Drive and Route 20.

It is a brown lattice structure. It is a grassy area within the office park that has the power line structure. So the proposal would be for the monopole to be constructed within that and some of the existing ground equipment can be accommodated in the area. There are no trees on the site that would provide screening or need to be preserved with a tree conservation plan.

The plan view of the plan is to construct the monopole within the lattice structure that will extend above it. There will be a platform array. The Commission saw one of these requests a few months ago; but, it was a different type of power line structure. There are the same issues with constructing a facility within the power line structure at this site as there were at the other one. The platform is necessary and required by Dominion Power if you are constructing a facility on one of their power lines. In this particular one they need to construct the new pole within the lattice structure so that is why it a Tier III facility. As mentioned, it is the same as the Clean Machine Car Wash that is nearby. The antenna would not meet the flush mounting requirements of the ordinance so that is the other special exception that is before the Commission this evening.

Staff has looked at the photo simulations provided by the applicant and the ARB also reviewed this request. We had concluded that there would not be any additional visual impacts with constructing the monopole on the platform and attaching the antenna to them. The ARB was also looking at screening the ground equipment from the Entrance Corridor, which was one of their conditions of approval. The ARB reviewed the landscape plan. There will be fencing and additional landscaping in that grassy area to screen some of that from the Entrance Corridor.

The two special exceptions are for the tree conservation plan and the antenna stand-off distance that would be beyond the 18" from the tower structure because of the 14 ½' platform that would be needed to mount the antennas on.

Based on the findings in the report and the factors favorable that this is making use of an existing structure and it will be a color that closely matches it and not provide any additional negative impacts, staff has found favorable factors and no unfavorable factor.

Factors favorable to this request include:

- This proposal is on an existing facility and the new monopole and antenna addition will not increase or cause any new impacts to adjacent properties or important resources.
- Due to the height and scale of the existing structure the size difference will not have a significant impact to the structure.
- The Architectural Review Board has recommended approval with conditions.

Factors unfavorable to this request include:

- No unfavorable factors have been identified.

RECOMMENDATION: Staff recommends approval of SP-2016-00005 Verizon Wireless" Southland"/River's Edge III, LLC with the following conditions as outlined in the staff report and the two requested special exceptions one condition addressing the stand-off distance that the platform be no more than 14 1/2 ' in width based on the analysis provided in the staff report.

1. The monopole, platform, antennas, and all equipment shall be installed as depicted on the site plan referred to as "Verizon Wireless Site Name: Southland", prepared by Trent T. Snarr, P.E last revised November 5, 2015. (Attachment B)

Mr. Keller invited questions for staff.

Mr. Lafferty noted that he could not locate where the ground equipment was located relative to the powerline structure, and Ms. Ragsdale pointed out the ground equipment would be within the footprint of the lattice tower.

Mr. Lafferty asked if that was underneath the tower, and Ms. Ragsdale replied yes.

Mr. Keller opened the public hearing for applicant and public comment, and invited the applicant to address the Planning Commission.

Lori Schweller, an attorney with McClair Ryan representing Verizon Wireless, presented a PowerPoint presentation. As Ms. Ragsdale explained this proposed facility is in the River's Edge commercial condominium complex. It is proposed to be on a Dominion Power tower, which is just one tower over from an existing Dominion Power tower that has a very similar facility on it now. That gives you a good idea of what we are proposing. In the slides she pointed out the existing Dominion Power tower in front of the commercial condominium building and the other facility in front of the Clean Machine. She pointed out the next one in line was not a Verizon Wireless facility and so was not part of the same network.

Ms. Schweller said our request for the special use permit and associated special exceptions are referred to as the "Southland" site. She explained the Existing Network Map noting the black dots on the map showed existing Verizon Wireless sites. There is acceptable coverage in the area of this proposed facility. The Radio Frequency Engineer (RF Engineer) explained to me that this site is primarily for capacity. Some of the neighboring sites, especially the Carlton site on Carlton Avenue, are at capacity. Verizon Wireless has technology that monitors the data traffic and voice traffic use by each of its sites and knows when they are reaching capacity or at capacity. Carlton cannot accept any additional users without a significant drop in the quality of calls and the speed of data transmission. So this is not just for good coverage, it is also for capacity.

In the presentation slides that included coverage maps Ms. Schweller pointed out the following:

- Neighboring Sites: BP on Pantops - Stealth Cupolas (33') with Relatively narrow footprint
- Pantops Mountain site can still use some coverage in the west.
- Collocation on Carlton Road – directly across from Beer Run that is heavily used
- Need for Additional Capacity in Area – The proposed site provides site to address the need for additional coverage.
- Proposed coverages– with Southland @ 130' (That is the coverage if the facility is built.) Additional development north of site will benefit from enhanced network.

Additionally when technicians let our RF Engineers know about new developments that are on the way those help to design the network as well. In this case Ms. Ragsdale mentioned Riverside Village which is being constructed now. That is directly north on Route 20; and, of course other developments on the east side of Route 20. Driving there to check on the visibility, as you probably know, just to the south of the homes at Riverside Village is an 8.27 acre park that has been dedicated by the developer to the county and along with the conservation of that area is a 50' tree buffer between the park and the residences. There is a lot of great screening. She was not able to see the Dominion Power tower except just as she entered the development. As you move farther north and west into the development she did not think this facility will be seen from that distance, especially given all of the trees in the area. Photo simulations were done from Elk Drive and Free Bridge Lane (View from the North) as well as views from the east and the west.

There was a question about other site on the Clean Machine. The difference is that our antennas are above the static line, which is required by Dominion Power now. That is the primary visual difference you will see. Otherwise, you can see the monopole at the center and the full array. Because we are needing to insert a monopole to provide extra strength this is a new facility, which is why it is requiring a special use permit and just a special exceptions for a collocation. Using the words of the Architectural Review the "Robust" Landscaping plan that was recommended by the ARB to add additional screening from Route 20.

So we are requesting your recommendation of approval of this special use permit for this new Tier III personal wireless service facility. But, also for the two special exceptions to permit us to move forward without a tree conservation plan as there are not any trees in the area and for the antenna standoff. We are at 130' and for the full array it will be 4' 8" from the face of the pole to the plane even with the back of the antenna so it is greater than what is permitted under the current wireless regulations.

Just to revisit what we talked about for the Seminole Square power tower collocation in order to comply with Dominion Power's current guidelines we do need to be above the static line and we need to have that platform for safety reasons so that the technicians for Dominion Power can install the antennas in a safe environment. She pointed out some of the flush mounts that are favored in the county; but, are not favored by Dominion Power. She pointed out an example of a standard Dominion Power endorsed type full array.

Once again we make the suggestion that we hope the county will consider Dominion power towers not just opportunity sites but as opportunity sites for a more robust technology provided by full arrays. As we did last time we would like to suggest possible change in the policy as to power towers and possible

change in the zoning ordinance as to standoff for power towers as was done in Chesterfield County. She would also suggest that it might be useful for the Commission and the Board if replacement or strengthening of existing power towers either by physically strengthening the existing tower or by placing the monopole in the center if that could be considered a by right modification as opposed to a brand new facility. It is just something to think about in the future as we move forward with additional zoning text amendments. That is my message to the Commission today and she would be happy to take any questions.

Mr. Keller invited questions for the applicant.

Ms. Firehock thanked Ms. Schweller for presenting and noted she had a question. In the staff report they have two motions whether we want to suggest approval or denial. For the recommended approval potential motion it includes a clause that the platform shall not exceed 14 ½' in width. Does that comport with what you are requesting or is that in conflict with what you just said.

Ms. Schweller replied that it does comport with what we are requesting since the 14' is the actual total distance of one side of that triangle. She did not mention that because it does not actually relate to the regulations which talk about the face of the monopole to the back of the antenna; but, it does and our drawings are consistent with that.

Mr. Kamptner pointed out the last wireless facility that went on to the board that condition was worded in the way Ms. Schweller described. So we can revise that condition to be parallel to the ordinance language.

Ms. Firehock agreed noting she was having trouble making sense of that.

Mr. Keller invited further public comment. The being none, Mr. Keller invited the applicant for rebuttal.

Ms. Schweller thanked the Commission for your questions. She was not suggesting you should change your recommendation. It is fine the way it is for us; but, it is just how the Commission would like to phrase it.

Mr. Kamptner noted the way the condition is worded right now it is implied that 14' 6" sided triangle will be centered on the pole. But, it does not expressly require that; although, that is how it is shown on the drawings. The Board has accepted conditions worded either way.

Ms. Schweller said another option would be to restrict stand off to the distance as shown on the site plans.

Mr. Keller thanked Ms. Schweller. He closed the public hearing to bring the matter back to the Planning Commission for discussion and action. He invited further discussion.

Ms. Spain noted this was discussed at the Pantops Citizens Advisory Committee meeting and there were no objections from the members of that committee.

Ms. Firehock pointed out she liked the fact that they are using existing structures to try to avoid additional impacts and would like to make a motion.

Motion: Ms. Firehock moved and Mr. Lafferty seconded to recommend granting the Special Exceptions for the reasons outlined in the staff report and with the following condition for the modification to § 18-5.1.40(b) (2) (c) projection of antennas beyond 18 inches from the tower structure with the clause that they restrict standoff to the distance as shown in the applicant's site plan.

1. No antenna shall project more than seven feet ten inches (7' 10") feet from the monopole structure to the back of the antenna.

Mr. Keller invited discussion. There being no further discussion he asked for a roll call.

The motion carried by a vote of 7:0.

Mr. Keller asked for a motion on the special use permit request.

Motion: Mr. Firehock moved and Mr. Lafferty seconded to recommend approval of the Tier III Personal Wireless Service Facility SP-2016-00005 Verizon Wireless" Southland"/River's Edge III,LLC with the conditions outlined in the staff report.

1. The monopole, platform, antennas, and all equipment shall be installed as depicted on the site plan referred to as "Verizon Wireless Site Name: Southland", prepared by Trent T. Snarr, P.E last revised November 5, 2015. (Attachment B)

The motion carried by a vote of 7:0.

Mr. Keller noted that the recommendations will be forwarded to the Board of Supervisors to a date to be determined.

The meeting moved to the next agenda item.

Public Hearing Items

ZMA-2015-00008 Adelaide

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 056000000108A0; 056000000026A2

LOCATION: 5444 Brownsville Road and Rockfish Turnpike (Route 250)

PROPOSAL: Request to rezone parcels from R1-Residential to R6-Residential for a maximum of 80 residential units.

PETITION: Rezone 19.975 acres from R1-Residential zoning district which allows residential uses at a density of 1 unit per acre to R6-Residential zoning district which allows residential uses at a density of 6 units per acre.

OVERLAY DISTRICT: EC- Entrance Corridor; Scenic By-Way; Managed and Preserved Steep Slopes

PROFFERS: Yes

COMPREHENSIVE PLAN: Greenspace; Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in the Crozet Masterplan.

(Megan Yaniglos)

Ms. Yaniglos pointed out there are a lot of people in the audience ready to speak and she was also sure the Commission will have some questions so she was going to summarize the staff report and not go into too much detail. This is a proposal consisting of two parcels located to the north of 250 West and adjacent to the Cory Farms Subdivision. There are currently 3 residences on the property with 2 having access off of Route 250 West and 1 having access off of Brownsville Road. There is a stream and steep slopes along the western property line. The parcels are located approximately a third of a mile west of Liberty Hall, Clover Lawn and the Blue Ridge Shopping Center where Harris Teeter is located.

The applicant is proposing to rezone the parcels from R1-Residential to R6-Residential with a maximum of 80 units. The proffered plan shows a street network, a pocket park, the types of units and open space; but, it does not show the lot layout. However, the applicant did submit a plan for the Architectural Review Board, which shows more detail as shown on the screen. In revisions since the work session in February the applicant revised their plan to reduce the number of units from 93 to 80, which results in a net density of 5.5 dwelling units per acre compared to 6. A minimum of 40 of the units will be single-family detached and 40 will be single-family attached units. The previous plan only had single-family attached units. The detached units will be located along the outer edge of the parcel including the area adjacent to Cory

Farm. The attached units are shown in the center and along Route 250. A centrally located pocket park has been added; there is additional open space across from the park that connects to a greenway, and a multi-use trail that meanders along Route 250 with a 40' to 75' vegetative buffer that will consist of existing and augmented vegetation. As indicated in the report and email sent to the Commission there have been a number of concerns and opposition to the proposed development from the Crozet Community Advisory Committee (CCAC) and Cory Farm residents specifically in regards to density and traffic on 250.

The factors favorable that staff found include:

1. The rezoning request is consistent with the land use designations in the Crozet Master Plan and density is within the recommended range.
2. All applicable principles of the Neighborhood Model are addressed or will be addressed with a revision prior to the Board meeting.
3. The proposal provides a mixture of unit types, open space, a Route 250 buffer, a centrally located pocket park and trails.
4. Proposed improvements and cash proffers have been provided to mitigate impacts of the development.
5. Affordable housing proffer has been offered.

Unfavorable factors include:

1. Traffic management and sidewalk improvements in the immediate area which would address impacts of the development are not fully funded at this time; however, state and other funding sources may be requested this year for this project.
2. Technical revisions are needed to the proffers and proffered plan.

We have a variety of staff here also to answer any questions including a representative from VDOT, Mark Graham who is here for any engineering related questions, and Elaine Echols. She would be happy to answer any questions.

Mr. Keller invited questions for staff.

Ms. Riley said in terms of the factors unfavorable you cited sidewalk improvements that are not fully funded at this time. She asked if staff can explain which sidewalk improvements have been funded and which ones have not.

Ms. Yaniglos replied in this area the sidewalk improvements that are from Clover Lawn to Cory Farm Drive have not been, and that was the sidewalk improvements that she was referencing there that have not been fully funded.

Mr. Benish pointed out the project is for sidewalks and the crosswalk to Harris Teeter so there is sufficient funding to cover the actual sidewalks. The only way to get crosswalks established along that roadway is to have some kind of mid-street barrier. Our Office of Facilities Development is pursuing a traffic circle design, which is acceptable to VDOT, in order to provide those crosswalks. But, there isn't sufficient funding for that aspect or component of it. So sidewalks are funded; but, there is not sufficient funding for the actual improvements necessary to establish crosswalks.

Mr. Lafferty asked what the timeframe is on the roundabout.

Mr. Benish replied staff had hoped to have the project constructed as soon as the funding was available. He explained it has been trying to rectify a design that would allow for the crosswalks to be acceptable; and, as soon as that can be determined the final costs can be determined. Staff would like to get the funding for it and construct it within the next year. It is a possibility that we will make an application this year as a House Bill 2 referred to in our annual request for state funding and we may be requesting that amount. However, the Office of Facilities Development is still working with VDOT on what that design is to determine the final cost.

Mr. Lafferty asked are the sidewalks in this project just in the front of the development, and Ms. Yaniglos replied yes, that is correct.

Ms. Firehock asked is it correct to assume that Elaine Echols is here tonight because she is our comprehensive planning guru, and Ms. Yaniglos replied that is correct.

Ms. Firehock asked to address a question to Ms. Echols, and Ms. Yaniglos agreed.

Elaine Echols, CDD staff in Planning, asked how she may help.

Ms. Firehock said before starting the public hearing she would like to ask Ms. Echols to give the Commission a lesson in comprehensive planning 1 on 1. She understands the master plan for this area recommends 3 to 6 units per acre and would like Ms. Echols to say a little bit about it. It is giving us a range which obviously allows us to exercise discretion in whether a rezoning should come before us. She asked Ms. Echols to say a little about what the thinking is behind the range and when it might be appropriate to go higher or lower.

Ms. Echols replied the master plan does talk about the areas being designated as Neighborhood Density, which is a density of 3 to 6 units per acre. That is for the areas that are shown in yellow on the plan. The range is there to provide some flexibility in terms of what is appropriate at any given place. So you have to look at the particular setting and all the other factors that go into what is the development that is being proposed. When we last met the Planning Commission looked at that density and range and did not zero in on a specific number. The Commission said they wanted to look at the quality of the design before deciding what is the most appropriate. Of course, design goes into what is the right number, which is a big part of the Neighborhood Model. She asked Ms. Firehock if that answered her question or if she could give her more information.

Ms. Firehock replied that was sufficient, thank you.

Mr. Keller said he would like to follow in Ms. Firehock's direction. He asked Mark Graham, the VDOT representative or maybe both to come and paint a picture of the pedestrian way in the future that you see along 250 in this area as we are hearing the concerns about that pedestrian activity, that there is some funding and the issues of whether there will be separation of the pedestrian from the high speed traffic, again, in the nature of future planning.

Joel DeNunzio, with Virginia Department of Transportation Charlottesville Residency, said the project that we saw for the sidewalk project that the county was developing originally went from Cory Farm along the north side of Route 250 and had a crossing close to the Clover Lawn entrance. The issue with the design of that is you have a five lane section with right turn lanes of Route 250 right there with the middle shared use turn lane and we did make some pavement marking changes to try to get some calming out there. But, you really want a refuge area with that many lanes to get across. So the issue with the design is crossing 250 north to south there. What is difficult is you need a refuge area right in the middle; and, if you put a refuge area in there what you are doing is removing the left turn lanes into both sides of that site. By removing the left turn lanes you introduce rear end collisions in that and so by taking care of one problem you introduce potentially a worse problem. So working with Jack Kelsey and David Benish we suggested traffic calming by putting a roundabout at that intersection to slow the traffic and make it more pedestrian friendly through the area with good locations that the pedestrians would cross. He asked if that answered Mr. Keller's question or did he go somewhere else.

Mr. Keller replied that he sort of went somewhere else and it might be more appropriate after we have heard all of these; but, he was more interested in the issue of the pedestrian way along that fairly lengthy piece of 250.

Mr. DeNunzio asked if he was speaking basically from maybe the high school all the way out at some point or all the way. He explained there are no plans at this point for any sort of pedestrian access. He pointed out it might be very appropriate for a shared use trail all along the corridor at some point or

something like that. But, there is nothing that he knows of in any long range plan or any funded project that would address that, and it would be piecemeal as development occurs.

Ms. Yaniglos said the sidewalk project would be to Cory Farm; however, there is a gap between this property and Cory Farm where there would not be a sidewalk or pedestrian access off of 250. But, then it picks up on this property with the multi-use trail along 250. However, that could be a future public project.

Mr. Benish pointed out the master plan recommends a multi-use path along Route 250 East, which is the concept that is identified in the plan that incrementally we are working along that process.

Mr. Lafferty asked does Cory Farms have amenities such as playgrounds, pools and things like that the people could use.

Mr. Keller asked can we hold this until we have done that because he was trying to get at the future issue. He thinks the Commission needs to hear from the applicant and the public, and then we can come back to the specifics about Cory Farm. He thinks what they were trying to establish were issues beyond Cory Farm and to think about Route 250.

Mr. Lafferty pointed out that he was just trying to determine why a multi-use path to Cory Farms would be valuable if nobody uses it.

Ms. Yaniglos agreed with what Mr. Benish said that trails in this multi-use path are recommended in the comprehensive plan and that they provide this. So there is this missing piece between here; but, if we don't get it with this then we lose that piece that would connect even to the green way. Also, they saw in her attachment that she was recommending that they provide a future dedication of a pathway into Cory Farm if ever a situation might change where Cory Farm wants to connect to a trail system. So that would bring them down into the sidewalk system internally to Adelaide, but also onto that multi-use path and then to the greenway at Lickinghole Trail.

Mr. Lafferty asked how does this proposal guarantee the multi-use pathway between Cory Farms and this, and Ms. Yaniglos replied that it does not because it would have to be a future public project.

Mr. Lafferty said so this should not even be in the discussion.

Ms. Yaniglos replied that the multi-use trail is a recommendation in the comprehensive plan along 250.

Mr. Lafferty pointed out that it really has nothing to do with the proposal.

Ms. Yaniglos replied that in this location for this property the plan shows that a multi-use trail be provided along this stretch on Route 250 so that is what they are providing in accordance with the comprehensive plan recommendation.

Mr. Lafferty said they are just providing the multi-use path in front of their buildings, and Ms. Yaniglos replied that is correct and that is what we can require.

Mr. Lafferty said but not the other one, and Ms. Yaniglos replied that was correct.

Ms. More asked staff in the unfavorable factors #2, that technical provisions are needed to the proffers in the proffer plan, and if that is attachment H, and Ms. Yaniglos replied that was correct.

Ms. More said she sees some of these are very technical requests for change; but, some of them seem like they deserve a little more attention. She did not know at what point; but, would suggest that is part of our discussion because she was not completely comfortable having issues that need to be addressed possibly here going forward to the Board with a statement that they will be addressed after this body meets prior to meeting with the Board since some of these have to do with VDOT, turn lanes and the intersection on 250. She thinks some of these are technical in nature; but, they have learned from the

past that maybe some of the technical language they should look at carefully.

Ms. Firehock suggested the Commission can discuss that when they hold a discussion on what they want to do with this.

Ms. More noted that she just wanted to bring it up because that is an unfavorable factor; but, she just wanted to be clear that she was looking at the right list of things.

Ms. Firehock replied absolutely that she understands and is flagging that.

Mr. Lafferty said still to that point the #9 item says that a trail way pedestrian path should be provided for the internal sidewalk system to be to the property line of Cory Farms open space. He pointed out that looks like you are trying to write that in.

Ms. Yaniglos explained that recommendation #9 was that the applicant provide an easement that would go along where the current driveway is into the property, which is at the end of the property in the corner where it connects to Cory Farms open space. So that connection is what she was referencing and also that they make a minor modification to the multi-use trail that would bring it down into the right-of-way to allow for a crossing closer and to provide when and if a future public project would come on line to make that full connection to the sidewalk project so it could have a better location for the crossing at that entrance.

Mr. Keller opened the public hearing for public comment and invited the applicant to address the Planning Commission. He explained the format for those who have not been here before us the applicant speaks for up to ten minutes and then the public has three minutes. We have a group of people signed up that Ms. Firehock will call on; but, if there are others who have not signed up you are welcome to join in after that. Then, the applicant has five minutes to do a summation, the public hearing will be closed and the Commission will deliberate.

Kyle Redinger, applicant, said he appreciates everyone's thoughts and discussion thus far. He thanked the Planning Commission particularly for their thoughts in the February work session as those were very helpful to the revisions made. He would like to thank staff for being attentive in answering questions and being very responsive; and, in particular Ms. Yaniglos for working late at night and sometimes over the holidays to meet deadlines. Finally, he would like to thank the Crozet community for being helpful in guiding him towards a much better design and decision for this plan. Before we begin he would like to reiterate we are talking about a growth area that has been in the works for well over a decade and a growth area that had been unanimously approved by the Board of Supervisors. He pointed out staff mentioned in one of our reports that this is well under its growth targets and he would also like to remind Commissioners that the county has spent 14 million dollars of taxpayer money to facilitate growth for improvements like libraries, sidewalks and streetscapes.

Mr. Redinger explained that Adelaide's latest design is a modern community that incorporates environmentally driven design features and manages impact to create a highly desirable and well integrated neighborhood for the hard working families of Albemarle County. He knows Ms. Yaniglos has already overviewed where we are and just wants to reiterate that we are on Route 250 and there is a fair amount of development already existing along 250 from three schools, gas stations, breweries as well as the Clover Lawn/Harris Teeter center. After our Planning Commission work session and various meetings of the Crozet community we decided to throw out our original design. He listened to everyone, and as he said, this is an interactive process, and we said let's start over, we have done a lot of revisions thus far; but, let's try to incorporate everything everyone said as best as we can to get to our revision.

In a PowerPoint presentation Mr. Redinger explained they started with a blank slate, this canvas, that are the two parcels they are talking about now. We started with a master plan and the environmental features for the site. We are lucky to have a beautiful site that sits on a high knoll, has gorgeous views of the mountains, buffers with streams, critical slopes and other things that are designated and thought of in the master plan. In addition, it has designated buffers that exist with HOA space, open space and it has

buffers to 250 to protect the Entrance Corridor. So this gave us the starting point for our design decisions. He also would like to call out that there is a large amount of existing vegetation to the left of the telephone pole on the site that is mature vegetation. He thinks unlike a lot of the other sites along Routes 240 and 250 and other Entrance Corridors we have the ability to protect that Entrance Corridor a lot better than any other site pretty much that he has seen.

Mr. Redinger said we also looked for existing precedent for design decisions and communities that have been developed and rezoned under the Neighborhood Density designation. The point of these slides is just to show that these densities are all on the high end of the range, and they all have more attached units than Adelaide and all generally have less setbacks and screening than Adelaide. This is Out of Bounds. This community is 75% complete and was approved. Springhill, which he believes has some proffer issues, but nonetheless has been approved and its density is 6.3 units per acre and well over 50% of those units are attached. You can see the screening from the road is much smaller than what Adelaide is offering. Finally, is Riverside Village, which has about 6.65 units per acre in the developable area, and about 2/3 of those units are attached. We also did a lot of work prior to our Planning Commission work session in showing in our conversations with the community that this is one such design where we spent time with staff in a pre-application meeting about the site. This concept was 98 units and 100% attached. This is just to show everyone that we have been iterating on this design from the beginning based on feedback from the community and the Commission.

Mr. Redinger said our original submission was submitted December 7th and 100% of those units were attached. There are 93 total units, and he thinks we discussed a lot of the issues that were with that site. So our submitted design has a lot of nice features and he thinks it is unique in its design. He thinks Ms. Yaniglos did a good job summarizing the design elements and he won't go into all of those right now because he does not have a whole lot of time. But, he will call out a few things that are very important. First, we have 40' to 75' of tree buffer with mature existing vegetation. This is unique and we plan to disturb as little of this as we can with our design. We are able to change our units all around the exterior of the site to provide units and types of homes that are more similar to surrounding communities. We are able to offset a meandering trail from 250 to prevent pedestrian accidents and make the site safer for our community. We are able to open up this central pocket park, which is going to be almost at the top of the knoll and looks to the Blue Ridge Mountains and into the greenway. This is going to be a very nice gathering place and a place for kids and families to play. Then it will have trails and connections that lead out into the broader green space, Lickinghole Creek Trails. We have obviously done connections to external trail systems that we have drawn here as well.

Mr. Redinger said some summaries of our changes with staff, the community and Commission input are we have reduced unit count and density, improved the design, increased pedestrian safety with a meandering trail, used the existing environmental site features and guidance from the master plan to create a "green moat" buffering, opened up more pocket park space, increased setbacks and buffers from 250, increased diversity of housing stock, increased detached homes to 50% of total units, and done a much better job integrating with the natural landscape in a site that is very special with what he thinks will be highly sought after for homes. This is just to give you a view of the site section for Adelaide and to give you a sense of scale from the road, the tree buffers, the natural berm, the property line and sort of where the tops of those houses might be. He encouraged anyone here to go drive along 240 or 250 and look at the other setbacks and buffers that other communities have; and, he would strongly argue that we have done a better job with setbacks, buffers and screening. Regarding the summary of key changes Mr. Redinger said he thinks Ms. Yaniglos addressed some of these already and we did bring this to the ARB and they had no objection to our plans. He thinks Ms. Yaniglos did a good job summarizing it; but, he just wants to call out some of the independent agencies and groups that had reviewed our plan and the quotes shown were directly from those organizations or from the staff report.

Mr. Redinger said in terms of traffic impact VDOT said there is no significant impact to Route 250. In terms of school impact Albemarle County School Division said it can accommodate this modest development in the existing schools, and that is about 27 students based on our unit count. The Service Authority did not identify any capacity issues with this proposal. County staff in regards to population said Adelaide can help provide balance for the nearby by right development that is occurring well below the

recommended density range. In terms of density county staff has identified that net density of 5.5 units per acre is well within the recommended range destination. Finally, as he mentioned before the ARB has no objection to our plans for the Entrance Corridor. Finally, you will probably hear today about people disputing whether or not Adelaide was supposed to be a low density or a high density development. In 2009, these options were proposed to the community and you can see on the bottom part of the map on the screen that there was an obvious attempt to do a lower density destination for Adelaide, which was rejected during master plan review. He believes strongly that this is best suited for a higher density neighborhood development that complies with the master plan, meets the expectations of the county, the staff and the community. He appreciates everyone's thoughts on this matter. Thank you.

Mr. Keller thanked Mr. Redinger and invited questions at this point.

Ms. More asked to refer to the slide showing the two options that were provided to the community in the 2009 process that got us to the 2010 revision. During that process there was a large focus on pulling development off of 250, and so what she sees here staff has questioned if the parcel in questions, which is shown in option 1 in the yellow of your development, if the intention was to have that at the lower density why wouldn't it have been put at the neighborhood density low range? So she would like to point out this map and show that these were the two 2 options that were offered to community members and people involved in the master plan process. Option 2 offers the neighborhood density at the lower range; but, it includes a lot more land. She can see why in order to keep more land with the green color the preferable option would have been to have the property in question zoned. These were the two options. There was no objection given that gave us option 1 and had the land in question zoned Neighborhood Density lower. So she would just like to point that out that these were the two options given and there was a consistent effort to pull development off of 250. She thinks that option 1 provided the community with a better opportunity to do that. Again, she would like to point out in what Ms. Echols noted that this is a range from 3 to 6. She did not know if staff could respond; but, she appreciates you showing this because she thinks it is important to show these 2 options and with the goal of pulling development off 250.

Mr. Redinger said he would argue that the land use map already reflects development being taken away from 250; there is a master plan process to reflect that; and, he is adhering to the master plan.

Ms. More pointed out the land use map shows option 1 which was correct.

Mr. Redinger said the point of this slide was simply to illustrate that if there was a lower density need for Adelaide that was rejected by the community during the master plan review.

Ms. More pointed out the lower density need would have only been addressed if the community had accepted taking in all of that land that is shown in option 2 at that lower density level as well. She would just like to make that point.

Mr. Redinger thanked Ms. More.

Ms. Spain said with the reduction in the number of units does that affect the number of affordable units that you would be providing with Habitat.

Mr. Redinger replied yes it does, we are required to proffer 15% of our total unit count as affordable. So we now have 12 units instead of 14, which was the original plan.

Ms. Spain asked if he had talked with anyone about the possibility of that modification.

Mr. Redinger replied he has talked with various community partners and he would love to have Habitat build in there. He is working on another community partner for those affordable units. But, nonetheless we are still proffering all of those affordable units so whether it is Habitat or someone else that builds in there that has been a mission of ours from the beginning to supply those homes or to provide the cash for

the county to build those homes in other developments if they don't want to do it here.

Ms. Firehock noted the plan submitted has a private road C in the middle of the development. She asked if that was a private road that would then be maintained by the HOA and they would plow that one little strip.

Mr. Redinger replied that Justin Shimp can better address the private road destination.

Justin Shimp, the engineer, said the private road is sieged generally out of the turnaround requirements and we did not want a giant cul-de-sac at the end of the street. The way the rules work VDOT's streets tends to require that and there is a little less flexibility. We were just trying to give ourselves flexibility to make that street a little more inviting for pedestrians to go through and not seeming like a subdivision street with a big cul-de-sac on it basically. It is to give us more flexibility in design.

Ms. Firehock asked if he will have that set up with the HOA to have that plowed and they won't be calling the county asking why one street in their subdivision isn't plowed.

Mr. Redinger replied that he hopes not and pointed out the HOA is run by the community itself.

Ms. Firehock said she was always curious when we see a private road in the middle of a development that has public roads in it and she understands that. She understands their desire not to have the giant cul-de-sac at the end because she thinks that is a huge waste of asphalt. She was not against it, but just wanted to understand it.

Mr. Shimp clarified that they have a little parking area, too, that they maintain with the HOA as well and there are some other facilities that have some common maintenance.

Mr. Lafferty said with the development of this the relegated parking was addressed in it; but, he could not find it and asked if he could go over how they will do the relegated parking.

Mr. Redinger replied that he would since that was one of the design elements he skipped over. He explained the attached units actually face out so the front façade of the home faces the street and Route 250. He pointed out these are alleyways 20' wide, and unfortunately that is how wide you have to build them. But, they back load into the garages. The detached units are required to have setbacks for the garages from the front façade of the home and that is how you do relegated parking for detached units.

Mr. Lafferty asked if all the detached units will have parking garages, and Mr. Redinger replied that if they do have parking garages, the parking garages are required to be set back a certain number of feet from the front façade of the home.

Mr. Lafferty asked how that qualifies as relegated parking.

Mr. Redinger asked Ms. Yaniglos to help him here.

Ms. Yaniglos replied that is typically how front loaded garages have been previously viewed for relegation in other developments that we have, such as Old Trail as an example.

Mr. Lafferty noted that they have garages.

Ms. Yaniglos replied yes, it is either setback from the front façade or a side loaded garage.

Mr. Lafferty said as he understands what she said is the single-family houses will not necessarily have garages.

Mr. Redinger pointed out if a homeowner wants the garage they can get it; but, if they don't want a garage they don't get one.

Mr. Lafferty said so you are not doing relegated parking there.

Mr. Redinger replied it would for the units that have garages. He was not sure if it was in the code or not that every unit has to have garage. He asked Ms. Yaniglos if she knows.

Ms. Yaniglos replied no, they just have to have the right number of parking spaces.

Mr. Redinger said he thinks they have made a reasonable attempt to do relegated parking in the Neighborhood Density Model. It is relatively difficult to design a Belmont or a north Downtown in these sorts of things so he thinks what they have done has been accepted by staff and is reasonable to assume that we have done a good job of that.

Mr. Lafferty said so you are approaching the Neighborhood Model; but, you are not adhering to it.

Mr. Redinger said he would say if we refer to the staff report, we do adhere to the Neighborhood Model.

Mr. Shimp said he would just like to add that we do think we adhere to the Neighborhood Model. But, as a reality of development in these kind of parcels we can give an example of Belmont, they did not take into account environmental features in Belmont. If you ever noticed the roads go up, down and over creeks, across slopes and whatever it may be. So when you take those things into account you sort of blend what you are trying to do with the Neighborhood Model, which you do with preservation in creating a neighborhood that makes some sense. You don't just end up with rear load housing in every single scenario. That's okay to have a mix because that is pretty consistent with neighborhoods in the county that are the Neighborhood Model. But, in this particular instance there are some environmental considerations why you don't have alleys and things like that in the rear of the lots.

Ms. More pointed out he showed three developments during his presentation, and asked are any of those located on a scenic byway.

Mr. Redinger replied that he believed they all are. He thinks every major artery and road in Albemarle County is a scenic byway.

Mr. Lafferty said no, it is the Entrance Corridor.

Mr. Redinger said that he did not know. He assumed some of them are and some of them are not. He asked if staff knows.

Mr. Kamptner pointed out the Scenic Byway is a state designation and the Entrance Corridors are established under the zoning ordinance for architectural review for design.

Mr. Keller thanked him very much and requested Ms. Firehock to invite public comment.

Ms. Firehock said the first person signed up to speak tonight is Steve Walworth. As a reminder she asked everyone to state their name and address into the record and that they have a three minute limit.

Steve Walworth, a resident of Cory Farm and HOA Board member, said contrary to what people think we are not against the development; we are just against the density and the size of the development. Our number one concern, as stated in our letter, has to do with traffic on 250. We have plenty of kids that go to the schools. Parents and buses come and go out of our neighborhood going on 250. So we know that the traffic is really tough during peak hours going to the school and coming back also in the evening. Once we get the proffered four-lane connection road between 250 and 240 installed we are going to have a lot of neighborhoods north of us that are going to create traffic coming through the connector road down onto 250 going towards the school or to the interstate. So that is even going to increase the traffic on 250. It is just a two-lane road right now on that section of 250. Now you are going to add 80 units with 9 traffic events each per unit per day and so that is 720 over that. During the peak hours you are just going to

exacerbate the traffic congestion on 250. It is bad enough from Cory Farm all the way to Yancey Mills as it is right now and this is just going to make it doubly worse. There is also a safety factor that he has seen on the second entrance to the one that is on the eastern side. There is a slope to the east going towards Charlottesville that you have a matter of just a few seconds to see a car before you have to try to cross both lanes going towards Charlottesville. When traveling 45 miles an hour you just have a few seconds to clear left, clear right and then clear left again and woops there is a car and maybe you see it or maybe you don't at the right time. So there is a huge safety factor that we are concerned with regarding that traffic. As stated they are not against the development, we are just against the density on that.

John Savage, member of the Crozet Community Advisory Committee, said all of the Commissioners received a copy of the resolution the CCAC passed last Thursday on May 5th so he was not going to read all of the resolution. But, he would like to highlight the two primary concerns that we have regarding this development. The first one is traffic and safety. The CCAC remains concerned about traffic and pedestrian safety on this stretch of Route 250. Since the entrances and exits for Adelaide are on Route 250 it will add a significant amount of vehicular traffic on a portion of Route 250 already congested particularly during school opening and closing times. The CCAC is concerned about improving pedestrian safety in this area. The second point is density. The master plan calls for reduced density in areas away from town centers, which is on page 21. New development are to be in keeping with existing neighborhoods, which is on page 7, and less development along Route 250 because it is a scenic byway that is referenced on pages 12 to 30 and 32 to 33 in the master plan and also because it is a fringed area. The CCAC feels that even the revised density is too high and should be lower given its location. So we would ask that you consider these factors as you deliberate today. Thank you.

Kevin Rumsey said he lives in Corey Farm at 814 Filly Run and thinks John did a great job of summing it up and he had a couple of comments. He noted that Attachment K Mr. Redinger wrote down that his original layout in no way would not comply with the master plan. But, he still really does not think a lot of the things that he has laid out in the current plan for development meets the Crozet Master Plan, as John pointed out. He was not on the homeowner's association board right now and has been on the ARC several times. It is kind of like you ask for a 20 foot fence because you know the limit is 4 foot and you are hoping that if you ask for 100 units you go ahead and get the 80. But, you are changing what he saw as the master plan when he moved into the neighborhood 15 years ago where they were going to move development away from Route 250 and put it into the 240 Crozet Avenue development of the town. He really disagrees with some of the claims of favorable factors. He does not think it is consistent with the master plan. He did not think that the Neighborhood Model is consistent with what the Route 250 Byway proposed and also the trails and the sidewalks. Cory Farm development has been there a long time and does not have sidewalks. They are talking about putting a sidewalk in on the outside of Adelaide and it is just going to be a gap. There is no way to walk from where we are less than a mile up to the elementary school, middle school and the high school. Everything is out on the road. It seems like a lot of the things that we have talked about have not been refuted in points that we have made and why we agree with the density in this neighborhood. They have kind of been ignored, but they have not been refuted and he thinks their claims are still valid. He noticed that Mr. Redinger used the word urban. Earlier he was pushing that. People in Crozet wanted an urban style neighborhood. We want this density and that is what it is for. He has noticed that Mr. Redinger has stricken that from all his current information he has given out. But, he has had several buyers say they have left the neighborhood because they have moved across the street because they want more acreage. New buyers coming into Crozet like Cory Farm because it has a lot of land and a lot of acreage. We are talking about one-third of an acre and he really wants to pack them in at Adelaide and he does not think it is appropriate. Thank you.

Erich Bacher said he lived at 782 Filly Run, which was one of the properties that abuts the proposed Adelaide development, and he just wanted to echo Steve's, John's and Kevin's concerns. He moved into Cory Farm a couple of years ago for the intimacy of the neighborhood and the spectacular house with the great deal of privacy that he has on his property. He is married with a couple of children that are under the age of 5 and this neighborhood is now turning into something that he did not envision that it was meant to be. Traffic is already a monster in trying to get in and out and protect two children at the peak hours of the morning rush hour and afternoon rush hour. There are not the proper number of lanes, the speed limit is way too fast already, and there are not any sidewalks or anything on the outer sides or on

the outskirts of our property that connect to anything. So in order to go to Harris Teeter or use any of the other businesses we always have to load up the car and use extreme caution. He was concerned with the safety of his children, especially in this neighborhood. This is a neighborhood that was built with a lot of loving neighbors that protect the children and the kids can go out and play properly in the neighborhood. He is really concerned about the number of units that are coming into the area that directly back our property. We have a tree line that may serve as a barrier, but it certainly is not going to be a private area and we have a bunch of units moving in right behind our property. With the fence restriction being 4' high that is not considered a privacy fence as well. So now he is going to have to consider some costs in improvements on his property and is sure his neighbors share the sentiments about trying to protect the children from playing in the front and back yard. Traffic and safety are really concerning and to add more units just does not make a lot of sense to him. Thank you very much for your time and he appreciates the opportunity to speak.

Tom Loach, resident of Crozet, said first let me dispel two myths. One has to do with the population in Crozet. Recently the CCAC asked the county to do a study. That study showed that based on building permits the estimated population for Crozet in 2030 will be between 12,000 and 16,000 people. He would just say that in the initial DISC model done by the consultants the ideal population for Crozet was 12,000. So essentially we would either meet or exceed that population. So that is one myth out of the way. Let's go to infrastructure. All of the infrastructure that is put in Crozet just does not serve Crozet residents, it serves all the residents of the county especially in western Albemarle. The library is not a Crozet library, it is a western Albemarle library. This is not to mention that the community itself raised over a million dollars for the library. So onto my presentation.

Mr. Loach said he just wanted to say that what we have here tonight is a failure to communicate. We have had the applicant before the CCAC in three separate occasions. Each time we have read him the relevant sections of the master plan and each time we have come back with very little difference in the outcome. Since 1993 there has been a principle planning concept in the community of Crozet to protect the development on Route 250. It is a Virginia Scenic Byway and that is one of the reasons why in Old Trail the development of the commercial center is off inside. That's why the rezoning of the Watkin's property on 250 next to Harris Teeter was rezoned to light industrial from residential because it was a smaller footprint. Just last week, as a matter of fact, we opposed a new water connection to the rural area off 250 to protect Route 250. So he hoped we get the sense there is a trend here. The community is very cognitive of the fact that the color is yellow; but, that yellow gives you a range of possibilities and what the community is saying is if they had their differs it would be by right. Remember for us that the R-3, the lower density, has been called for not only in the Crozet Master Plan, but also in the Neighborhood Model documentation from the county, which reads "The spreading out from the center to the general area and then to the fringed development increasing residential use and dispersed in density." Now with all due respect to the Board he would have to say we have these master plans for a good reason – it was to prevent very good and well-meaning people like yourselves from substituting your views in place of what is written in this document. If our documents are not good he just wanted to know what you are going to say the next time when you go to your committees and you have to tell them that the document that they thought was valid and was going to guide their development is not worth the paper it is written on. Thank you.

Morgan Butler, with the Southern Environmental Law Center, said a number of you noted during the work session on this project that good design would be the key. Regardless of what density level is proposed the design must limit the project's negative impacts and meet the overarching goals of the master plan. Tonight's meeting is now your first public look at the design. We feel there are some positive aspects such as the pocket park and the pedestrian connectivity. However, we also feel some changes are needed to help make the design consistent with the central goal of the Crozet Master Plan protecting the 250 West Scenic Byway and to reduce impacts to sensitive environmental features. Protecting the scenic character of Route 250 is a thread woven throughout the Crozet Master Plan. Where new developments are approved along the highway a robust, visual buffer is critically important. As this project is currently designed the buffer along Route 250 would be only 40 feet wide along the portion where housing will be the closest to Route 250. That just is not adequate for this stretch of the scenic byway. Keep in mind that 10' of those 40' will consist of a clearing for an asphalt path. Nor can we rely on the trees in the VDOT nor

in the right-of-way along 250 to provide screening since that property is under VDOT control it could be cleared for any number of reasons. We recommend a buffer of 100' measured from the property line. At the very least the 75' buffer proposed along part of the property should extend across the entire frontage. Because there are currently mature trees located in much of the buffer area that would provide an effective screen even during the construction phase we recommend a proffer, not a promise, but a proffer that would limit any clearance of existing trees in the buffer area to just the 10' band required for the path.

Mr. Butler said turning to steep slopes, we are concerned as seen on the applicant's proffered plan that a section of their sanitary sewer line would cut directly through an area of preserved slopes. If that sewer line were to be redirected slightly to the west it could avoid those preserved slopes, and that is a commitment we urge you to obtain from the applicant. Finally, we are concerned that the proffered plan has another sewer line built within the stream buffer that runs along the western half of the property. We urge you to talk to staff about what protections could be put into place as part of the rezoning to minimize the intrusion to the buffer and the resulting impacts to the stream. Protecting the visual buffer along Route 250, the preserved slopes and the stream buffer on this property are all critical elements of getting the design of this proposal right and some changes to the plan and proffers are necessary to get there. We urge you to get these important protections firmed up and squared away before you pass a recommendation along to the Board of Supervisors. Thank you.

Neil Williamson, with the Free Enterprise Forum, said we have no position on this project or any project; however, we have some questions with regard to process. It has been a while, frankly, since we have seen a significant rezoning and he would appreciate if counsel could provide the manner in which proffers are negotiated from the dais or not negotiated from the dais and whether such things need to be conditions or should be adjusted proffers that come back later. In addition, he hopes this body will discuss what the difference between yellow and green is in the comprehensive plan and the master plans to help those of us with color blindness when you speak to those issues to let us know which one you are talking about. He thinks there are very good concerns that have been raised and looks forward to your discussion.

Mr. Keller invited the applicant for their summation.

Kyle Redinger reiterated that he appreciates the comments from Crozet. He has listened to them from the beginning and he really appreciates everyone's concerns. He would reiterate that they did make adjustments to the plan based on those concerns. Everything they have heard up until this point they have responded to in some fashion. He would encourage the council to review staff's comments and to refer to our prior work session where we discussed almost all of these issues explicitly. He would also reiterate that we have had dozens of meetings with county staff with some members of the committee and with various community holders to understand what made a community design. We spent a lot of time with staff on the phone and in person and he based his original submission, which had staff's support generally, on their comments. He also exchanged various emails and had meetings with community members in Crozet. He will add that not a single community leader opposed the project or indicated that it should a lower density prior to the December 7th Commission meeting. He would also like to add that it is important to build density in these types of developments for market rate affordability. Just this week the Crozet Gazette published a Realty Report about the real estate market and in the last quarter in the Crozet area the average price of a new construction home reached \$614,000. This is far outside the affordability of the median family income, which is \$68,000 in Albemarle County. That same report also concluded the Crozet real estate market is facing low inventory and declining affordability. He would add that is a result of them opposing developments exactly like this.

Mr. Redinger said on the issues of sidewalk and pedestrian pathways, you have to start somewhere and we are not planning this community and Harris Teeter and Cory Farm from scratch. Certainly if we were we would have all the trails connecting; but, you have to start somewhere with trails. The hope is that with good design, a good master plan and community involvement that we get those connections in the future. In conclusion, he understands the concerns of neighbors, has been here well over 30 years and started many businesses. He has employees here and loves this city, town and county. He, too, use to wonder why people were turning beautiful farms and homesteads into high density community. He did

his research and found that people want to live here. We have a nice community; it is pretty; we have good schools and they are nice people. It is a great place to raise a family. There are 1,500 of those people that move here every year and they are planned for with our master plan by staff and the community. This plan designates growth in exact areas like where Adelaide is located to protect our rural features and create desirable places to live. This is to protect property values and encourage more people to move here because we do a good job generally with these plans. He also researched affordability, found it is a problem and will be involved in the affordability discussions going forward. Just a quick stat, 50 percent of county staff do not live in Charlottesville or Albemarle. If that is not an affordability problem, he does not know what is. In conclusion, he is just a conduit for what the county wants and he hopes you agreed. This is not only a hearing to a well-designed master plan, but it has gone above and beyond other comparable developments to design something that he believes is highly desirable, a place where people will want to live, and something that is incredibly important for our future as a community. Thank you.

Mr. Keller invited questions for the applicant.

Mr. Dotson asked Mr. Redinger what his reaction is to Mr. Butler's suggestion of no tree removal in the buffer area except for that which is necessary to provide the walkway.

Mr. Redinger replied that Mr. Butler just emailed him at 11:30 p.m. last night so it is a little bit difficult to respond to that. From the beginning we have extended the buffer on certain parts of the frontage. There is 15' or so of VDOT right-of-way preservation, and he does not know the details. As you may know it is expensive to plant new trees and trees are a nice way to screen and increase property values. So we prefer quite frankly to do a smaller path where the trees are. He thinks as part of the ARB process we are required to designate certain trees for preservation. If you drive through there and look at the foliage it is very mature and he thinks it exceeds most of the other screening that is on that same road.

Justin Shimp asked to chime in that part of the reason for the meandering trail versus the master plan was sort of the concept of a trail parallel to the road. There are two things. One, it puts people up close to the road and we felt like that was not the best thing anyway. Secondly, it requires a bunch of clearing and when we get into the VDOT trail they wanted certain specifications and things so they pulled over into the open space. He has walked that area and it is really relatively flat so they don't envision a lot of trees coming out. So in our master plan we are only going to take down trees necessary for the required road connection, any required utilities or the trail. Those trees are to a benefit to the neighborhood and we want to minimize any impact to them.

Mr. Dotson said he thinks what Mr. Shimp just said would probably be consistent with what Mr. Butler was speaking of to keep the trees except for the road connection, utilities and the walkway.

Mr. Keller invited further questions.

Mr. Lafferty said he would also be concerned about the crossing of the reserved slopes and the stream crossing. He knows Mr. Redinger did not get the letter until late so just wondered what Mr. Shimp's thoughts are.

Mr. Shimp replied for the sewer connection there are a couple of things going on. One, it does not end up being our sewer line; it is actually the Sewer Authority's. So they dictate where it is going. Honestly, they want the shortest connection for their own future maintenance and public entity. There are some county rules about utilities if you can't avoid the slopes. He thinks the ordinance is that we have to at least have the minimal impact possible to achieve the required connection. So we put together a concept sketch of that and he images that will change a little bit. As time goes on basically we will work with the staff and the ACSA to find what is the path of least disturbance for everybody's benefit. We have no objections to Mr. Butler's comments. We don't want to go up steep slopes to sewer lines; it is difficult to construct. We are just not quite at the point to prepare the construction drawing. However, we don't see a problem with that in concept.

Ms. More said she had a quick comment about you suggested that you had met with different people in Crozet and did not get any feedback until December.

Mr. Redinger replied that was right, the first formal objection was December 7 or January at the first CCAC meeting or whenever that was.

Ms. More said she was not sure how many private meetings he set up before the community meeting at the CCAC meeting in December. But, as an initial community meeting the CCAC is actually advised to. It is really a time to listen to you as a developer and an opportunity for the public to comment. So often times that is not really an appropriate time to give feedback because it is in the initial stage and your concepts have changed quite a bit since then. She would suggest that might be why you may have heard some objections from the public at that meeting; but, that meeting really is an informational session for the CCAC. She pointed out he had been before the CCAC three times and the majority of the time you have been given you have used to do a presentation rather than to hear from the public or to allow for the CCAC to comment, which is why there was a special meeting held so the CCAC could focus on looking at all the pieces, parts and staff reports.

Mr. Redinger replied that he did not control the CCAC agenda or the talking time since those are up to the committee.

Ms. More noted you are given the timeline so if you choose to spend 15 minutes of the 20 then then you are giving 5 minutes to the public; and it is my observation that is what happened. But, she just wanted to clarify that especially at the initial community meeting getting feedback is not really what the CCAC is directed to do because the initial concepts are being presented and there is a lot more information to gather. In fact, she thinks we have been encouraged not to have CCAC make any formal decisions based on that initial meeting.

Mr. Redinger replied that was right and they have been back three total times to the CCAC.

Ms. More pointed out he had been given a formal recommendation by the CCAC, and she just wanted to clarify that.

The being no further questions, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action.

Mr. Keller asked first that counsel address the issue of proffers.

Mr. Greg Kamptner said he would like to talk about the process. First, usually when these applications come to the Planning Commission we are nearing bumping up against the deadline date by which the Commission needs to make a recommendation. So unless the applicant consents so the new proffers can be evaluated and analyzed the Commission may be required to make a recommendation with further caveats to the Board of Supervisors that you are recommending that issues 1 through 5 be addressed through proffers. When it gets to the Board of Supervisors they can decide if the issue has been fully flushed out, and they can decide to go ahead and proceed. They have 12 months to act on the application. The Board can refer it back to the Commission if they want the Commission's input on those particular issues that you did not have the opportunity to consider when it was first before you. So it can be handed back to the Commission. One of the things Mr. Williamson made a comment about the negotiating from the dais. What he thinks we are hearing right now with the late night comment is the applicant has not had a chance to review it. They may not be in a position to make a commitment one way or the other to offer a proffer on a particular issue at this point.

Mr. Lafferty noted that the Commission has never been involved in the negotiation of proffers so he did not know why they should start now. He suggested that maybe conditions would be more appropriate, and then the Board of Supervisors can knock those out or not.

Mr. Keller asked Ms. More if she had more points to make.

Ms. More replied that she did and actually has a comment and question for staff. Under favorable factors staff states that all applicable principles of the Neighborhood Model are addressed in the proposal. She would like to refer to Chapter 4 on page 21 of the Crozet Master Plan that talks about future land use. It states that the center is the most intensively developed while the middle and edge bands around the center become progressively more residential, less mixed use and less dense. Also, she would like to refer to the county has the Neighborhood Model building block for development areas and in section 3 of that it states that one design approach that may be employed in the neighborhood is the transect. A transect is a cross section of a neighborhood that shows a continuum of uses. Using transect the most active areas are at the center dominated primarily by high intensity uses, but also containing some residential uses spreading out from the center to the general area and the fringe development is increasingly residential in use and dispersed in density. In staff's report they reference Clover Lawn and Blue Ridge as a center, and she would like to understand why if you are using this as a center in the report that you don't apply this language that's both used in the Neighborhood Model and the Crozet Master Plan to address density.

Ms. Yaniglos replied that staff's position for this staff report was from the feedback received at a Commission work session where the density in the centers was discussed at length. She pointed out that discussion was in the work session in February and so staff took that information and feedback and evaluated this revision based upon that.

Ms. More noted she sees in the February work session that the focus was design, form of open space impacts, mixture of uses including single-family detached were more important than density in the higher end of this range; and the locations to be supported if the design is well done. She was not one of the commissioners that agreed with that statement and she would like to point that out. She would like to point out why she thinks the range would support the lower end of the 3 to 6 range. In the staff report she is able to see the yellow, which is the R3 to R6 range on the map that is in the master plan. She thinks staff's report neglects to point out language that also is in the master plan that helps guide us as far as where we should come in at the low end or the high end.

Ms. Yaniglos replied that her previous staff report on the work session covered that information, which was information that was attached to the staff report.

Ms. More noted in the attachment staff interprets pages 32 and 33 to only apply to the 64/250 western interchange. This section is titled fringe area in the Route 250 corridor. She would like to point out that in the appendix you attached that is the only place that you address some of the principles of the Crozet Master Plan. Staff refers to the first paragraph and states that language was specific to the 64/250 interchange. So she would like to suggest that if you read further into that section of the fringe areas and Route 250 west corridor there are several paragraphs there. The first paragraph very much does address the 64/250 interchange; but, it goes on to address other issues that the area struggles with along that section of road. In conclusion that section on page 33 states that preservation of the rural scenic character of 250 west is important to retain its status as a Virginia By Way preservation of the rural scenic character of this area and is important because it contributes to the quality and physical character of the community. By ways are also important tourist routes drawing visitors to destinations and stimulating local economy. For these reasons inside the development area most properties along the corridor are shown as green space or vegetative buffer. She thinks the section clearly speaks to the Route 250 corridor and not just the one specific section that is referred to in the first paragraph, and specific recommendations for Route 250 west state not to approve any rezonings for new development along 250 Corridor. So she does not understand why staff would make references to the section in the master plan. She understands that it is covered in the appendix; but, referencing a report that we saw last week staff still listed something that was a contradiction to a masterplan as an unfavorable factor and then offered justification. But, in your unfavorable factors there is nothing mentioned about the Crozet Master Plan at all; it is only attached in an appendix that came from a work session in February.

Ms. Yaniglos replied that she thinks staff has a different interpretation than you have. She would be happy if Ms. Echols could speak more to it since she worked hard on that master plan with the

community. But, they had this exact conversation.

Ms. Elaine Echols, with the Planning Division of Community Development, said this section of the Crozet Master Plan talks about the fringe areas in the Route 250 West Corridor, which Ms. More is quoting from. She noted that many may remember when we were working on the Crozet Master Plan there was a question about whether or not the interchange should be brought into the development areas, the one that extends from where the development area boundaries are currently out to I-64. There was a lot of conversation around that. The emphasis of this plan was to be clear that those areas were not intended to be brought into the development areas. One of the key sentences that we concentrated on were the fringe areas of Crozet are designated as rural areas in the County Land Use Plan. That was what was really giving us the guidance of what this section was intended to direct what would happen there. But, she thinks it is a fair discussion about whether or not the frontage of this particular development appropriately addresses the rural scenic corridor. So what we have shown the Commission is that there is vegetation that is being proposed in that area. If you feel that the rural scenic highway needs a different kind of treatment along the frontage she thinks that this particular section of the master plan would support that. It is a matter of your interpretation of what is being presented before you. Thank you.

Mr. Keller invited other comments.

Ms. More said she had more comments since she did not feel this would be subject to various interpretations. On page 21 of the Crozet Master Plan it states a major premise of the master plan is the protection of the rural areas and 250 West surrounding Crozet. She said in staff's final report she used the land use map that recognized the distension that this property has. But, she still feels that the attachment is the only area where other issues are being addressed and some issues are basically disregarded. In the final report we are only being asked to look at this yellow color, which seems a little bit incomplete to me. She did not understand why if the Crozet community made such a huge effort in the revision of the master plan in 2010 to pull development off of 250 and there was a consistent effort to pull those development rights why that would not support the notion that lower density would be what would be supported in this area. She did not think that is addressed in the staff report. There was one other page she would like to cite. On page 37 of the Crozet Master Plan it talks about future transportation. This is another copy that she gave to Planning Commissioners, which in it speaks specifically to Route 250 West, and it again refers to its scenic and historic character. The Crozet Master Plan states to maximize capacity and retain its rural appearance the county must limit the amount of developments on properties adjacent to 250 West from I-64 to US 240 as shown on the land use map. This strategy will keep the number of entrances to a minimum and reduce pressure for traffic signals beyond those which exist at Crozet Avenue, Three Notched Road and Old Trail Drive. She thinks that section also speaks to asking for it to come in at the lower end of the density range. (Attachment 2 – Submitted by Ms. More)

Ms. Spain said she had a question or inquiry for our representative from VDOT. She pointed out that the traffic issues have been raised repeatedly. In fact, the two basic issues are the traffic safety and noncompliance with the master plan. She has not yet received any information that convinces her that stretch is more dangerous than some other stretch of road that would be comparable. But, that aside we heard that the speed limit there is 45 miles per hour and she asked if it is possible to reduce the speed limit to 35 miles per hour.

Mr. Joel DeNunzio, VDOT representative, replied that they have looked at that a number of times in the past years. When VDOT gets a request to reduce speed limits we have to do a speed study in accordance with the Code of Virginia. That code says that we have to be in accordance with the manual uniform traffic control devices, which means that we measure the 80% percentile speed by measuring the speed of the cars out there. The 80% percentile speed is 85% of the cars are at a certain speed or less. We identify that speed and we are required to set that speed limit. For the most part, and not all the time such as in residential subdivision roads and business areas, we are required to set that speed limit within 5 miles an hour of that 80% percentile speed. The reason for that is engineering studies show that road characteristics, geometry of the road and things like that, really are what speeds people go and not what the speed limit is set to. So when you actually take the geometry of the road and the existing speeds of where people are comfortable driving and you look at those, keeping those speeds consistent through

that area actually increase the overall safety by reducing the crashes on most roads. So it does not make a lot of sense sometimes unfortunately; but, that is the way it is done and it is in accordance with the Code of Virginia. We have looked at that area in front of Harris Teeter, Cory Farm and areas like that to reduce that. We have put advisory speed limit signs in there. However, he was not so sure that those speeds are much below the existing 45 miles an hour if not slightly above.

Ms. Spain asked does there have to be a certain number of dwelling units there to reduce the speed limit to 35 miles an hour.

Mr. DeNunzio replied for a residential subdivision you would need to have the density of 11 residential units per mile of roadway within a certain distance of the roadway.

Ms. Spain asked would adding 80 units contribute to that.

Mr. DeNunzio replied no, because none of these units would actually front on Route 250. He pointed out they have two connection points, but none of the driveways are actually on 250.

Ms. Spain said she had one other comment. As she said the traffic safety and the noncompliance with the master plan have occurred over and over again and she understands those two things. However, tonight was the first time that she has heard that residents of Cory Farm might be afraid to let their children play with residents in a higher density neighborhood. She hopes that she misheard the speaker who thought that perhaps people who live in a higher density neighborhood don't love their children as much as those in single-family detached neighborhoods. So she hopes that is not an underlying assumption that is going on here in addition to traffic safety and compliance with the plan.

Ms. More said she would like to address safety since we are on that topic. At the work session numbers were provided from the Albemarle County Police Department. There was an average of one accident per month over the last five years on this 1.3 mile stretch of road; and, there was a point made during the work session that questioned whether this stretch of road was really dangerous or if it was just dangerous to the perception of the neighbors. She would like to be clear that CCAC actually offers safety concerns as their number 1 reason when they are actually charged with implementation of the master plan, and in their resolution traffic became number 1 after a lot of discussion. She thinks that is significant. She would also like to point out that there are a lot of community members that don't even live along that stretch of road that have concerns about safety and not just the neighbors to this proposed development. She asked the Albemarle County Chief of Police about this stretch of road, and his response was that stretch of road concerns me due to the continued growth in the area with this new subdivision coming in next to Cory Farm and the eventual connector road between 240 and 250. Some serious discussions about traffic safety and engineering need to occur. As growth continues it will become more dangerous. She noted that was Colonel Steve Sellers.

Mr. Lafferty said as he remembered there were two people killed on that road within the last year trying to cross it or get their mail.

Ms. Riley said she was very sympathetic to the concerns that many of us have living in the development areas in how these previous highways or corridors are now becoming much more densely populated. She thinks this is a general concern and pointed out that Avon Street in our area is a very similar example. She personally did not think the solution is not to put any more development in because these are the areas we have designated for growth; but, really how are we going to manage these corridors. She was happy that Mr. DeNunzio was here to discuss it. She understands the VDOT policy. She thinks, though, that there has got to be a way to reduce the miles per hour allowed on these roads; there has to be.

Mr. DeNunzio agreed that you have a long straight stretch of highway there that was built years ago. He noted that the way roads were built then does not necessarily do well with moving more density in, which is why he really hopes to see the county next year apply for HB2 funding for a roundabout at the intersection there as Mr. Benish and he had worked on. He noted really it is physical features of roadways are really what slows traffic and increases the safety. Roundabout are a great way to do that and it

reduces traffic at that intersection both for the pedestrians and for vehicles. So he thinks they need to look at ways to do it. You have a long straight stretch of 3-lane road. He said you might remember about a year ago we had a concern at the Harris Teeter and Clover Lawn. The development came in and built a right turn lane and had a left shared turn lane. We tried to do a little bit by just changing the pavement markings out. They tried to get designated left turn lanes in between those two entrances. That was an attempt to try to keep people from getting over in the left turn lane quicker than they should be necessarily and trying to calm traffic a little bit. He did not know how effective that was; but, hopefully it was somewhat effective. He thinks things like a roundabout and physical features that make you slow down are much more effective strategies for doing that, and he would like to see more of that especially along a long straight stretch of road like this.

Mr. Lafferty asked do you anticipate putting a roundabout where the Eastern Corridor connects to 250. He thinks that the observation was probably right that there will be a great deal of traffic on that.

Mr. Benish asked if he meant Eastern Avenue, and Mr. Lafferty replied yes, the connector road between 240 and 250.

Mr. Benish said he thinks that is something they have to work out and it is actually one of the issues to consider with the design of the traffic circle. He thinks it has been anticipated that it would be at the traffic light; but, that may or may not be the best solution in that location. He will point out somewhat as an aside the other project in the Crozet area that we will probably pursue funding for. He pointed out it is the intersection improvements at Route 240 and 250 at Three Notched Road near Mechum River, which is another problematic area to again address speeds of traffic as most traffic is approaching the Crozet area. But, we don't have a final decision of yet on that; but, that certainly is a consideration.

Mr. Lafferty said since they were talking about the roundabout in front of the Harris Teeter he was just wondering if he had projected a little further down the road.

Mr. DeNunzio explained there are 9,100 vehicles a day on 250 right now; but, he does not know what the projection is when Crozet is built out. He thinks that is a good volume for looking at intersection treatments like roundabouts. He noted the other thing is when you have a five lane section like is in front of that area we are looking it also gives you an opportunity. Basically, you don't need right and left turn lanes necessarily in these situations as you approach these roundabout situations since you can start kind of meandering the traffic a little bit to allow some slowing of traffic also. So you have the width there already to do a lot of things like that.

Mr. Lafferty thanked Mr. DeNunzio.

Mr. Benish pointed out the circles are far safer.

Mr. Lafferty pointed out except for bicycle traffic, and Mr. Benish agreed it was a little tougher for bicycles.

Ms. More said she wanted to make two more points because it came up from Mr. Redinger and then also in the staff report. They always talk about the need for more affordable housing and she understands when they look at rezonings that is something we need to take into consideration. She was trying to track down numbers to look at affordable housing and that is not as easy as you think it would be. But, she was able to get a list from Ron White, which he shared this list with the Planning Commission about affordable housing in a work session on September 15th of 2015. Going through the list she pulled out of a list of completed developments that did not proffer cash in lieu but proffered affordable units. There were four, and two of the four were located in Crozet. Then she looked at the list of active developments that also did not have cash in lieu but had proffered affordable units and there were ten. Out of those ten, five were located in Crozet. She just thought it was important to bring that up because given the size of the Crozet growth area that is a pretty significant number of developments that were proffering affordable units. The other thing she would like to point out is that we have upcoming developments. We have a by right development called The View, which will produce 126 apartments offering various ranges from low income to affordable units. There is a project called West Glen, which is also by right. They are showing

an initial plan of 80 units showing a proffer of affordable units. Then there is another application for Foothills Crossing/Daly property and they are proposing 200 plus units. These are very dense projects that are coming in. So in response to suggestions by staff or developers that we have by right projects that are coming in well below she would say we have a lot of projects coming in that are producing really high numbers. So she just wanted to bring those three projects to the Commission's attention because they are quite dense.

Ms. More said she thinks the proposed development is not consistent with the Crozet Master Plan. She thinks as Commissioners if we support the proposal, then we are sending a message that it is okay for developers to disregard sections of master plans that do not suit the nature of their developments. She thinks that support for this would set a precedent that would allow other developers to ignore sections of other master plans in other areas of the county, and she would like to make a motion. She asked staff for guidance on the motion.

Ms. Yaniglos noted she had not gotten there on the slides yet; but, would put the recommended motions on the screen.

Ms. More said she would make a motion, outline the reasons why and then the Commission can have a discussion. Ms. More moved that the Planning Commission not recommend approval of ZMA-2015-0008 Adelaide for the following reasons:

- It is not consistent with recommendations made in the Crozet Master Plan and the Comprehensive Plan.
- On page 7, guiding principles tell us that existing neighborhoods in the Downtown area will be preserved. New and infill developments will be appropriate in scale and type to the existing growth patterns.
- On page 21, the center is the most intensely developed while the middle and edge bands around the center become progressively more residential, less mixed use and less dense.
- On page 21, a major premise of the master plan is the protection of the rural areas and the 250 west surrounding Crozet.
- On page 33 preservation of the rural scenic character of 250 West is important to retain its status as a Virginia Byway. Preservation of the rural scenic character of this area is important because it contributes to the quality and physical character of the Crozet Community. Byways are also important tourist routes drawing visitors to destinations and stimulating local economy.
- For these reasons the development and most properties along the corridor are shown as green space or with vegetative buffer. Specific recommendations for 250 west states to not approve rezoning for new development along 250 West Corridor.
- On page 37, to maximize capacity and retain its rural appearance the county must limit the amount of development on properties adjacent to 250 West from I-64 to US240 as shown on the land use map. This strategy will keep the number of entrances to a minimum and reduce pressure for traffic signals beyond those which exist on Crozet Avenue, Three Notched Road and Old Trail Drive.
- There is also a concern about safety on this stretch of 250. This development will add traffic to 250 creating more pressure on this section of road and increasing already existing safety conditions.

Mr. Lafferty seconded the motion.

Mr. Keller invited discussion.

Mr. Dotson said many people have talked about the master plan and the comprehensive plan and he thinks all of us see that as a very important, if not essential, guiding document. However, what tends to happen, and he was not as close to this as somebody who does not live in Crozet, whenever you have a master plan of many pages and many maps is there are bound to be contradictions within them and so you have to sort of weigh those against each other. He thinks what people often do is try to say well which is the most specific and clear cut. For instance, Ms. More has pointed out on page 33 of the master plan to not approve any new rezoning for new development along the Route 250 West Corridor. That is pretty specific. But, on the other hand we have the map that shows the area as 3 to 6 units per

acre. In general, he thinks a map is a little bit more concrete and specific because it is very clear what location is meant than would be the text. The text refers broadly to the corridor; whereas, the map is very much more site specific.

Mr. Dotson said when it comes down to sort of weighing and balancing he thinks most of the things that have been pointed out as concerns happened in the text, and the staff report correctly points out the land is designated 3 to 6 units and the 5 factors favorable that the staff identifies are all ways that this proposed development has changed. It has been in my mind that it has changed significantly since we saw it before and very significantly since the first layout that he saw for the first time tonight, which was not very good at all. Therefore, he thinks reasonable compromises have been made and finds that he is leaning towards the map rather than towards the text.

Ms. More asked to add that she meant to clarify before making the motion that she accepts the map and thinks taking the map along with the language, if the density were to come in at the lower end of the range, that it would be consistent with the master plan. She did not agree with just looking at the map or just looking at the language. The map is there and she thinks coming in at the low range would accommodate the language in the master plan and have it be in compliance with what the master plan is asking for. So she just wanted to make that clarification; but, based on what is being presented before us she made the motion and just wanted to clarify that.

Ms. Firehock asked to make a quick comment.

Mr. Lafferty agreed with Mr. Dotson that this is inconsistent with the comprehensive plan and the master plan. As he understands it legally the written word takes precedent over the maps or graphics.

Mr. Kamptner pointed out the comprehensive plan is subject to interpretation and because it is in front of you and you have to decide how that plan is going to be applied to a particular application you are charged with interpreting it as you see fit. When it goes to the Board the Board will have the same charge, and that exists also for staff. Everybody has a role in interpreting the master plan and the comprehensive plan.

Mr. Lafferty asked what should take precedent the map or the verbiage.

Mr. Kamptner replied he did not want to get into the fray of the interpretation; but, the section dealing with fringe areas and the Route 250 West Corridor he thinks, as it has been explained, it was intended to deal with primarily the areas outside of the development area. So this particular piece of property is within the Crozet development area, and so if he were looking at it, and Ms. Echols correct me, he would be looking at the map in this case which designates this property as 3 to 6 units per acre.

Ms. More pointed out the ending paragraph for the section that Ms. Echols was interpreting actually says for these reasons inside the development area most properties. And she did not understand.

Mr. Kamptner pointed out that gets to Mr. Dotson's comment. He said assuming that there is a conflict we have a specific area of property that has been designated in the master plan for a certain density, and if that land is not already zoned to 3 to 6 units per acre he would apply that to mean that it is subject to consideration for rezoning within the range that is recommended in the master plan.

Mr. Keller invited Ms. Firehock to speak.

Ms. Firehock pointed out before she makes a quick comment that she has not decided on voting in the next several minutes. But, she appreciates Ms. More going back to the original of what you were offered in terms of the master plan for Crozet. Option one that she showed us was a larger area of development or a smaller area of development with 3 to 6 units per acre. It looks like the choice was made and she understands it is sort of like choosing between the lesser evils perhaps is how she was characterizing that; but, what was chosen was a more dense designation using up less land. If she was the magician for the evening she would take a big green marker and color it all green. So you know what she does for a

living and she would just make it a green paradise. But, that is not in her power tonight so all she is looking at is what the comprehensive plan says and in her experience the map usually rules. Now, she also understands we have it in our discretion to choose a lower density that now gets down to a matter of aesthetics when they talk about a scenic roadway. She thinks the proposed layout tonight is not less attractive than houses on large lots with no barns.

Mr. Lafferty said he thinks the past inclination of the county has been to protect the 250 bypass in the fringe area. He thinks dumping 14 million dollars into Downtown Crozet shows that they are trying to concentrate the development into the central part of Crozet; and, they are trying to encourage businesses and residential units in the Downtown area. So he thinks their actions speak as loud as the verbiage in the master plan and in the comprehensive plan, and he did not think we should ignore that.

Mr. Keller asked if there was any more discussion before he calls the vote.

Ms. More added in response to Ms. Firehock's comment that she thinks there are parts of the buffer where the most dense part of the units actually come in closest and the buffer is smaller in that area. But, she understands that was not something that was able to get to the applicant in a timely manner. But, she did not think that addresses the safety issues and the other reasons that go along with recommending lower density because it looks nicer than in Ms. Firehock's opinion than houses on big green lots with just grass. So she did not think that drives the safety issue that we have before us since we are asked to look at safety, welfare, overall well-being and that sort of outweighs the aesthetics of the property. She actually thinks the property is pretty creative and well designed; but, it is not in the right place.

There being no further discussion on the motion, Mr. Keller asked for a roll call.

Mr. Kamptner pointed out the motion was to deny the application.

The motion to deny the recommendation of approval for ZMA-2015-8 FAILED by a vote of 2:5. (Lafferty/More aye) (Dotson/Riley/Firehock/Keller/Spain nay)

Mr. Kamptner pointed out that they need another motion.

Mr. Keller asked for another motion.

Ms. Riley moved that the Commission recommend approval of ZMA-2015-00008 Adelaide, with the revisions outlined in Attachment H as recommended by staff, before the matter is scheduled for consideration by the Board of Supervisors.

Mr. Dotson seconded the motion.

Mr. Keller invited discussion.

Ms. More said she thinks there are issues that staff had in their attachment that the Commission said that we are going to revisit that have not been addressed. She asked are we comfortable moving those along to the Board without consideration by this body. Some are said to be technical in nature; but, she has learned from the past that sometimes when you get into technical issues in nature some of the language can be important. She did not know if anyone feels the same. But, personally she did not feel comfortable sending something to the Board that needs to have other issues addressed. She pointed out a factor that is unfavorable is that there are technical revisions and some of these seem pretty important.

Mr. Dotson noted that she had addressed #9 and thinks the staff clarified that; however, he was not sure to Ms. More's satisfaction or not. He asked are there particular ones that you think we should look at.

Ms. More replied that she thinks for some of the VDOT stuff, but she would guess that can get sorted out. However, she would make the suggestion that if staff is recommending that we approve prior to having some of these issues resolved that personally, she was not comfortable with that.

Ms. Firehock said she understands these are changes that need to be made. However, the only one that she did not understand was #13, technical changes to the proffers that were provided by the county attorney should be addressed. That is kind of a giant catch all phrase and she did not know if that was big scary technical things or little technical things.

Ms. More said to me it is another attempt to disregard or gloss over things that this body is going to address.

Ms. Firehock pointed out that she just does not know what they are.

Mr. Kamptner pointed out that he would have to dig up his email view.

Ms. Yaniglos noted they are red line changes to typos and clarifications.

Mr. Kamptner said usually when staff characterizes his comments as technical it may just be making sure that the ownership is correctly identified, parcel numbers, typos and things like that. There may be substantiate comments, too. But, since Ms. Yaniglos has whittled it down to technical revisions he will assume that they are those types of issues.

Ms. Yaniglos agreed that was correct.

Ms. Firehock pointed out that addresses my question on that one.

Mr. Kamptner said there were several comments related and also the master plan speaking to preserving the scenic corridor of Route 250. Attachment B is the applicant's schematic and it shows 40' minimum open space that is extending to 75', is that correct, at the front. Then there was a comment from Mr. Butler of further extending that to 100'. There was also a note on the next page for Attachment B that points to this area and states that existing trees where possible and we plant as per ARB guidelines. He suggested that it would help staff and it might help everybody if that language could be tightened up before we get it to the Board of Supervisors. He was not suggesting that it has to be 100'. However, that comment was made and the language for what is expected to be preserved within this area that is designated and shown on this first page of Attachment B would be one additional suggestion that the Commission can consider.

Ms. Firehock said she could support that because she did not like language such as where possible because then she always hears later that it was not possible. It was not from this particular developer; but, just in past experience.

Mr. Lafferty asked if that is an amendment.

Ms. Firehock replied that she was just agreeing with that because she thinks Mr. Kamptner is still going through other comments.

Mr. Kamptner explained all of his comments were tied into the trees, the setbacks and the buffer that is going along Route 250. He thinks he has covered it and we can work with staff and the applicants.

Mr. Keller asked Ms. Riley if she would want to take a shot at adding some of those conditions to the motion.

Mr. Kamptner suggested an additional recommendation that staff work with the applicant to clarify the existing vegetation that will be preserved in the area designated as open space along the Route 250 Corridor.

Mr. Keller asked if there was a recommendation possibly for a conservation easement that he thought he heard.

Mr. Kamptner replied no, open space is a different term in the zoning ordinance in an open space type of easement; it is a designation of land that is shown on their proffered plan.

Mr. Keller said based on this he did not think this is the proper time to divert to this. However, he thinks under new business they really should think about parkways, scenic byways and whether we want staff to do some investigation on this since obviously this is a significant issue.

Ms. Riley accepted the friendly amendment to the motion.

Ms. Firehock said she is suggesting the language be added from our attorney, Mr. Kamptner, because he does not make amendments.

Ms. Riley agreed.

Mr. Keller called the question.

Ms. Taylor called the roll.

Mr. Lafferty voted no, because he thinks that going against the comprehensive plan and the Crozet Master Plan sets a dangerous precedent and we are deliberately setting up a safety issue on one of the major scenic highways. For anybody in this development to use any of the facilities around it or in Crozet they have to get in a car and drive there; and, so he does not think it is appropriate.

Ms. Spain, Mr. Keller, Ms. Firehock and Ms. Riley voted aye.

Ms. More voted nay for the reasons she previously stated: She did not think it is in compliance with the Crozet Master Plan; she did not think it is in compliance with parts of the comprehensive plan; she thinks safety reasons are being overlooked; and she also thinks we are setting a very dangerous precedent for other developers to come forward and just ignore parts of our master plan and comprehensive plan.

Mr. Dotson voted aye.

Mr. Keller noted that the motion carries by a vote of 5:2 to recommend approval of ZMA-2015-00008, Adelaide.

The Planning Commission took a break at 8:13 p.m. and the meeting reconvened at 8:22 p.m.

The meeting moved to the next item on the agenda.

CPA-2016-00001 Comprehensive Plan – Cash Proffer Policy

The Planning Commission held a public hearing to receive comments on its intent to recommend repealing the cash proffer policy, which is part of Appendix 3, Growth Management, of the Albemarle County Comprehensive Plan. The cash proffer policy established a maximum cash contribution per residential unit to address impacts to certain public facilities resulting from a zoning map amendment. Copies of the full text of the cash proffer policy proposed to be repealed are on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia and may be viewed at the County's website at www.albemarle.org. (Bill Fritz)

Mr. Fritz summarized the executive summary for CPA-2016-00001 Comprehensive Plan – Cash Proffer Policy. The Cash Proffer Policy for Public Facilities was originally adopted in 2007. This year the General Assembly passed and the Governor ultimately signed Senate Bill 549 (SB549). The language of the bill is attached to the staff report. This new legislation becomes effective on July 1, 2016. The legislation requires that proffers address impacts that are "specifically attributable" to the new development and the proffers must provide a "direct and material benefit" to the development. The new

legislation also limits proffers to addressing public safety, transportation, schools, and parks and recreation. The existing cash proffer policy includes these types of facilities; but, also includes libraries.

The current cash proffer policy is not consistent with the new legislation because the current policy uses county wide averages to determine impacts. It includes impacts to libraries that are not eligible for impact consideration for projects submitted after July 1st. It is important to note that the new legislation does not prevent the county from accepting cash proffers. It is just that the cash proffers will have to be evaluated on a case by case basis to determine what impacts are "specifically attributable" to the development and to insure that proffers provide a direct and material benefit to the proposed development. This case by case analysis will not be unlike the process used by the county to accept cash proffers prior to the time that we adopted the Cash Proffer Policy.

Therefore, staff recommends that the Planning Commission forward to the Board of Supervisors a recommendation to repeal the Cash Proffer Policy. The Board is scheduled to hear this CPA on June 8th so that the Cash Proffer Policy will not be in effect on July 1, 2016 when the new legislation becomes effective.

Mr. Keller invited questions for staff.

Mr. Dodson asked does SB549 since it sets out public safety, transportation, schools, parks and recreation have a limiting effect also on our ability to receive affordable housing proffers.

Mr. Kamptner replied yes it does through proffers, and we will probably be presenting to staff some ideas of some things we need to do in light of this bill. One will be looking at providing, allowing for and encouraging affordable housing through incentive zoning. We have a very old provision in our zoning districts now that allows a bonus density factor that primarily has been used a couple of times for rental housing subject to an agreement. However, we will explore other ways in which to incentivize affordable housing.

Mr. Dotson noted the proposal tonight is to repeal the Cash Proffer Policy and asked do we need a parallel proposal to repeal the Affordable Housing Policy?

Mr. Kamptner replied that he thinks the affordable housing policy merely seeks 15% with rezoning, and we can look at that and may need to come back. But, with the effective repealing of the Cash Proffer Policy in SB549 we will not be seeking affordable housing proffers.

Mr. Dotson thanked Mr. Kamptner.

There being no further questions for staff, Mr. Keller opened the public hearing and invited public comment.

Vito Cetta noted as stated before he thinks the county is very fortunate to have a wonderful comp plan. It represents only 5% of our county. However, as we well know you drive south on Route 20; you drive west on Route 250; you drive west on Barracks Road and it looks like it did 50 years ago because of the comp plan. We stack our density mainly close into town and Crozet. It is very successful and the residents should be very proud of that. The dilemma is that we have processed 12 projects through the Neighborhood Model, almost all built, and the penalty is that we do have affordable housing, open space and cash proffers, and, the by right does not have any of those. The cash proffer single-family home is now \$20,000, and you just simply cannot compete with that; it is just too much money. You should also look at your records and you will find in very few projects that have been paying that \$20,000 that they can't afford it. What happened? We said this before when we first started processing projects through no cash proffers. Then about 1999 it went up to \$800, \$1,200, \$1,500 and ended up \$4,200. It was 2007 when the market was red hot and nobody was complaining because it was just the cost of doing business for developers just like sewer taps. The thing went from \$4,000 to \$20,000 and the market collapsed the next year. As a result very few people have been paying those kinds of proffers. We will not build Spring Hill Village with those because we just can't afford it. That is my only criticism of our development

process. Thank you.

Mr. Kyle Redinger, developer for Adelaide, said on the proffer issue it is important to note that the impact that proffers pay for is relatively small in the county budget. He would reiterate what Vito Cetta said that proffers make projects unattainable and he thinks certainly you can attribute a lot of by right development to the cost of those cash proffers. He encourages the committee and other leadership in the county to understand that budget shortfalls are not necessarily directly attributed to new homes that don't pay \$20,000 a unit but more importantly to a broader set of issues related to economic development, designated growth areas and making land relatively straight forward and easy to develop. Those are the ways that to address the impacts in better ways going forward.

Mr. Keller thanked Mr. Redinger and invited further public comment.

Justin Shimp said he would share some experiences he actually had in other localities. One of the things he finds interesting in doing work in other counties around here is their dream in rezonings is not how to make housing affordable; but, how to make it more expensive because they are looking at the fiscal impact. They say well if we have a \$500,000 home in a neighborhood that pays more taxes per unit, then that covers schools and things like that. Relating to what Mr. Cetta said earlier he agreed that is what we have seen in the county's current policy, which will be gone. He hoped the county in the new policies will take that into account so the proffer does not end up being like a tax on the lower price housing and basically a disincentive to build it. He did not think that is anyone's intention. However, the market forces this sort of to work if you apply a \$15,000 proffer on a unit building that house at \$300,000 becomes uneconomical. He did not know what the solution is to that because he was not here to say that; however, he just knows from experience elsewhere that this comes up in every locality. He encouraged the Commission to think about the new rules and how that affects each spectrum of the housing market so the county does not end up with growth where all \$600,000 and \$800,000 houses are in one community. That is all I wanted to share and really appreciate your time tonight.

Neil Williamson, with the Free Enterprise Forum, noted the Free Enterprise Forum has been adamantly calling for the repeal of cash proffers since before the county enacted cash proffers. We firmly believe cash proffers are a welcome stranger tax. Generally speaking we believe that it is applied to folks that have already been paying their way in the community or folks that are moving across town. We know that this is a phase one of a two-step process to reconsider how to calculate cash proffers. We actually think it is a great final phase. There are communities throughout the state that operate without cash proffers. He asked the county to consider what cash proffers bring in real revenue and how that is being impacted in your rezoning.

Mr. Williamson noted that he had provided each Commissioner a copy of the "Unintended Consequences Report", which outlined three specific case studies where cash proffers clearly change the methodology of moving forward with the development and made it so that your comprehensive plan did not get actualized and instead you got by right development. In speaking with developers cash proffers at \$20,000 a unit had a big part of that. We saw a rezoning split a neighborhood with one-half in the city with no cash proffers that got rezoned, and the other one-half in the county got developed by-right. Cash proffers had a huge element to that. He applauds the county for following state code this time and moving forward to repeal cash proffers.

Mr. Keller asked if there was anyone else present to speak on this matter. There being no further public comment, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action. He invited discussion.

Ms. Firehock said she had a comment that was more of a philosophical statement and not a comment on the cash proffer repeal at the moment. As the proffers are now very thorny as the law has changed in what we will have to look at in the future in terms of clauses such as things that need to be directly attributable it is going to be very difficult to actually work out proffers and for people to figure out even how to offer them. In meeting recently with some smaller scaled developers their feeling was that the new proffer policy was pushed by larger developers and that this hurts the smaller developers because it

is going to make it more difficult for them to seek rezonings. At some point soon she thinks the county needs to consider comprehensively rezoning the county. We've got a comprehensive plan that many years of work was put into. We have this guidance before us and rather than have 40 discussions like we just had with this rezoning in Crozet she wished the county would go ahead and bite the bullet and just rezone the land to put the development that we want where we want it and put in any other stipulations in that zoning. However, the way that we are going about it now is somewhat painful and with the repeal of the Cash Proffer Policy, which was really intended to offset the impacts of development, we are not going to be able to do that anymore in that way.

Ms. Firehock noted while on the Charlottesville Planning Commission she spent several years rezoning the city, and going through that process she knows it takes a lot of work. But, ultimately she thinks we should just tell people what we want, what we expect; where we want it and just go ahead and do that. Not running for supervisor this is way above my pay grade. However, this is something that Chairwoman Palmer and she have discussed as something that the county is going to may be need to start looking at. She does not have a position on that, and I am not speaking for her; but, just think that is the direction that Albemarle County needs to take. It addresses developers, such as Mr. Cetta's comments, that why don't we just level the playing field so that everybody has to play by the same rules and not just the people who want to rezone something; but, frankly meets what we already said we want in our comprehensive plan.

Mr. Lafferty agreed with Ms. Firehock; but, more specifically to the proposal in front of us do we have any choice.

Mr. Kamptner replied no, certainly not as of July 1st because the standards in the new law are inconsistent with the Cash Proffer Policy.

Motion: Mr. Lafferty moved and Ms. Firehock seconded to repeal the present Cash Proffer Policy.

Mr. Keller invited discussion. There being no further discussion he asked for a roll call.

The motion carried by a vote of 7:0.

The meeting moved to the next item.

Comments from the Public

Mr. Keller said the Commission was implementing for the first time tonight something that we all voted on last time to entertain comments from the public at the end of our meeting before old and new business. He invited comments from the public. There being none, the meeting moved to the next item.

Old Business

Mr. Keller invited old business. He said that he had some items if others don't. He think there are several items discussed this evening and we needed to have follow up. The first item is about the cell towers on top of the power poles and they had a recommendation from an applicant that there be a policy modification that allows for that. He asked Mr. Kamptner for his response to that.

Mr. Kamptner pointed out that policy modification would need an amendment to the ordinance. If that is the Commission's desire we can come back with a resolution of intent to start the process to amend the ordinance.

Mr. Keller asked if staff saw merit in that.

Mr. Kamptner replied that these are projects that for the most part have been approved. So the way the regulations have evolved the process way back in the 90's was all by special use permit. Standard conditions became the regulations that you see in 5.1.40 now. Because those projects were getting

approved staff can look at what the history is of the antennas being added to the existing electric transmission lines. If the history is showing that, then he does not see a problem with going through this exercise.

Mr. Dotson noted when that came up on Georgetown Road he remembered asking whether that was underway as part of whatever phase of cell tower revisions were already being worked on. He asked Mr. Benish to update the Commission.

Mr. Benish replied that unfortunately he was not quite as close to that as Mr. Fritz who just left the meeting. I think that is some of the things that are being considered. However, if that is what the Commission would like for us to pursue I will get back with Mr. Fritz.

Ms. Firehock asked if they need to be more specific because there were several things that Ms. Schweller talked about.

Mr. Kamptner said if we have her slide it would be helpful if we could rely on that. But, one of the text amendments that is under review and has been for a while was a request from one of the providers to increase the antenna size and to extend the offset of the antennas just because they are getting thicker and thicker.

Ms. Firehock pointed out tonight she also brought up the question about whether we would have to come back for a special hearings for things that were in the nature of strengthening. So I remember we had a long debate about a wood pole changing to a metal pole and which was more or less likely to snap off in a storm. Actually, the wood pole is more unsafe in that respect. So that was something she brought up. The other thing was the power tower standoff and then the platform size that you stand on to repair it.

Mr. Benish said that he unfortunately could not speak to all of those specifics; but, Mr. Kamptner is correct on the antenna size and the separation. If the Commission wants, we can get Mr. Fritz to respond back to whether those are being contemplated or whether we need resolutions of intent.

Ms. Firehock suggested that Mr. Fritz meeting with Lori Schweller and just go over what she said in more detail.

Mr. Benish said staff can report back to the Commission of the status of their request. If there is a resolution needed we can do that. With resolutions we also have to determine the priority and the timeframe that we could get to the work for resolutions. So we need to do that.

Ms. Firehock said that it could come later. The example was the Dominion Tower and their platform requirements for safety of the workers. She really supports the use of those existing towers rather than trying to put new cell towers up. She can certainly understand that there are safety rules.

Mr. Keller asked if they could have a timeframe.

Mr. Benish said he would have Mr. Fritz pay attention to the minutes, listen to them and talk to him to try to get a response back to the Commission. We might be able to do something at the next meeting kind of just a reporting back. We will work towards getting you a response so you know what the next steps need to be.

New Business

Mr. Keller invited new business.

- There was discussion on Tentative Schedule for upcoming meetings and work sessions.

- There was a discussion on issues for future discussion: scenic byways, limitation of entry ways, curb cuts and those kinds of things; highways and parkway designations, historic designations, preservation of historic buildings and the proffer issue including impact fees.
- There was a request to change the wording in ARB recommendation on cell towers. Factors favorable in first item on cell tower the ARB recommended approval with conditions. Mr. Dotson requested different wording of that recommendation in the future to say the Architectural Review Board has found that.
- The next meeting will be held on Tuesday, May 24, 2016 at 6:00 p.m.

Adjournment

With no further items, the meeting adjourned at 8:56 p.m. to the Tuesday, May 24, 2016 Planning Academy at 6:00 p.m., Room 241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.



David Benish, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)

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| Approved by Planning Commission |
| Date: 9-13-2016 |
| Initials: sct |

