

**Albemarle County Planning Commission
October 6, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 6, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Karen Firehock, Tim Keller, Mac Lafferty, Vice Chair; Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia.

Staff present was Claudette Grant, Senior Planner; Glenn Brooks, County Engineer, Sarah Baldwin, Senior Planner; Bill Fritz, Manager of Special Projects; Wayne Cilimberg, Deputy Director of Community Development; David Benish, Acting Director of Planning; Amelia McCulley, Director of Zoning/Zoning Administrator; Steward Wright, Senior Permits Planner; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Public Hearing Items.

SP-2015-00003 North Pointe Middle Entrance Amendment (Sign # 61)

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 03200000002000

LOCATION: North of Profit Road, east of Route 29 North, across from Northside Drive and south of the Rivanna River

PROPOSAL: Amend conditions of approval for SP2007-00003

PETITION: Amend conditions for Fill-in the floodplain SP2007-0003 under Section 30.3 of Zoning Ordinance. No dwelling units proposed.

ZONING: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; residential by special use permit (15 units/acre).

Flood Hazard Overlay District (30.3)

ENTRANCE CORRIDOR: Yes

AIRPORT IMPACT AREA: Yes

COMPREHENSIVE PLAN: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property in Hollymead - Places 29.
(Claudette Grant)

Ms. Grant presented a PowerPoint presentation for SP-2015-3 North Pointe Middle Entrance Amendment and summarized the staff report. Staff pointed out the portion of the development that is pertinent to this special use permit request and the general location for the proposed middle entrance, which is an extension of Northside Drive.

The Comprehensive Plan designation for this area shows several different possible uses, which are detailed in the presentation and staff report.

The applicant is requesting to amend special use permit conditions for SP-2007-3 (fill-in the flood plain) to modify conditions requiring an arched span crossing of Flat Branch stream. The next slide shows a revised plan of the proposed crossing, which is also in the packet. For a different point of reference, staff referred to the approved North Pointe application plan and pointed out North Point Boulevard, which is to the east and parallel to Route 29, and the middle entrance crossing that they were speaking about this evening.

The next slide provides a visual picture of what the revised crossing will look like. This design incorporates two 6' X 8' box culverts at the crossing with a separate 8' X 8' lighted underground pedestrian tunnel; whereas, the previous design was a single arched culvert that incorporated a pedestrian walkway in the culvert. This pedestrian walkway is a little bit outside of the culvert.

Staff apologized that the approved plan is not very clear on the next slide. She referred to a comparison of the approved and proposed design. Conditions of the approved special use permit require a single arch culvert with a bottomless design. This design was intended to be more environmentally sensitive than a conventional boxed culvert. However, at the time of the original approval there were concerns that VDOT might not approve this type of culvert in part due to extensive soil testing needed and future maintenance cost. As a result the special use permit conditions provided an alternative to the arch span in the way of a boxed culvert. The specific details are provided in the staff report. As the applicant began to work on the design of the original special use permit they found the approved design to be more expensive than boxed culverts, and knowing that VDOT had concerns about the design they decided to redesign the crossing and amend the special use permit.

The applicant has demonstrated to the county engineer that obstruction and fill is minimized and protected against erosion or pollution to at least the same level as the span culvert.

Factors favorable to this request include:

1. The proposed design modifications are not expected to change the floodplain levels or the overall impact to the stream.
2. Environmental impacts appear to be the same, regardless of the design.
3. The proposed design is similar to the design approved for the northernmost stream crossing for North Pointe.
4. There are no anticipated detrimental impacts to the use or on adjacent property resulting from the proposed revisions to the special use permit and conditions.

Factors unfavorable to this request include:

1. There are no unfavorable factors.

Based on the findings contained in this staff report, staff recommends approval of SP-2015-3, North Pointe Middle Entrance Amendment with the following changes in conditions from the original special use permit:

- Change to Condition 1 to reflect new ordinance requirements related to fill in the floodplain;
- Elimination of Conditions 2, 3, 4, 8 and 9, since these are now ordinance requirements;
- Elimination of Conditions 6 and 7 because they are no longer accurate; and
- Revision of Conditions 5, 10, 11 and 12 for clarity and with technical language updates.

See Attachment D for Action Letter, dated August 16, 2007, inclusive of the approved special use permit conditions. Blackline of approved and proposed conditions are provided below:

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence, since changes to the floodplain are proposed; Prior to final road plan approval, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA.
2. (Intentionally deleted)
3. (Intentionally deleted)
4. (Intentionally deleted)
5. The culvert under Northside Drive shall be an arch culvert which leaves the natural stream channel and banks undisturbed for a minimum width of twenty-four (24) feet. In the case that VDOT does not approve the placement of footings or the arch span under Northside Drive, box culverts may be used, subject to the review and approval of the County Engineer. In this case a minimum of two (2) culverts with one (1) countersunk for base stream flow shall be used, with impacts to the FEMA floodplain equal to or better than for the arch culvert span; in general accord with the attached drawing titled "North Pointe SP Crossing of Flat Branch" prepared by Townes Site Engineering with a revision date of July 20, 2015, page 2 of 3. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of the culverts. Modifications to the plan, which do not conflict with the elements above may be approved subject to the review and approval of the County Engineer;
6. (Intentionally deleted)
7. (Intentionally deleted)
8. (Intentionally deleted)
9. (Intentionally deleted)
10. Design Planner approval of a landscape plan. Prior to obtaining approval of the road plans and erosion and sediment control plans for Northside Drive, the applicant shall obtain approval of a landscape plan. The landscape plan shall be shown on the road plans and erosion and sediment control plans submitted for Northside Drive. The landscape plan shall include a complete planting schedule keyed to the plan and shall provide the following:
 - a. Existing tree line and proposed tree line to remain, the limits of clearing and grading, and tree protection;
 - b. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the areas of proposed grading and tree removal; ~~This planting shall occur regardless of the grading proposal (DDR or KCA) chosen;~~

- c. Provide large shade trees on the north and south side of Northside Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North;
11. Design details of the retaining walls, including column cap design, pier design, stone finish, ~~etc.~~ and similar design details shall be shown on the road plans and are subject to review and approval of the Design Planner; and
12. If the use, structure, or activity for which this special use permit is issued is not commenced ~~within sixty (60) months after the permit is issued by~~ [insert date that is 5 years after the date the BOS approves the SP], the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Conditions (Clean copy):

1. Prior to final road plan approval, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA.
2. (Intentionally deleted)
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4. (Intentionally deleted)
5. The culvert under Northside Drive shall be in general accord with the attached drawing titled "North Pointe SP Crossing of Flat Branch" prepared by Townes Site Engineering with a revision date of July 20, 2015, page 2 of 3. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of the culverts. Modifications to the plan, which do not conflict with the elements above may be approved subject to the review and approval of the County Engineer;
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 - a. Existing tree line and proposed tree line to remain, the limits of clearing and grading, and tree protection;

- b. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the areas of proposed grading and tree removal;
 - c. Provide large shade trees on the north and south side of Northside Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North, and
11. Design details of the retaining walls, including column cap design, pier design, stone finish, and similar design details shall be shown on the road plans and are subject to review and approval of the Design Planner; and
12. If the use, structure, or activity for which this special use permit is issued is not commenced by [insert date that is 5 years after the date the BOS approves the SP], the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Staff would be happy to answer questions. Glenn Brooks, the County Engineer, is also here to answer any questions.

Mr. Morris invited questions for staff.

Mr. Dotson said he had a clarification on the attached maps in Attachment b on page 3. There is a red box showing the area subject to the special use permit. He assumed they were approving the pedestrian undercrossing of the road since it is being relocated. However, that is located outside the red box and he was wondering if that red box is in fact accurate and needs to be corrected to show that the action is also a little south of that.

Ms. Grant deferred the question to the County Engineer, Glenn Brooks.

Glen Brooks, County Engineer, said his understanding is that the special use permit is for the floodplain crossing, which is part of the Floodplain Overlay District regulation, and the applicant could do a pedestrian crossing under the road without a special use permit. It is not necessarily tied together. The applicant did tie them together because they are doing them all at once and it is all one grading activity. As County Engineer his function is related to the floodplain impacts, the crossing in the floodplain and that is all. He actually asked the applicants to draw that box because he did not want the Commission to necessarily think that they are approving things outside of that box.

Mr. Dotson said he would guess the answer to his question by sort of reading between the lines would be there is latitude within the approved zoning to shift the location of the pedestrian undercrossing subject to approval of the planning director as meeting the intent of the original approval.

Mr. Brooks agreed that was his understanding.

Mr. Keller asked Mr. Brooks if it is his feeling that there is more or less fill in the floodplain required by the amendment than in the previous proposal.

Mr. Brooks replied that he would say that they are about the same.

Mr. Randolph said he had a questions for Mr. Brooks. On attachment B on the back side it shows two 8' X 6' proposed double box culverts, which equals 96 square feet. Then to the right of what looks to be the concrete construction of the culvert it says approximate location of existing FEMA floodplain elevation 424. He asked is that a 100-year flood.

Mr. Brooks replied yes.

Mr. Randolph said in light of Michael Haley's experience in South Carolina is it adequate in the Commonwealth of Virginia that we are still utilizing the 100-year floodplain standard when the applicant is proposing putting in double box culverts of 96 square feet. If there is a huge volume of water is there going to be more water going through than could possibly be accommodated by those two culverts. He asked staff to point out in attachment A the North Pointe middle entrance. The location of this proposed bridge/culvert is located in the cross section of 32/20 and if you go west it is right there. It is where 32/20 and 32/23 meet on that boundary line. If they go west that is approximately where this is located. Understanding that this North Fork migrates in a south to north direction, as development occurs in 32/20 and the volume thereby of runoff goes up we are going to be looking at more water needing to go into this tributary. Then we are creating a potential bottleneck using a standard of a 100-year flood that says all the water is going to get through there. Is that really adequate from the standpoint if we have a 250 year or 500 year flood and a stalled hurricane sitting over Charlottesville. Is that going to accommodate that volume of water in your judgment?

Mr. Brooks replied yes. They have a lot of free board on this crossing meaning the road is much higher than the culvert crossing itself. This stream section is actually a pretty narrow ravine and the floodplain does not spread out a lot. So the water will rise, and we have plenty of height. So a catastrophic event would have to clog the culvert first for that serious occurrence to happen. The other thing is this is a federal regulation, and he does not have the lead way to do something beyond it. The Board would have to pass an ordinance to say we are going to use the probable maximum flood, the 200-year or some other standard.

Mr. Randolph thanked Mr. Brooks because the Commission's responsibility is to do planning and to think longer term. He would hate to see us permit a project and then have it come back and be a source of problems in the future. That is in the best interest of the applicant as well as all of us. So he had to ask that question.

Ms. Firehock noted the staff report said the environmental impacts were the same. It did not necessarily say the impacts were exactly the same, but it implied that. So my reading of this report is the only thing that is the same is that the base flood elevation is the same with both approaches, the one that was already permitted and the new one. However, environmental impacts are a much larger category of things. She did not even understand what the first proposal was since it was not done during my tenure on the Planning Commission. Therefore, she did not feel like she had adequate drawings to interpret. But, it cannot be exactly the same to put a stream into a box culvert as to have a natural stream channel.

Mr. Brooks agreed.

Ms. Firehock said it was not really a correct statement to say they are the same because they really are talking about FEMA requirements.

Mr. Brooks replied yes, it would not have been his choice of words. He did not know if the special use permit for fill in the floodplain can reach that far. It was definitely one of the criteria

used in the original approval that went with the rezoning. There was also some talk about the pedestrian trail being along the creek and that was a better situation at that time. Thoughts have changed since then and they wanted to be up closer to the road. Ms. Firehock was correct that keeping the natural shape of the stream channel might be better for smaller environmental concerns for organisms in the creek.

Ms. Firehock agreed and noted that box culverts could also cause shallow below the box culvert over time and increase sedimentation.

Mr. Brooks said the arches can cause quite a bit of shallow, also. They have a wider section so presumably the water is not concentrating or shallowing as much. However, they do create a dark zone where nothing grows and end up with just mud through there. Then they have to armor it with rocks and end up impacting the creek anyway. They did not specify the size of their arch on their original rezoning. So if it was a very, very large arch yes you can get a lot of environmental benefits out of that. But, they probably would not end up with something that big because VDOT does not want to maintain something beyond the minimum maintenance requirements for them. So that is the driving force.

Ms. Firehock suggested when the applicant comes up they can comment more about this because she understood this request for changes was simply a matter of cost.

Mr. Brooks agreed that had something to do with it, but thought that VDOT was a big driver.

Mr. Lafferty said he thought Mr. Brooks answered his question about the square footage of the box culverts being greater than the curb culvert since it was not specified.

Mr. Brooks said they can't say that for sure; but, he can just look at the floodplain predictions and it is roughly the same.

Mr. Lafferty asked if the watershed is changing.

Mr. Brooks replied it was just for the development, and that has been considered in the calculations.

There being no further questions, Mr. Morris opened the public hearing to the applicant and public comment. He invited the applicant to address the Commission.

Valerie Long, with the law firm of Williams Mullen representing the applicant, Great Eastern Management Company, said joining her this evening was David Mitchell with Great Eastern Management Company; and Brian Mitchell, civil engineer with Townes Engineering. She introduced her special guest, her son Davis, who is here tonight observing to get his community service hours for his honors civic class at Henley.

In a PowerPoint presentation Ms. Long explained why they were making the changes and how it would function. The basic issues they are dealing with is an updated design. She clarified that they did say, Ms. Firehock, there was less impact to the stream buffer for some of the reasons Mr. Brooks mentioned. However, generally it was because the arch culvert in our designs indicated it could have required almost as much fill in the floodplain for the footers of that arch culvert as being an equivalent amount of impact as is required for the boxed culverts. So that is, again, perhaps not the best choice of words as Mr. Brooks said, but that was the basis for that statement. So again, the smaller culverts results in smaller footings. Also, an important factor was the pedestrian enhancements. The original design had the arched culvert, which had

the pedestrian trail right next to the stream. They were balancing this goal in order to have a large enough arch that they could have a pedestrian friendly path and not have a pedestrian feel like they were walking sort of through a culvert. They wanted to have it large enough to have head room for folks to walk. However, of course that requires a larger span impact and thus impact on the floodplain. It is also substantially more expensive.

Ms. Long noted Mr. Morris was perhaps the only person who was on the Planning Commission back in the North Pointe days. She thought it might be helpful for the Commission just to see the approved application plan for North Pointe. They always talked about three entrances to the project with Route 29 along the bottom. The UVA Research Park was essentially across 29, which is the called the northern entrance. She pointed out the southern entrance and the middle entrance, which is the subject of tonight's application and the area in question.

Ms. Long pointed out the view that show the box culverts. They separated the pedestrian path from the stream channel so that they could have a more pedestrian friendly path under the road. They wanted to show that it was going to be wide enough for essentially a multi-use path. In the exhibit the Commission discussed already and that Mr. Brooks explained made it clear that this is the pedestrian tunnel and as noted it is beyond the scope of the red box. But, they certainly wanted to have the information there that Mr. Brooks wanted. They are comfortable with it. She pointed out the original design from the plans from SP-2007-3 showing the wider culvert. The next slide is at a slightly different scale because they wanted to be able to show the context of the pedestrian tunnel and the proposed replacement box culverts. She would be happy to go through the conditions. However, the conditions were mostly housekeeping measures and clean up. A lot of the original conditions from 2007 required certain things that are now automatically required by the ordinance so they were determined to be unnecessary. She would be happy to answer questions or elaborate on any of these exhibits.

Mr. Morris invited questions for Ms. Long.

Ms. Firehock asked if the original proposal was sort of a domed tunnel with a natural stream channel flowing in some sort of pedestrian walkway in the doomed tunnel.

Ms. Long replied that was correct.

Ms. Firehock asked if now they were simply relocating the pedestrian part to another tunnel, which from the scale is just over 100 feet long and then the stream goes through the box culverts, and Ms. Long agreed.

Mr. Randolph asked Ms. Long for an approximation of how many square feet the original culvert was through there. It looks to be much larger than 96 square feet.

Mr. Long asked if he meant in terms of the amount of water volume it could accommodate.

Mr. Randolph replied yes, the surface area there and how many square feet on a linear basis and if you were to take a cut of it what would it approximately be?

Ms. Long asked Brian Mitchell with Townes Engineering to answer this question.

Mr. Lafferty noted they also have a pedestrian walkway in there, too.

Brian Mitchell, with Townes Engineering, said that he did not believe that the original arch was ever truly sized. The bottom of the creek is around elevation 417. The road elevation going

over top of it is up around 445 to 450. Essentially he would call it 30 to 35 feet from the bottom of the creek to where the road goes by. So if you are envisioning me standing in the creek and the road is up above this ceiling it is a number of feet.

Mr. Randolph asked if it was 11' 8" or 17' 8".

Mr. Mitchell replied it was 17'.

Mr. Randolph said it was much higher. So instead of an 8' ceiling it would be more than a double ceiling. So there would be considerably a greater capacity for water to flow through the original culvert.

Mr. Brian Mitchell replied that he was correct in looking at it from the size standpoint. Part of the thought process behind this was if you could envision people walking along our entrance road where you see the people up at the top. Also, they have pedestrian paths that are going to be proposed throughout the subdivision and development. To have them be able to actually stay up in that area where they envision the pedestrian traffic being instead of having to go down into a gully, which they thought would not be the safest scenario, was another thing that drove us to having the separate pedestrian tunnel.

Mr. Randolph asked if the culverts they plan to use were prebuilt concrete, brought in on a flatbed, lifted by a crane, put into place, and then they would build earth on top of them.

Mr. Brian Mitchell replied that they have done them both ways. He has done that where they come in essentially 8' long sections and they piece them together. They have also built them in place before. They would just give both options to the contractor. The problem with bringing them in on a crane is you essentially have to build a path for the crane to get down to the bottom. Whereas, if you form them in place then you are talking about a concrete truck building the cast structure down at the bottom and maybe constructing one having the water go in the other one or the other one would be in place, pouring the concrete and then moving over and forming the other one. They have done it both ways. It really just depends on constructability and access.

Mr. Randolph said he would like to ask a hypothetical question. Let's say you are a property owner directly upstream from this proposed culvert and you have stream frontage on it and were at an elevation of 5' above the stream, would you prefer to have your original culvert or would you prefer to have the culvert that you are proposing here in terms of your own safety and preservation of your property.

Mr. Brian Mitchell replied that he did not think it matters. Referring back to the North Pointe application plan he explained that the actual culvert crossing is essentially where the middle red box is at the middle entrance. Upstream of this the water on this is flowing from Profit Road towards the culvert crossing. There is enough elevation fall in there that there isn't any affected property owner that is upstream of it. If they got into the scenario they were saying not one culvert box, but these big 6' X 8' box culvert boxes, and if one of them got blocked they have the second one as redundancy. If they both get blocked for some reason that water is going to rise up and quite honestly it is going to go through the 8' pedestrian tunnel that we have as a third fail safe option. Then at that point there was the road elevation and the sag in the road elevation. He had looked at the topo on this upstream and did not believe even if it had to go up and over top of the road to get out that there is not anything upstream of this in his opinion that would be affected. Route 29 is where that stream eventually goes. The elevation of the road at

that point is like 465, which is about 20' higher than the elevation of the sag of the road in this area. He did not see there was any chance of that occurring.

Mr. Morris invited other questions.

Mr. Lafferty pointed out the present design is far superior from a bike/pedestrian position in that it looks like if you were taking the other culvert, the semi round one, you would have to go down 35' and then go up 35'.

Mr. Brian Mitchell said they really did not think anybody was going to do what Mr. Lafferty just said. That really drove us to this in that they have done a lot of golf course communities and that sort of thing where they have these pedestrian tunnels. If you don't make them user friendly for somebody they are not going to use them. So that was one thing that drove us to this. The other thing is that the ones where they have done a pedestrian path down next to a stream it does exactly what Mr. Randolph says it floods. It ends up wiping out the pedestrian path that has been installed or it becomes a maintenance issue. So this is a better way to do it.

Mr. Lafferty said he has had the opportunity to put in some of these oval culverts and doing the face of them is real problematic to make it look nice. It is not shown here, but you want the whole face to be concrete to keep the erosion from getting around it.

Mr. Brian Mitchell said the other thing they had a problem with is with the arch system. Essentially there is so much weight on the footing and the foundation that you have to drive piles generally down to rock in order to support them. In order to do that you have to get a piece of equipment down there to do that and that requires a lot more clearing and impact to what you are trying to avoid. These are some of the background reasons that maybe are not in the presentation, but drove us to this decision.

Mr. Keller said he would like to weigh in on this because he sort of disagrees with what both of you have said. He thinks from an environmental standpoint there are ways that if they are not so dramatically impacting the topography of the site and if we really want the young folks in our community to understand water quality issues, which many people are saying is the biggest set of issues that mankind has to confront, then they would be interested in bicycle trails and other things being able to get the person down closer to that. If they had proper kinds of plantations instead of going for just pastoral landscape that is all clipped then there are ways that the water would not be doing the impact to that area that would lead to the kind of wash out that you are talking about. It is beyond this. Each of us understand as a Commissioner what our responsibilities are here to vote on. Since they have Mr. Mitchell engaging in this in a thoughtful and positive way he asked how he could envision a development like this with a bridge in that water way. Let's just say hypothetically and not here how you can envision a solution to a situation like this that might be better. He asked Mr. Mitchell to take the cost aside for a moment.

Mr. Brian Mitchell replied that the issue that was driving this is the elevation of 29, which is the road we are mandated to connect to and where they are mandated to connect to across from Northside Drive. The elevation of that intersection is 463. VDOT is mandating to us that we have to drop that road coming into our main entrance down. They have to have a flat area for 50 feet of 3 percent so no cars go sliding at the intersection. Then once they get 50' into the site they have a slope grade that needs to go down, and they need to do that around 5 to 8 percent because of the road classification. So that is kind of dictating what the elevation is as we go over Flat Branch Creek. Another situation is if we were in some other location where they did not have accesses to 29 mandated at this location, then he thinks you could get into something

like that where they can work the grades around to where the main road can get down to an elevation equivalent to a creek and be able to create that transition that you are looking for. That is not this situation, but certainly we try to do that in other projects where they have that capability and where the elevations work. That is not the situation here, but that certainly is the situation in other places where it is flatter and the floodplain is more spread out like Mr. Brooks said. In those areas they generally can get the roads and the pedestrian systems down to the elevation of the creek bed and create what you are referring to.

Mr. Keller noted another alternative would be a longer span bridge at the elevation that you need that becomes an eloquent design feature in its own right.

Ms. Firehock noted she had two questions. The design you showed us from before with the tunnel she did not see a walkway on that. She asked was there another drawing that had that or was it just said it would be done.

Mr. Brian Mitchell replied it was said in the proffer conditions.

Mr. Benish pointed out there is nothing in the proffers that dictated a particular design. It had to be figured out. This drawing really has no standing other than just a conceptual drawing.

Ms. Firehock said she would like to know since it was stated in the application materials that cost was a major determining factor in requesting this change. She wanted to know the difference in cost. She wanted to know what the original might have cost. She understands that he had not fully designed it yet. She needs to have something because she can't just hear that it cost more.

Mr. Brian Mitchell said they took just a schematic arch that would have been required for this and then sent that out to Comspan, which is a manufacturer for arch pipe/bridge systems. They sent us back what their most cost effective solution is that is a steel plate system. Essentially instead of building the arch and sending us pieces of concrete, which can be very expensive to transport if they send us pieces of steel plate, they show up on trucks and you erect those. You have to build footings with the foundation and most likely driven piles down to rock. The actual steel plate from the manufacturer for the span was like a million seven for that. They would still have to construct the footings and drive the piles. The last time they built an arch system the piles for it were about \$250,000. This span would probably be \$300,000 to \$400,000 because it is a lot bigger than the last one they did. He thinks that is a ballpark number. They were thinking somewhere in the 2.2 to 2.5 million dollar range to build it as an arch. The culvert system with the double 6' X 8' boxes was around \$400,000 or \$500,000 for those transported and placed on site. Then they still have to do the 8' X 8' pedestrian crossing, which was not as long. He thinks that was probably \$260,000 for that. It was double.

Mr. Lafferty said since this is not really the proposal and this just happens to be in the drawings and outside of the scope of the drawings should we be doing design work here for him.

Mr. Morris said he did not think so, but it is a legitimate question.

Mr. Benish added that at the time of the rezoning he believed that VDOT did not commit to accepting the arch design. That is why the original language was such. Their concern was long term maintenance of the arch structure. He did not know if staff has gotten any more recent comments from VDOT on that. However, that was passed back in 2007.

Mr. Morris invited public comment. There being no public comment, the public hearing was closed to bring the matter back to the Commission for discussion and action.

Mr. Lafferty said this design is certainly superior to what they saw previously. If VDOT is not going to accept it, then it is sort of a mute question as to which one you go to. You might face these entrances to the pedestrian walkway into the culvert for the storm water with rock or something like that to dress them up and make it look a little bit nicer. From a pedestrian and bicycle point of view he thinks this is a far superior design.

Ms. Firehock said she did not actually agree. She has been in plenty of tunnel systems with streams going through them and pedestrian pathways that are quite pleasant. VDOT did not say they did not accept this, but said they have concerns with maintenance. It is not a rejected application. She takes the point about the tunnel perhaps being easier to reach in the new design and get through as a pedestrian; however, it is much worse on the environment. So people might get a little fitter perhaps if they have to go a little farther to go through it.

Mr. Randolph said he appreciates Mr. Brooks' and engineering staff's frankness about this. He would feel a little bit more comfortable looking out over the next 20 years if the 96 square feet was greater.

Mr. Keller said from Mr. Lafferty's point he was asking because he thinks that we want to be working towards planning design excellence. Those questions are not going to affect my vote on this. However, he thinks staff, the general public and the Commissioners need to be thinking about a higher degree of design execution in the future. He thinks we need to be raising the bar in this world class county that they are said to be in, and he did not believe that any of those solutions get anywhere close to that.

Mr. Lafferty said they also have mobility issues and he thinks they are somewhat obligated to plan so people can use the pedestrian path and be willing to use it. You can put a path down to the creek if you want to have a place to park your bike and walk down there.

Mr. Morris recalled when the Commission looked at this in the beginning it was obvious that this is going to probably come up again. It has and I commend you for the design work that you have done and the candor that you have addressed the issue. Therefore, he supports this. He asked if anyone desired to make a motion.

Motion: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of SP-2015-3 North Pointe Middle Entrance Amendment with the conditions outlined in the staff report.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 5:2. (Firehock, Keller nay)

Mr. Morris noted that SP-2015-3 North Pointe Middle Entrance Amendment would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

The Planning Commission took a break at 7:27 p.m. and reconvened at 7:35 p.m.

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