

Albemarle County Planning Commission
FINAL October 15, 2019

The Albemarle County Planning Commission held a public hearing on Tuesday, October 15, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Vice-Chair; Karen Firehock; Jennie More; Bruce Dotson; Pam Riley; and Luis Carrazana, UVA representative.

Members absent: Daphne Spain.

Other officials present were Jodie Filardo, Director of Community Development; Amelia McCulley, Deputy Director of Community Development; Carolyn Shaffer, Clerk to Planning Commission; Megan Nedostup; Andrew Knuppel; Rachel Falkenstein; Michaela Accardi; Lea Brumfield; Stacey Pethia; and Andy Herrick.

Call to Order and Establish Quorum

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

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, he moved on to the consent agenda.

Consent Agenda

Mr. Keller asked if any of the commissioners cared to pull a consent agenda item. Hearing none, he asked if there was a motion for acceptance.

Ms. Firehock moved to approve the consent agenda. Ms. More seconded the motion, which carried by a vote of 6:0. (Ms. Spain was absent.)

Mr. Keller asked if anyone else cared to speak. Hearing none, he moved on to the first public hearing item.

Public Hearing Items

ZMA201800012 Galaxie Farm

Ms. Megan Nedostup, Principal Planner, presented the staff report. She said it was a rezoning request for a property located along Route 20 South (Scottsville Road), approximately one-third of a mile from the intersection of Mill Creek Drive.

Ms. Nedostup presented a map of the parcels, which she highlighted. She explained there were two parcels and indicated to Route 20, Mill Creek Drive, the Monticello Fire Station, Monticello High School, and Cale Elementary School on the map. She said there were adjacent county-owned properties to the north, Avinity subdivision to the south, and Cale Elementary to the west. She said the rural areas are located across Route 20.

Ms. Nedostup said the applicant is proposing to rezone 13.36 acres from R1 Residential (which is 1 unit per acre) to Planned Residential Development PRD (which allows 3-34 units per acre) to allow for 72 units. She said the development is proposed to have a variety of housing types, including single-family detached, single-family attached, townhomes, or a mixture.

Ms. Nedostup said that a buffer and open space is proposed along Route 20, indicating to a green area on the map and explaining that includes the existing stream buffer and some steep slopes. She said there is also a green space located within Block 8, and there are proposed primitive trails within the open space area.

Ms. Nedostup said the Comprehensive Plan designates these properties as Neighborhood Density Residential, which recommends a density of 3-6 units per acre. She presented two maps – the Comprehensive Plan Land Use Map and the Parks and Green Systems Map. She said the adjacent county-owned properties on the map, shown in blue, are designated as Institutional. She said that Avinity (to the south) and the Kappa Sigma properties are designated as Urban Density Residential.

Ms. Nedostup said that there is a shown road connection in the Master Plan from Route 20 to Mill Creek Drive, and that a multi-use trail is located along Route 20 within the Comprehensive Plan. She said the application plan shows a portion of the connector road within the properties that includes bike lanes. She said the primitive trails were determined to be sufficient by the Transportation Planner, in this case, for the multi-use path to serve as that connection.

Ms. Nedostup added that there is discussion around the center, indicating to this designation on the county properties on the map. She said it states that a collaborative community process is needed prior to a decision on the use of county properties resulting in the Small Area Plan for the center, but that this has not been planned yet by the board.

Ms. Nedostup said the applicant was proposing to go above the recommended density stated in the Comprehensive Plan. She said that if it is development to the proposed maximum number of 72 units of density, the project would be 7 units per acre, which is above the recommended range of 3-6 units per acre. She said the applicant is proposing 9 units above the recommendation, stating that these units will be provided to address the affordable housing of 15%. She said staff has recommended that the density within the report be reduced to the recommendations within the Master Plan and that the proposal meet the housing policy for affordable housing. She noted that Stacey Pethia was present to answer any questions about affordable housing.

Ms. Nedostup said that in addition to the rezoning request, the applicant is requesting a number of modifications and exceptions including private street authorization; modifications to street standards for sidewalks, planting strips, curb and gutter; and modification of the setbacks. She said the staff analysis was provided in Attachment 9 and that she was happy to answer any questions about the findings and recommendations, noting that she wasn't planning to go into detail on those.

Ms. Nedostup noted that the private street modifications of street standard requests are Planning Commission approvals, and so the Commission would be making a motion that evening to either approve or deny those requests. She said the setback modification requires Board of Supervisors approval, and this would require the Commission to make a motion of recommended approval or denial of that request.

Ms. Nedostup said the favorable factors for the rezoning is that the request is consistent with the majority of the recommendations within the Southern and Western Neighborhoods Master Plan and Comprehensive Plan; the rezoning is consistent with the majority of the applicable Neighborhood Model principles; it provides affordable housing that meets the housing policy within the Comprehensive Plan; and provides a portion of the connector road that is recommended in the Southern and Western Neighborhoods Master Plan.

Ms. Nedostup said that unfavorable factors include adding additional students to Cale Elementary, which is over capacity with no current plans for expansion for future capacity; and the density proposed is above the recommendations within the Southern and Western Neighborhoods Master Plan.

Ms. Nedostup offered to answer questions, noting that Frank Pohl (County Engineer) was also present to answer questions about the private street request.

Ms. Firehock asked which road is the one that is supposed to connect all the way through.

Ms. Nedostup replied that it was Road A.

Ms. Firehock asked if Galaxie Farm Lane would continue, and if the county decided it wanted to build the connector, how this would go.

Ms. Nedostup replied that the road was a dashed line on the map and that this was yet to be determined.

Ms. Firehock said she was confused because it looked as though it went along Galaxie Farm Lane but that this seemed odd. She asked if Road A was public and would be built to public standards.

Ms. Nedostup replied yes.

Ms. Firehock asked if it was proposed currently to be built to public standards.

Ms. Nedostup replied yes.

Ms. Firehock asked if the roads in question, then, were Roads D and E.

Ms. Nedostup confirmed this.

Ms. Firehock said that perhaps the applicant could explain that there were two options provided for Road D as public versus private, and the private one connects but the public one does not connect and ends in two cul-de-sacs. She said she couldn't determine why this was. She asked if it was because there was not enough width at the top of Road D as a private street or can only be connected if it is a private street.

Ms. Nedostup replied yes, mentioning the VDOT standard for the radius.

Ms. Firehock said that this was what the turn radius was referring to, and it must be private because they could not get the curbs right.

Ms. Riley said that in a prior version of the application, the county requested there be connectivity to Avinity. She said she was curious as to why this was not part of the application and if Ms. Nedostup could explain how it would be feasible, if not.

Ms. Nedostup presented a map and indicated to the Cale property as well as to where the connection to Avinity had been proposed. She said staff was not certain of the feasibility of this. She said there is also stormwater management in the back of Cale at that location, and because the property is offsite, staff cannot require it, but they are requiring that a 50-foot right-of-way be extended to the property line if, in the future, they wish to make the connection.

Ms. Riley asked if it would be the county wanting to make this connection and if it would run through the county land to Avon.

Ms. Nedostup replied that it would run to Avinity.

Mr. Keller opened the public hearing.

Ms. Nicole Scro, representative of the applicant, introduced herself, noting that she used to be a land use and zoning attorney in Charlottesville and started Gallifrey (a real estate development company) in September 2018. She said her family develops elsewhere – her grandfather started the company through which her family has built several thousand houses – and that she is marrying her family's real estate experience with her knowledge of Charlottesville. She said she was accompanied by Justin Shimp (Shimp Engineering).

Ms. Scro said that the property is about 13 acres off of Route 20 and is designated as Neighborhood Density Residential (3-6 dwelling units per acre). She said she had come before the Commission in December 2018 to talk about density, during which she had proposed some small cottage units. She said the consensus seemed to be a Comprehensive Plan amendment and rather than taking that route (since they are no longer able to initiate that CPA themselves), the applicant is now adjusting the plan to make it fairly consistent with the Comprehensive Plan.

Ms. Scro presented the project timeline to explain why it has taken some time to arrive in front of the Commission. She said some other project changes were that the applicant was no longer involving the county property and that the density has lowered.

Ms. Scro explained that the applicant has engaged extensively with the community, meeting with the 5th and Avon CAC twice and the residents of Avinity twice. She said there are two families who live off of Galaxie Farm Lane and will be impacted by any change to Galaxie Farm, and so the applicant has met with them several times, as well as others such as the owners of Somerset Farm (across the street), the Kappa Sigma headquarters, the nursing home, and Tandem Friends School.

Ms. Scro presented the illustrative plan, explaining that it shows more detail than the block plan in the application. She said that upon entering the site, there is focus an entrance off of Route 20, and what the plan shows is preserving a rural landscape while still having a development in the area. She said that when entering off of Route 20, there will be mostly green space because of the 3 acres of stream buffer.

Ms. Nedostup said upon entering, there are private streets along each side due to the shape of the property. She noted that Mr. Shimp would be later discussing why the street is private, as he was more knowledgeable about the intricacies of the regulations. She indicated to another private

street, noting that Ms. Nedostup recommended approval of it, and that it was simply serving as an alleyway so that the adjacent homes can face the green space and so the vehicles can enter in the back. She explained that rather than having a larger street and having the homes face the street, they can orient towards the green space by having the private street in the back.

Ms. Scro indicated to where she said there was a good mixture of houses, even with the Neighborhood Density Residential. She said that even with the 3-6 acres, there is a mixture of townhouses and single-family detached units as well as affordable townhomes in one of the blocks. She said the applicant has been in preliminary discussions with Habitat for Humanity to partner with them, adding that this was not finalized. She indicated to about 0.3 acres of green space, explaining it was marked as a dog park and playground on the map but that it could change.

Ms. Scro said that what the applicant has heard from Avinity is that much of the area consists of townhouses and attached units (and that Avinity entirely consists of this), and that people were excited to be able to transition (after living in Avinity for 5-6 years) to a single-family detached house. She said this was why the county often encourages a mixture of housing types in one location so that people do not have to move to a very different location in the county, but can move into a single-family detached house nearby. She said there are already people looking at reserving certain lots, which was exciting and positive.

Ms. Scro said that affordable housing has been a major issue under discussion and that the applicant is proposing units above the recommended density in the Comprehensive Plan, with those units that are above the recommendation being designated as affordable. She said the numbers in her presentation were slightly off and that she would adjust them to what Ms. Nedostup had put in the staff report. She said it would be 72 proposed units, with 7 units above the Comprehensive Plan and 11 units being designated as affordable.

Ms. Scro said the main concept was that by allowing the applicant a density above the Comprehensive Plan, they are mirroring what was previously approved at Riverside. She said that there, 59 units were recommended, 69 were proposed, and 10 were above the recommended density and were required to be affordable. She said she did not see where there would be a compelling reason to treat the Galaxie Farm application differently because they have a very similar location via center, and that the county wants to fulfill the center's designation by having residents nearby it. She added that the traffic there was not necessarily an issue.

Ms. Scro said that she was at a pre-op with Ms. Pethia the day before, where a similar application in a different location was looking to do the same thing. She said she thinks this will have an impact in the ability of smaller projects to include more affordability, especially in places where there is a Neighborhood Density Residential designation. She said it is difficult to build affordably in those designations because the density allowed is so low. She said there is the desire to build smaller units that are affordable, but that more of those are needed to make it financially feasible due to high land costs. She said the ability to provide a bonus above the Comprehensive Plan is important.

Ms. Scro noted there were intricacies with the proffer law changing. She said if the applicant had proposed R6, the county would not be able to require a proffer statement of 15% affordable housing in that designation. She said that here, they were conditioning it as part of the application plan to still require affordable housing and that rather than treating it too differently from a R6 application, they are allowing for affordable housing but asking for a bonus for it.

Ms. Scro presented a map showing the center designation nearby. She said a center is defined as a place to which people want to walk to within one-quarter to one-half mile. She said there were not many centers currently.

Mr. Shimp, engineer for the project, said that as alluded to earlier, there were some small differences between the private and public street standards that were bringing the applicant to asking for some private streets. He said that generally, he finds it easier to get more Neighborhood Model oriented development if he does not have to deal with VDOT streets. He said this was nothing against VDOT, but that VDOT has certain things they are looking for across the whole state, with one of the main things being the turning radius. He provided the example of another project off Sunset that was by-right and R1. He said that going this by-right VDOT route, they were compelled towards that design due to the ordinance.

Mr. Shimp presented the public option for the street, noting that it could be done and that though it would not adversely affect the people living there, if they could get by with a private street, there could be flexibility for a smaller radius. He said it was a site plan issue but that the flexibility would allow them to go down the road with some other considerations. He said the applicant would like to have it as a narrow loop street rather than two streets with a cul-de-sac as it was a better design and is generally found in mini-neighborhood developments.

Mr. Shimp presented the table from VDOT that the applicant has to go by. He said there was a 200-foot radius and if they go down to the low speed, they can go to lower 70s or 125 feet and more compact curves with a lower speed with that standard. He said to the extent the applicant could have this flexibility, they would like to have it, but if public streets are required, they could work with that.

Mr. Keller invited the public to comment. Hearing no comments from the public, he invited the applicant to come forward again for questions.

Ms. Firehock asked for the width of the private street.

Mr. Shimp replied that the applicant would like to have it 24 feet wide with parking on one side.

Ms. Firehock asked if it was the typical width of a City of Charlottesville street.

Mr. Shimp replied that it would be typical of the streets one drives on where sometimes; the driver has to wait for someone to pass by. He said there would be about 12-13 houses on that street and therefore, low traffic.

Ms. Firehock asked for the width of a VDOT standard street.

Mr. Shimp replied that if parking is desired, it has to be 29 feet.

Ms. Firehock asked if the applicant was asking to only reduce the width by 6 feet.

Mr. Shimp replied that it was more about the radius – that the curvature was more important than the width in many ways. He said the public street would have two cul-de-sacs and with private (with the County Engineer's approval), they would have an option.

Ms. Firehock said that in looking at the two options, it struck her that being able to drive around the road doesn't really get one that much as they are not really getting anywhere. She said it was a question of whether someone can drive around or if they have to come back out in their car to go back. She said if someone wanted to visit their neighbor, where were they actually driving to.

Mr. Shimp said that in a way, it was more about walkability (for instance, if someone was walking the loop with their dog).

Ms. Firehock said that to this end, it struck her that perhaps the applicant could connect the two cul-de-sacs with a walking path because neighborhood connectivity is important, but she doesn't see the need for a vehicle to necessarily drive around the edge of that.

Mr. Shimp agreed that it was not necessary, but it was a preference of the cul-de-sacs versus the connection around. He said as it is laid out, having a trail in someone's back yard was awkward.

Ms. Firehock countered that this might be preferable to having a road behind the house.

Mr. Shimp explained that it would be beside the house. He said in the private street layout, there is a corner lot. He said it is a design preference and that the applicant didn't feel very strongly about it other than to say that they prefer the private street option, as it is a better layout for the street. He said that if they need to do cul-de-sacs, it can be done.

Ms. Firehock said she was trying to figure out a compelling reason for why it is needed because it doesn't really go anywhere.

Mr. Shimp said that if attached dwelling units are there, it is an agent approval anyway.

Ms. Firehock asked Mr. Shimp what he meant.

Mr. Shimp explained that essentially, staff would approve it. He said the Planning Commission would approve it if it is single-family houses. He said if they put all the housing side by side, he would ask staff for an agent approval rather than Commission. He said they need it purely to have single-family for the roads to be private.

Ms. Firehock asked if there were four additional single-family, referring to the plan and noting that the ones on the bottom were attached and the ones in pink were all single-family detached. She said in the other option, they were getting three unattached.

Mr. Shimp said it was similar in the way of the unit count. He said if all the units were attached, they could do the private street by-right and that this was standard for townhomes. He said that 4-5 single family houses warrant this discussion, even though they may not be that much different than the attached housing that would replace it.

Ms. Firehock said she didn't see a compelling reason either way.

Ms. Riley said that at some point, Mr. Pohl would likely weigh in on the radius turning issue. She asked if it was a private road, it would become an additional maintenance area for the HOA and factor into costs for HOA fees.

Mr. Shimp replied that it would, noting that it would be weighed out over all the units.

Ms. Riley asked if this would include the affordable units.

Mr. Shimp said it would include everything.

Ms. Riley asked if the entire community would have one HOA.

Mr. Shimp replied yes.

Ms. More said she had a question about the reference that was made to Riverside Village, with regards to density and affordable housing. She said what she was hearing the applicant say was that in comparing the approval to Riverside Village over which what was recommended in the Comprehensive Plan in regard to the number units, the applicant was expressing that in order to achieve those units, they would like to go over what staff was recommending.

Mr. Shimp said it was the same consideration. He said that Riverside Village's proposal was over the recommended units, but it was said that the 10 additional units were affordable and that this was voted through as acceptable by the Board of Supervisors.

Ms. More said that her concern in following this logic was that the request becomes the norm – that in order to achieve affordable units, the Commission should always be asked to allow for people to go over what is recommended to accommodate for the affordability component.

Ms. Scro said that it would still be on a case-by-case basis, and if there is a compelling reason why the density should be the recommended density in the Comprehensive Plan, that can be a decision and consideration of the Planning Commission. She said it should be allowed on a case-by-case basis because it does impact to be able to build affordable units in Neighborhood Density Residential and that by "affordable," she means that a for-profit developer can build something that is smaller and therefore more affordable if more of them can be built. She said this was very difficult to do in Neighborhood Density Residential.

Ms. Scro continued that she knew the decision that evening would impact how other applications will consider how they will design their developments. She said that with this being said, it still would be a case-by-case basis and should be handled carefully because there are instances where density is very sensitive when building in a certain area. She said she didn't think this was the case in her application or in some other instances, but that the door should at least be open to a case-by-case analysis to allow for this ability, especially in light of the affordable housing crisis and that in those areas where affordable units can be built, there should be as much as can be done in order to encourage that.

Ms. More said that to this point, the applicant's language is "more, smaller." She said she understood that the applicant has a bottom line, but that it concerns her as to if they are building truly affordable units and that the unit types being produced don't always meet the needs of those in the community if all that is put out within a development are the tiniest units. She said, for example, that in an apartment complex, it is the smallest apartment in the most undesirable location that is unfortunate to see, with some boxes checked to say that the applicant has accomplished the affordable housing when she is not sure that they actually did.

Ms. Scro said that the way the decision will impact the affordability of this project is that if the applicant were to only provide what is recommended in the Comprehensive Plan, they would take away some units and therefore, other lots would increase in size. She said this is how those units would become even more costly. She said the units there might be around \$400,000-500,000, noting that those are very expensive homes, but that they would increase even higher to \$500,000-700,000. She said that while they are still not necessarily achieving affordability in the sense that is desired, they are able to do it marginally in decisions such as this one.

Ms. Scro said that in other cases, such as the pre-op that was done recently, they would be able to build at \$250,000 in that instance. She said this would be changing the way that developers are able to distribute the costs of land by allowing for this.

Mr. Shimp clarified that when the lot total goes down, the lots become bigger and the houses become more expensive. He said it was really an issue of 3-6 units in those zones, and the question was to if they go over this number by 6 or 7 units and there are no traffic issues, if this was really a problem because it creates more affordable units. He said every additional unit applies the math of 15%, and every house that is built becomes slightly more affordable. He said if there was no compelling reason against this, it should certainly be considered.

Ms. More asked if Roads D and E were to be private, who would maintain them. She said she was specifically thinking of plowing the alleyway, especially for Road E. She asked if the community would pay to have those roads plowed when it snows, and if VDOT would stop at the main road and would not plow the private streets or alleyway.

Mr. Shimp replied yes. He said that the parking lot and back alley for the townhomes has to also be maintained. He said that in those neighborhoods, residents do not mow their own grass because they have lawn maintenance all year round. He said that all sorts of maintenance occur in the HOA. He acknowledged that this all does add up.

Mr. Shimp said that in a townhome development, all the streets are generally private, and all the people who own those homes pay to maintain the streets. He said the people who are buying less expensive houses pay to maintain their own streets. He said on the other hand, if there are single-family houses and public streets are built, the state pays to maintain those, so that people who have more expensive houses have maintenance done for them, and people who have less expensive houses pay. He said he personally finds this troubling. He said in apartment complexes, everyone drives a car and pays a gas tax. He said that people who live in single-family neighborhoods with public roads get them plowed and people in apartment complexes pay to do it. He said this should be considered.

Ms. More said that the applicant was back before the CAC in August with the proposed changes, and then the concerns that were raised were capacity at Cale and that the density is above the Comprehensive Plan recommendations, as well as affordable housing. She asked what the applicant's responses were to the CAC's concerns, with the understanding that they may have explained to the CAC what they were explaining to the Commission in terms of density and affordability, but perhaps speaking more directly to the capacity issue at the school.

Ms. Scro replied that the CAC didn't necessarily expressing concerns, but that there were questions in regard to density. She said this CAC is particularly well-versed in policy and zoning, and so they were curious about how those things interact and change.

Ms. Scro said in terms of Cale, this is an issue in the area. She said she was at a capital improvement meeting earlier and that this was discussed. She said there seems to be money that is being prioritized to address the current capacity issues, but not necessarily future capacity issues. She said she had discussed this issue with Rosalyn Schmitt and others at the School Board to come up with something that the applicant can do. She said what Ms. Schmitt said was that Walton Middle School and Monticello High School are under capacity, and so they do not necessarily want to discourage people from moving into the area because they want to utilize the under-capacity facilities. She said Ms. Schmitt had said that Cale is an issue, but that the project would not really change the game for how Cale needs to be addressed, no matter what.

Ms. More said that she did read this in the applicant's narrative.

Mr. Dotson asked when the applicant would expect to start building, and how long the project would take to build out. He said that what lies behind his question was to when the students would need to be serviced by Cale.

Ms. Scro replied that it would likely be a year before any dirt moves. She said the full buildout would take 5-6 years, depending on what builder is building. She said if it is Stanley Martin, it might be faster.

Mr. Shimp said the first students would arrive in 2.5 to 3 years.

Ms. Scro said the estimates in the staff report were 10-11 elementary students, expressing that the benefits of the project outweigh the negatives and acknowledging that Cale needs to be addressed no matter what.

Mr. Dotson asked about the affordable units and the discussions with Habitat. He said one of the very positive features of Habitat is long-term affordability. He asked that in the case that the partnership with Habitat doesn't work out, if the applicant had thoughts on long-term affordability.

Ms. Scro asked if Mr. Dotson was referencing how Habitat has a right of first refusal.

Mr. Dotson replied yes.

Ms. Scro said the land trust is another entity that the applicant has spoken to, noting that they are trying to expand but that it is difficult to ramp this up quickly. She said she also spoke to New Hill, who is also trying to enter the non-profit affordability field. She said she was hopeful that there would be a non-profit in the area to provide the affordable units. She said the applicant was not looking to provide a cash-in-lieu, but to build on site and have the units come to fruition. She said this would hopefully be a positive.

Mr. Bivins said he was trying to figure out why 7 units equals 1. He explained that the applicant gets 7 houses, at \$400,000 or so, and the county gets one affordable property, where if they stay at 65, the county gets 10 affordable units and the applicant gets 55. He said he has been struggling with why he should agree to one affordable unit when the applicant gets 10.

Ms. Scro replied that it is based on 15% of the total units that will be built. She asked Mr. Bivins if he was saying it should be higher than 15%.

Mr. Bivins said he was saying that if the applicant builds to the Comprehensive Plan level (which is 65 units), then 10% of this would push 10 units would push them into a smaller half-unit, which

is something one might do with a historic property instead of taking this down. He said the applicant provided pictures of the historic property but that there was no narrative included about it. He said if he assumed, he was going with staff's recommendation, it was coming down, and that it makes him uncomfortable.

Mr. Bivins said that when he sees that under the Comprehensive Plan, it would be 55 homes at market rate, with 10 homes at an affordable rate. He said if the Commission approves what the applicant is asking for, the total number would then go to 72, with 11 affordable units. He said he was trying to figure out why he would be willing to take that deal.

Ms. Scro began to state that if it were an R6 rezoning.

Mr. Bivins interjected that he was not talking about what it could be. He said that what the applicant was proposing was not R6.

Ms. Scro said the applicant had originally applied for a PRD to try to do cottages and smaller houses. She said this was basically an R6 application but that they did not formally make that change. She said the applicant was asking not to be treated differently from an R6, where there would be no required affordable housing. She stressed that by allowing 15% over the Comprehensive Plan for Neighborhood Density Residential districts, it will have an impact on other applications.

Mr. Bivins asked if he was correct in saying that if they hold to the Comprehensive Plan, there still should be 10 affordable units that come on the property.

Ms. Scro replied yes – that they could take that path, looking at the Comprehensive Plan language.

Mr. Bivins said this was all he was trying to get to – that there will be 10 units that will be under some affordable index if they go with the 65-unit density. He said the argument was as to why he should take the deal for only one additional affordable unit.

Ms. Firehock said that they were assuming that someone else would come in and ask for exactly 6. She said they could come in and develop it by-right at far less, which is what is frequently happening in Crozet.

Mr. Bivins said that this was not this project.

Ms. Firehock said she understood this, but that he cannot assume that another developer will want to do 6.

Mr. Bivins agreed, but that he was dealing with what was before the Commission.

Ms. Firehock said he was making it sound as if there were choices to make between one and another. She said this was not necessarily a choice that the Commission had.

Mr. Bivins said that this is what the applicant was asking them to do.

Ms. Scro stressed the impact that the decision, from a policy perspective, will have on others.

Mr. Bivins expressed that he understood.

Ms. Riley expressed her appreciation for the applicant's effort to provide affordable housing and that they have consistently emphasized this. She said she wanted to drill down on the numbers because in principle, she believed that they should provide an opportunity for increased density in exchange for affordable housing, and therefore it was important to understand what the applicant was offering in terms of how much more density they get versus how many units are provided. She said this would not necessarily be the precedent for every single applicant going forward, but that the county was in the midst of developing a new affordable housing policy and every case informs what new policy gets developed. She said the Commission should be talking about this in terms of policy.

Ms. Riley said that if the applicant came in at the land use recommendations for the area of 65 homes, and the applicant was to do 15% affordable housing (which is what the Comprehensive Plan and current housing policy ask for), the applicant would be offering 10 affordable units, and that the applicant was offering 9. She said the applicant was, in fact, asking for an 11% increase in density and when adding up the units being offered under that increased density, the applicant's affordable housing units fall below 15%. She said whether the applicant is coming in under the Comprehensive Plan or under the current density bonus, neither one meets the county's current policy of 15%. She asked for comment on this.

Ms. Scro said that the numbers were confusing because the applicant had calculated the area differently. She said the applicant was providing 15%, whether it is at the 65-unit total or the 72-unit total. She said it is 15% no matter what.

Ms. Riley asked for explanation as to how many affordable units it would be under 65 units and how many would be under 72.

Ms. Scro replied that under 65 units, it would be 10 affordable units. She said that under 72 units, it would be 11 units. She said that as they discussed before, the other units in the development also become increased in size and also become more expensive, and thus this has a trickling effect. She said she hoped the Planning Commission would look beyond simply the 10 versus 11 number and looks at how marginally the price of the units can be changed.

Ms. Riley said she completely agreed that 10 units of 65 is 15%, but that she did not understand the math that says that 11 units out of 72 is 15%.

Ms. Scro said that 15% of 72 was 10.8 and then it is rounded up to 11. She said 15% of 65 is 9.75 and is rounded up to 10.

Ms. Riley said that staff ran projections on the impacts to the local schools. She said when running the numbers on yield rates for proposed 72 units, there are 31 elementary students, and the yield rates for 65 units is 28.1 elementary students.

Mr. Dotson said this struck him as high.

Ms. Scro said she was confused about this as well. She said the projections looked at if all 72 units were single-family detached, if all of them were single-family attached, and if all of them were townhouses to see the extreme variations.

Ms. Nedostup replied that this was correct. She said Ms. Schmitt provided the numbers in Excel sheets that included multiplication factors. She said it was correct that if all of the 72 units were detached, it would be 25 elementary students.

Ms. Scro said it was about 10-11 new students.

Ms. Firehock said this is what she wrote down.

Mr. Dotson said that in other words, the column doesn't add up.

Ms. Riley asked if each one of the rows on the sheet were a different assumption, and so if they were all single-family detached, it would be 10.8; if it was all single-family attached, it would be 9.4. She said she was curious about running a scenario like this versus what the application does, which is proposing a variety of types of houses. She said that when the Commission looks at the numbers, some explanation would be helpful, and that the numbers should reflect the applicant's proposal.

Ms. Nedostup explained that often times, staff does not know what the ultimate mixture built on the ground will be and that these numbers were the best tool they have to anticipate what the impact will be to schools.

Ms. Firehock said she looked at it compared to what could be done by right, by the Comprehensive Plan, or by this proposal. She said that by the Comprehensive Plan versus the proposal, it is only a handful of students and not a big difference.

Mr. Keller said he wanted to discuss propinquity (closeness or nearness). He said it seemed to him that the strongest argument, from a land use standpoint, for the project is that the applicant is building a number of residential units, with some of them being affordable (noting that he did not like the term "affordable" in this case and that he thought it was actually "workforce"), with the potential for workforce housing (assuming they didn't have an over-capacity in the school) where students and their teachers could live near and walk to a school. He said this seemed to be in keeping with the Neighborhood Model, which was frequently being discussed, if there is an ability for connection. He asked if the applicant has spoken to the schools about how they could at least connect by bike and pathway.

Ms. Scro replied that she did, and interestingly, the discussion was about security. She said she had proposed a path from Road C up to Cale, and Ms. Schmitt was concerned about security but acknowledged that this would help as there is congestion in the area with so many school vehicles and buses coming and going. She said the connection would be a potentially helpful thing, but that a chaperone would have to walk with the kids for security reasons.

Mr. Keller said he understood what the policy and process has forced the applicant into, and that depending on how the Commission decides, if they pull back and look at the big picture, it seemed to be a factor of propinquity, which was important to the project. He encouraged the applicant to think it through and make the arguments in this way, because this has been an issue in other recent projects because of residential "islands" that are isolated due to transportation. He said this project has the potential for propinquity beyond many projects that he had seen, which he saw as a positive.

Mr. Shimp said that when the applicant first started the project, one of the things they had talked about with the county was having a path in the original plan coming from the county property and running to Monticello High School. He said this was the first proposal but that there was a lot of complexity associated with this, with the county needing to go through their process, so the applicant backed off of this plan. He said the connection did cross the applicant's mind from the start because it was a great opportunity to build a road where people can walk places. He said that with the way the county operates, this will happen, and connections will be made.

Mr. Keller said his final question comes in under the umbrella of affordability and workforce. He noted that the county would soon have an affordable housing policy. He said that because of the location being close to an elementary school, and with what they are not sure what is going to be developed on the county-owned land, there needs to be some mechanism of ensuring that the workforce housing doesn't go up to market after the first sale. He said the county was grappling with this, but that if the applicant could think about this and offer it, it would be interesting in the future. He said he did not necessarily mean for it to happen with this project.

Ms. Firehock asked for more explanation about the curb and gutter variance request and the reason for this.

Mr. Shimp replied that this was for Road E, which they are trying to make into an alley. He said staff supports the private road and suggested for the applicant to do the curb. He said there are curb options they can do there.

Ms. Firehock said this made sense.

Ms. More said the applicant had enclosed pictures of the historic home and garage or barn. She said she did not see it in the narrative, but that she knew they had no way to protect those historic structures. She said it seemed as if the applicant had asserted that these were beyond repair. She said she did not know if it was occupied or not and did not mean any insult to anyone who has occupied or have owned or tried to repair the property, as she has also owned a historic home and knows it is costly with constant maintenance involved. She said it was not staff's determination that it was condemnation by neglect – that there was something there that could be saved. She said she understood this was costly and asked if it was ever considered to try to work it into a plan.

Ms. Scro replied that it was very difficult to include the historic property as part of the development. She said the applicant had thought about doing it for the other house, which is not designated as historic but has more of a home site. She said the location of the property (the house on the longer, narrow property) is right where the development's roads would intersect, therefore making it difficult to include.

Ms. Scro said the applicant had also worked with the Hanes, who lived there, and that they would actually have the higher evaluation of more density than keeping it. She said they now live in North Carolina and return to the property for their cow that is there and that they do not live there anymore. She said this is their retirement, and that this was their preference, as the applicant needed the Hanes' permission to ask for the demolition permit.

Ms. More said she could see that the permit had already been pulled.

Mr. Shimp noted that there was a tornado that swept through the houses a year before and that had destroyed the trees, home sites, and things that would have made it valuable to save.

Mr. Keller closed the public hearing and brought the item back for discussion and action.

Ms. Firehock said that regarding Modification Requests in the staff report, page 10 listed Modification Request #3 as, "Modification of PRD setbacks: for front and rear setbacks, staff recommends partial approval." She asked what the "partial" part of the approval was.

Ms. Nedostup replied that in Attachment 9 (her full analysis) on pages 6 and 7, there is more detail on this. She said the exhibit that was provided by the applicant, along with the narrative, indicate that there were some lots that did not seem to meet the front setback that were accessed by Road E. She said that the way it is written in the summary is that she was recommending approval of the front setbacks only for the amenity-oriented lots that face the open space area towards Route 20.

Ms. Firehock asked if Ms. Nedostup was recommending the setbacks could be waived for those that face the open space.

Ms. Nedostup replied yes, adding that the rear setbacks for all of them would be 20 feet. She said there were lots that faced Road A and Road B that didn't necessarily need the front setback waived.

Mr. Dotson commented that something the applicant mentioned several times as a positive factor was that the Commission's decision that evening will have an impact on other applicants. He said that to him, this was a reason not to use a specific project to set a precedent. He said there is an ongoing study about housing policy and that this was the place where the question should be addressed – not on a project level.

Mr. Keller added that the Commission would be, in fact, discussing this as a component of form-based code in their third item that evening.

Ms. Firehock said that she believed their attorney would tell them that each application is unique, because every time the Commission has a conversation about a project becoming a precedent and making a new rule about affordable units, there is concern.

Mr. Andy Herrick (County Attorney) said that Ms. Firehock made the statement for him. He said that each project is context-specific and is judged on its own merits.

Ms. Firehock said she did not think that this was not actually a concern. She said it is always challenging when someone is proposing a project and that they are the ones who have to pay for it. She said the county does not have their pro forma and has no idea what is necessary to make their project a financial success, and that it has to be a financial success, or no one will do it. She said that on a certain level, the Commission is always being asked to move forward on faith that someone will need to go above the density required to be able to include affordable housing.

Ms. Firehock said she didn't have a negative concern about the site. She said her interest in it is that it is located close in and has walkability components. She said she was not concerned about the request to go above the recommendation – that it was 3-6 units in the Comprehensive Plan and that the applicant is asking for 7. She said with it being a relatively small development, the profits margins will thus be smaller as well and that there is more risk in a development like this. She said she found the arguments to be compelling.

Ms. More said that even with the explanation of not setting a precedent and having each application reviewed on its own merits, she was concerned about going over the recommended units. She acknowledged that it is a small amount and said she was familiar with other projects (even some by-right projects) who would like to go over the recommendations with the promise of offering affordability, but the pathway for them to do this is a Comprehensive Plan Amendment. She said these were all separate projects that would be looked at differently and have a different process.

Ms. More said she didn't like the idea that just because it is a small difference, it is okay. She said she understood and appreciated the argument and knows that the Master Plans are a guideline, but that they offer neighbors who choose to understand the plans a degree of information and certainty about the possibilities about the way that properties might develop around them. She said if the Commission allows totals to go over the recommendations, it undermines the Master Planning process, to an extent and doesn't send the message that she personally would like to send. She said if they continue to go down this path, the numbers could be greater than they are asked to give in the name of affordability or whatever else is the "dangling carrot."

Mr. Keller said they had not discussed transportation and the additional flow of traffic on Route 20 near a number of intersections and interchanges.

Ms. Riley said the staff report noted that they did not think it would be difficult for people to turn left out of the subdivision onto Route 20, which would likely be the biggest issue in the area. She said she has gone on record saying that while there is a connector road from Route 20 to Mill Creek in the Master Plan, it really hasn't been studied for either justifying its need or its alignment. She said allowing for the connection (while not forcing it) in her opinion was perfectly acceptable. She said that while there were some traffic impacts, she personally did not see any significant ones and that they were not a reason to not recommend approval.

Ms. Riley said that in regard to affordable housing and increased density for some additional housing units, she didn't think that the Commission was establishing a precedent. She said there is an argument for not just a general affordable housing need, but for affordable housing specifically in this area as it has already been allowed for affordable housing and could use some more.

Ms. Riley said she does continue to have concerns about the Commission receiving staff reports that say that because there is no elementary school project in the CIP to address expansion beyond the current students, there is no impact, or they cannot expect any impact mitigation from applicants. She recognized that they cannot but expressed that it was still a concern for her. She said it comes down to increased density providing some more affordable units and will likely result in additional elementary students, but that this was likely a marginally small number in the difference.

Ms. Riley said she was inclined to say that this was a reasonable infill development project. She said she would have to have faith that the infrastructure issues will get worked out.

Ms. Firehock said that to Ms. Riley's point, they were only talking about 7 additional units. She said if they had a housing development of 200 units allowed, and the additional was 60, this was a much different consideration than 7. She said she was leaning towards supporting the project, except for the fact that she agrees with staff that the modifications for the private road for Road E makes sense, but not necessarily for Road D. She said she agreed with the rest of the staff recommendations.

Mr. Bivins said that he was with the Comprehensive Plan on this proposal. He said that it was important that when someone looks at the county regulations, they understand what the regulations are asking them to do. He said that from a developer's standpoint, if a developer is looking at moving to the area, they will look at what the regulations say that for this particular area.

As an aside, Mr. Bivins commented that he did not deem the property as infill, but the development of an old farm. He said it was not as if they are putting something down on Albemarle Square.

Away from the microphone, Ms. Firehock mentioned "infill" being defined.

Mr. Bivins said he understood this and was going to look for this because he noticed that in their definitions, it didn't say anything about redevelopment there. He said he was going to ask staff, at some point, to consider putting in a term for redevelopment because there is no terminology in their definitions about this and would be helpful.

Mr. Bivins said that if he was a developer, he would be looking at the regulations and wonder if he was supposed to come before a body (whether the Commission, or someone else) and "roll the dice" on a new idea, or if he was supposed to go through the plan and determine that in the particular area, there would be 10 affordable units. He said that if someone wants to make the argument that they could go higher, it would mean he would be giving 15 affordable units to include the extra density, and if he wants to go the business model of making it all affordable that's possible. He expressed that to include the affordability piece and to net one additional affordable unit for stepping away from the Comprehensive Plan was not something that he could agree to.

Ms. Firehock said the purpose of the Comprehensive Plan was to serve as an advisory document and not a regulation. She said the Commission doesn't want to get carried away with themselves because in looking at the Comprehensive Plan and the size of the county, and all the recommended ranges, none of them were sat down with a very careful, site-specific analysis for every single parcel. She said at the scale to which the county's Comprehensive Plan rests, they do not have this, and this is why these projects come before the Commission – so the Commission can perform a detailed analysis on the parcel and determine what makes sense for it.

Ms. Firehock said the Comprehensive Plan is a guide and this is how it is set out in the state code. She said therefore, it is not something that should be taken as an exact, precise number. She said one could look at the Comprehensive Plan and decide that it was wildly wrong, disagree with it and do something else, which was perfectly legal. She said she didn't want to get hung up on what the Comprehensive Plan says, and that this got back to the point about not setting a precedent because each site is unique. She suggested that Mr. Bivins should not get hung up on the number 6 because it was not a very detailed analysis that went into making that number for this particular site in the Comprehensive Plan.

Mr. Bivins said he appreciated Ms. Firehock's statements. He said he was not hung up on the number 6 total, but rather what the Commission is signaling to people. He said in this particular situation, the Commission was signaling a number to developers. He said that while he knows that when they did this part of the Comprehensive Plan in which they thought in broad terms, from his experience on the Commission, every applicant that comes before the Commission wanting to do a variance always points to a decision that the Commission made. He referenced Riverside being mentioned earlier.

Mr. Bivins said he appreciated Ms. Firehock's point that the Comprehensive Plan was something the Commission should use to steer its decisions by but not be chained to. He suggested that the Commission would be doing the community a disservice if someone does not recommend following the plan and if it needs to be changed, following the process to do so.

Ms. Riley asked the commissioners whether it would be helpful to hear Ms. Pethia's thoughts on this incentive zoning approach.

Mr. Dotson said he supposed he would like to hear from Ms. Pethia, if she was interested. He pointed out that it was somewhat unfair to spring the question on her.

Ms. More said the Commission incentivizing this was not presented as a new policy. She asked if this was what Ms. Riley was referring to.

Ms. Riley said yes. She said they were talking about allowing increased density for additional affordable units. She addressed Ms. Pethia, expressing that she was interested in any insights she could offer on this.

Mr. Keller noted that Ms. Pethia would be coming back before the Commission again that evening to discuss form-based code and affordable housing, and thus she did not need to provide all this information immediately.

Ms. Stacey Pethia (Housing Planner) said that she was, in principle, in favor of increased density to provide affordable units. She said that often times, this is the only way to make it financially feasible to make those units available. She said that even workforce housing units sell or rent below market rate. She said she thought it was a good way to incentivize provision of those units in developments. She offered to answer any questions.

Ms. More asked if she would have the same response for a by-right project that is at their maximum allowed density, according to the Master Plan for that area and the Comprehensive Plan. She asked if she would support them going over their recommended unit numbers in order to provide affordability.

Ms. Pethia replied that she would support this within reason. She said she wouldn't say that if they came back and said that they need 70 extra units to provide 10 affordable units, that this would be acceptable because it was not. She said that within reason, to balance this out, it would be a good incentive.

Ms. More said she wondered where they would draw the line. She asked if it would be to get 6 more or 10 more; or if the developer were to say that they were already getting 240 units or more on a by-right property, they will do affordable if they can have 40 more, which would all be affordable. She asked if this were the case, it would be okay to go over the recommendation, or when it would not be okay.

Ms. Pethia replied that this was dependent upon the site and the neighborhood. She said she would assume that most communities would not be happy for anyone to come in and say, "Give me 40 extra units so that I can give you 10 affordable ones." She said she would not like this in her neighborhood.

Ms. More said that it could be 40 units that are all affordable.

Ms. Pethia said that it goes on a case-by-case basis. She said it was something that needs to be addressed over the next year for the county to figure out what it is comfortable with. She said these numbers are often done in percentages (e.g. a 30% increase with half of the new units as affordable). She said the county needs to find a balance that it is comfortable with county-wide, then work on a case-by-case basis.

Mr. Dotson asked staff for the origin of the cap using the Comprehensive Plan on bonus density. He asked if this was something in the Comprehensive Plan, in the zoning, or something that staff has simply always done.

Ms. Nedostup replied that if a property came in that was by-right R6 and wanted to use bonus provisions, they wouldn't be eligible for them because in the zoning ordinance, they cannot go above the Comprehensive Plan recommendations by using bonus provisions.

Mr. David Benish (Planning Director) said the intent behind this was to enforce the Comprehensive Plan recommendations.

Ms. Riley said that in terms of the discussion, and though it was not a question for the Commission (but was raised earlier), the current housing policy does not provide for longer-term affordability. She said she was encouraged in the Performance Agreement with Habitat at Southwood that at least there was a requirement for those 75 ownership units to be held affordable for 30 years. She said she was hopeful that as the county develops its policy, going forward, that this will become a standard criteria or something longer. She said ultimately, the county cannot keep providing subsidies for the units every time they go to market. She said they do need to consider creating affordability in locations that are more walkable and closer to schools and employment.

Ms. Riley acknowledged that the Commission could not require this tonight and that they could not ask for it, but that it should be a consideration for any of the applications coming through to provide conditions of longer terms for the affordable units.

Mr. Keller said he was inclined to support the application. He noted that the Commission had not discussed the buffer or Albemarle's green line. He said Route 20 is a green line. He said there is a development area and a rural area, and that he believed (as a person who spends time on that section of Route 20) that having a protected buffer zone reinforces what he believes is a very important line.

Mr. Keller said that, thinking back to his question of closeness or proximity and in the spirit of what the Commission was working towards, if the applicant (during the next stage with the Board of Supervisors) could show a discussion between the developer and the school system to try to place some incoming Cale teachers who need workforce housing, it would be a great model in helping people reduce their household annual costs because they wouldn't have to drive vehicles if there was a bike-ped connection, and teachers and students could walk to school. He said that with these things said, he was positively inclined.

Ms. Riley asked if they were ready to make a motion.

Ms. Nedostup noted that the motions were challenging, as there were five of them, and the way they were ordered was with the rezoning first and the modification requests following that. She said that the staff report, on page 10, listed staff's recommendations on the modifications or changes that needed to be made to the application plan. She said there were a couple motions for the Commission to consider – one being in agreement with staff's recommendations; and one

being in agreement with the applicant's ask for density, but with the changes to the application plan for the modification requests. She asked if this made sense.

Ms. Firehock said she thought it made sense.

Ms. More asked if the Commission was going to be given the option of staff's recommended density, but that stays within the limits.

Ms. Nedostup presented the motion options on the screen. She said that "A" is the recommendation by staff; and alternatively, "A1" is approval as requested by the applicant, with the changes to the application plan for the modification requests.

Ms. Firehock asked if Ms. Nedostup was suggesting the Commission to go through each one of the modifications, or if they could make a motion.

Ms. Nedostup replied the Commission could make a motion, depending on whether it wants to recommend approval.

Mr. Herrick said there would be a series of five slides, and that staff's suggestion was for the Commission to choose one option from each of the five slides.

Ms. Firehock said she already wrote her plan for motions.

Mr. Herrick said he wanted to clarify that the motions on the screen were mutually exclusive.

Ms. Riley said she wanted to be sure she completely understood the A1 Alternative Approval. She asked if the Commission was to recommend approval, as requested by the applicant, what the changes would be to the application plan, as recommended by staff. She asked what was being referred to.

Ms. Nedostup replied that this was referring to the street sections that were shown in the application plan, if the Commission was in agreement with staff's recommendations for the private streets.

Ms. Riley asked if this was Road D only and not for Road E.

Ms. Nedostup said this was correct. She said this would include the planting strips, sidewalks, and curb and gutter. She said there were two changes on page 10 that needed to be made. She read from that page, "The application is modified based upon staff's recommendation and the waiver request to revise the street sections and layouts," noting it included the layout of Road D. She said that if Road D becomes two public streets, she recommended that the right-of-way should be extended at the property line to the north, and a note should be added to the application for future right-of-way dedication, if the county chooses to make that future connection.

Ms. Riley said she was prepared to make a motion, unless there were other questions.

Ms. Firehock said the only thing she disagreed with in the staff report was that the applicant asked for a curb and gutter waiver on Road E, and she thought that this made sense, but that staff did not agree. She said she agreed with all of staff's recommendations except for requiring curb and gutter on the alley structured road (Road E).

Ms. Riley moved to recommend approval of ZMA201800012 Galaxie Farm for the reasons stated in the staff report as requested by the applicant, with the changes to the application plan as recommended by staff.

Mr. Bivins seconded the motion.

Ms. More asked if that with Approval A, if a motion had been made to reduce the density to match the Comprehensive Plan, they still would have achieved affordable units, but that A1 was giving them one additional affordable unit by going over the recommended total.

Ms. Nedostup replied yes.

Ms. Firehock asked if this that motion was for everything.

Mr. Keller said to clarify what Ms. More said, the Commission could vote this down and then move to the alternative, which would lower the density.

Ms. More asked if the motion on the floor was A1.

Mr. Keller said this was correct because they were working through the order that staff suggested.

The vote was split 3:3 (with Ms. More, Mr. Bivins, and Mr. Dotson dissenting; and with Ms. Spain absent).

Mr. Keller said that the vote was split.

Mr. Dotson said this meant it was not approved.

Mr. Herrick said this was correct – that it was not approved, because a tie vote fails.

Mr. Keller asked if there was a motion for the alternative.

Ms. More moved to recommend approval of ZMA201800012 Galaxie Farm for the reasons stated in the staff report, with changes recommended by staff to reduce the density to match the Comprehensive Plan recommendation, and changes to the application plan.

Mr. Bivins seconded the motion.

Ms. Firehock said she was confused. She asked if the Commission was then saying that if they vote for this motion, this would not go forward because the developer would not be able to do this development with the reduced density.

Mr. Keller said that this was for the developer to decide, not the Commission.

The motion was carried unanimously 6:0. (Ms. Spain was absent.)

Mr. Keller asked if they would then need to work through the five points.

Ms. Nedostup said yes, and that the first one was the private street request. She said that Motion A was for Road E only, for the reasons in the staff report. She said A1 (the alternative) was for Roads D and E, as requested by the applicant.

Ms. Firehock said that again, she was confused, because now they are talking about Road E, which may not exist now. She said Road E is where the affordable units were proposed.

Ms. More said there were still affordable units, and that the Commission did not vote to eliminate them.

Ms. Firehock pointed out that they do not know how the site plan will change now.

Mr. Keller asked Mr. Herrick to correct him if he was wrong, explaining to Ms. Firehock that the Commission could vote on this and then she could offer an amendment to remove the condition on the street that she was interested in.

Mr. Herrick said that if Ms. Firehock wants to make a motion and make this the original motion, this was her prerogative. He said there was a request, at that point, from the applicant and they were bringing this original request from the applicant forward to the Commission.

Ms. Riley moved to authorize the private street request for Road E only for ZMA201800012 Galaxie Farm for the reasons stated in the staff report.

Ms. Firehock seconded the motion, which was carried by a vote of 4:2 (with Mr. Dotson and Mr. Keller dissenting, and with Ms. Spain absent).

Ms. Nedostup said the next motion only had two choices – for approval or denial of the sidewalk modification request, noting that staff was in agreement with the applicant's request.

Ms. Riley moved to approve the sidewalk modification request for ZMA201800012 Galaxie Farm with the conditions and the reasons stated in the staff report.

Ms. Firehock seconded the motion, which was carried unanimously 6:0. (Ms. Spain was absent.)

Ms. Nedostup presented the planting strip request, noting that staff was in agreement with the applicant on this request for Road E.

Ms. Riley moved to approve the planting strip modification request for Road E for ZMA201800012 Galaxie Farm for the reasons stated in the staff report.

Ms. Firehock seconded the motion, which was carried unanimously 6:0. (Ms. Spain was absent.)

Ms. Nedostup presented the motion for the curb and gutter request. She acknowledged it was confusing the way it was laid out. She said that she put, in agreement with staff, to deny as the first option A; and that option B was to approve the curb and gutter for Road E.

Ms. Firehock moved to approve the curb and gutter exception request for Road E for ZMA201800012 Galaxie Farm as requested by the applicant.

Mr. Dotson seconded the motion, which was carried unanimously 6:0. (Ms. Spain was absent.)

Ms. Nedostup that the last motion was for the Commission to make a recommendation, with the Board of Supervisors ultimately making the decision, on the setback special exception. She said there were two approval alternatives: the first being for the amenity-oriented lots access by Road E only, and the rear setback for all lots accessed by Road E; and the alternative being for the modification request as requested by the applicant.

Mr. Dotson said he was still not clear on the difference.

Ms. Nedostup presented the plan on the screen. She said that in the exhibit that was provided for the request, the request was for the lots that were accessed by Road E, and that there were front setback requests and rear setback requests for the lots within that block area. She said staff believes it is appropriate for the setback (front and rear) for the amenity-oriented lots, and the rear setbacks that would provide access for the lots. She said, however, that regarding the front setbacks for the lots that front onto Roads A and B, she did not agree with the applicant that those should be modified from the minimum setback of 5 feet. She said she did not think it should be reduced to 3 feet in that location.

Ms. Riley moved to recommend approval of the front setback modification for the amenity-oriented lots accessed by Road E only, and the rear setback for all lots accessed by Road E, for ZMA201800012 Galaxie Farm for the reasons stated in the staff report.

Ms. Firehock seconded the motion, which was carried unanimously 6:0. (Ms. Spain was absent.)

Mr. Keller thanked staff and the applicant, stating that the application would be moving forward to the Board of Supervisors.