Albemarle County Planning Commission
August 23, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 23, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Chairman; William Rieley, Rodney Thomas, Calvin Morris, Jo Higgins; Pete Craddock; and Marcia Joseph, Vice-Chair. Absent was David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Planning Director; Claudette Grant, Senior Planner; Mark Graham, Director of Community Development; Tamara Ambler, Natural Resource Manager; Bill Fritz, Development Review Manager and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the review of the Board of Supervisors meeting.

Review of Board of Supervisors Meeting – August 10, 2005

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on August 10, 2005.

Consent Agenda:

a. **SDP 2005-024 Greenbrier Drive** – Critical Slopes Waiver Request (David Pennock) – (Tax Map 061W – Section 1, Subsection N, Parcel 7)

b. **SDP 2005-069 Peabody School** – Request for modification to allow a 60 foot undisturbed buffer to be used as a temporary construction entrance. (Steve Tugwell) – (Tax Map 076M1, Parcel 15)

c. **Approval of Planning Commission Minutes** – June 28, 2005.

Mr. Edgerton asked if any Commissioner would like to pull an item off of the consent agenda for discussion or if there was a motion.

Motion: Ms. Higgins moved, Mr. Morris seconded, that the consent agenda be approved.

The motion that the consent agenda be approved passed by a vote of 7:0.

Items Being Deferred:

ZMA 2004-024 Old Trail Village (Signs #56,65,82,90) - Request to rezone approximately 237 acres from Rural Area, and Residential - RA, R1, and R6 zoning districts, to Neighborhood Model District - NMD for a combination of residential and commercial uses. The property, described as Tax Map 55E-1 Parcel A1 is located in the White Hall Magisterial District on the north side of Route 250 West, approximately 2,000+ feet east of the intersection of Miller School Rd. and Route 250. The Crozet Master Plan of the Comprehensive Plan designates this property as District, CT5, CT4, CT3 (Edge and General) and Development Area Reserve (CT2) and Preserve (CT1) in the Crozet area. General usage for District is warehouses and light manufacturing in center zones. Airports, research/office parks, regional parks and preserves at outer edge zones, and is recommended as employment center which may be single use or mixed use area. If single use, typically no more than 20% of the neighborhood or downtown area. General usage for CT5 is mixed residential and commercial uses. Residential density is 12 dwelling units per acre; 18 dwelling units per acre in a mixed use setting. General usage for CT4 is mixed residential

and commercial uses. Residential density is 4.5 dwelling units per acre; 12 dwelling units per acre for townhouses and apartments; 18 dwelling units per acre in mixed use setting. General usage for CT3 (edge) is primarily single family detached houses at 3.5-4.5 units per acre. (6.5 units per acre if accessory apartments are added for 50% of the residential stock.) General usage for CT3 (general) is it supports the center with predominately residential uses, especially single-family detached and is recommended for 3.5-4.5 units per acre. General usage for CT1 and CT2 is development area open space preserve or reserve with very low residential density, and is recommended for very low residential density no greater than 1 unit per 20 acres. General usage of the proposed amendment (rezoning request) is residential, and commercial. The density of the proposed amendment is 4.5 dwelling units per acre for the CT3 blocks, 4.5 dwelling units per acre for single family, 12 units per acre for multi-family, and 18 units per acre for mixed use in the CT4 blocks, and 12 units per acre for multi-family, and 18 units per acre for mixed use in the CT5 blocks. The total proposed density ranges from 1,600 units per acre to 2,200 units per acre. The total proposed square footage for commercial uses ranges from 50,000 square feet to 250,000 square feet. This property is also zoned Entrance Corridor. (Claudette Grant)
DUE TO AN ADVERTISING ERROR, THIS PUBLIC HEARING WAS DEFERRED FROM THE AUGUST 2, 2005 PLANNING COMMISSION MEETING.

Ms. Grant summarized the staff report.

- Beights Development Corporation has requested a rezoning of approximately 237 acres located between Route 250 West and Jarman's Gap Road from Rural Area, - RA, R1, and R6 zoning districts, to Neighborhood Model District – NMD. The applicant's Application Plan (revised August 9, 2005) and Code of Development, dated August 5, 2005 are attached as are the proffers. (See Attachments B of staff report for the Application Plan, Code of Development and Proffers)

- The applicant is requesting approval for a variety of housing types, which would include single-family, townhouse and apartments. These would total approximately 1,600 – 2,200 residential units. The applicant is also planning to include 100,000 – 250,000 square feet of commercial/office/recreational space in the village center.

At the Planning Commission work session on August 2nd, a number of issues were identified as outstanding. The staff report also identified a few unresolved issues. The applicant has been very responsive in working with the staff in regard to outstanding issues. Staff is pleased to say that the applicant has met with staff and verbally resolved the outstanding issues.

- At the last meeting one of the issues was the entrance from Route 250, which showed commercial uses that were not recommended by the Crozet Master Plan.
  The applicant has lowered the density of this area to CT3. The only commercial use shown in this area is a 20 guest room bed and breakfast that must be permanently occupied by a residential owner. There will not be a restaurant located at this bed and breakfast.
- The affordable housing proffer was less than the 15% targeted by policy.
  The applicant has submitted additional information in the proffer, which provides for 15% affordable housing.
- Floodplain information was not current; parks improvements were shown in the floodplain and in wetlands.
  The applicant has corrected the floodplain information. The only park improvements now shown in the flood plain are two multi-purpose fields, which are not located in the stream buffer.
- Grading shown lacked the necessary details to determine the impacts.
  The applicant has submitted additional information, which shows the impacts.
- Maximum numbers of desired dwelling units were not known.
  The applicant has confirmed and included in the Code of Development that the maximum number of desired dwelling units cannot exceed 2,200.
- The Architectural Review Board comments were not incorporated into the Code of Development.
  The applicant has addressed all the ARB comments in the Code of Development including building heights at the entrance.

- Regarding concerns of the commercial uses, the applicant has verbally agreed to provide 48,000 square feet of commercial with the development of the first 500 units. The applicant is requesting to not be limited regarding the square feet of office and recreation uses.

- The applicant has verbally agreed to provide additional park land in the upland areas of the development allowing improved locations for park improvements to be placed. The applicant has also agreed to provide funding equivalent to that proffered for capital improvements, which would go towards park improvements and a parks master plan.

- Affordable housing will be provided at the 15 percent level. Further details will need to be worked out with the Housing Director, County Attorney, Zoning and Planning staff regarding unit type and location. The applicant would like to see the unit type and location occur at the time of site plan submission for each phase. In other words, the proffer might include language that at least 15 percent of the units in any phase would be affordable, but would also allow the developer to bank affordable units if any phase has more than 15 percent.

- Additional information is needed before the critical slopes waiver can be completely reviewed. The preservation and conservation areas are now adequately shown on the plan. Staff will need all of the verbal agreements to be provided in writing through modifications and revisions of the application plan, Code of Development and proffers.

- Staff suggests the following options:

    - The Planning Commission can recommend approval with the understanding that all of the outstanding details be completed prior to the Board of Supervisors hearing, OR
    - The Planning Commission can request the applicant defer if they wish to see all of the outstanding details are complete prior to the Board of Supervisors hearing.

- Staff passed out the following handouts (See Attachments):
    - Panaromic View of the park land area;
    - The parks descriptions as described in the Crozet Master Plan; and
    - Two letters sent to staff for the Planning Commission regarding the development:
        - 1) Letter dated August 23, 2005 addressed to Planning Commission from Fred Williamson asking that the commercial space in Old Trail be limited to 50,000 square feet.
        - 2) Letter dated August 18, 2005 addressed to Bill Edgerton from Mary Rice and Kathleen Jump, which addressed three primary areas of concern with Old Trail Village rezoning application: (1) the threat to downtown, (2) the unknown impact on our roadways, and (3) new commercial activity along Route 250.

Mr. Edgerton asked if there were any questions for staff.

Ms. Joseph asked staff to go over the density once again to make sure that they all understand that they are well within whatever density was anticipated within the master plan.

Ms. Grant stated that the density per the master plan is a little over 2,200. Therefore, they are within the density as recommended by the master plan.

Ms. Joseph stated that they talk a lot about being connected by other means of transportation other than vehicular. She stated that there were bike lanes within the park itself, but how is this connected to Crozet. She asked if there were pedestrian ways that will also be connecting this area to Crozet.

Ms. Grant stated that there are sidewalks or pedestrian pathways throughout the development. One of the things that our engineer has talked with the developer about is revising the plan in the Code of Development to show some additional bike trails or paths.

Ms. Joseph asked if those bike paths were to connect with the Crozet proffer.

Ms. Grant stated yes, that one of the bike paths that our engineer suggested would be along Old Trail driving along the main arteries within the development.

Mr. Cilimberg stated the bike paths and sidewalks would need to connect to Jarman's Gap Road when it is improved, which is going to be an essential part of that connection.

Ms. Joseph stated that the Code of Development talks about a minimum lot size. She asked if staff has thought about a maximum lot size.

Ms. Grant stated no, that staff has not.

Ms. Joseph stated that in the Code of Development it talks about architectural standards, which was something that they look at. But, when this is approved they are just going to assume that those architectural standards will be continued throughout this development. It is not anything that the County will be reviewing. She asked if that was correct. She pointed out that she was talking about the houses themselves because it talks about Victorian and other styles that would be used.

Ms. Grant stated that she could not totally speak for the zoning department, but she believed when site plans are submitted and they go out to look at the development as it was being built that they are going to be looking for compliance with the Code of Development.

Ms. Higgins asked if the architectural standards would be in the covenants that run with the land.

Mr. Kamptner stated that the Code of Development would act as the zoning regulations for this Neighborhood Model District, and these regulations would be enforceable by zoning.

Ms. Higgins asked if it was intended that these regulations be self-enforced by the homeowner association's by-laws.

Mr. Kamptner stated that they could have architectural regulations in their declarations that are equal to or more restrictive that the homeowner's association could enforce.

Ms. Higgins asked if it would become a burden to the County to enforce those regulations.

Mr. Kamptner stated that the Code of Development was enforceable by the County zoning department.

Ms. Joseph stated that it would be done by the inspector or whoever looks at the building plans.

There being no further questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to address the Commission.

Dave Anderson, principal with Timmons Group, stated that he was representing the applicant tonight. He stated that Ms. Grant did such a good job in her presentation that he has very little left to talk about. He thanked the Commission for giving them the opportunity to speak on August 2 because that allowed them to recognize what the big outstanding issues were and how the Commission needed to look at that. Everything that they have done since that time has been to make sure they comply with what the master plan of Crozet says as well as the other goals that the public has brought forth. They have been able to work with them very well. They have appreciated the opportunity to work with staff on that. He asked to speak specifically to a handout that he passed out regarding the park. If you look on page 3 of what is called Old Trail Village Summary of Changes, they have quantified the area that is going to be the uplands for the park. It is a significant change in what they had laid out. That basically shows what they came to the Commission on August 2 with, which is show at the top. At the bottom it shows what they

have quantified as the upland and the lowland park for Old Trail. It has gone from 27.4 acres to 36.6 acres. It outlines the area where they had facilities planned, which is now going to be dedicated to public space. That represents about a 33 percent increase to the park.

Mr. Anderson asked to quantify some of the things that they have verbally agreed to. Regarding the linkages, he pointed out that they are doing their part to extend the greenway along Lickinghole as well the sidewalk system. Every single road in Old Trail is going to have its own sidewalk system. In some areas where they expect other than just pedestrian traffic, like bike traffic, it will actually be wider than the general 5 foot sidewalks on all of the streets. These are going to be very friendly for children and everybody that wants to walk. So it is a very important element of their plan. Regarding the maximum lot size, it was something important to know that they have basically coded a minimum number of units. But, that is going to be self limiting in terms of how big some of these units can be. It can't get but so big and still achieve the minimum number of units that they are coding into this development. Therefore, they would not see big sprawling manors or anything like that because they would not be able to achieve the density. He stated that they are creating a community through the architectural guidelines, which would include wonderful architecture such as Victorian and classical. All of those things are going to be included in the Code to make sure they use the right kind of architecture. But, because this is in the Code of Development, the County has the opportunity to come in and work behind them if those guidelines were a problem. They are using a very high standard in their guidelines. He asked to be able to respond to any questions that may come up.

There being no questions for the applicant, Mr. Edgerton invited comment from the other members of the public starting with the first person listed on the sign up sheet, Robert Maupin.

Robert Maupin, President of the Board of Directors for Claudius Crozet Park, stated that he was present to speak on behalf of the Board of Directors, who are here this evening in support of our concerns. "Claudius Crozet Park is a Public Park that is managed by the Board of Directors and funded primarily by the Crozet Arts and Craft Fair. The park currently receives no direct county funding, but does have a great working relationship with the County. The County does a great job of maintaining the grounds. The Crozet Arts & Craft Fair provides enough funds to keep the Park running, but The Park continually struggles to make capital improvements. With all of the development in the area, the need for the capital improvements continues to grow. Claudius Crozet Park lies within the Crozet Master Plan's "Downtown Center" and has been identified as an existing centerpiece of the Crozet Master Plan. The Park has become a regional facility serving the needs of the Soccer Organization of Charlottesville and Albemarle, the Peachtree Baseball League, the Jefferson Swim League, the Crozet Volunteer Fire Department's Fourth of July Carnival and the Albemarle County Parks and Recreation Camp Programs to name a few. . . As a result of these improvements, our Park has over 500 visitors per day between April and October. The Board of Directors would like to see the Park facilities developed so that it could be used year round. However, this will be almost impossible task without support from the County as well as from the Developers. We feel the proffers offered by Old Trail are minimal at best and will do little to support the Crozet Master Plan. A committee of the Board was formed in April to prepare a feasibility study for developing a year round facility in Crozet Park. Matt Blundin is here to discuss the results of that study. (Attachment – Letter from Robert Maupin received on August 23, 2005)

Ed Gusick stated that he sent the Commissioners an email yesterday concerning this project. His email read, "I have had the pleasure of living in Albemarle County since 1976. My wife Jeanie and I also have a home in Florida, but Albemarle County is truly our home. We have been looking for a new home in the area and have seen the proposed rezoning for the Old Trail Development in Crozet that Gaylon Beights will be bringing before you tonight. I have known Gaylon on both a personal and professional basis since his family moved here. I have admired and respected his projects over the years. Old Trail, however, stands out considerably from anything I have seen him do before. Even though some of the other planned communities in our County have been good ones, Old Trail seems to be the best of everything leaving as much of the surroundings and beauty intact as he has while at the same time developing a nature and environmentally friendly golf course, which is an impressive accomplishment. The mixture and selection of a variety of homes and businesses blended in with the natural and created beauty will surely make Old Trail a development all of us in Albemarle County will be proud of. In my opinion, the Village Center concept of Old Trail is exactly the kind of designated growth opportunity that we want for our County." He pointed out that he did not feel that Old Trail would be a detriment to downtown Crozet.

Actually, he felt that it would be a tremendous boost for downtown Crozet because the residents of Old Trail would shop around in the entire area. That patronize in conjunction with the additional tax revenues that will be generated for the County can do nothing but help address the concerns that some have raised about improvements to that area.

Linda Kobert, representative present on behalf of the Alliance for Community Choice and Transportation in our Safe Routes to School Program, stated that ACCT is a regional network of citizens and organizations based in Charlottesville that works to promote balanced transportation options, sustainable land use and development that is pedestrian and bicycle friendly and promote community. Safe Routes to School is one of our main initiatives. Through this DMV funded program they work on both a local and state wide level with school officials, parents and members of the community to encourage and enable children to adopt safe and healthy life style habits such as walking and riding their bikes. Currently she is working with schools in both the city and county to facilitate pedestrian and bike safety education and promote fun and incentive programs that get kids walking. Old Trail Village is among one of the first developments to apply Albemarle's Neighborhood Model. It promotes mixed use and pedestrian friendly communities. With this model, it is essential to include schools in the design mix of the neighborhood concept right along with homes, businesses and green spaces. In the case of Old Trail Village, it is a fortunate coincidence that the property being developed is directly contiguous with Brownsville Elementary and Henley Middle Schools. It is across the street from Western Albemarle High School. They applaud Beights Development for including the sidewalks, bicycle trails and kid friendly elements in their plan. They strongly recommend, however, that they extend these sidewalks and trails to create access to school property, thereby allowing children who live in the development to walk or bike to school. This is an easy step to take that can have long range effects on the health of children and it is likely to provide significant savings in transportation costs for the school division and therefore tax payers. Besides, it just makes sense. This proposal has the support of several members of the Albemarle County School Board, including Chairman Gordon Walker, as well as area residents who want their children to have the chance to walk to school. She urged the Commission to be mindful of the impact that planning decisions may have on the health and well being of children of their community and would welcome the opportunity to speak with them more directly on this by making this possible.

Martha Black Amato, resident of 1171 Crozet Avenue in downtown Crozet, stated that she was born in the Crozet area almost 76 years ago on the property now occupied by Brownsville, Henley and Western Albemarle High School. The property she lives on is the second piece of land south of the Crozet business area. During the past 48 years that she had lived in downtown Crozet she had seen many businesses come and go. Apparently there have not been enough people in Crozet to support these new hopeful people in their ventures. It is true they have a lot of new subdivisions in the Crozet area and a lot of new people, but they are not supporting the businesses in Crozet. Some have said that people need a place to shop. She stated that her family shops in Crozet every time they can get what they need. But, their main shopping is done in Staunton, Waynesboro, and Charlottesville. Businesses will come to Crozet when enough people move into the area interested in having businesses in Crozet. She felt that the one thing they should consider is a high rise parking garage because it is really needed. Schools will be improved in time as needed when children and the tax base increase as will Jarman's Gap Road. She felt that Old Trail was one of the best things that has ever happened to and for Crozet and hopes to live long enough to see it completed. She asked the Commission to vote favorable for Old Trail.

John Savage stated that he moved to western Albemarle County in May of 2001. Shortly after that the Neighborhood Model was adopted by Albemarle County and shortly after that the Crozet master planning process began. He and his wife were active attendees at a number of those meetings. He pointed out that Mr. Beights on behalf of Old Trail was an active attendee. Mr. Beights provided information and was very up front with the people who were there and presented the development very well. There is a lot of growth in Crozet. He pointed out that he lived in Corey Farms, which was one of the very early developments in the area. There is also Park side Village, Gray Rock, Bargeman Park, Way lands Grant and at the Commission's last meeting they just approved another one on Route 240 going into Crozet. So the growth is already there. For those concerned about the impact on the commercial viability of Crozet, he agreed with Ms. Amato that it is going to have a very positive effect on that. He pointed out that he was sitting here looking at two television cameras. Two years ago he would have been looking at one television camera. Guess what? Both stations are better for the competition. That is what additional commercial brings. It brings competition. Additionally, there is no guarantee of non-competition either

when you open a business or operate a business. The thing that he respects about Old Trail is that they followed the rules. They looked at the Neighborhood Model and the master planning process and have attempted to create a village within Albemarle County. That is what the Neighborhood Model is all about. He supported the Commission's approval of Old Trail Village.

Mary Rice stated that she was also involved in the Crozet master planning process. Following up on what the last speaker said, yes, Mr. Beights was at all of the meetings as many of us were. She really appreciated that he attended every single one of the meetings. It does strike her that you can't just take the Neighborhood Model and pick it up and plunk it in a field a mile and a half from a small town. That has just struck us time and time again looking at this new configuration of Old Trail. The original design that they saw in the Crozet Master Plan was two distinct commercial areas, two distinct little neighborhoods and an employment center. It has been shocking to us, as you heard from the last public hearing, to see that converted to a village center. It was also shocking to hear things like 48,000 square feet of non-residential use for 500 units. She asked how that would figure out. She encouraged the Commission to think about that as 500 units, 1,500 people and 48,000 square feet. In downtown Crozet right now Sandy Wilcox is trying to reconfigure the entire Blue Goose area and he is only allowed 1,500 square feet because of the parking. She understood that the master plan has been adopted, it is in the Comprehensive Plan and there is not a lot that citizens can do right now. That is pretty obvious. The Commission is going to hear from a lot of people who are angry about that because the reality is happening. There are a few things that they can do. She stated that she would keep hammering on commercial development on Route 250 and ask the Commission to deny the 20-room inn along Route 250. She felt that it was very important that they just remain very strict about this rule. It is repeated often in the Crozet Master Plan and she did not think they should give an inch on that. She felt that they could also ask the developer to give a larger proffer. She asked that Mr. Beights pay for part of the Jarman's Gap improvements. There is about $500,000 now in the County improvement plan to go towards Jarman's Gap Road, and they just need another $500,000. She knew that the County could not ask for proffers, but the citizens can. She suggested that the County give the citizens an economic analysis of the maximum 250,000 square feet of non-residential space. She noted that maybe it won't happen for this, but as the County continues master planning in future areas she would encourage them to be very clear with citizens about commercial area and both residential and non-residential density. She distributed a letter written by her husband who could not come tonight. (See Attachment)

Tom Loach, resident of Crozet, stated that he had with him the original Neighborhood Model or the DISC language that went into the Comp Plan. Regarding the infrastructure it said, "Regulatory changes while essential are not the only step required to achieve implementation of the Neighborhood Model. Equally important would be the County strategy for building infrastructure needed to build out the master plan conceived under this model. The County will have to arrive at a policy to address the expectations of many of the citizens for concurrency for the provision of infrastructure simultaneous with new development." He believed that the developer has met his obligation, but the question is has staff in their report representing the County met their obligations under the principles imbedded in the model neighborhood. He felt that the Commission, as their representatives, has to address this when they make any recommendation to the Board of Supervisors. He asked has the County met the threshold for simultaneous concurrent development under this plan. Secondly, he was glad to hear from the Park Board about the park. They heard Mr. Beights and others describe this as a first class development. If it is a first class development in a first class neighborhood, which Crozet is, he hoped that it would have a first class park. He was glad that they have not one, but two landscape architects who he hoped would look at the park design very carefully. What they are doing is establishing a standard for what they will expect in the future for parks under the Neighborhood Model. So what they are dealing with today is not just Crozet, but how are other Planning Commissions and Boards, who might not have the expertise that you have, is going to use this as a standard to say what a good park is. What they are trying to design is a Neighborhood that is incorporated into the fabric of Crozet. So when they talk about this park, it is a community park in a part of the community in Crozet. Finally, in regard to the downtown, he felt that the infrastructure was very important. He felt that downtown Crozet would survive, but he thought that they have to give it a chance. He felt that they have to implement the plans that were already on the books with the sidewalks, which was David Anhold's downtown plan. He felt that once downtown was in shape it would bring in new developers, but there has to be something for them there to say that here is the place they want to put their time and money. He felt that the County has not met its obligations on the part of the citizens.

Craig Maupin, resident of Crozet, felt that tonight's vote is about three issues. First is public trust. The residents were told during the master planning process that this plan was projecting to lower the population of Crozet. Here we are tonight sending at least 3,000 more residents there. He asked how adding 3,000 new residents would lower the population of Crozet. No one has answered that question. He stated that another question was did the Planning Department place incorrect population projections in the master plan. They could to this, but to do so would conceal environmental costs from residents. If the Finance Department in Albemarle calculated costs in this manner, would they excuse it? He asked if they would tribalism it or ignore it. He stated that he did not think that they would. The environment of western Albemarle is just as important as the budget. Gannett Fleming did an analysis of water options for the Rivanna Water and Sewer Authority. They said that Crozet may "exceed development projections depending on actual growth." He asked who told them that. That is not what they heard during the master planning process. His concern is that this rezoning illustrates that our local government is growing comfortable saying one thing to residents and doing something different behind the scenes. The second issue is environmental policy. This rezoning represents one of the worst environmental cost benefit analysis the State of Virginia has every seen. If Sugar Hollow and Scottsville have reservoirs does that mean they should sent commuters there, too. Residents know sending more commuters to Crozet is the costliest long term option that they had available, and they chose it. Water could be send at a fraction of the cost to the east. He felt that should have been considered. He felt that it would have been considered had they not seen those population projections. The third issue is residents. He thought that there were eight residents at the last meeting that said they don't want this rezoning. They don't want thousands of new commuters slammed through western Albemarle because they don't think it is necessary. Therefore, his question is if the Commission is going to listen to them. It is easy to run with the crowd and to suspend critical thinking and just go with the flow. But, he would encourage someone on this Commission to show courage and some fire tonight to challenge the group and dare to speak up for what is right. Please do the right thing tonight and say no to this rezoning.

Denise Karaoli, resident of western Albemarle, a mother of two in western Albemarle Elementary schools and a 250 west commuter, stated that she had two issues to discuss. The first is about the traffic on Route 250. She asked if there will be an updated traffic plan done before this rezoning will be approved. She believed that the traffic plan that they are looking at right now took into account the 15 to 20 year growth for Crozet. It did not take into account the immediate effect of 2,300 units. She asked for that issue to be looked into before this is approved. In light of that in looking down the road on 250, they are looking at the increased traffic for a performing arts building on 250 and Emmett with a parking garage and stadium. The potential over crowding of Henley and Western Albemarle High School is her second concern. She feared that this rezoning would be approved without a quality growth plan approved for the schools. Currently, Henley is up to 900 students and Western Albemarle High School is at 1,100 students. She believed that Henley was approved for 900 students based on the old growth plan of Crozet, but this is an immediate 2,300. She pointed out that she had gotten different responses for the multipliers that they have used. She has not heard solidly how this will exactly affect Henley and Western Albemarle High School. The only thing that she has heard so far is that Western Albemarle will be getting the cottages from Henley. She did not think that increasing the student population was the way for accommodating Western Albemarle growth. All it will do is decrease the quality of education. She asked to know what the exact effect will be before any rezoning plans go forward. She stated that when she called the schools nobody knew what is going on. The other thing that they were talking about is the potential elementary school planned for the east part, which would feed into Henley.

Kathleen Jump, resident of Crozet, stated that she has two children in the County schools. Also, she was leading a local effort to garner an historic designation status for downtown Crozet, which is her primary concern here tonight. There is a commercial center proposed for Old Trail, which she understands tonight to be up to 250,000 square feet, which really concerns her. She compares the size of this center to Barracks Road, which is 520,000 square feet. She ponders a picture in her mind of one-half of Barracks Road moving into Crozet. As she understands the Neighborhood Model, it calls for small scale retail. It calls for several of these to be spread out in neighborhoods in a neighborly way. It is suppose to serve the needs of neighbors and others close by. It allows neighbors to access retail without getting into their cars. It is suppose to keep people inside the community and to let them walk to convenient places. As she understands the Old Trail rezoning proposal, it calls for one concentrated area. It is designed to be a destination retail location to draw people from the outside bringing in more traffic along 250, which is

located very close to 64. She heard it would have 15 minute walk ability, which would be about a mile. She saw its location on the western connector, which is suppose to move traffic through from Jarman's Gap Road to 250. She wondered what the impact would be on that. She asked that for any retail area that there be a limit of 50,000 square feet for any particular unit to keep the area small scale. The detriment to downtown Crozet that she sees is the downtown has challenges that Old Trail does not have. Accessibility is a problem and there is already congestion in downtown. Parking is also a problem for new businesses to open or to build. The buildings need to be rehabilitated and money needs to come into downtown Crozet. It is congested. Downtown Crozet is not going to be connected to Old Trail until 2009 when Jarman's Gap Road is widened and gets sidewalks and bike trails. There is one-half a mile between the Old Trail Western Connector and Crozet Avenue. Jarman's Gap Road is a small country road and it looks like it did when it was first built fifty years ago. She felt that there was already a village in downtown Crozet and Old Trail should be the shadow. If the County can meet their responsibility under the master plan, then she felt that they could more easily support this kind of development.

Brian Campbell stated that he lived in Crozet with his wife and three children. He stated that he was a member of the Crozet Pool Committee and a member of the Crozet Recreational Needs Committee. The committee has been working on recreational needs for the facility and he had been working directly with Crozet Park. But, what they heard in the executive summary completely contradicts what he had as of this afternoon. It looks a lot better. With that being said, his page one is completely wiped out. It puts things in at a different level, but there are still a lot of unanswered questions. The Crozet Recreational Needs Committee did a complete recreational assessment of the area in order to find out how they could have their recreational needs met in our community. After doing the assessment they brought the developers who were coming into the Crozet area together to see how they could accomplish the goals on a comprehensive level with cooperation between these folks and the community. Eight developers were invited and all responded positively except for Beights Development Corporation. Old Trail's response was as follows, "I am planning on a fitness facility in Old Trail with ACAC. They had discussed the idea at length with them and they are interested, or they will build one themselves for public use. Therefore, they would not be interested in participating in the building of another at Crozet Park. They would encourage you and the Board to consider other alternatives for recreation other than a fitness center." In other words it seems that Old Trail was going to be the epic center of Crozet, which is not what they think it should be. The bottom line is that their opinion was that the Beights Corporation was proffering land to the County with vague commitments that did not meet the Crozet community needs. Or possibly they would contract with for profit facilities such as ACAC, which the existing Crozet residents including myself could not afford. They would continue going to Waynesboro and Charlottesville for their recreational needs. The developer's plan creates an exclusive neighborhood, albeit well disguised, to maximize personal gain. The old plan benefits the Old Trail developers only or should he say maybe because there is no way that the management will be under obligation to fulfill those commitments. Therefore, the bottom line is that they would prefer to see this deferred so that they have a chance to actually sit down and look over with them what the changes to this plan are. There is another speaker coming tonight, Matt Blundin, that will talk about how much planning they have done. They have really moved ahead on the conceptual plans for this. He felt that they could have a class facility that could be beneficial to all of the community and not just selected neighborhoods.

Bill Sweeny, resident of Crozet, stated that he felt that this request for rezoning is an insult to the people of Crozet and he would ask the Commission to reject it. He also asked them to reject any rezoning that increases the number of housing units in the Crozet area since they already have plenty on the books either going up or by right. There are obvious problems with the roads and schools. He stated that he was not going to speak tonight until he saw the ad for Old Trail Village in the "Albemarle Magazine" that made him decide to come. The ad says, among other things, "nature's beauty to share." This rezoning will damage nature. In Crozet they have already seen the effects of excess development on nature. They have woodland birds that he is seeing fewer of that are being replaced by suburban birds. The night skies are being blurred from all of the extra lights from all of the new developments. The foxes have all been chased out. He has not seen a fox in a year and a half. The Blue Ridge is continuing to have its views obscured by smog, which is increasing in the area. The construction noise disturbs the birds and people. He felt that this rezoning will dramatically hurt the Crozet area for this and other more practical reasons. This is really a huge expansion. He felt that was something that the County needs to get a grasp on. When they first heard about this it was 500 to 700 homes, which was huge and doubling the size of Crozet. Now it was 2,100 homes, which was much bigger than Crozet. Therefore, the person who

said that this will now be the center is quite correct. Crozet is gone and now it is just Old Trail and this little town next to it. He felt that it will dramatically hurt the area and is not in the public interest. Therefore, he asked that the Commission reject the proposal.

Sandy Wilcox stated that he had been a resident of Crozet for many years, but not presently. Also, he owns property in the downtown area. He stated that he was very concerned about the commercial and retail aspects of the Old Trail plan and what he saw as the obvious adverse impact on downtown Crozet. It also threatens to undermine one of the main points of the master plan development process, which was to encourage and promote the downtown business district as the primary business area for Crozet. If this plan's objective was to go build a town, this plan would do a very good job. He stated that he did not have any arguments about the sidewalks, the style of houses or anything. But, it looks very much like a self contained town and not part of Crozet. It is definitely easier to go out and build a town in a vacant field than it is to revitalize a town center. So if the object was to scrap Crozet and start over, this is a very good way to go. But, that is not the objective that most of us feel is the one that they worked on the master plan with. The 250,000 square feet of commercial retail there is huge. It is hard to get that in the existing Crozet center. If you look at the impact of what it would do to downtown Crozet, think of how Barracks Road Shopping Center impacted the downtown mall in Charlottesville. Also, look at what it did with the Preston Avenue corridor. It took 15 years to get back to a really revitalized downtown mall as they think of it today. It did not happen in 1975 or even 1985. It took a long time to do it. So he encouraged the Commission to take those measures that are necessary to maintain the Old Trail commercial retail center as secondary to the main area in Crozet. If it was to be part of Crozet and the Neighborhood Model, then they need to keep those aspects of it for the population that it serves. But, he did not see that in the current design and he thought that it would definitely undermine the downtown Crozet area.

Matt Blundin, resident of Crozet for 7 years, stated that he has been working along with Brian Campbell and others on the Recreational Needs Committee, the Subcommittee of the Crozet Park Board. As you know, Crozet Park is centrally located within the master plan and particularly it is encompassed within the downtown sector. Our community has created a conceptual map within the park, which includes a library, indoor fitness, indoor recreational and therapy swimming, a double gymnasium, outdoor tennis and a bubble over the existing pool for year round swimming competitively for all those who which to do so. Such a center would support programs for all ages and interests from summer reading programs for elementary students to UVA extension classes for adults to high school competitive swimming. This plan could become reality even if only phased in over time. All is needed is a private and public partnership to do so. As they developed this plan over many months they consulted with the County's own recreational needs survey that was done right here and done in 2004. They have consulted with members of the Board of Supervisors, representatives of the YMCA, staff members of the County's Recreational Department, members of the Library Committee as well as citizens within the confines of this survey and discussions. What brings our committee here tonight is that they would like a chance to discuss with all of the developers together with the County the possibilities of creating a non-profit recreational community center in Crozet Park. Such a private/public facility would not only be critically located within the Crozet Master Plan, but it would also be economically affordable to all Crozet residents. They realize that the County foresees such a facility to be built 10 to 12 years down the road. This is problematic because the private sector will provide services affordable only to those of one of those economic groups. This plan would exclude the generation of Crozet residents who do not have the means to join a for profit recreational facility. They would like to take this moment to combine the efforts of both entities the private and the public for the purpose to continuing to grant a healthy community for all of Crozet's residents. As in a recent book for economics, Stephen Levin refers to John Kenneth Galvert's coin phrase conventional wisdom as that which much be simple, convenient, comfortable and comforting. What he is asking is for us to all do is to step back and look beyond conventional wisdom and divert this rezoning just until they get a chance to sit down at the table and discuss the most beneficial recreational development for our community as a whole.

Kelly Strickland, resident of Crozet and a member of the Crozet Park Board, stated that he has been a part of this Recreation Needs Committee along with Matt Blundin and Brian Campbell who spoke earlier. He noted that the Commission received a letter from the Park Board last week expressing a lot of the ideas and thoughts that have come up tonight. He stated that he had been around awhile and watched the zoning and subdivision ordinances go through a lot of changes. He has seen the Crozet Master Plan

get adopted, which he felt was a great thing. In watching this application come forward, he would have to commend Beights Development. He felt that it was a great prototype and fits a lot of the master planning strategies and criteria that have been put together. But, he would have to step back and ask that the Commission defer this plan to look more closely at the needs of the Park and more importantly a Comprehensive Park plan for western Albemarle County. He felt that all of the other developments being done in Crozet such as West Hall that was being done by Stonehaus and what is being done by the Kessler Group at the old ConAgra property, etc. need to somehow work cooperatively in looking at the Crozet Master Plan and develop a comprehensive park plan that will meet all of the needs of all the ball players, all the swimmers, all the hikers and everybody that is looking for recreational needs in western Albemarle County. Perhaps this could be done between now and the Board of Supervisors meeting. The thing that discourages and worries him quite a bit is that a lot of changes were made between this evening when Ms. Grant read the staff report and when he received a copy of the staff report two hours ago that did not have these comments made by Pat Mullaney, the Director of Parks and Recreation, which fell in line with a lot of what they were trying to accomplish in Crozet. He felt that many of these things were probably addressed in the recent changes, but he was at a loss and did not know how to address them because he has not read them. He asked if the master plan for the Parks just for a master plan for Old Trail. That is what he is not sure about, but felt that it probably is. He would encourage Beights Development to include a representative from Crozet Park, a representative from some of the other developments and a representative from the County to participate in the Comprehensive Development Plan not only for summer time sports, but also year around facilities. Similarly discussions have taken place in the city between City Parks and Recreation, the YMCA, and ACAC. He felt that Supervisor Boyd has been sort of overseeing and looking at a lot of that and helping to facilitate that. They have had a representative from Crozet Park at that meeting as well. Therefore, he would love to see something similar happen in Crozet.

Howie Epstein stated that he really wanted to know when they were going to start thinking hard about the quality of life for the current residents of western Albemarle County. His son is a new student at Henley and feels that it is a bit large. He felt that the school was rather large and it also was bordering on a bit impersonal. He felt that if that school were to increase in size and the numbers of students dramatically and his son were to start spending 45 minutes or more on the bus to get to and from school that he would think rather seriously about not having him at Henley. It is something that they have already considered. He was waiting for the irony of the day when the development in western Albemarle County makes it a place that people do not want to live. He felt that they may be coming close to approaching that.

There being no further public comment, Mr. Edgerton invited Mr. Anderson to come back to respond to any of the comments.

Dave Anderson stated that he would like to make some general responses to some of the notes that he took. There were a lot of things said that speak to Old Trail itself, but a whole lot of things spoke to the outlying area beyond their control in Crozet. He was not going to speak a whole lot to that because he felt that a whole lot of time and effort has been spent on the Crozet Master Plan. He would like to remind everyone here about something they should be very proud of, which was the Congress of New Urbanism this year awarded the Crozet Master Plan its highest honor for the Charter Awards. It is selected by a group of folks who basically have been spending their life trying to build new better neighborhoods that go back to our traditional roots. Crozet Master Plan for all that it went through received one of the highest awards for regional thinking in the way that it turned out. He felt that when you start asking a question of how good is the Crozet Master Plan that it is pretty good. Everyone has done a great job. This process is the implementation of a very good master plan.

Mr. Anderson stated that he wanted to speak to some of the specifics of implementing the Crozet Master Plan. There was a lot of concern on the commercial side about the 48,000 square feet for 500 homes. The concept for that basically is that they don't want conventional sprawl subdivisions. Basically they have to create enough rooftops to allow for a commercial development to occur. Here it is very different in that they are absolutely trying to create an environmental for which people can come, live, work and play in the same areas. So this is very different from what people are worrying about when they talk about the Barrack Road type of development. One of the things that keep people from having to commute is the small shops and the small scaled offices. The street scale of their street grid does not permit huge monolithic structures and large businesses or strip shopping centers like the ones that have been referred

to. He felt that when they look at the dynamics of both the architectural components and the street scale they will receive that they take care of the commercial development very well. There was some concern about the environment and what this does to the environment. The alternative is much worse than what they are doing here. What they are actually doing is putting density where the Crozet Master Plan spoke that it should be. They are also identifying an area where people can do more biking. They can actually go to destinations without getting into their cars and driving 20 to 30 minutes to get to their destinations and come back. That is very good for the environment. When you think about smaller scale yards and things like that you are irrigating a lot less. Subdivisions are irrigating a lot these days. Therefore, they would be using a lot less water doing that. Those are just a few of the things. Someone spoke about not wanting more commuters created through the development of this. That is what this is all about in providing the opportunities for people to actually stay here and actually work in downtown Crozet or work in some of the small shops that will be created here. The by-right zoning guarantees that you are going to create commuters because there is no way for them to stay where they are.

Mr. Anderson stated that there was a lot of discussion about the park issue. He shared with the Commission the expansion that they did of the original park plan, which he felt was beneficial. The zoning does not call for any specific businesses to be located in here. From a park specific he has not seen many zoning cases that present to the County kind of free and unrestricted for their use the way that this has. So Crozet absolutely gets to pick what uses those 37 acres are going to become and in the most important fashion for their needs. So those were the main things that he could speak to. He could not speak to a lot of the other issues about what is going to happen to downtown. He stated that downtown was called CT-6, which allows a lot more density, structured parking and a great vision to occur. They are just implementing the first great part of what they hope will be a lot of good things to come.

Mr. Edgerton closed the public hearing to bring the matter back to the Commission for discussion and consideration.

Ms. Higgins stated that she had one question that Mr. Anderson might be able to answer. The issue about the 250 Corridor came up and in looking at the conceptual application plan, which was revised August 9; it calls out a 100 foot existing forested area to be preserved and maintained. If that is unforested there would be a 20 foot deep hedgerow planted and maintained as specified in the Code of Development. She pointed out that when she scaled it that it did not come up to 100 feet, which could be because it was reduced. She asked for some clarity on the issue of what buffer was being required along 250.

Ms. Grant stated that it was suppose to be 150 feet.

Ms. Higgins asked if the August 9 resubmittal date had been corrected on that sheet both in scale and the date, and Ms. Grant stated that it had.

Mr. Rieley stated that there have been a lot of comments, suggestions and recommendations regarding the park land and certainly the issue is late breaking news. He asked if Mr. Mullaney could address those issues for the Commission.

Ms. Higgins stated that one part of the question that she felt was important to answer that they have heard a lot of information on was the park funding. She noted that her understanding historically is that the Board of Supervisors has funded Crozet Claudius Park's issues. She thought that there were years past where they funded some pool improvements and that sort of thing, but now they were talking about another whole park. She asked if he could address how that will play into the long term operational cost and the Park and Recreation dedication.

Pat Mullaney, Director of Parks and Recreation, stated that he would like to mention what the County has done for Crozet Park since the letter mentioned that they had helped with some of the maintenance. He felt that it is pretty significant in what the County has done at Crozet Park. In 1997, the County gave $220,000 so that the pool could be renovated and reopened. They have also invested $640,000 in park improvements and the majority of that was for upgrading the athletic fields at Crozet Park. The maintenance of those athletic fields is at a very high level and provides some of the best athletic fields in

the state for soccer and Little League fields. He pointed out that very direct County funding goes into maintaining that park on a yearly basis.

Mr. Rieley stated that everyone received Mr. Mullaney's memorandum in our staff report on the nature of the park land and what our aspirations for it should be. He thought that it was a wonderfully articulated document, and he shared his view of that about the most recent proposal.

Mr. Mullaney stated that they were very happy with what they had come up with for the park. They think that what they are getting now is very close to the park that was envisioned in the Crozet Master Plan. What they were trying to achieve was the place for the park. They met on site and looked at this property and discussed what would make this a special place. They think that they have been able to achieve that in working with the developer. They also liked the idea that they did not concentrate so much on the facilities, but on the land. Now they were going to be involved in the master planning process so that they can fit the right facilities on that land not only to meet Crozet's needs, but to also make that a special place. It is not just about what facilities you put there.

Mr. Rieley stated regarding the relationship between Crozet Park and what will happen here, is there anything that would preclude a seat at the table for representatives from Claudius Crozet Park as the programming and master planning of this park gets under way.

Mr. Mullaney stated no, nothing at all

Mr. Rieley asked if there was anything to preclude some of the funds that are being generated from the proffer that the developers are proposing now to be used not only on this property, but at Claudius Crozet Park if the Department of Parks and Recreation thinks that is an advisable thing to do.

Mr. Mullaney stated that he was not sure how Mr. Beights would feel about that and how his proffers would be written, but he certainly thinks that they need to look at Crozet in the big picture. When they do a master plan for this property if there is something that really does not fit there, then he felt they need the flexibility for those improvements. For instance, if they talk about tennis courts and find that they cannot fit there, and they need two more tennis courts at the high school where they could be lighted, then they need to think about that. The same thing would apply with Claudius Crozet Park in the future. There is another park in the Crozet Master Plan, which is the eastern park. There is also another school site proposed. He felt that they need to look at all of those opportunities and the needs. Then when they get to that level they need to talk about what needs are not being met in Crozet Park and the western park.

Ms. Higgins pointed out that Mint Springs was a piece of that also.

Mr. Mullaney stated that included everything in the western part of the County including Mint Springs and Greenwood Community Center. Regarding the indoor recreational needs, which was something that Crozet Park was interested in, that the County did a needs assessment. The Board decided on a direction in trying to meet those needs. That direction was to try to facilitate a YMCA happening in this community. But they have to start with one and that first one needs to go where the major population is. It is not ready to go out in Crozet because there are just not that many people there. That is why that was shown in their plan, but further back in the plan. The County cannot put the first one where there is 3,000 people. The County needs to put the first one where there are 60,000 people, which would be located closer to the city. That has to be their first step. Once they have a successful first one established, then things will mushroom from there.

Ms. Higgins asked Mr. Cilimberg to explain how the schools handle this type of expansion since he was on the long range committee.

Mr. Cilimberg stated that he was actually not a part of that committee, but has gone to their meetings to provide information on growth trends and so forth. He noted that he has seen their reports.

Mr. Higgins asked if he feeds this information into their calculations.

Mr. Cilimberg stated that they actually on an annual basis ask that they prepare a report for them that indicate new developments both happening and planned to happen. They certainly try to keep the schools abreast of that information. Mr. Reasor's response to the school aspect has been that the longer range plans regarding Crozet, as well as the overall system, will be looked at again this year. At this point in time they anticipate the eastern side elementary school in Crozet. They have not focused on any new schools for middle or high schools in the western part of the County. That on a longer term has been looked at as a possibility in the northern part of the County, but that through a combination of the more immediate improvements to the existing schools plus redistricting that the demands of new growth would have to be accommodated in combination with creating new capacity in other areas. So in the case here what has been anticipated immediately for Crozet is the elementary school on the eastern side. Of course, that was part of the master plan and part of the long range planning committee of the schools.

Ms. Higgins suggested that the person who spoke tonight about the schools should call Al Reasor or someone that they could be directed to so that they could understand the dynamics of it and deal with their concerns directly with the school board.

Ms. Joseph pointed out that Ms. Jump suggested limited the size of the commercial development. She asked if the Code of Development discourages the big box.

Mr. Grant stated that the use table in the Code of Development pretty much discourages a big box from going in to any of the first seven blocks.

Ms. Joseph asked if capping the size of a commercial building was something that they should consider. She also wondered if anyone had been able to talk with the Development Facilitator about what was going on in Crozet. One of the things that she felt was important was for the ConAgra Plant, the Acme Plant and other places to become a more viable, more vital employment center so that you have people down there that will be using the other retail spaces downtown. She asked if there was any activity or anything happening regarding that issue.

Ms. Grant stated yes, that the coordinator, Ms. Stimart, has been working with the residents of the Crozet community and the developer of Old Trail. Therefore, Ms. Stimart is well aware of all of the issues and is trying to work with both parties.

Ms. Higgins pointed out that according to the use table in the Code of Development there was not a way for a single user to come in and do 250,000 square feet or 140,000 square feet. In the blocks it was limited to range from 30,000 to 80,000 square feet maximum. She pointed out that there were also minimums listed.

Mr. Rieley stated that to put that into some perspective that an 80,000 square foot building would be roughly 300' X 250' for a one-story building. So that is basically a city block. If they were talking about a two-story building, then it was basically one-half of a city block.

Ms. Joseph asked if they were comfortable with the way it was written.

Mr. Rieley stated that it was a good point that Ms. Jump brought up, but he did think it was covered.

Mr. Craddock asked if the affordable housing that was on the summary of changes the condensed version of what was written in the proffer. He asked if Ron White had seen it.

Ms. Grant stated that there is not a revised proffer as of this time that addresses affordable housing.

Mr. Craddock asked if the one in their book was the old proffer, and Ms. Grant stated that was correct.

Mr. Kamptner stated that proffer 2 on page 41 reads that 15 percent total residential units will be affordable.

Ms. Grant stated that was the new proffer, but they were in the process of discussing the details.

Mr. Cilimberg stated that it was the latest proffer and not the final proffer.

Mr. Craddock invited Ron White to come forward and discuss the affordable housing issue.

Ron White, Housing Director, stated that they met yesterday and went over the new proposal for affordable housing, which was addressed in his email that was sent to the Commission. His email basically was to accept his proposal of 15 percent of affordable units in each one of the phases as they were developed. Because of the size of the development and the length of time that it will be phased in they feel like when they develop the final proffer it needs to have some flexibility as to the unit type because of potential changes in the market down the road. One thing that they may want to consider is to allow the applicant to bank affordable units where they might be more than 15 percent on a certain phase recognizing that a phase later down the road it may not be feasible to do 15 percent. Bottom line is that they need the flexibility, but they are comfortable with the discussions that they have had thus far. He felt that they could work out the proffers with the County Attorney, zoning staff and planning staff.

Mr. Edgerton asked if he thought they would be able to work that out between now and the Board of Supervisor's meeting.

Mr. White stated that they will have some discussions on those. He mentioned yesterday that when you get to trying to have something that is legally binding with flexibility in it that is where some of the contention comes, but that is what they are working towards.

Mr. Edgerton asked if he was comfortable with the applicant's definition of affordable housing.

Mr. White stated that yes because the definition of affordable housing would be as defined by the Albemarle County Office of Housing.

Mr. Edgerton asked if the two lots that were located in the stream buffer previously been taken out.

Ms. Grant stated that staff has talked with the applicant about making the change. Staff has not seen a new application plan, but it is her understanding that with a new application plan and Code of Development that this will be addressed.

Mr. Edgerton stated that one of his concerns was that staff has changed their recommendation. He asked if the Commission should approve the request with all of these promises and then just trust that staff and the Board will be able to work that out between now and the Board of Supervisor's meeting. Or, do they ask the developer if he will consider a deferral until some of these issues can be resolved. He stated that one solution would be for the Commission to condition a recommendation of approval by coming up with a list of things that need to be addressed. He pointed out that was what staff had done in the original staff report.

Mr. Cilimberg stated that was the intent of Ms. Grant's first recommendation, but it was the Commission's option as to what they would be comfortable with.

Mr. Edgerton suggested that the Commission start on the list because it was going to be very long.

Ms. Higgins stated regarding the environmental issues brought up that she would like to point out that Crozet was a designated growth area and that the County's goal in the Comprehensive Plan was to preserve the land outside of the growth area. The County already had protective measure in place for the Lickinghole Basin and available water and sewer before Old Trail was envisioned or the master plan was undertaken. She felt that was worth saying because this development is a big chunk of that development area. She pointed out that the water and sewer was brought to this area for the purposes of this growth.

Mr. Edgerton stated that the hope was that by targeting growth into the growth area that they can avoid the perpetual sprawl that seems to be overtaking not only Albemarle County, but the entire County.

Mr. Cilimberg stated that there was a lot of discussion around the Crozet Master Plan from the beginning to the end of the process as to the size of what was being master planned versus what was already

essentially going to happen through the zoning that existed. There was an expressed and very deliberate decision that the plan as it was completed would be to accommodate the development of Crozet that would be equivalent to what could occur under the zoning that had been put in place. Therefore, it was not intended to be a lowering of population. It was intended to be no more growth in ultimate population than what would have otherwise occurred. Obviously, it was with the intention that it be developed in a different manner than what by right development would have led to. One other point regarding the question of acting tonight versus requesting deferral, was that they should be totally aware of is that if they act to recommend approval with various stipulation of things to be addressed before the Board that they were on a fairly quick turn around to the Board's September 14 hearing. In order to get everything addressed it will have to happen very quickly because staff will need to make sure that is done on the plan side, engineering side and legal side in time to get that package before the Board. That is just an awareness thing. The Board does have a longer period of time to review this.

Mr. Rieley stated that he had several things that he would like to add to the list that they need to consider. The central issue of whether this request goes to the Board with a laundry list of things that need to be cleaned up or whether they ask that they be cleaned up before they go to the Board is the nature of the things. If they are procedural things that they routinely ask staff, even though there are a lot of them, then his inclination is to do that and let the Board deal with the schedule. If the staff does not have time to do it, then the Board has authority to hear it whenever they want to. If they have fundamental disagreements about the content of the plan or the organization of the plan and they think there are substantive items that still need to be worked out, then he felt that they ought to ask for a deferral and continue to work on them. There were several things that came up that he felt were worth reiterating. One was Ms. Korbert's suggestion that they take care to make sure that safe routes and access to Henley and Brownsville be included as components of this. He asked Ms. Grant to tell the Commission to what degree that issue has been dealt with so far.

Ms. Grant stated that staff has discussed the issue with the schools and the schools are very much in support of connections from Old Trails to the schools.

Mr. Rieley asked if the current configuration of the plan allow those connections to be made.

Ms. Grant stated that those connections are not currently shown in the plan. However, there are trail systems that are proposed for the plan.

Mr. Rieley stated that it was something that they could either add to the list and ask that to be resolved.

Ms. Higgins stated that in block 19 there is a road that directly goes to the property line as into the rear parking lot of the school. That is a vehicular link into the school. That is a question for the application. She foresees that as a choice of the property owner on that side whether that is done. She believed that there was modification going on at that school right now to accommodate that. Therefore, she was not sure if saying that it was not shown was exactly what needs to be done.

Ms. Grant stated that staff is taking it another step in thinking that pedestrian trails could also be shown on the plan from Old Trail Village into the schools.

Ms. Higgins stated that on the pedestrian trail part of it there is a greenway trail. There was a meeting when the Commission looked at the Meadows about the road across the back of that site and that interconnection. She thought that they very much vetted that during the Meadows discussion. But, the schools do have strong feelings about the safety of the children having trails that go behind the schools when it involves an elementary school as opposed to a high school regarding access to vehicles and woods. She did not know if this condition was something that the schools have weighed in on before on numerous occasions or that it was a one side thing. She felt that with the vehicular connection at Route 250 and what the school plans does, that she would disagree with putting the trail to the back side of an elementary school. It has already been addressed two or three times already that it is not what the schools say is in their best interest.

Mr. Morris stated that it was a real safety issue.

Mr. Rieley felt that the trouble was that they were trying to deal with a school model that is a rural suburban model and they are trying to incorporate it into a more urban model. They have to figure out how to do that. He felt that the schools have not figured it out yet. Therefore, that is an issue that they need to deal with.

Mr. Edgerton stated that was the only edge that there would be an opportunity to have a connection.

Ms. Higgins stated that there was a natural ravine and buffer behind the school.

Mr. Rieley stated that if the trail system is in the park and open space, then there is a lot of opportunity there. That was one issue. Another issue that he hoped they would get back to surrounds the issue that Mr. Loach raised about the County stepping up to the plate and doing its part as the pieces of the puzzle come together. He hoped that they could come back with a resolution about adequately funding infrastructure, particularly in downtown Crozet. There was a question about the appropriateness of the ceiling of 50,000 square feet for the first 500 houses.

Ms. Higgins stated that it was 48,000 square feet for the first 500 houses.

Mr. Rieley stated that he felt that was reasonable. He asked what happens after the first 500 units. He asked if the second 500 units tied to the second phase of commercial. If not, then why not.

Ms. Grant stated that they did not get that far in their discussion.

Mr. Rieley asked if there was any reason not to key the two of them together as one moves through the process. The concern is that if the non-residential use gets out of balance with the residential or actually it was more likely to happen the other way around. It is a reasonable anxiety that you not have a shopping center without the development that is intended to support it.

Ms. Higgins asked if they could state that as a concern and allow the applicant to address it.

Mr. Rieley stated that was an option.

Mr. Edgerton asked to add to the list the need for some flexibility that they would try to balance out where the parks needs are and if they can't fit certain facilities that are needed by the community. He stated that they need to ask the developer to work with the community and the Department of Parks and Recreation to try to master plan the design. He pointed out that the original application, which has changed a lot over the past several days, had very specific items that would go in. He suggested that there be some flexibility in where they would be place.

Ms. Higgins asked Mr. Mullaney to explain that because she felt that the land goes to the County who make those decisions.

Ms. Joseph stated that they need to look at the entire area to figure out where it would make the most sense to locate certain uses.

Mr. Edgerton felt that was a reasonable request.

Ms. Higgins felt they were making a list of County issues because she did not see how they could put that requirement on the applicant.

Mr. Rieley stated that some of the things they were discussing were items that they wanted to see resolved between staff and the developer before it goes to the Board.

Ms. Joseph stated that the Commission needs to be thoughtful in that each time something comes in for the Crozet Master Plan that they look at the whole thing and just the little pieces. How is this interconnecting with the rest of Crozet and what is it doing. She felt that it was important that they know what is going on in other parts of Crozet. She felt that Mr. Loach's comment was very important. When

the master plan was approved the Commission had stated that this infrastructure really needs to happen for this to be a successful community.

Mr. Morris stated that really echoes what Mr. Rieley said. The Crozet Community has to be commended for coming up with a master plan that has been a reward winner. He commended a lot of the developers for stepping in and trying to follow that master plan as closely as possible. He felt that now is the time for the County to step in and do their part, and that is the Planning Commission.

Mr. Rieley stated that he wished that the Commission had a budget.

Ms. Higgins stated that these are capital project issues and the Commission can only make recommendations.

Mr. Edgerton stated that these recommendations need to be part of the recommendations to the Board that perhaps some of the additional tax revenues be applied to making a greater implementation of the Master Plan.

Mr. Thomas questioned what has happened with the County's support of this infrastructure. He asked if it was still in the plan.

Mr. Cilimberg stated that it was still in the CIP and there was money for improvements in Crozet. There have been two enhancement grant awards for the downtown. Now it is incumbent on the County to put the resources in play. He pointed out that it was a staff management aspect to it, too. It is more than just here is the money so now build the facilities, but in combination with the County looking to hire a general services director for someone who has done this type of work before and can actually do the work with Capital Improvement Funds. Discussions have been occurring with the Board about actually utilizing the money and putting the projects into play and into place is happening. This is not being ignored at all by the Board or by the County Executive. He stated that Mark Graham and he have been in many meetings regarding this very issue because it is considered important by the Board.

Mr. Edgerton stated that he would like to see more commitment for the tax revenues that are anticipated from the implementation of the Master Plan to be directed first and foremost to provide the infrastructure that will make the Master Plan work. That is something that they have really not had the commitment that they need to answer the concerns which the Commission has heard this evening. He felt that they were real concerns. He stated that this was not Mr. Beights issue, but was the County's issue.

Mr. Morris pointed out that there were two other master plans on the back burner.

Mr. Rieley stated that one of the concerns they heard a lot was the potential affect on downtown of this plan in relation to the plan that was adopted into the Comprehensive Plan, which was illustrious. But, it did indeed show more fragmented areas of development into smaller pieces rather than one more centrally located. But, it seems that the net effect of those is about the same. In fact, one of the aspects of the Crozet Master Plan that he expressed concern about when it was going on was this employment center being separate from the other non-residential uses. He pointed out that nobody knows whether this will be a big boom to the community or whether it will be a drain to the community. He felt that it could be some of both. But, he did not think that the net effect was substantially different than what was in the Master Plan. Regarding the concern about commercial being placed on 250, he pointed out that there was no commercial access directly off of 250 to this 20-room bed and breakfast, which will not have a restaurant in it. Route 250 will have a 150 foot buffer. In fact, there is no commercial activity on 250.

Ms. Joseph stated that they could start with the list on page 4 of the staff report.

Mr. Rieley stated that under phasing of the non-residential area they could add to that the linkage between the residential development and the non-residential development to be continued beyond the first 500 houses. He asked that they articulate a statement that everybody could support about the pedestrian connection to the schools. He suggested staff to work cooperatively together with the developer and with the school system to develop a mutually agreeable comprehensive system of pedestrian access to the schools.

Ms. Higgins stated that the critical slopes waiver request item should come off because it would not be a part of the rezoning.

Mr. Edgerton agreed that item should come off because it gets handled at the site plan stage.

Ms. Higgins stated that number 1 would be about the revision to the park as presented by the applicant. The phasing of the non-residential is that they understand what is on the proffer now, but they would like to see linkage with the increased square footage being tied to the residential development. Number 3 would be the removal of lots from the stream buffer, which was a requirement that would have to be made at the site plan. Therefore, that was just to note it on the plan.

Ms. Joseph stated that the application plan needs to be corrected to show that.

Ms. Higgins asked if there was a particular area of conservation or preservation that needs verification.

Ms. Grant stated that information was not provided at that time, but the applicant has since provided it.

Mr. Edgerton stated that information should be incorporated into the list.

Ms. Higgins stated that then the revisions of the Code and application plan consistent with the other items. The next is the revision of the proffers relative to affordable housing based on discussions to date with Ron White at 15 percent. The last one was the condition as articulated by Mr. Rieley.

Ms. Joseph stated that there was more, which included having the flexibility to work with the parks in the entire community.

Ms. Higgins stated that there would be four separate items.

Mr. Rieley agreed with Ms. Higgins. He stated that he was very satisfied with Mr. Mullaney's assurance that the representatives of Claudius Crozet Park would be a part of the process of both the programming and the master planning of this park. That is a County initiative and does not involve the developer.

Ms. Higgins stated that there were three items that were County initiatives that they need to list separately. It includes stepping up to the plate on the down town Crozet infrastructure improvements. It is the commitment to the infrastructure in the existing downtown area and the potential effect it has on the down town area. She asked if there has been a parking provision made to allow the parking standards in downtown to be relaxed. That is one of the hindrances on downtown Crozet. It has been brought up tonight by an applicant about somebody trying to expand their use. She asked if that is being implemented or that something that they should specifically call out. That is what is limiting some of the developers from going in downtown.

Mr. Cilimberg stated that there is no special parking provisions now in downtown and those are not something being worked on at this point.

Ms. Higgins stated that if it was talking about trying to help the existing Crozet not to be in competition it is to help to relieve that particular issue.

Mr. Edgerton stated that he would be comfortable in making a recommendation to the Board that issue be reviewed, but that would be included on the second list. The Commission needs two resolutions. The first resolution they need to make a decision what they are going to tie to the rezoning request and the second would be their recommendations. He asked if there were other concerns.

Mr. Cilimberg stated that on the applicant's handout there were several issues that need to be included as the application is moved forward. There were the limitations of uses on Route 250. There was the minimum non-residential increased from 50,000 square feet to 100,000 square feet. The ARB recommendations incorporated into the Code of Development has probably already happened. But, the

Commission's understanding is this in combination with the list is what is going to need to go to the Board.

Mr. Rieley agreed with Mr. Cilimberg plus what the Commission has added.

Motion on ZMA-2004-024, Old Trail Village:

Motion: Mr. Rieley moved, Mr. Morris seconded, that ZMA-2004-024, Old Trail Village be recommended to the Board for approval with the understanding that all of the applicant's summary of changes and the list in the staff report as amended below are addressed in the Code of Development, proffers or application plan as necessary:

- Changes, if any, needed for the park on both the plan and in the proffers as presented.
- Phasing of the non-residential area with the linkage between the residential development and the non-residential development to be continued beyond the first 500 houses.
- Removal of lots in the stream buffer. The application plan needs to be corrected.
- Review and verification of conservation and preservation areas, which has been submitted by the applicant.
- Revisions to Code of Development and application plan consistent with all of the items.
- Revisions of proffers relative to affordable housing based on the discussions to date with Ron White. The current proffers state an increase from 5% to 15 %.
- Have staff work cooperatively with the developer and the school system to develop a mutually agreeable comprehensive system of pedestrian access to the schools.
- Uses along Route 250 limited, densities reduced.
- Old Trail Park and surrounding open space increased by 9.2 acres to the satisfaction of Department Parks & Recreation.
- Minimum non-residential increased from 50,000 square feet to 100,000 square feet.
- Phasing will limit maximum retail to 48,000 square feet until 500 units are developed.
- Density issues resolved
- All ARB recommendations incorporated into Code of Development.
- Action on the critical slopes waiver will be a separate issue that will come before the Planning Commission at a later date.

The motion passed by a vote of 7:0.

Mr. Edgerton stated that ZMA-2004-024, Old Trails Village would go to the Board on September 14 with a recommendation for approval.

Motion to identify important aspects related to ZMA-2004-024:

Motion: Ms. Higgins moved, Mr. Morris seconded, that the Planning Commission identifies the following list as important aspects related to ZMA-2004-024, Old Trail Village that are County responsibilities the Board should address.

- The parking restrictions in the existing downtown Crozet area be reviewed and potentially studied for revision to allow the Crozet area to better support its businesses that exist and could come.
- Put all of the County resources possible towards getting Jarman's Gap Road higher on the VDOT list of priorities.
- Staff to work with the schools and applicant to talk about interconnectivity on the trails and traffic.
- Board to direct staff to work at making sure the downtown Crozet improvements were actually done.

The motion passed unanimously by a vote of 7:0.

Mr. Edgerton stated that ZMA-2004-024 for Old Trail would go to the Board of Supervisors on September 14 with a recommendation for approval and the Commission's suggestions on important aspects related to the rezoning.

Old Business:

Mr. Edgerton asked if there was any old business. He stated that he had one item to discuss with staff. In the Community Development improvement work session summary there was a recommendation on how to move things along and expedite the development process. Under discussion item #1 it referred to ministerial reviews. In reading that section he felt that was what is happening right now. He asked what the change was in what was being recommended for the Planning Commission not being involved with the ministerial reviews. Right now if there was no special use permit or waiver required it does not come before the Commission unless the request is called up by an adjoining property owner.

Mr. Graham pointed out that the recommendation was that section be eliminated from the ordinance. Specifically, there were two circumstances that it appeared that the request should not come to the Planning Commission. One circumstance was where something has gone through a special use permit or a zoning map amendment because the Planning Commission has already seen it. The other circumstance was where it was a ministerial review and there was absolutely no waiver that involved the Planning Commission. In these cases it appears that no purpose is served by bringing those applications to the Commission. Staff discussed the issue about some of the frustration that they had seen with property owners who call plans up to the Planning Commission and then find that there is nothing that the Commission can do about it.

Mr. Edgerton stated that the big question was if there would be more frustration if they did not have the right to call it up.

Ms. Joseph asked how they could change legislation unless they know that there are problems out there as people come up with things. She realized that there is State enabling legislation that requires the County to do certain things and approve certain things. But sometimes people come in and that is how things change. That is also how they educate people, too. Whether it makes people frustrated or not, it is still providing some education for the public that these are by right and that is what happens.

Ms. Higgins asked what the Board's feedback was on this issue.

Mr. Graham stated that the Board supported the idea of streamlining. He pointed out that staff laid Ms. Joseph's concerns out for the Board in that there are things that they would be giving up on this. That is a very real part of it. But, staff also explained it using the Virginia Association Zoning Official's survey in that we were the only locality they found that had the ability for all site plans and subdivisions to be called up to the Planning Commission. It is very unusual for a locality. He stated that there is the issue of "process" versus "results" and where do they want to be on this spectrum.

Mr. Cilimberg stated that staff will be scheduling a future work session with the Planning Commission on this issue.

Mr. Edgerton stated that he was not present at that meeting and just wanted to let staff know what his concerns were.

Staff will set up a time where there can be a joint session with the Planning Commission and Board to discuss these issues.

Regarding Places 29, Mr. Cilimberg asked if the Planning Commission would be interested in having a joint work session with the Board of Supervisors when the consultant returns in November during the week of the two public meetings. There will not be a Commission meeting on Tuesday, November 1

because staff wants to free up the Commission's schedule because of the public meeting going on. On Wednesday, November 2 the Board will get an overview from the consultant and have some conversation about the study at that point. He asked if the Commission would like to join the Board for that particular work session, which will be during the Board's day meeting.

Ms. Higgins asked that staff make sure that the Commission gets all of the information ahead of time to review as the oversight committee. She asked that the Commission know what the work session will entail ahead of time.

After discussion with staff, it was the consensus of the Commission that they would be interested in attending the joint work session with the Board of Supervisors about Places 29 on November 2 with the consultants. The Commission asked staff to make sure they receive updated information on Places 29 prior to the work session.

Mr. Cilimberg stated that he had a question regarding expectations that the Commission might have on a particular project that they reviewed on Route 29. The project is located in front of Carrsbrook. The Commission asked the applicant to go back and work with the design and the ARB. The applicant has just this week resubmitted plans for ARB review and has indicated that the Planning Commission wants this to go to the ARB quickly and as a priority project to them so that the Commission can get it back. He stated that there was an ARB schedule that had to be followed. He asked if the Commission has an expectation that they will jump ahead on this one project in that schedule.

It was the consensus of the Planning Commission that their expectation was that the North town Center request would follow the normal ARB schedule

There being no further old business, the meeting proceeded.

New Business:

Mr. Edgerton asked if there was any new business.

Update Commission on Water Protection Ordinance and Agricultural Issues.

Mr. Graham introduced Tamara Ambler, the Natural Resource Manager, to the Planning Commission. He distributed a handout from Ms. Ambler, which outlines the issue that Mr. Edgerton raised. Staff found that there is a discrepancy in the Water Protection Ordinance. In Ms. Ambler's handout she provides background, outlines the issues and provides a range of options available to amend the Water Protection Ordinance to address this discrepancy. This is something that staff needs to take to the Board. But, the Board's schedule has been too full and staff has had trouble finding the time to discuss this with them. Staff plans to set up a work session in the future on these items. (Attachment – Update to Planning Commission Water Protection Ordinance and Agricultural Issues dated August 23, 2005)

Mr. Edgerton stated that he had hoped that the Commission could pass a resolution asking the Board to try to tighten these regulations. Environmentally, he felt the only option was d, but politically that might not be the case.

Ms. Higgins stated that there was a piece of the history missing from this. She stated that this had been incorrectly referred to as a loophole or something that was missed. She felt that some of the history had been lost because it was actually done on purpose. She felt that the issue of cows in streams was more important than the agriculture/silverculture issue. There was actually a fencing program in place at the time this had been discussed in the past.

Ms. Joseph asked that they look at the related enforcement issues.

Mr. Rieley stated that these were important issues, but it was too late to discuss them further tonight. He stated that they should be honest and proactive in getting the animals out of the streams. It is a huge issue and part of that issue is how do you pay for it and how do you enforce it. They have to be realistic

about that as well. He felt that he was not prepared to choose an option tonight, but that they should continue to discuss this item.

Mr. Graham stated that staff will be discussing this issue with the Board. At that time staff will lay out the options to see if they are interested in pursuing any of those.

Mr. Edgerton stated that the Commission needs to consider the future water quality issues in this discussion.

Ms. Joseph asked that the Commission discuss this again in the future after more information has been gathered.

Mr. Edgerton stated that he had signed up to attend the Virginia Certified Planning Commissioners' Program at the end of September. He asked if any other Commissioner would like to attend. He passed out a memorandum from Michael Chandler that included an agenda of the program with the specifics. (Attachment – September 29 – 30, 2005 Program Information from Citizens Planning Education Association of Virginia, Inc. regarding Virginia Certified Planning Commissioners' Program)

Mr. Kamptner stated that the Planning Commission has a closed session tonight and that Mr. Craddock has a motion to read.

Mr. Craddock moved that the Commission go into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to discuss with legal counsel and staff specific legal issues regarding pending litigation relating to the denial of a site plan.

Mr. Morris seconded the motion.

The motion passed unanimously by a vote of 7:0.

The Planning Commission moved to Room #235 at 9:05 p.m. for a closed session.

The Planning Commission returned to Room #241 at 9:36 p.m.

Mr. Craddock moved that the Commission certify by a recorded vote that to the best of each Commission member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session.

Mr. Rieley seconded the motion.

The motion passed unanimously by a vote of 7:0.

Mr. Kamptner stated that the next motion that he would recommend is a motion to suspend two rules of the Commission's Rules of Procedure. One is Rule 5.1 regarding motions to reconsider. The other is Rule 8 regarding rules of procedure not covered by these rules of procedure, which defaults to Robert's Rules of Order.

Mr. Rieley moved to suspend two Rules of Procedure, Rule 5.1 regarding motions to reconsider and Rule 8 regarding rules of procedure not covered by these rules of procedure.

Mr. Morris seconded the motion.

The motion passed unanimously by a vote of 7:0.

Mr. Kamptner stated that the third motion would be to reconsider Site Development Plan 2004-074, Gazebo Plaza Preliminary Site Plan with the critical slopes waiver and the parking regulations modification.

Mr. Morris moved to reconsider Site Development Plan 2004-074, Gazebo Plaza Preliminary Site Plan with the critical slopes waiver and the parking regulations modification to be brought back on the Planning Commission agenda on September 13, 2005.

Mr. Thomas seconded the motion.

The motion passed by a vote of (5:2). (Joseph, Edgerton – No)

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:35 p.m. to the August 30, 2005 meeting.

_____
V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)