Albemarle County Planning Commission
April 25, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 25, 2006, at 6:00 p.m., at the County Office Building Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Bill Edgerton, Pete Craddock; Jo Higgins; Jon Cannon; Marcia Joseph, Chairman and Calvin Morris, Vice-Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia, was absent.

Other officials present were Wayne Cilimberg, Director of Planning; Claudette Grant, Senior Planner; Amy Arnold, Planner; Steve Tugwell, Principal Planner; Rebecca Ragsdale, Senior Planner; Glenn Brooks, Senior Engineer; David Pennock, Principal Planner and Greg Kamptner, Deputy County Attorney.

***Call to Order and Establish Quorum**:*

Ms. Joseph 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**:*

Ms. Joseph invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Consent Agenda:

a. **ZTA-2006-02 Resolution of Intent to Amend the Zoning Ordinance Relating to Civil Penalties** (Louise Wyatt)

b. **Approval of Planning Commission Minutes** – November 29, 2005.

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

The motion passed by a vote of 7:0.

Ms. Joseph stated that the consent agenda has been approved.

***Public Hearing**:*

SUB-2006-022 Fairhill Estates Preliminary Plat - Request for preliminary plat approval to create a 13 (thirteen) lot Rural Preservation Development (13 lots and a preservation tract of 63.54 acres). The total acreage of the subdivision is 107.02 acres. The property is zoned RA, Rural Areas and EC, Entrance Corridor. The property, described as Tax Map 56 Parcel 100F, and Tax Map 57 Parcel 35 is located in the White Hall Magisterial District on Rockfish Gap Turnpike [U.S. Route # 250] approximately 1/2-mile west of the intersection with Three Notch'd Road (Route 240). The Comprehensive Plan designates this property for Neighborhood Density uses in Rural Area 3. (Steve Tugwell)

Mr. Tugwell summarized the staff report.

- This is a request for preliminary plat approval of a Rural Preservation Development consisting of 13 development lots with the average size of 3.12 acres with a preservation tract of 63.54 acres. Staff has reviewed the application under the Subdivision and Zoning Ordinances and determined it to be in substantial accord with the criteria for RPD's. Staff recommends approval of the Fairhill Estates Preliminary Plat with the condition listed in the staff report.

Ms. Joseph asked if there were any questions for Mr. Tugwell.

Mr. Edgerton said on page in the last sentence on e. it says that this was the best available compromise between the applicant's desire to protect the existing farm and staff's concern about water quality

protection. He asked for a little clarification or background on that. This talked about the bubble that went around it. He asked what he would have preferred to see.

Mr. Tugwell replied that there was an increase in the buffer size, which the applicant could speak to. There was a change in the buffer location. It was increased around the preservation tract adjacent to the basin. When the rural areas planners reviewed the request they preferred this over the original submittal.

David Pennock, Senior Planner, added that comment g. on that same page sort of speaks to the same thought is that this results in an unusually shaped lot. This gives the lot a dumb bell shape. Normally they would not have the long strips. But in dealing with the rural areas planners, the thought was there that they could protect more of the steep slopes and flood plain or areas that they have identified as critical resources from a rural preservation standpoint by giving it that sort of elongated shape or dumb bell look. The concept was that it is unusual but overall it served a better purpose.

Ms. Higgins said she took it that this is the preferred, although when you look at the shape as a stand along it would not be something that you see for agricultural practice. So this is the preferred one. This is going to be a perpetual easement with the Public Recreation Facility Authority. What is different about it being a Recreational Facility easement versus the Outdoor Foundation or the other entities? That implies that this will serve some other use, but not necessarily agricultural.

Mr. Kamptner noted that the PRFA was created 17 or 18 years ago to really accept the Rural Preservation tracts. The type parcels that the PRFA holds as Rural Preservation Tracts are quite possibly ones that the VOF would not be interested in holding. It is quite unlikely that they would be entitled to any kind of charitable donation deduction. The County's PRFA is more limited in scope than what it could be. When it was created it was established solely to hold open space easement. Other PRFA's have additional abilities to do other things. Typically the standard open space deed of easement does not require the land to be open to the public. The Internal Revenue Code does not require public access. It has always been the concern on the landowner's side that if they donate the easement that they are opening the land up for public access because it is held by a public entity. So that is not standard language in our deeds.

Ms. Higgins asked if staff heard from any of the adjacent property owners. She received one email from the Crickenberger property.

Mr. Pennock noted that Mr. Crickenberger was in favor of the request.

Ms. Higgins noted that the email indicated that his property was significantly involved with this request, but he was in favor of it.

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

David Mitchell, of Traditional Homes of Richmond, stated that he was planning to move to this area. He worked with staff to protect the farm land and the soils, structures and the ponds. Then they would use the rest of the land for the lots. Scott Clark came back and asked them to do the additional protection of the smaller side of the dumb bell. They did not have a problem with that. They did start with around 43 acres originally and then added the 20 acres under their request. Their goal is to protect the farm first or a tract of land large enough to be viable or at least be a large chunk of open space if somebody chose to do that. They plan to move into Foxchase Subdivision first, but eventually hope to move into the farm house and farm the property. But, that is down the road after they sell a few houses. Again, they did the Rural Preservation and that was what the County wanted. He felt that they have done a good job.

Ms. Joseph invited public comment from other members of the public. There being none, the public hearing was closed and the matter before the Commission.

Motion: Mr. Edgerton moved, Mr. Cannon seconded, to approve SUB-2006-022, Fairhill Estates Preliminary Plat subject to the conditions staff recommended in the staff report.

The Division of Zoning and Current Development shall not sign the final subdivision plat until the following conditions have been met:

1. The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available from the Department of Community Development.
2. Approval of all new road names by the E-911 Addressing Coordinator.
3. The plat shall be subject to the Current Development Division's engineering review for compliance with Section 903.B.6.a of the County's Design Standards Manual.
4. Virginia Department of Transportation approval for road plans in accordance with the requirements for acceptance into the State system.
5. [14.309 & 310] Written approval from the Health Department for all drain field locations.
6. [10.3.3.3.f] Approval and recordation of a preservation easement by the Public Recreational Facilities for the Preservation Tract.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SUB-2006-02, Fairhill Estates Preliminary Plat was approved.

***Public Hearing**:*

SP-2006-003 American Cancer Society Pink Ribbon Polo (Signs #42, 47)
PROPOSED: Annual polo match, benefits American Cancer Society
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: Section 31.2.4, 10.2.2.42, 5.1.27
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre)
LOCATION: King Family Winery, 6640 Roseland Farm, Crozet; TM 55 Parcels 80, 81
MAGISTERIAL DISTRICT: Whitehall
STAFF: Amy Arnold

Ms. Arnold summarized the staff report.

- The Commission first looked at this project on April 11. It is back for the Commission's recommendation this evening. There are several items that staff wants to bring to their attention regarding the project as follows:

    - Officer Byrom of the Albemarle County Police was stationed at the event in 2005. No complaints were received by the Police Department at last year's event.
    - Also, the Commission had asked for a little more information about any recommendation that the Police Department might have regarding stationing officers at the intersections of Half Mile Branch and Jarmans Gap and Half Mile Branch and Route 250. The American Cancer Society's Pink Ribbon Polo Committee has been working in close conversation with Corporal Robert Heidi, who is the Albemarle County Traffic Unit Supervisor. They have arrived at the following traffic control plan for the event.
        - ❖ There will be two County officers at the event this year. From 10:00 a.m. to 12:30 or until the traffic lightens one would be stationed at the intersection of Half Mile Branch and Jarmans Gap Road. The other one would be stationed at the Half Mile Branch and Route 250 intersection. When the traffic does lighten the officers will move to patrolling inside the event. At 4:00 p.m. the officers will move back to those intersections and provide traffic control until they are no longer needed.
    - A few other issues have come up because the event shifted at the last meeting from a one time occurrence to an annual event. Zoning and the County Attorney both had concerns about making sure that the County is protected from the long term potential impacts of the event and recommended the following changes in the conditions of approval:

- ❖ Condition 3 should be amended to include a 2,000 person cap on the limit of attendees.
- ❖ The special use permit, should it be approved, could be subject to renewal after 5 years. With the 5 year renewal period it would come up for renewal in the summer of 2010. That would let the County take a look at the event having been held over a span of 5 years and evaluate based on that.
- ❖ It is also recommended that condition 3 be changed to require annual approval of a zoning clearance. Zoning has recommended the following rewording of the first sentence of condition 3 incorporating both the addition of the annual clearance and a cap on the attendance, "Annual approval of a zoning compliance clearance for not more than 2,000 attendees is required prior to commencing this use each year."
- ❖ The word "sheriff" should be removed from condition 3. The mention of police is sufficient.

Ms. Joseph asked if staff had made the applicant aware of the proposed changes to the conditions.

Ms. Arnold stated yes, that she had discussed the changes with the applicant who thought that the conditions were reasonable. There is a representative present to speak to that.

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

Cory King, David King's daughter in law, stated that Mr. King could not be here and that she was present to answer any questions that the Commission might have.

Ms. Joseph asked if she knew what the new conditions are and if she had any problems with them.

Ms. King stated that they were in total agreement with the conditions. The reason that they wanted an annual event is so they would not have to request a Special Use Permit each year, but they were totally fine with coming back in five years and dealing with the zoning clearance every year.

Ms. Joseph noted that it also puts a limit for no more than 2,000 attendees.

Ms. King stated that was fine.

Ms. Joseph invited public comment. There being none, she closed the public hearing and the matter was before the Commission.

Ms. Higgins moved to recommend approval of SP-2006-003, American Cancer Society Pink Ribbon Polo, subject to the conditions recommended in the staff report, as amended with the changes to item 3 that Ms. Arnold stated for annual zoning clearance and a 2,000 person limit.

Mr. Strucko seconded the motion.

Ms. Joseph asked if there was any further discussion.

Mr. Cilimberg noted that one of the things discussed was having a five year renewal. He asked if the Commission wanted to include that or not.

Ms. Higgins amended the motion to include all four changes as described by staff for the annual zoning inspections, 2,000 person cap, 2010 as being the expiration date for the five year renewal and deleting "sheriff" from the one condition.

1. Special Use Permit 2006-03 shall be developed in general accord with the sketch plan submitted March 16, 2005, prepared by the Pink Ribbon Polo Committee, and titled "American Cancer Society, Pink Ribbon Polo, SP2006-03" (Attachment A.). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance.
2. The event shall be held once a year between the dates of May 30th and July 1. The event shall

be limited to the hours of 10:00 am and 6:00 pm. Amplified sounds shall be limited to the National Anthem and announcements related to the polo game. The applicant shall arrange for traffic control personnel to be placed at all locations and for what period of time the Albemarle County Police Department deems necessary

3. Annual approval of a zoning compliance clearance for not more than 2,000 attendees is required prior to commencing this use each year. The applicant shall apply for the zoning clearance no later than three (3) weeks prior to the date for the event. Zoning approval will be contingent upon the Zoning Administrator determining that the provisions in Section 5.1.27 of the Albemarle County Code and all conditions of this special use permit have been satisfied and on confirmation from the Health Department, as well as the Departments of Fire / Rescue and Police, that they have been contacted by the applicant and can recommend approval.
4. The special use permit is required to be renewed in 5 years.

Mr. Strucko seconded the amended motion.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-003, American Society Pink Ribbon Polo, would go to the Board of Supervisors on May 3, 2006 with a recommendation for approval.

***Work sessions**:*

ZMA-2006-003 Jarman Hill (Signs #67, 68, and 71)
PROPOSAL: Rezone 8.68 acres from R-2 Residential (2 units/acre) to NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses for 96 residential units (single family detached, townhouses, multifamily) proposed at a gross density of 11 units per acre.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; CT-3 Urban Edge: single family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses; CT4 Urban General- mixed residential and commercial uses (net 4.5 units per acre for Single family detached and attached units and duplexes; net 12 units per acre for townhouses and apartments; net 18 units per acre for mixed use).
ENTRANCE CORRIDOR: No
LOCATION: portion of TM 55, parcel 70, 70C, 70D, 70F, 70G1,70G (.793 acre portion shown on general development plan) located east of Rothwell Lane, west of Killdeer Lane (Route 1215) and south of Jarmans Gap Road (Rt. 691) in the Community of Crozet.
MAGISTERIAL DISTRICT: White Hall
STAFF: Rebecca Ragsdale

In summary, the Planning Commission held a work session on ZMA-2006-003, Jarman Hill to provide direction on the design/layout, density/residential unit type, mixture of uses and other discussion topics. Ms. Ragsdale discussed the specifics of the proposal. Valerie Long, representative for the applicant, made a power point presentation and explained how they had addressed staff's comments. The Commission reviewed and discussed the proposal with staff and the applicant, took public comment, and then responded to the preliminary questions posed by staff. The Commission provided the following feedback on the issues mentioned in the staff report as follows:

Residential Density/Housing types

Does the Planning Commission find the proposal consistent with the Crozet Master Plan with regard to the residential densities? Is the mixture of housing types proposed by the applicant for Jarman Hill appropriate?

In consensus, the Planning Commission agreed with staff's opinion that the density and intensity of the development is in excess of the recommendations of the Master Plan given the fact that the neighborhood center on Old Trail Drive has not emerged.

In general, the Planning Commission was comfortable with the housing types proposed excluding the office/condo proposal. Some concern was raised about the parking associated with the proposed office use. Two Commissioners opposed any office/commercial use in this proposal because it would detract from the viability of downtown Crozet.

Design and Layout

Does the Planning Commission find the layout and design appropriate? If not, what suggestions do you have for improvement?

In general consensus, the Planning Commission agreed with staff that modifications to the design and layout are desirable.

Mixture of uses

Does the Planning Commission find the mix of uses proposed in Jarman Hill appropriate?

In general, the Planning Commission was comfortable with the mix of uses proposed excluding the office/condo proposal. Some concern was raised about the parking associated with the proposed office use. Two Commissioners opposed any office/commercial use in this proposal because it would detract from the viability of downtown Crozet. Additional information is needed for further consideration by the Commission.

Impacts and Proffers

What impacts should be mitigated for this development?
In general consensus, the Planning Commission agreed with staff that the transportation impacts and proffers need to be worked out. The proffers do not address the issues of other substandard roads serving the site.

***Work session Discussion**:*

Ms. Joseph pointed out that the Commission would receive a staff report on the pertinent issues. Then they would ask the applicant if they would like to do a presentation. Then there is a list of conditions within the staff report that they would go through. Most of the time during a work session there is no public input. For this particular item there will be public input. So once they go through and have some discussion if there is something that anyone would like to say about this item the Commission would like to hear about it. Each person will have a three minute time period to speak. That is how the Commission will proceed. There may be times that they might ask the applicant for additional information. So it is not as formal a thing as the public would normally see us do because they were trying to get to the place where they all feel comfortable with this project. They are trying to work out the issues before there is a public hearing.

Ms. Ragsdale referred the Commission to a number of displays in order to orient them to the location of the project. It is located in Crozet in the development area in what is Neighborhood Six in the Crozet Master Plan. It is an 8.6 acre site. The applicant submitted a proposal seven months back. Staff has reviewed the applicant's first submittal and provided comments to them and identified these questions and topic areas for the Commission this evening so that they can become familiar with the project and also provide input early on in the process. It is 96 units some of which are single-family. Around the perimeter are townhouses and apartments. The property is situated to the south of Jarmans Gap Road. Staff has some questions about the following items:

- Residential density and intensity of uses
- Mixture of uses – There is an office component proposed within the development.
- Design and layout, and
- Mitigating the impacts of the development

She pointed out an illustration on the board that depicts what they saw when they reviewed Old Trail Village. The Crozet Master Plan is built around the concept of these mixed use centers with different

neighborhoods and hamlets having a center and then a quarter mile walkability with the transect concept of more intense uses coming out from these centers. When the Commission reviewed Old Trail what emerged was a larger center and some shifting around of CTs. This graphic represents what they felt would equate as far as land uses to the Crozet Master Plan land uses. In this case, there was a CT-5 center proposed along what is now has become Old Trail Drive or this western avenue, which will actually develop as single family residential, which equates comparable to a CT-3 use. This site also is relatively close to downtown with a walking distance of that commercial center of Crozet, which is the one that is existing at this point. They have not gotten any application or any activity as far as that in the rezoned area. She pointed out that the rezoned areas from here down and this area up here has been referred to as the by right area of Old Trail, which was property that already had the zoning and has developed with townhouses and single family uses. They can see the lot lines of the properties that have certificate of occupancies and some of it is still under construction. That gives the Commission the context of the property of Old Trail to the south.

Ms. Joseph asked if the area in yellow on that Master Plan was never considered as part of the rezoning for Old Trail.

Ms. Ragsdale stated that it was not noting that it was only the area southward. This is a representation of how land use is happening or is expected to happen, but not necessarily the area counted down the road. There was not that sort of conversation. This graphic representation shows how the colors were shifted around, which also recognizes the existing or future land use that happened to be under the same ownership as Old Trail. They knew what was going to happen to it. So they gave it a color that matched up with the Master Plan. So in this case the area that was designated for the Master Plan has single family home plat approval. She was not certain whether it was preliminary or final approval. There is no longer that center concentration area to organize the land uses around in the transect concept. What they also have happening along Jarmans Gap Road is the Jarmans Gap Professional Center, which is an office building across the road. In Waylands Grant there was an office component approved with that, which is down Jarmans Gap Road. So there is some existing office out on Jarmans Gap Road that staff wanted to make the Commission aware of as part of their discussion regarding the mixture of uses.

Mr. Edgerton stated that there are two large maps that say Jarman Hill. He asked if the map with the yellow and pink was what the Master Plan called for.

Ms. Ragsdale replied yes, this is the Master Plan for these properties. The development consists of six properties right now under several different owners. The two properties that are CT-3 are on Killdeer Lane and then as you go over towards the center, or the hot pink color, the applicant's other properties are along here and Jarmans Gap Road. She pointed out Rothwell Lane and Old Trail Drive.

Mr. Edgerton asked what the map on the right in green displayed.

Ms. Ragsdale stated that map displayed the current zoning.

Mr. Edgerton stated that he was on the Commission when they approved this limited rezoning, which was only part of the Old Trail property. There was really no guarantee that they would not come back later and want to do something different with these properties up here.

Ms. Ragsdale agreed. When she researched it there did not seem to be a conversation that there was any kind of agreement that they were shifting around the centers or anything like that. This is just a helpful illustration because staff knew that members of the public brought that up specifically. This clears it up as far as what was or what was not part of that. Jarmans Hill was located over in this area and was not part of that area.

Mr. Edgerton asked if staff could draw a line on the Crozet Master Plan where that rezoning stops.

Ms. Ragsdale pointed out that the area south of the dashed line was the area of the rezoning. Staff felt it was important for the Commission to provide some input on the residential densities. They are proposing some housing types and more density in the CT-3 areas than is consistent with the Master Plan. As far as where this project falls within the suggested number of units, they do fall in the upper end. Under

special circumstances the multipliers used was 6.5 in the CT-3 areas, which has the special provision regarding accessory units or affordable units. Also, in the CT-4 areas there is a provision if one goes up to 18 units per acres that would only be in a mixed use setting. So given that there was no emerging center and some of the other factors staff considered, they did not feel like the density of the upper limits of the maximum was appropriate. So that is one of the topics that staff was asking the Commission to weigh in on as well as the unit types referred to on the plan as condos, which would actually be apartments. Staff also asks the Commission to provide some guidance in the design and layout in the proposal. The application plan that is the packet the applicant has organized the units around the central park, which is about 1.9 acres with more intense use around the park and then single family on the edges. The office uses would be located adjacent to the park internal to the development and would be optional on the first floor of the condo units. So staff did not think that was the best place for the office and suggested possibly block 1, which was adjacent to Jarmans Gap Road, as a consideration. Staff would like guidance from the Commission on the location of the office. In staff's opinion, the small office component use would fit within the CT-4 area. So that is what they have as a starting point for the discussion for design and layout.

Ms. Ragsdale continued that for their last topic staff suggested starting the conversation about impacts to be mitigated in the development. The applicant did submit a proffer statement. Staff summarized those for the Commission as follows:

- Committing to 15% for the affordable units;
- Committing to overlot grading plan; and
- A proffer that would either contribute or provide a temporary sidewalk along Jarmans Gap Road. (Staff feels that the major issue here as far as impacts of the development would be to the substandard roads that would serve it.)

Staff has only reviewed one version of the plan. The applicant has not had a chance to resubmit. But, the applicant would like to start addressing some of the comments staff has given them. They would like to show the Commission some things as suggestions or starting points for some of these areas.

Ms. Joseph asked if there were any questions for staff. There being none, she opened the public hearing and invited the applicant to address the Commission.

Valerie Long stated that she was present to represent the applicant, the Christopher's Company. Others present this evening were Mr. John Reagan, Executive Vice-President of Christopher's Company and also Scott Collins and Kristin Muns, with the Timmons Group, which is the engineering and land planning team they were working with. Before the power point presentation, she wanted to provide John Reagan with an opportunity to introduce himself to the Commission and tell them a little bit about his company.

John Reagan stated that the Christopher's Company was established in 1974 by a man named Fred Colbert. They built about 300 homes in northern Virginia and the Hampton Roads areas. They are currently building a home in Albemarle County, which is his own home. They have a very high customer satisfaction rating. They build about 100 homes a year. He felt that their product matches very well with the type of homes that are built in this county and in the city. Therefore, they would like to come down and start building here, too.

Valerie Long made a power point presentation and explained the proposed project and the terrain that they were working with as follows.

- She presented slides of some of the types of projects that the Christopher's Company produces. Again, as Mr. Reagan said, their claim to fame is very high quality products with high attention to detail and extreme superior customer service. That gives the Commission an idea of the type of product that they would be providing in this area. The layout that was originally submitted is in their packets. In response to the staff report and some other comments that they have received from the planning staff, they have taken a quick stab of trying to revise the layout to respond to some of the issues and suggestions that the staff raised to us. She turned to that revised layout and asked the Commission to ask some questions or provide some input on that as well. But, she felt that it might be helpful to refresh their memory about the original layout. They have not

given the staff any opportunity to look at the revised layout other than showing them a draft earlier this afternoon. But, it gives them an idea of what they are considering.

- The main issue is that there has been a drastic reduction in the density on site. The original proposed 96 units and the revised plan proposes 65 units internal. She explained the changes. They have added this north/south street, which would be a public road. All of the residences are rear loaded and all front on a public road. It is a 32 % reduction in density over the number of units that was originally proposed and is now well within the guidelines and limits set forth in the Crozet Master Plan. In the original submission, they were not yet aware of the sort of change that has occurred in terms of calculating the density under the Master Plan. Therefore, they were on the same page as the staff in terms of calculating based on net density as opposed to gross density.

- As mentioned, they have improved the internal street network and will provide adequate right-of-way for improvements to Killdeer Lane, Rothwell Lane and Jarmans Gap Road. They have reduced the height of the buildings to 35 feet. They have proposed to remove the office use in the condos. They are still trying to figure out whether office uses in this project are appropriate or a good fit at all. They will continue to talk to staff about that.

- They are working with the owner of the property for the Clayton Subdivision to work with them on improvements on Rothwell Lane. One other comment that staff had raised with the original layout was that there were some townhouse units in this area, and they have replaced those with single family units that would match up with the single family units on the other side of Rothwell Lane.

- The green space in the area is a little smaller now. With the reduction in density there is not as much need for as much open space in the area, particularly because the ratio of single family units to the rest of the units is much higher now. The single family units obviously have a little bit more of a yard. They have been discussing with staff the fact that the Old Trail Park that was proffered as part of Old Trail and is somewhere between a quarter and a half mile away. Therefore, there has been some discussion with staff that perhaps the green space for the area did not necessarily need to be the full 20 percent. This is about 8 percent of the total site here that is set aside for open space areas. She pointed out the proposed interconnections. She felt that they have addressed all of those issues. Again, this is a work in progress and they would be happy to consider any suggestions or comments that the Commission or staff might have.

- Ms. Long completed the power point presentation. She pointed out that they proffered originally to provide or to either construct or contribute funds towards the construction of the temporary sidewalk along Jarmans Gap Road. Obviously, the road improvements there are a few years away and the engineers have suggested that what was really necessary along Jarmans Gap Road was a sidewalk. There is clearly a need for improvements. But, the most immediate need was for a sidewalk on that side of the road. So they have proffered to build that or contribute funds towards it. They understand that there are some right-of-way issues and other suggestions and comments from VDOT. So they are open to suggestions. They are talking about perhaps in lieu of the sidewalk contributing a per unit contribution to the Capital Improvement Projects needs for the Crozet community. They would continue to work with staff on that issue.

Ms. Joseph asked if there were any questions for Ms. Long.

Mr. Strucko asked if the affordable housing level was going to remain at 15 percent of the 65.

Ms. Long stated that they would proffer that it would be 15 percent of whatever the total number is. With the reduction in density, it is going to be in the range of 9 to 10 units.

Mr. Edgerton asked if the applicant was proposing to proffer towards the upgrade of Rothwell Lane.

Ms. Long stated that they were not sure what they would be doing. It was her understanding that they have already committed to improve Rothwell Lane as part of their approvals for their project to a certain width. VDOT has suggested that the width be expanded slightly to accommodate additional traffic. So

they will probably be talking with them about making sure that there is certainly sufficient right-of-way dedicated to do that and obviously continue to discuss that with them. That may be a better question for Scott Collins with the engineering team.

Mr. Edgerton stated that he was having trouble because with the new proposal of which staff has not had the opportunity to review. All of the access was coming off of Rothwell Lane and Killdeer Lane, which were both substandard roads. The applicant has not offered or suggested a proffer to upgrade the roads.

Ms. Long stated that she did not say that there was no suggestion, but they would make certain that the road was upgraded to meet sufficient standards. They are still trying to figure out what the appropriate standard is and what is the appropriate width of the road. They are still working with VDOT and staff to make all of those decisions. She pointed out that Mr. Reagan may be able to provide a more satisfactory answer to his question if he would want to hear that.

Mr. Edgerton invited Mr. Reagan to address the question.

Mr. Reagan pointed out that all of the units have a two-car garage including the townhouses. There would be at least two cars in the driveway. Therefore, there would be four parking spaces per unit.

Mr. Edgerton asked if it was all rear loaded parking, and Mr. Reagan replied yes.

There being no further questions, Ms. Joseph noted that the Commission would now work through staff's questions. The first question deals with the residential density and housing types.

Mr. Edgerton asked which proposal they were reacting to. He felt that this was going to be an enormous waste of time at this point for the Commission to try to evaluate something that staff or the Commission has not seen until this very minute. He felt that they don't have enough information or detail

Ms. Joseph suggested that they comment on what is before them and not what was on the screen. She suggested that the Commission provide guidance and base their comments on what was in their packet, and then the applicant can make the determination whether or not they feel that what they have done to respond to these comments is correct or not.

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Does the Planning Commission find the proposal consistent with the Crozet Master Plan with regard to the residential densities? Is the mixture of housing types proposed by the applicant for Jarman Hill appropriate?

Ms. Higgins stated that in terms of density and use, the development does not really fit within the Master Plan's density. The chart that was provided shows that although the number is less, it still seems to be weighed with a higher density than the Master Plan supported. She felt that if there had been a center there it could have been more supportable. She felt that a reduction in the density as proposed would put in a more acceptable range. She supported the reduction in the height of the buildings.

Ms. Joseph asked how the Commission felt about the building types because there is a condo, single family and attached townhouses.

Mr. Edgerton stated that he was particularly concerned with the office/condo. It is not the actual unit itself, but it looked like they were trying to stack up two sets of parking there to serve that. It seemed to be a little bit unrealistic. If he read the original plans correctly, he thought it shows on sheet 21 like they were proposing two parking units internal and then two in the driveway.

Mr. Struko asked if it was the parking associated with the commercial and residential units combined.

Mr. Edgerton stated that he did not have trouble with the units there, but he did have trouble with the specific way they were proposing to solve their problem there because of the parking. He noted that he could not figure out how it was going to work.

Mr. Strucko stated that his concern was the commercial presence there period. He knew that a big theme of the Crozet Master Planning process was to make the downtown area the commercial center of the community. This location is just a short distance up Jarmans Gap Road. There is no sidewalk there and it is dangerous. He was hoping for an area in this close of proximity to the downtown area that commercial would not detract from the downtown area and that this could be a residential proposal. Again, from the revisions they say it looks like that has been contemplated by others as well.

Mr. Morris agreed with Mr. Strucko that he would rather not see any commercial that would detract from making downtown viable.

Ms. Higgins agreed with that, but if compared to the Master Plan it actually envisioned it. She was torn. But, she felt that the applicant has to figure out if an office component in this development really will be a fit to the neighborhood. But, it did have possibilities. She agreed with Mr. Edgerton in that she would have to see if it would work.

Mr. Edgerton noted that if they were talking about retail shops he would be in agreement. But, if they were talking about a home office that is a different story if that is all that they would be experiencing.

Ms. Higgins felt that a low impact use such as an insurance agent's office or something like that would be fit.

Mr. Craddock stated that if it was handled well, such as shown in the new proposal, he could deal with it.

Mr. Cannon stated that he understood why it would be desirable in some forms. He would be happy to see it come back in desirable forms. But, it does not bother him.

Ms. Joseph felt that they were saying that it was out of the mix, but they don't miss it as Mr. Edgerton said. She asked that they go on to the next question.

In consensus, the Planning Commission agreed with staff's opinion that the density and intensity of the development is in excess of the recommendations of the Master Plan given the fact that the neighborhood center on Old Trail Drive has not emerged.

In general, the Planning Commission was comfortable with the housing types proposed excluding the office/condo proposal. Some concern was raised about the parking associated with the proposed office use. Two Commissioners opposed any office/commercial use in this proposal because it would detract from the viability of downtown Crozet.

Design and Layout

Does the Planning Commission find the layout and design appropriate? If not, what suggestions do you have for improvement?

Ms. Higgins stated that the topography was flat. She actually liked the idea because it kind of emulates what has happened in the by right section of Old Trail to have a park instead of a pocket park. She thought that this was an attractive park. If it decreases a little bit, increases or it gets reformatted providing it in the middle instead of in the fringe that she liked it. But, again she felt that was an overall function of how many residences are in there and that sort of thing. If the density decreases, she could see the park decreasing. But, her preference would be to see the park together instead of split up into quadrants because she felt it would be very small.

Ms. Joseph asked if she could speak to the transportation plan since it is part of that.

Ms. Higgins stated that they had actually had a discussion when the adjacent development came up about the road because they were on the other side. At that time it was actually mentioned that the other property on the other side would be developed. When it gets down to actually putting it into the way of proffers that the density is going to drive the cross section and the design of that road and so this density

conversation needs to occur for the applicant and the adjacent developer to work out what the road should be. So she felt that the rear loading and the alleys that have been shown is a good thing. In the revision of this she felt that should be maintained. If the applicant's definition of what his houses are going to look like with the driveways and having garages is correct that she felt that was a good thing.

Ms. Joseph noted that one of the things that staff talks about is that the layout lacks an organized network of interconnected streets.

Ms. Higgins felt that staff's perspective is that when she looks at the plan that is before us it connects in every single direction. It does connect across north/south and east/west. It actually stubs out to the roads F and B. She was not sure how they would put any more interconnection there.

Ms. Ragsdale stated that was primarily for the internal network and how that worked for the road section that they had proposed in their previous plan as far as the combination of alleys. This plan has a combination of public and private streets, with the private being the alleys and the lanes. When engineering reviewed it that is what they were primarily commenting on when they say lacks the functional network. Staff felt that the connections from the public road connection from Killdeer to Rothwell was consistent with the Master Plan and then setting up the other one to the north of that if properties developed to the east. So that is where that comment comes from.

Ms. Higgins stated that if you differentiate between the two the only concern that she has, which is a challenge with alleys, is that road A is actually an alley behind a townhouse section as opposed to road B. She wondered why the west connection is so close. In other words, now they would be getting into what the separation on entrances should be. That looks very tight because alleys do connect as entrances whether they are private or public. So she is not sure how that will be handled in the design. She felt that might be an extra connection that might not be necessary. Or it may come up through the middle and go to each side.

Mr. Edgerton asked if that could be solved by making it one way.

Ms. Higgins felt that it could be, but either way it was only 12' wide.

Mr. Edgerton noted only if that truly served as an alley and it was only one way coming out.

Ms. Joseph asked who the engineer was on this project.

Ms. Ragsdale stated that Jack Kelsey was reviewing this proposal. Staff wanted to take a step back and look at the big picture issues. They tried to identify where they needed more work and more detail back and forth with the applicant. They have seen the revisions that they have made. Engineering has asked for more information on traffic and how it will be distributed. So that is a work in progress. They definitely want input of what they see that they like or don't like, but when they get down to the details of the street section and what they are going to be they are not there yet.

Ms. Joseph asked if they were concerned because the connecting road was a private road.

Ms. Ragsdale stated that was part of it. The other part was about the street section and how it would function with the connection road A or C.

Ms. Joseph stated that in the staff report it talks about the organized network of interconnecting streets and alleys.

Ms. Ragsdale felt that primarily where they were at was the public/private aspect working out to what width and basing that on where the traffic was going and if they were primarily going to use this one or that one.

Ms. Joseph felt that was more of a detail to be worked out later.

Mr. Edgerton asked to react to what was on the plan in the packet. Regarding roads C and D on page 21 he shared some of the concerns from engineering. The fronts of the units that front on the park are going to have to be along Roads C or D. As such, there is going to be a lot of traffic on those roads. It is going to be hard to treat them as real circulation paths. They would serve as alleys, but unfortunately there is no other way into the unit. So the way they stacked up the units all looking out on this nice big park that is great, but there is no other way in there except through these alleys. That is a big concern. He liked the idea of having two different scales of roads. He liked having the front road with the front door of the house and then the alley serving as a secondary vehicular access to the house. But, hopefully it would only be used by the home owners as opposed to visitors.

Mr. Craddock asked if it could be restricted.

Mr. Edgerton stated that it would be hard to restrict, but noted that it was only 12' wide.

Ms. Higgins noted that it could be handled with private alley signs.

Mr. Morris questioned how emergency vehicles would be able to access it.

Mr. Strucko noted that it would be tough in the alley way.

Mr. Craddock pointed out that it would be especially hard if someone parks in the alley just to run into the house for two minutes.

Ms. Higgins suggested that the applicant work on that.

Ms. Joseph stated that the Commission was agreeing with staff on the layout and design.

In general consensus, the Planning Commission agreed with staff that modifications to the design and layout are desirable.

Ms. Joseph stated that the Commission would go on to the next question.

Mixture of uses

Does the Planning Commission find the mix of uses proposed in Jarman Hill appropriate?

Mr. Morris felt that they have talked about it and they just don't know.

Mr. Strucko stated that he liked the mixture of housing types.

In general, the Planning Commission was comfortable with the mix of uses proposed excluding the office/condo proposal. Some concern was raised about the parking associated with the proposed office use. Two Commissioners opposed any office/commercial use in this proposal because it would detract from the viability of downtown Crozet.

Ms. Joseph stated that the Commission would go on to the next question.

Impacts and Proffers

What impacts should be mitigated for this development?

Mr. Strucko felt that the applicant had addressed one of the primary ones that was the pedestrian access for the downtown area with a sidewalk or some type of pedestrian passage way for downtown.

Ms. Joseph noted that it sounds like VDOT is saying that it is not feasible.

Ms. Higgins felt that transportation had been identified as being number one in the whole area.

Mr. Morris agreed.

Ms. Joseph stated that there was the pedestrian aspect and they were also talking about the Killdeer and Rothwell Lane. So the Commission was agreeing with staff that something has to be worked out.

Mr. Edgerton felt strongly that some serious commitment has to be made to upgrade Rothwell and Killdeer Lanes since they will be the primary access to most of these units. Of course, they are not allowed to require that. So he would like to see that in a form of a proffer and be worked out before they have the rezoning. He felt that it is really important. He did not think that this project or the scaled down version would work at all unless those roads are upgraded.

Mr. Craddock asked how far the Clayton development was through the process.

Ms. Ragsdale stated that it was listed on the sheet with the Crozet totals that staff distributed. She believed that it was in the preliminary plat category and does not have a final plat approved yet. She noted that it does show an upgrading to the road, which was not enough to serve the 96 units that Jarman Hill had proposed. It did have curb, gutter and sidewalks, but it was not wide enough for intermittent on-street parking.

Ms. Joseph noted that they were probably doing whatever improvements were needed for the 21 units.

Mr. Edgerton stated that this was the opportune time to work on a deal.

Mr. Cannon noted that he understood that the applicant was making efforts to do that.

In general consensus, the Planning Commission agreed with staff that the transportation impacts and proffers need to be worked out. The proffers do not address the issues of other substandard roads serving the site.

Ms. Joseph stated that it looked like they have gotten through the issues. What she would like to do now is get some public input so that the applicant can hear these questions and can possibly answer some of these questions after the public speaks.

Barbara Westbrook, long time resident of Crozet, stated that the character of Crozet is changing quite a bit. Regarding this subdivision, she noted that construction trucks are already using Hayden Lane, Killdeer Lane and Rothwell Lane to get back onto Old Trail. They had to call the County in order to get them to put a blockade on Hayden Lane to stop the trucks from going through. She had taken pictures of this and given them to David Benish. She did not know if this was an ongoing everyday thing, but they have bulldozed through and are using parts of those roads. She did not know if the plat map that they have seen is including the houses that are there now. Those people have been offered lots of money to sell. That is one of her concerns. Some of these people have lived on Killdeer Lane for over 30 years and have been major citizens of Crozet owning the grocery stores and things like that. If this goes through these people will sell their properties and move to Waynesboro. They are losing people to Waynesboro that has lived in Crozet for a long time. There are a lot of very unhappy people in Crozet. If they stay there one of the proposed roads is coming through their driveway, which is another of her concerns. Rezoning signs (#13 and 12) are located in the field across the street from this development. There will be more homes built there. The people who live on this street will be completely surrounded on three sides by townhouse and the fourth side by the storm water detention pond. So they are probably going to move. Those are the people who have lived on Killdeer Lane for over 30 years. She felt that they were losing the character of Crozet bit by bit.

Jim Stork, a Crozet resident, asked that the Commission keep in the back of their mind that all of this traffic was coming out onto Jarmans Gap Road and all of these other developments are still building and putting more traffic out there and the state says that they are not going to improve Jarmans Gap Road until 2010. That is if they have the money then. He has had people pass him on that road with a double line. This road is very dangerous right now. If you have not been there he would suggest that they go there from 7:00 to 9:00 a.m. and just watch the traffic. It is amazing. There is a lot of big heavy equipment that runs cars off the road. It is really unsafe right now.

There being no further public comment, Ms. Joseph asked if the applicant had anything else to add to this.

Scott Collins, engineer for the project, stated that he had the unique pleasure of also being the engineer for the development to the south of the Old Trail project and the one to the west, which was the Old Trail/Clayton property. He asked to give them an update to some of their questions. On Rothwell Lane, Clayton Subdivision is proffering the road improvements of Rothwell to a 28' basic curb roadway. VDOT had some additional comments about that Rothwell being a 30' to 36' road. They are in discussion with VDOT now about that. Our feeling is that it would be more of a 30' road because 36' would be wider than Old Trail Drive. They need to talk to them about that and about neighborhood model streets. But, Rothwell Avenue is designed under Clayton Subdivision to be a neighborhood street. This project will extend Rothwell from where Clayton Subdivision stops into Old Trail Drive, which also gives the connection of this development to Old Trail out to Old Trail Drive. They can use Old Trail Drive, which will also help with traffic along Jarmans Gap Road. It will give everybody another connection over to Old Trail Drive off of Jarmans Gap Road.

Mr. Edgerton asked if any of the road sections today consistent with what he was describing.

Mr. Collins stated that it was very similar to Road G, although it would be 30' from base of curb to base of curb as opposed to the 26'.

Mr. Edgerton asked if it would actually be wider and would have street trees and sidewalk.

Mr. Collins stated yes, that it would have street trees on both sides.

Mr. Edgerton asked if that will support the amount of traffic for whichever proposal is coming in.

Mr. Collins stated that was right. Along with the new plan that was shown a little bit today in regards with Killdeer Lane, most of the traffic if not all of the traffic other than four lots are going to be accessed off of Rothwell Lane. Therefore, all of the focus of the design right now is the upgrade of Rothwell Lane.

Ms. Higgins asked when the new connection to Old Trail was made that it would give people the choice of getting to 250 without going onto Jarmans Gap Road or Crozet Avenue.

Mr. Collins stated that was correct. That is also why they looked at an alignment change of Road E to kind of shift that down a little bit to give a connection closer down to Killdeer if that is ever extended into Old Trail Drive. That would give another connection down to the south as well.

Ms. Joseph asked if there were any other questions that the applicant wanted answered tonight.

Mr. Collins stated that he appreciated the Commission's input. He felt that one of their biggest conversations, which probably did not come about the proper way, was about the homes fronting on the park. He understood the intent to provide the roadway in the front, but their intent was to make the park bigger and meet the roadway between those units and the park. It just cuts down on our open space in the park. In the new plan they were actually less than the 20 percent that is desired by the Neighborhood Model. That is one of the questions that he would actually like to pose to the Planning Commission if they would be willing to look at a request for a waiver in the future as far as reduction of the open space.

Ms. Joseph felt that he had heard loud and clear that it was really hard for the Commission to not have staff input and to make an off the cuff decision here. They are going to have to come back and show the Commission what else is going on at the site for them to be able to make that determination.

Ms. Higgins asked if the adjacent property owners have been notified.

Ms. Ragsdale replied that they had been notified. Staff has heard from Mr. Fontana who was not for or against, but just wanted information at this point. They talked a lot about the office uses. Other than that she has not talked with anyone else.

Ms. Joseph noted that this work session was one of the experimental ones where they have asked for public input right up front. She thanked everyone for coming to the meeting.

Ms. Westbrook pointed out that when she asked the people in Crozet who are grumbling about all that is going on and why they don't come to these meetings the general feeling is "what is the use, they are going to do what they want to do." She hated that the people in Crozet were feeling like that. She noted that she has put signs around Crozet and fliers around about county meetings and nobody shows up. Yet, she can walk anywhere in Crozet and overhear conversations about what is going on and how upsetting it is. It is very frustrating.

Mr. Strucko asked if she sat on the Crozet Advisory Council and if she knew what they thought about this development.

Ms. Westbrook stated that she was a member, but they have not really discussed this.

Ms. Joseph asked if she knew of anything else that the Commission could do to get the word out that she should let them know. They is why they are having these work sessions.

Ms. Higgins noted that the public can put it in writing, make a phone call or send an email.

Ms. Joseph stated that the any one can send an email to planningcommission@albemarle.org.

ZMA-2005-014 Poplar Glen Phase II (Signs #81, 83)
PROPOSAL: Rezone approx. 3.636 acres from R-1 Residential zoning district which allows (1 unit/acre) to PRD Planned Residential District zoning district which allows residential 3-34 units per acre with limited commercial uses. Approximately 28 townhouse units proposed.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses and Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 6.
ENTRANCE CORRIDOR: No
LOCATION: The south side Ivy Road (Route 250), approx. 1/4 mile from intersection of 29/250 Bypass and Route 250 West.
TAX MAP/PARCEL: 60H/A2
MAGISTERIAL DISTRICT: Jack Jouett
STAFF: Claudette Grant

Ms. Grant summarized the staff report.

- This is phase 2 of Poplar Glen. The applicant is requesting to rezone 3.6 acres from R-1, Residential to PRD, Planned Residential Development zoning district to allow for approximately 28 townhouse units. The area to be rezoned is located on the south side of Ivy Road (Route 250). The applicant and staff are seeking general guidance from the Commission regarding residential density, design and layout, interconnections, drainage and affordable housing.

- Staff and the applicant are seeking general guidance from the Commission on the proposal. Specifically, staff poses the following preliminary discussion topics:
    - Density relative to the Comprehensive Plan
      As discussed in the staff report, the proposed density for the neighborhood density portion is slightly over the recommended density of the Comprehensive Plan. However, staff feels that the inconsistency is minimal and the total units proposed in the neighborhood is considerably less than the total amount the Comprehensive Plan would allow.

    - Design and layout

Due to the size and terrain of the site and the similar design approved with Poplar Glen Phase 1, staff believes the design and layout to be satisfactory. However, staff would like affirmation or direction from the Commission regarding this issue.

- Interconnections
  One potential interconnection is shown with the adjacent University Heights Apartments. Staff and the applicant have discussed the potential of another interconnection between Poplar Glen Phase 1 and Phase 2. The applicant and staff agree that it would be a financial hardship for the applicant to provide this additional interconnection due to the terrain of the land in the area and the location of existing roads in Poplar Glen Phase 1, which is currently being constructed. In order to connect to roads in Phase 1 the proposed road connection would have to be long and winding in order to deal with the steepness of the land. This would be expensive and the connection would not give the residents much of an option in terms of access. All traffic would continue to use the same access being proposed. Staff suggests a pedestrian connection between the two developments to help with some level of additional interconnection.

- Drainage
  There is a history of flooding problems from storm water run-off from the University Heights Apartments and the Poplar Glen properties onto the adjacent property owned by John Matthews. The applicant proposes to collect some of this run-off from the University Heights Apartment complex on the project site with an underground detention facility. There are pipes on Mr. Matthews's property that collect run-off that are not adequate in certain storms. The applicant, staff and Mr. Matthews have met several times to discuss this issue and various options. Engineering staff has stated that the solution proposed by the applicant should help relieve the problem, but there is no guarantee that the problem is completely alleviated in the event of a 100 year storm. The applicant has included a proffer to address the off site drainage issue.

- Affordable housing
  The applicant is proposing a proffer of $56,000 cash for the affordable housing program. If the applicant provided affordable housing, he would have to make four units affordable in order to meet the County policy. Staff has talked with Ron White, the Director of Housing, who finds the applicant's proffer for affordable housing appropriate. Mr. White stated that Poplar Glen Phase 1 had difficulty with terrain and costs and as a result the applicant made a contribution to affordable housing. Mr. White sees this as a similar situation. However, staff would like guidance from the Commission regarding the appropriateness of this.

- The Commission is asked to provide feedback on the rezoning proposal and input on the discussion questions asked. Once the Commission has weighed in on these issues the applicant will complete submittal for a public hearing.

Ms. Joseph invited comment from the applicant.

Vito Cetta, representative for Weather Hill Homes, reviewed the proposal noting that it was very much of an infill project. There are a variety of issues related to affordable housing, which they are dealing with the Board of Supervisors on right now. There seems to be plenty of supply of affordable housing. There is plenty of mortgage money that is available for affordable housing. There are plenty of buyers. The first nine months of the last fiscal year they helped 22 families purchase affordable housing. By far the hardest challenge is down payment assistance. Every single one of those people had to be subsidized with a down payment at $37,000 per home. Approximately one-half of that money came from our County and the other half from the federal government. The County contributed about $16,000 of that and the federal government the rest. They are really limited on how many families that they can help. Right now with the programs that they have going now there is just no way that they will be able to assist with down payment of the units that are coming on the market. So with cash proffers here they can help a variety of people with down payments. Cash proffers are for capital improvements in the neighborhood. The maximum density that could be put on the site is 67 units. They have 28 units or 41 percent of what

would be possible. The project is made for University people and older mature people. These are three and four story townhouses, which attracts a variety of people. People like to live close to town and be able to walk to the University and the hospital. These are nice infill sites with no open land around it. There is nothing left in that area. He noted that Valerie Long was present to talk about the storm water.

Valerie Long, attorney, stated that she was assisting the applicant, Weatherhill Development, with this project. They want to provide a quick summary or overview of the drainage issues that they have been working with over the past few weeks. On the map she pointed out the project area, the University Heights apartment complex and other adjacent uses. She pointed out the drainage area where the water was draining down from the existing properties noting that water is going into some underground storm pipes. What the applicant has proposed to do, and has been working with the engineering staff on, is a plan that in addition to capturing all of the storm water run off for the subject property would also capture a significant amount of the water that is currently draining off of the U-Heights property on to adjacent properties. As she understands it, the water on the U-Heights property is currently flowing off and is not being completely captured and dealt with adequately. So the adjacent land owner is experiencing some periodic flooding on site. That is going on right now. While that is not being caused by the Weatherhill property, Weatherhill is here now and has to address the storm water impacts from its own project and wants to work with the adjacent neighbor and try to address some of the larger issues that are going on. So they have been working with their engineers, again, to design a system that will meet all of the County requirements for storm water management, water quality and water quantity on site relating to the use of this underground storm water treatment facility, but also capture a substantial portion of the water that is draining from U-Heights in this direction. So they have been working with Glen Brooks from the engineering staff. They believe that there are some details to be worked out at this point, but they think that they have a plan that will work and address the situation that is going on. There is no guarantee that it is a perfect solution by any means, but again it is a problem that already exists. They are working hard to try to address the problem and provide a solution. It is an opportunity for us to provide a solution or at least a partial solution to the problem as part of this rezoning. So they do have several engineers here from the project who can answer more technical questions that the Commission might have. But, that is a brief summary of what they are proposing.

Ms. Joseph asked if there were any questions. One question she has for Mr. Cetta was about the height of the retaining walls all around the site. She asked if he could give the Commission some idea what is happening there.

Frank Pohl, representative of Weatherhill, stated that there were 8' retaining walls used along the edge of the property line. Some of the soil will be retained by the buildings themselves. Possibly between the buildings there will be a little wall. In another location is a 10' – 12' retaining wall, but they have not completed the grading. Along the back there is a 6' wall. But, they were thinking about sloping the grade back here so that there is no wall whatsoever. But, currently the plan does have a wall in that location. The reason for the retaining walls is because this site slopes down from one side of the site to the other. Essentially they have certain slope requirements for private roads. So they are trying to maintain those requirements and with that it results in these cuts.

Ms. Higgins asked what was along the other side.

Mr. Pohl replied that there was no wall there at all.

Ms. Higgins pointed out that if they did away with the wall towards the back it would mean that they would potentially have to do away with more trees.

Mr. Pohl replied that was the down side to potentially removing that wall. In terms of the interconnectivity they have a wall around here, but they are still proposing a walking path with steps through the wall. Previously they had proposed an interconnection all the way from the back around.

Ms. Higgins said that is shown on their plan as a walking trail.

Mr. Pohl agreed noting that it was a longer trail, which might be more desirable for some reasons. They also thought this would be a desirable connection.

Ms. Higgins said that it might be more useable.

Ms. Joseph said that it depends on whether it is limited to the people in these two developments or whether they allow the U-Heights people to use it.

Mr. Pohl noted that there is nothing else beyond this project that they feel needs to be interconnected in terms that the roadways would provide. This is basically a dead end street. All of the property on one side is University property and the other is the Campbell property, which has 25 percent slopes. This is a private street. The private street is owned by the University, which has an easement over it. It is maintained by the State, but that is through an agreement with the University. The initial connection is on a private property. So the interconnection would not prohibit or reduce any traffic on public streets.

Ms. Higgins noted that it does not show on the colored map, but on the plan the first alley behind the townhouses shows an interconnection to the south that says potential for future connection. She asked if that was a private drive.

Mr. Pohl replied that was a private right-of-way 21' wide, which is why they could not use that as their primary access. But, they can provide a connection there. This property has the right to use that right-of-way. They showed it as a potential before they dug into the deed information. But, they do have the right to make that connection. He noted that this came before the Commission in phase one and had a slope waiver for the road. So this is a pretty mountainous terrain site that carries down into this area phase II as well.

Mr. Morris asked if there was going to be a need for a critical slopes waiver on this phase.

Mr. Pohl replied that there would be some minor impacts to 25 percent slopes back in this area. He thought that staff was okay with what they proposed.

Ms. Joseph pointed out that there was one person on the sign up sheet, John Matthews. She suggested that they wait to hear from him during the drainage discussion since that was what he wanted to speak about. The first question has to do with the density relative to the Comprehensive Plan.

1. **<u>Density relative to the Comprehensive Plan</u> - Is the density consistent with the Comprehensive Plan?**

Ms. Joseph stated that staff said that in one area it was well below what the plan says and in one area it is one above.

Ms. Higgins stated that based on the plan it is really under utilizing the site, but based on the challenging topography she felt that it was about as compact as they could go without going multi-story. Therefore, she was okay with it.

Mr. Edgerton agreed with Ms. Higgins.

The other Commissioners agreed.

It was the consensus of the Commission that based on the plan it is really under utilizing the site, but due to the challenging topography the site was as compact as they could go without going multi-story. Therefore, the Commission agreed that the density was consistent with the Comprehensive Plan.

2. **<u>Design and layout</u>**

Is the design and layout appropriate for the development?

Staff indicated that the proposed layout shows five rows of townhouses interspersed with patio areas and trees. Green space is located at the south of the site or rear of the project and a small garden area is located at the north or front of the project. Access to the site is from Stillfried Lane. The project is set up

somewhat like a grid with dead ends. The proposal shows one access in and out of the site with the potential for interconnection to the adjacent University Heights Apartments.

Mr. Edgerton stated that staff was comfortable with the encroachment onto the 25 percent slopes. He would like to hear staff's reaction to that. If he was looking at page 11 correctly all of that gray shaded area is 25 percent slope. So it looks like about 75 percent of that back row use is going to be cut right into that slope. He asked for staff's reaction to that. He was concerned that might be a bit much.

Ms. Grant noted that the applicant did submit a critical slopes waiver and it was reviewed by the engineer, Glenn Brooks. Therefore, she would ask Mr. Brooks to speak to it.

Glenn Brooks, Senior Engineer stated that he had a letter that had been written in February on this subject. They are looking at a site of about 3.6 acres. About 20 percent of the site is in critical slopes, which are located mainly towards the back. They are climbing the mountain as they go up. It is about 1.5 acres of critical slopes. There is a small patch of critical slope up near the front where the proposed detention area is going, but that excavation was done some time ago. About ½ acre of that is proposed to be disturbed. So it is a good bit of critical slopes that are proposed to be disturbed. It is mainly that portion that goes into the mountain in the back of the site. As you get further back on the site it gets steeper.

Ms. Joseph stated that they have discussed the critical slopes and Mr. Brooks has said that with enough money they can do anything to protect the area.

Ms. Higgins felt that the design and layout is also associated with drainage. She felt that it was a very complex design. There is some infringement on critical slopes, but she did not think those were the 1:1 but were probably the 4:1 before it turns and gets very steep.

Ms. Joseph asked if they wanted to skip 3 and come back to 4.

Ms. Higgins noted that she had one question for Mr. Brooks. They have carefully worded a proffer #3. Off site drainage from the University Heights property would be captured and controlled to improve the downstream drainage situation. That sentence alone is good. Then it says the off site area captured will equal or exceed the on site area. So the off site area is pertaining to University Heights. She asked why that was in there.

Mr. Brooks stated that it was his suggestion to quantify the amount. What their proposal was when it came in was they will capture some of the off site area to improve the downstream situation. So then the question comes up how much exactly do they have to capture.

Ms. Higgins stated that if the off site area will equal or exceed the on site area if that will be in addition to the on site area.

Mr. Brooks stated that was correct that was the on site area of 3.6 acres.

Ms. Higgins noted that if that is the intent, then it can be written that way.

Mr. Brooks felt that was the intent. The ordinance would not allow them to release their on site drainage.

Ms. Higgins stated right, but since it is a proffer they are making a point that this is over and above what would be required by the regulations in place. She wanted everyone to understand that he quantified it by saying that they will capture at least as much or exceed it and that will be in addition to the on site area. She felt that if they were going to make a proffer that it should be clearer.

Mr. Edgerton felt that she had made a good point. He noted that he was trying to figure out what had been quantified. Basically, it says that they are going to deal with at least 3.6 acres off site or they might be dealing with 10 or 20 acres the way it is written. So what are they quantifying? They quantified the minimum, but they have not quantified the maximum.

Ms. Higgins stated that they don't have to because at least twice as much as they have to do is going to be done.

Mr. Edgerton asked how big the drainage area is.

Mr. Kamptner stated that it was 28 acres or so.

Mr. Brooks stated that it was capturing about 10 acres. They have also proposed other things on the plan for 90 percent of the U-Heights area and other stuff like that. But, he felt that it was right to give them a minimum amount because most of the proposals that he saw say that they would capture some of U-Heights drainage. Therefore, he asked how much. He was afraid that when they get down to final plans and they have said capture some of the off site drainage, then they all talked about 10 or 15 acres and then they see that requires a lot of reservoir. Then they will say well we really did not say how much, so let's do 2. So he had to set a minimum. This is a maximum, but they have offered to do a whole lot more.

Ms. Higgins stated that with this being an infill project with the history of the flooding issues that if they were going to do infill and step up to the plate to do something extra she felt that ought to be considered. She felt that is important. She suggested that they word the middle of that sentence to make clear that it meant in addition to the on site area.

Mr. Brooks pointed out that they have gone beyond that. There have been a lot of emails about this during the past several days. They have offered money. They have offered to go on to the downstream property and do the extra upgrades to the pipe system. They have offered this on site reservoir to capture some of the U-Heights drainage.

Mr. Cannon asked if there is any obligation on the University Heights property to manage their run off.

Mr. Brooks pointed out that if they came in for some sort of site plan amendment they could ask them to do that. But, they have been there for a long time that was before the County had an ordinance to capture that sort of thing.

Ms. Higgins acknowledged that there were some issues in the downstream channel. She thought that should at least be taken into consideration in the design and layout and that stepping up to the plate on the drainage design could solve something. They could be contributing to it, but they are controlling theirs and potentially contributing to the solution of the overall problem.

Ms. Joseph asked if staff feels confident that they can minimize some of the damage.

Mr. Brooks stated that they are not going to minimize the damage, and Mr. Matthews can speak to that. Within a design perimeter that requires a 2 year or a 10 year storm, they can improve the situation by capturing some of the off site water. So they would build a bowel big enough to capture a certain amount of water. If they get more than that, then it is gone.

Ms. Higgins noted that is what it does now.

Mr. Brooks stated that a lot of time the debate, which they have talked a lot about it, is how big of a bowel to make and where to draw that line. Is it for the 2 year storm, 10 year storm or a 100 year storm?

Mr. Edgerton asked where he proposed that line to be drawn. He asked if this issue had been substantially addressed.

Mr. Brooks stated that it has been substantially addressed because he has seen this applicant do more than any that he has ever seen before. So they addressed it. But, how much is reasonable. That is a big judgment call that the County does not have a lot of guidance on. They can go all the way to a floodplain situation. For instance, our ordinance has a provision that you have to provide floodplain data for anything over 50 acres. Then our ordinance has a provision that you have to help flooding for anything at a 10 year interval slope and that is what is written in the Water Protection Ordinance and the Zoning

Ordinance. So there is a lot in between 10 and 100 acres. Usually when they look at a severe flooding problem they try to address the 100 year storm because that is what the Federal Government addresses with the FEMA Floodplain and that is a good line to draw. You get into trouble with contained rated systems because it is just too expensive. They would have to build too big of a system and there is not room enough to build it and have the elevations below and above ground to make it work. So they need to try to do something in between. For instance, VDOT does a 25 year storm for the federal highway on I-64. They don't do 100-year storm. So he proposed somewhere between 10 and 25 years. Ten is our ordinance, but if you want to go above and beyond do 25. They are still debating that.

Mr. Edgerton pointed out that he looked at the plan and saw it was a fraction of what the Comp Plan says that should be done there, but then in so doing he is working with the geometry of what the roads will look like and the terrain. So they have all of these different things pushing and shoving. A critical slopes waiver may be needed. It is a conscious decision that the Commission has to make to grant a critical slopes waiver and if they should turn a blind eye to things that the ordinance says that they should be worried about.

Ms. Joseph noted that there was a lot of hardscape in the area as well as an existing drainage issue. She invited Mr. Mathews to address the Commission.

John Mathews, the northern adjacent property owner, stated that he did not want to get pigeon holed into the drainage issue because he has serious concerns about a number of issues. They have been working with the developer for a number of months. The developer has made some promises and commitments. If he honors those commitments he would obviously be satisfied. So what he would like to do is save the Commission's time and ask to save his comments for the next meeting pending the developer fulfilling those promises. He did not want to speak to those concerns and jeopardize the agreement. The Commission has raised many of those concerns. Therefore, he would just save it to the next meeting.

3. <u>Interconnections</u>

Are the interconnections proposed by the applicant appropriate?

4. <u>Drainage</u>

Is the drainage resolution satisfactory in dealing with flooding on the adjacent property?

Ms. Joseph asked what the Commission's feelings were on the drainage question after having heard from Glen Brooks.

Mr. Cilimberg felt that it was going to be difficult for them to say that the answers have been provided. It is really more of an indication that the Commission would encourage them to continue to work in these directions. He felt that Glen Brooks has a real handle on this and has made some good recommendations. It sounds like there is a lot of interaction going on between this developer and the neighboring owner, Mr. Mathews. So he thought that maybe indicating that this is the kind of thing that they want to see accomplished.

Mr. Edgerton asked if there were any other adjacent property owners involved in the drainage discussions.

Mr. Pohl said that he had heard through their discussions that possibly the Teague Funeral Home has had some flooding.

Mr. Edgerton asked if they were notified about this session.

Mr. Kamptner said that Ed Bain, their attorney, had contacted their office on Friday expressing some concerns to Larry Davis about drainage. He did not talk with Mr. Bain directly, but Mr. Davis told him to contact staff or the applicant. But, from his recollection they were looking for a facility that would handle a larger storm than 10 years.

Ms. Joseph asked that they make sure that Mr. Brooks finds out what that conversation was.

Mr. Kamptner agreed that he would do that. They had suggested to Mr. Bain that he contact the experts in drainage in engineering and not the County Attorney's Office.

Mr. Edgerton noted that he was encouraged by Mr. Brooks and the applicant trying to work out the drainage problems to make things better.

Mr. Cannon felt that one individual was missing from the table, U-Heights. He asked if it was a public nuisance.

Ms. Higgins noted that property was developed a long time ago.

Mr. Cilimberg noted that the County was now trying to better deal with these in the development stage. Many times in projects developed over 30 years ago it ends up being dealt with as a CIP project.

5. Affordable Housing

Is the applicant making appropriate provisions for affordable housing?

Staff's comments from the staff report include the following:

- The Comprehensive Plan recommends that a minimum, 15% of all units developed under rezoning and special use permits should be affordable as defined by the County's Office of Housing and Housing Committee. The Neighborhood Model speaks to the physical form affordable housing should take within neighborhoods. Rather than having affordable housing enclaves, it should blend into the neighborhood and not stand out, either for lack of quality or detail. Units should be scattered throughout the neighborhood rather than concentrated in one place.

- The applicant is proposing a proffer of $56,000 cash for the affordable housing program. If the applicant provided affordable housing, he would have to make four units affordable in order to meet the County policy. The applicant proffered $20,000/affordable unit for Fontaine Avenue Townhouses in lieu of providing three affordable housing units. In the Fontaine Avenue scenario, the applicant combined providing affordable units with a cash contribution. In the Poplar Glen Phase 2 scenario, the applicant proposes to contribute cash to the affordable housing fund. Another way of looking at this is that the applicant is proposing to provide $14,000 a unit for the four affordable units required.

- If the applicant were to provide the 15% affordable housing goal, the number of affordable units would be approximately 4 of the total 28 units. The applicant feels it would be cost prohibitive to provide affordable units in this development given the number of units provided. Staff is waiting on additional information from the Director of Housing regarding the appropriateness of this proffer. We will discuss this further with the Planning Commission at the public hearing.

- Staff is working on additional information regarding other community facilities impacts and plans to have this information to the Commission at the time of the public hearing. The applicant has offered a cash proffer of $3,200 per dwelling for funding Capital Improvements. The appropriateness of this proffer will be further discussed at the public hearing.

Ms. Higgins said that the one thing she wanted to say about the last item regarding affordable housing dealing with the last row of townhouses was that some of these potential infrastructure issues are going to take some substantial bucks. She was weighing the impact at the rear with the critical slopes and would hope that maybe the density in the development needs to have that financial backing to make it worthwhile to spend that money. She felt that some of the impacts in the back were not as bad. Therefore, she would not take that strip of townhouses off arbitrarily and have it both ways. But, she would rather see the drainage issues addressed.

Ms. Joseph asked to go back to #3 that there were some topographic reasons that made it hard to connect phase one and two.

Ms. Higgins felt that the pedestrian interconnection should be a must and be connected to the sidewalk systems or the travel ways. Providing a dead end as a way to make lots back there does not seem to accomplish anything because the connection is so close. In other words, she suggested that there be a loop so that people could use it to walk, but not to use their car.

Ms. Joseph asked if this connection would go all the way down to 250.

Ms. Grant said that it would connect phase one to phase two primarily. She believed that there was already a sidewalk on part of it.

Mr. Edgerton said that there are no sidewalks along 250 in that area.

Ms. Joseph noted that there were no adequate paths for these people to be able to walk to many places.

Mr. Cilimberg pointed out that there was a pedestrian path around Lewis Mountain for the U-Heights residents. But, he was not sure how that would connect with this project. It would have to be authorized by a private property owner to allow that traffic to take place.

Mr. Strucko asked why they can't connect these two phases. He asked how steep it is.

Mr. Cetta noted that it was about a 30 foot rise in the property. He pointed out that they could build 57 units on the flat part of the site. He noted that there was a lane that the people could use to walk to the shopping center. But, this entire project has sidewalks.

Ms. Joseph noted that the Commission was okay with the interconnections. Next is the affordable housing that the applicant was proposing a cash proffer.

Mr. Morris felt that in this situation that the $56,000 is going to go a long way in helping people with the down payments.

Ms. Joseph noted that $16,000 is what the County normally gives for a house.

Mr. Edgerton said that should be $64,000 if they wanted to get an equivalent of four units.

Ms. Higgins agreed that it was an appropriate candidate to make cash contribution for this small infill site, but she did not know the dollar amount.

Mr. Edgerton encouraged the Board to put a number on what is an appropriate equivalency so that they could make sure they received 15 percent. He hoped that whatever that number is that it would make it possible to acquire four units on the market.

Mr. Cetta said that the Housing Committee Advisory Board had recommended a number of $1,750 as a cash proffer amount. They are proposing $2,000 more than that. But, Mr. Edgerton's suggestion is right on. If you did the math it was actually $16,500 that the County contributes. So $16,500 times four would be $66,000. He recommended that they increase their cash proffer to that amount because it is not a whole lot more and was consistent with what is going on now.

Mr. Edgerton thanked Mr. Cetta for his offer.

In consensus, the Commission agreed that a cash proffer was acceptable for affordable housing in the increased amount of $66,000 as offered by Mr. Cetta.

There being no further questions, Ms. Joseph noted that they would proceed to the next agenda item.

Summary from action memo:

In summary, the Planning Commission held a work session on ZMA-2005-017, Poplar Glen Phase 11 to provide direction and guidance on five topics of discussion, which included residential density, design and layout, interconnections, drainage and affordable housing. The Commission reviewed and discussed the proposal with staff and the applicant, took public comment, and then responded to the preliminary questions posed by staff. The Commission provided the following feedback on the issues mentioned in the staff report as follows:

1. **Density relative to the Comprehensive Plan**

Is the density consistent with the Comprehensive Plan?

It was the consensus of the Commission that based on the plan it is really under utilizing the site, but due to the challenging topography the site was as compact as they could go without going multi-story. Therefore, the Commission agreed that the density was consistent with the Comprehensive Plan.

2. **Design and layout**

Is the design and layout appropriate for the development?

Generally, the Commission agreed with staff that the design and layout are satisfactory, but need additional information on the drainage issues before making a final decision. The design and layout is directly associated with the drainage and the applicant is in the process of working with the adjacent property owners regarding the flooding problems. Since the drainage issues are still being worked out between the applicant, adjacent property owners and engineering staff, the Commission needs additional information.

3. **Interconnections**

Are the interconnections proposed by the applicant appropriate?

In consensus, the Commission agreed that the interconnections proposed by the applicant were appropriate due to the steep terrain of the land in this area and the location of the existing roads in Poplar Glen 1.

4. **Drainage**

Is the drainage resolution satisfactory in dealing with flooding on the adjacent property?

In consensus, the Commission asked for additional information on the drainage since the drainage issues are still being worked out between the applicant, adjacent property owners and engineering staff.

5. **Affordable Housing**

Is the applicant making appropriate provisions for affordable housing?

In consensus, the Commission agreed that a cash proffer was acceptable for affordable housing in the increased amount of $66,000 as offered by Mr. Cetta.

***Old Business**:*

Ms. Joseph asked if there was any old business. There being none, the meeting moved on to the next item.

***New Business**:*

Ms. Joseph asked if there was any new business.

- Mr. Morris complimented staff on the information concerning cumulative housing in Crozet. He recommended that they consider getting an update on the cumulative effect on our water supply. If they are going to have 65 new units, what would that equate to in a year?
- Mr. Cilimberg pointed out that the Service Authority already weighs in on the availability of water on new developments during the review. If the question really is about what's the water capacity available to serve say the area in question, that is one issue. If it is a question about water capacity to all of the service of the urban area of the county and city and how much that a particular project may be taking of that capacity, then that is something else altogether. That is based on the ultimate water sources that are there. Staff will do some research to find out what information is available on this and get back with the Commission.

- It was the consensus of the Commissioners that the new work session format is really working well. They discussed the issue of eliminating the time limitations on speakers, but decided to continue enforcing the current time limitations.

- Mr. Morris advised that the Master Plan for Pantops is coming back on to the table. There will be two meetings held with one meeting held at the end of May and followed up with another meeting in early June.

- Mr. Craddock advised that the Mountaintop Ordinance received its final approval from the committee on Friday. The committee is making its report to the Board of Supervisors on May 10.
- Mr. Cannon pointed out that there was consensus on the Mountaintop Ordinance proposal. He commended Ms. McDowell and Mr. Kamptner for their hard work on the Mountaintop proposal.

There being no further new business, the meeting proceeded.

***Adjournment**:*

With no further items, the meeting adjourned at 8:58 p.m. to the May 5, 2006 meeting.

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V. Wayne Cilimberg, Secretary

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