Albemarle County Planning Commission
July 11, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 11, 2006, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Eric Strucko, Calvin Morris, Vice-Chairman; Pete Craddock, Jo Higgins, Jon Cannon and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect of University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; Elaine Echols, Principal Planner; Rebecca Ragsdale, Senior Planner; Steve Tugwell, Planner; Mark Graham, Director of Community Development; David Pennock, Principal Planner; Tamara Ambler, Natural Resources Manager; Glenn Brooks, Senior Engineer; Jack Kelsey, County Engineer; Ron White, Director of Housing; Amelia McCulley, Zoning & Current Development Director/Zoning Administrator 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.

Committee Reports*:*

- Mr. Morris reported that the Interchange Group for McIntire/Meadow Creek will have another meeting on July 27 to recap everything that happened at the public meeting. The consultants will push forward to provide their recommendations by the fall. They are getting a lot of input from the public. He anticipated the recommendations coming back in the fall and actually having a decision by January or February

- Mr. Edgerton reported that there was an ACE Committee meeting last night. They are proceeding with the sixth class of conservation easement that the County will be purchasing development rights for. It is running along pretty well, but they are running into a couple obstacles. The biggest one is the cost or value of land and the appraisals. The first year they were able to do 10 easements and now they were down to about 5.5 with the same amount of dollars. The Board has given a little bit more money towards the incremental increase in cost. The Committee is going back and looking hard at some of the language in the easements to make sure that they are comfortable with what they originally thought would work. They plan to spend some time over the next several months on that review.

- Mr. Cannon reported that he has been attending recent meetings of the MPO Technical Committee which deals with transportation matters. Recent discussions have included possible enhanced mass transportation network involving a more elaborate bus system than they now have. Those discussions will continue.

- Mr. Craddock reported that the open houses are coming up soon on the Mountaintop Protection proposal.

- Mr. Strucko reported that the Fiscal Impact Advisory Committee meets tomorrow during the day. He has been in touch with the membership and got on the agenda for discussion for at least the beginning of looking at adequacy of proffers. He will have more to discuss next month. However, the responses that he got back were quite favorably and they thought that it was a worthwhile issue. So know that they are engaged in that.

- Mr. Strucko reported that the School Long Range Planning Committee, which he was also on, did not meet in July, but will meet in August. At that point the group will begin looking at the school's CIP and do a facility assessment on the capacity of where we are. That is for elementary, middle and high schools. After they have their discussion he can give the Commission a clear picture to how that group is viewing the school facility and the adequacy of it.

- Ms. Joseph noted that she and Mr. Strucko were members of the Development Review Task Force. The Development Review Task Force is finally getting to the point where they have gathered up enough information about what might be wrong and what has gone wrong in the process, and now they at the point of coming up with some solutions for this process. Everybody has a fairly deep understanding of some of the things that have happened to different applicants. It is a good committee that is comprised of people who are concerned about all different kinds of issues. She will come back with additional information for the Commission. At one point the Task Force was going to work on the 104 aspects that staff members look at for rezoning and special use permits and try to put number values on them, but decided to leave that for now. So it may come to the Commission at some point to look at it and try to value the aspects.

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.

Review of Board of Supervisors Meeting – July 5, 2006.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on July 5, 2006.

Consent Agenda:

Approval of Planning Commission Minutes – February 28, 2006.

Motion: Mr. Morris moved, Mr. Craddock seconded, to approve the consent agenda.

The motion passed by a vote of 7:0.

Item Requesting Deferral*:*

SP-2006-009 Birchwood Place (Sign #10)
PROPOSED: One three-story office building totaling 19,500 square feet and a one-story bank of 3,090 square feet on 3.66 acres.
ZONING CATEGORY/GENERAL USAGE: C-1 Commercial - administrative, professional office and financial institution; EC Entrance Corridor overlay.
SECTION: 22.2.2(10) Special Use Permit, which allows for drive-in windows serving or associated with permitted uses.
COMPREHENSIVE PLAN LAND USE: Crozet Community - CT-6, Urban Core and CT-1, Development Area Preserve.
LOCATION: Tax Map Parcel 56A2-1-30, located on Three Notch'd Road (Rte. 240) approximately 0.17 miles east of its intersection with Crozet Avenue (Rte. 810).
MAGISTERIAL DISTRICT: Whitehall
CONCURRENT APPLICATION: SDP 2006-00029
STAFF: David Pennock
APPLICANT REQUESTS DEFERRAL – DATE TO BE DETERMINED.

Ms. Joseph noted that the applicant has requested deferral of SP-2006-009, Birchwood Place, to August 8, 2006. She opened the public hearing and invited public comment. There being none, she closed the public hearing to bring the matter before the Commission.

Motion: Mr. Morris moved, Mr. Edgerton seconded, to approve the applicant's request for deferral of SP-2006-009. Birchwood Place, to August 8, 2006.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-009, Birchwood Place was deferred to August 8.

ZMA 2005-018 Wickham Pond – Phase II (Sign #7)
PROPOSAL: Rezone 21.35 acres from RA - Rural Areas: agricultural, forestal, and fishery uses; residential density (.05 unit/acre) to NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Maximum number proposed residential units: Approximately 106. Approximately 16,000 sq. ft. commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Corridor General (CT4) - mixed residential and commercial uses (net 4.5 units per acre for SFD, sfa & duplexes) (net 12 units per acre for townhouses and apartments) (net 18 units per acre for mixed use). Urban Edge (CT3) - supports center with predominately residential uses, especially single-family detached (net 3.5-4.5 units per acre) (net 6.5 units per acre if accessory apartments are added for 50% of the residential stock). Development Area Reserve (CT2) and Preserve (CT1) - development area open space preserve or reserve with very low residential density (net 1 unit per 20 acres).
LOCATION: Tax Map 56 Parcel 91. Between Route 240 and the C & O railroad. Approximately 2,200 feet from intersection of Route 240 and Highlands Drive.
ENTRANCE CORRIDOR: Yes
MAGISTERIAL DISTRICT: White Hall
STAFF: Claudette Grant
APPLICANT REQUESTS DEFERRAL TO JULY 18, 2006.

Ms. Joseph noted that the applicant has requested deferral of ZMA-2005-018, Wickham Pond – Phase II, to July 18, 2006. She opened the public hearing and invited public comment. There being none, she closed the public hearing to bring the matter before the Commission.

Motion: Mr. Morris moved, Mr. Edgerton seconded, to approve the applicant's request for deferral of ZMA-2005-018, Wickham Pond – Phase II, to July 18, 2006.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2005-018, Wickham Pond – Phase II was deferred to July 18.

***Deferred Item**:*

ZMA-2005-007 Haden Place (Signs #12, 13)
PROPOSAL: Rezone 6.69 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 20 single family homes and 14 town homes.
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.
ENTRANCE CORRIDOR: No
LOCATION: Between Haden (Rt. 1209) & Killdeer Lanes (Rt. 1215), south of Jarman's Gap Road.
TAX MAP/PARCEL: TM 55 Parcel 69 & TM 56 Parcel 9
MAGISTERIAL DISTRICT: White Hall
STAFF: Rebecca Ragsdale
DEFERRED FROM THE JUNE 27, 2006 PLANNING COMMISSION MEETING.

Ms. Ragsdale summarized the staff report.

- This is a deferred item. The last time the Commission discussed the rezoning request was at a work session in September, 2005. The application has been under review and revised somewhat since the Commission last saw it.
- The project is located on about 7 acres located south of Jarman's Gap Road in between Haden and Killdeer Lanes, which are public roads that run south from Jarman's Gap Road in Crozet. It is north of the Ballard Field by right section of Old Trail, which is the town house section of Old Trail. Further to the west the Commission recently held a work session on Jarman Hill, which was on the other side of Killdeer Lane in this Neighborhood of Crozet.

- The proposal is 34 residential units that would consist of 20 single family homes of 2 sizes. The applicant is referring to the smaller single family detached product as a cottage. There would also be 14 town houses making up the 34 residential units. This is 6 fewer units than the Commission saw on the plan last September when there were 40 residential units with the proposal.
- The plan is organized around a central private street, which the applicant refers to as Haden Place. It is somewhat a unique design and has a center landscaped median with a green at the end. All of the internal units face that Hayden Place. The units that are organized along the edges of the property. The single family units are organized along Haden and Killdeer Lanes. Then a proposed public street would connect through towards the southern end of the property connecting Haden and Killdeer Lane. The plan provides the central green as an amenity. It is providing a playground. At the southern end of the property is a passive pocket park with an integrated storm water management and picnic pavilion. The applicant is proposing that part of the amenity or green space would be a central garden area. The property is accessed from Haden and Killdeer Lanes. The new public street would connect the two. Haden and Killdeer Lanes, as the Commission discussed at the work session, do not meet current road standards.
- Parking for the units are central to serve the rear or to provide rear loaded parking for all of the units, which are two alleys that run in between the units. In the north the higher density of the town houses and the cottage are located centrally with the single family units around the outside of it. There are proffers that have been submitted to include a cash proffer for the market rate units.
- Proffers that address improvements to Haden and Killdeer Lanes would include pavement widening only and no curb, gutter or sidewalk. They would be working within the existing right-of-way to widen the pavement of Haden and Killdeer Lanes both to 18' in between the project site north to Jarman's Gap Road. There is a provision that the connection to Killdeer Lane, the proposed public road, would now be opened up on Killdeer Lane until the Jarman's Gap Road project has been complete given the sight distance concerns at the intersection of Killdeer Lane and Jarman's Gap Road. These roads serving the site were the main issue at the topic at the work session in September and one of the biggest concerns that staff had with this rezoning.
- The applicant has also proffered with regard to roads that the green area referred to as the passive park in the southwest corner of the site would be available for future road connections. There is a property nearby located southwest of this site that is not yet developed. It is the remainder of the Ballard Field town houses. So this would allow for optimal road connections to Killdeer Lane and also through this development to Summerford Lane. That is not shown on the illustrious plan, but is proffered.
- The applicant has offered proffers for the overlot grading plan and that 8 of the units in the development would be provided as moderately priced or affordable. Previously, the applicant has proffered 6 affordable units. In response to a recent report from the Housing Director, the applicant revised their proffers to include information contained in the Housing Director's report to meet what has been referred to as work force housing or moderately priced units. That is not consistent with the staff report with the existing Comprehensive Plan policy with regards to affordable housing.
- There are some revisions that staff has outlined that are needed to the application plan, the proffers and the Code of Development before the request could be approved by the Board of Supervisors. Some are labeling and not as substantive.
- There are two waiver requests with this rezoning. There is one request for a private street. The first Zoning Ordinance waiver request is for critical slopes. There is a small area of critical slopes on the site that staff supports the disturbance that is needed, which is not shown on the green infrastructure map in the Crozet Master Plan. There are some replanting provisions around the storm water management pond and the slopes that would be disturbed in the southwest corner of the site to provide frontage improvements along Killdeer Lane that staff is asking the applicant to provide. That would also help address the concern of a neighboring property owner that would like some plantings around the pond to screen their views from the house. In the Subdivision Ordinance there is a planting strip waiver that is necessary around the central green at the end of Haden Place. The planting strip was not provided between the curb and the sidewalk. But, given the design of Haden Place and that it is a small area staff is supportive of that waiver request as well. Staff is also supportive of the private street request in the Subdivision Ordinance for Haden Place. Staff and Engineering support the comment. There will be additional engineering review on the subdivision or site plan to make sure that the turn-around in the green functions properly

for large vehicles. That provides the frontage for those lots intended for the town house and cottage lots, which are not intended to be condos. But, that would be their road frontage.

- With regard to the Crozet Master Plan, the project is located entirely within a CT-3 area of the Crozet Transit or the Master Plan land use designation. The density recommended in those areas is stated and arranged at 3.5 to 4.5 units per acre. Then the plan provides a bonus provision of up to 6.5 units per acre if accessory apartments are added for 50 percent of the residential stock. That is how it is worded. Based on staff's interpretation of this provision and what they have seen with other rezonings that have been before the Commission, staff has taken affordable and accessory to meet the same intent in the Crozet Master Plan using affordable units as the substitution for accessory. Accessory apartments are defined in the Zoning Ordinance very narrowly in terms of what that means and they don't provide a separate unit type. Accessory apartment is defined in the Zoning Ordinance within the primary structure. If the provision in the Crozet Master Plan is applied literally, then it really does not provide an incentive to create affordable housing in Crozet. Staff looked at the other provisions in the Master Plan and the language for providing affordable housing in Crozet and came to the conclusion that the difference between the two densities of 4.5 and then going up to 6.5 would be calculated at 50 percent. This was outlined in the staff report using examples that staff would hope helped clarify it.
- During the Board of Supervisors review of the Liberty Hall rezoning, which was the most recent rezoning in Crozet to go to the Board, the Board stated that they would prefer the more literal interpretation of that provision that is in the Crozet Master Plan. So staff provided both scenarios for this particular project. Six units, which had been discussed up until recently, would be provided as affordable housing and was what the applicant had proffered. Then the applicant revised it to the 8 moderately priced for affordable units, which would meet the 15 percent affordable housing goal in the Comprehensive Plan. It would also coincide with staff's interpretation of the 6.5 density provision. Based on the Board's expectations and the literal interpretation of the 6.5 dwelling unit bonus provision, the expectation would be the 17, which is one-half of the 34 units that this project proposed that would be either affordable or accessory. So staff gave the Commission those two scenarios and explained why they were both provided in the staff report.
- In summary, staff found that the design of this project with its emphasis on pedestrian orientation, relegated parking and the distribution of open space met the principles of the Neighborhood Model. There is one correction noted in the staff report regarding building and spaces of human scale. There is a height limit correction that is needed in the Code of Development. The density as explained is in keeping with the interpretation that staff has been using in the Crozet Master Plan 6.5 dwelling unit provision, which is at the upper end of the range that is provided in the Master Plan. This project is located within walking distance of downtown Crozet and also nearby centers that will emerge in Old Trail Village Center, which will be mixed use commercial. Western Park is also closer and within walking distance in this development

- **OUTSTANDING ISSUES**

  Revisions are needed in the Code of Development and Application Plan to clarify and to provide additional information, such as setback regulations, block layout, land use information, identification of affordable units, labeling of street improvements and to correct height limit regulations. The proffers do not meet current affordable housing policy and require further revisions. The latest revised version of the proffers has not been reviewed by the County Attorney.

- **SUMMARY**

  Staff has identified the following factors, which are favorable to the rezoning request:

  1. The project positively addresses the principles of the Neighborhood Model with specific emphasis on a pedestrian orientation, neighborhood friendly streets and paths, parks and open space, and relegated parking.
  2. Density is in keeping with the Crozet Master Plan, at the upper end of the range suggested in the Plan.

3. The property relates to two centers---Downtown Crozet and the future Old Trail Village Center. It is located within walking distance to Downtown Crozet. The property fits within the context of the existing and emerging fabric of the western part of Crozet.

Staff has identified the following factors which are unfavorable to this request:

1. Proposed moderately priced housing does not meet the County's definition of affordable housing.
2. Revisions are needed to the code of development, application plan, and proffers.

If the Planning Commission and Board of Supervisors agree with staff's interpretation of affordability and density, then staff recommends approval provided:

- The affordable housing proffer is modified to conform to the County's Affordable Housing Policy in the Comprehensive Plan.
- The recommended technical changes are made to the application plan, code of development and proffers as listed in the reviewer comment letter to the applicant, Attachment J.

Staff recommends approval of the two requested waivers for critical slopes and planting strip requirements around the street circling the community green at the end of Haden Place.

Staff recommends approval of the private street request for the street called Haden Place on the application plan.

Ms. Joseph asked staff to point out the areas of critical slope.

Ms. Ragsdale pointed out that there are two areas of critical slope. This plan does not have it shown. But, there is one area of critical slope in this area and there is another small area at the other end of the site as well.

Ms. Joseph asked if the area of critical slope where the house may be going with garages if they look at the critical slopes when dealing with travel ways, etc. She thought that was something that they did not look at.

Ms. Ragsdale said that both areas of critical slopes might not meet the criteria needed for a waiver. But, staff does not have a plan that shows the proposed development over top of the critical slopes to know exactly where the travel way will be located in regards to the back yards of the houses.

Mr. Cannon asked if the bulk of the critical slopes were in the preservation area.

Ms. Ragsdale said that was correct.

Mr. Edgerton noted that sheet A3 shows the critical slopes, but unfortunately it does not show the proposed layout in conjunction with it.

Mr. Morris asked staff to explain moderate priced homes versus affordable housing.

Ron White, Director of Housing, said that during the discussions on the annual report in May the Board of Supervisors asked staff to go back and review our policy regarding proffers to determine and identify any gaps that our affordable housing policy may be creating. When he did that in talking to developers they had 15 percent or there about of housing coming in at the affordable range, which if it was for sale was around $190,000. The balances of for sale units were typically in the $350,000 and up range. So there was a significant gap between the $190,000 and the $350,000, which a lot of people were terming as work force housing. That is the background that staff came up with in looking at moderately priced housing. To go a little bit further and follow up on what Ms. Ragsdale was saying, they did have a project come in with work force housing, which was North Point. In their work sessions when they talked to the Board about it they presented some options. Some Board members commented that they thought that moderate priced housing should get some level of credit. He felt that the Board was looking for ideas of how do we give credit in addition to the affordable units. He referred the Commission to a work sheet that he attached to the staff report. The Board charged him to take these ideas back to the Housing

Committee to discuss and then to bring them back through the public hearing process potentially if it would require any amendments to the current policy.

Ms. Joseph pointed out that the information was in the Westhall staff report. She asked if this idea was something that was not adopted.

Mr. White replied that this is not an adopted policy. He did not feel that this proposal in Haden Place is consistent with the policy as the Board discussed. The Board made one caveat that is not in there, which was that they would not want to see all moderately priced housing built and no affordable housing. So a piece of that discussion will be if someone wants to choose this option and do some affordable housing and some moderately priced what is the minimum amount that needs to be affordable. Moderate housing would be approximately $200,000 to $240,000, which was the range that they were looking at. It would be zero to $50,000 more than the affordable price. This is something that has not been adopted. These are staff proposals that were discussed at a work session with the Board. The Board asked that they go back to the Housing Committee for our review, discussion and input. Then the Board would decide what they do from there. It could result in revisions to what they have on that paper. Also, after discussion with Mr. Cilimberg and Mr. Kamptner it could result in coming back through a public hearing process to amend one or more of our policies. But, that is for the future.

Mr. Edgerton said that if the Commission starts mixing and matching to meet the 15 percent there is no way around the fact that they will be reducing the number of affordable units. There will never be the 15 percent affordable because they will be replacing a piece of that percentage with moderately priced or work force housing. What worries him about that is the 15 percent was not based on anything except the demonstrated need for that. He asked if there has been any consideration in keeping the 15 percent category and creating a second category for moderate priced housing.

Mr. White replied that has not been discussed. It might be one of the discussion items that the Housing Committee brings up. Most of the discussions thus far were that this looks like the first kind of incentive that they have put out there. Most people recognize that our policy right now does not provide any incentive except for the approval of the rezoning and being able to move forward with the project. He felt that they are looking at the options as being an incentive. The other piece to that is that even if someone brought in units at $140,000 they would not get the 15 percent because they were giving them 1.5 percent credit per unit. So Mr. Edgerton was correct that either way that mix or matching goes it would reduce the 15 percent.

Mr. Edgerton asked if the Board's and Housing Committee's reception of a rezoning that goes from 13 by right units to 34 units is not a big enough incentive.

Mr. White replied that is not something that he takes into consideration in exercising the policy as it is written now. There is another way of looking at this. For example, if they had a 100 unit development and rather than getting 15 affordable units the developer says that he will give 10 affordable and then 10 moderately priced to meet the 15 percent, then they have gotten 20 units versus 15 units. So he would throw that out as another way of looking at it.

Mr. Edgerton said that would be more appealing than adjusting factors by what the price is. It gets to be a slippery slope and he was nervous about it. Obviously, this is something that has a lot of resistance in the development community because the County has not figured out how they can do it without costing the developer money and then spreading that cost out over the market priced units. The County has got to figure that out. He worried about revisiting the 15 percent unless they determine that there really is not the need that encouraged the County to go to the 15 percent number in the first place. If the affordable need has been reduced and they need more moderately priced housing, then he could see this kind of adjustment.

Mr. White said that has changed considerably since they did the policy, particularly the financing market. Another reason for looking at this as a potential option is that they would rather get units that they can put people in that are somewhere around affordable and moderately priced rather than lose those units altogether if they can't find somebody that can afford a 7 or 8 percent interest rate if the mortgage market does go there. There are a lot of considerations.

Mr. Edgerton asked if the 80 percent or less, which is the factor PH that Habitat uses for the lower number, is a number that has been driven by the Federal regulations through HUD as far as subsidized mortgages.

Mr. White replied not necessarily subsidized mortgages, but most of HUD's assistance programs, such as CDBG Home and Section 8 Rental Assistance, all use that 80 percent.

Mr. Edgerton asked if that would be available to the moderately priced.

Mr. White replied no, that assistance would not be available. They would not intend on using any county, federal or state assistance for anyone above 80 percent. They would not provide them financial assistance, but they would just have the ability to buy the unit on the straight market.

Mr. Cannon said that they are interceding in the market with our affordable housing policy. They were basically asking the developers to set aside a certain percentage of houses that they would not otherwise provide because presumably they could make more money providing other kinds of houses. They are asking that loss or gain for the developer to either be absorbed by the developer or distributed among the distributors of the other houses. He asked if they understand what the relative demand is for housing in the affordable category of the $190,000 or less and housing in the next level, which he identifies as $240,000. Do they understand what the relative demand is in those categories and also the relative willingness of the market to supply housing in those categories so that they have some sense if the problem in that moderately priced housing category is worse than the problem in the lower category. Is there any data that would tell us that or any analysis?

Mr. White replied that the only data would be discussions that they have had with developers about what they intend to build.

Mr. Cannon said that what he suggested is that they are not building into the moderately priced segment either.

Mr. White replied that was correct. There might be some townhouses that are in the high $200,000's in some of the developments that have proffered. That might be a better question to ask some of the developers as to what they can do. The other way of looking at it, noting that he did not know all of the lot costs out there, was that typically the lot cost is 25 percent of the finished product. He was hearing that lot costs of $100,000 to $125,000, which already have put you at $400,000 to $500,000.

Mr. Strucko asked if the cost was to the developer or the buyer.

Mr. White replied that is the market price on the lot for whoever buys that lot.

Mr. Strucko said that if he was buying the lot and house was he saying that the lot price was $125,000 and then he adds the house on top of it. Then that is what the home buyer is going to buy. What is the developer paying for that empty parcel?

Mr. White replied that is not something that they get into. There are some developers that have held land for a long time.

Mr. Strucko said that there are parcels that are a certain purchase price, but when the parcels get rezoned to include more density then the value goes up. So when they rezone they create that, which is why there is an affordable housing standard during rezoning.

Mr. Cannon said if they expand this to moderately priced housing they are expanding their intrusion in the market. He would want to understand before they did that what the market is doing in that category without our interference and also what it is doing in the category that they have been interfering in. He asked how they should sort through that to get a diversity of housing stock that is appropriate for the society that we have and want to keep.

Mr. White said that one thing they may want to do, based on what comes out of the Housing Committee next week, is that prior to anything moving forward to have some kind of work session with developers to explore those types of things. There may be less intrusion on the market by adding moderately priced units. But, he could not say that. They would need to have that discussion with developers.

Mr. Strucko said that rezonings are intrusions into the market.

Mr. Cannon noted that zoning itself is an intrusion into the market.

Mr. Strucko said that if he purchases a parcel with so many development rights on it those development rights are built into the purchase price that he pays. If he wants to rezone he is looking for a windfall or something more than what he bought on the property.

Mr. White said that one might argue that what you could rezone to may also be built somewhat into that purchase price that you pay and not just what is by right.

Ms. Higgins noted that it is always conditional on the contract that the sales price is based a certain number. There is usually a condition that says based on the zoning of and that is built into the price. She felt that this cost that he was talking about is the difference between a raw lot and a finished lot. The developers and builders will say that a finished lot is calculated by taking a certain amount of acreage and then adding curb, gutter and sidewalks on both sides, street trees, planting strips and open space and determining the cost. The cost of those things is split up and divided across the lots that are created. As the lot numbers go down then the cost per lot goes up. Then the infrastructure, being the roads and supporting areas, all have to be added into the lot. If the price has to be decreased on a particular lot or ten lots, then they take that decrease or offset and spread it across the other lots. The costs are all passed to the home owner. She had an expectation that affordable housing is a first step that they hope a certain social economic portion of our community to get their first house. But, then if the next house is a $500,000 are they going to live in that house forever and never have an expectation to move to the $250,000 house. It is all a stepping stone.

Mr. Edgerton felt that it was a good point. As their policy exists right now, without any cap, once the property is sold the next time it is sold it would probably be providing that moderately priced income. The folks are going to want that appreciated value.

Mr. Morris noted that it was very confusing.

Ms. Joseph pointed out that was why the Commission wanted a work session with Mr. White to come and discuss some of these issues.

Mr. White replied that at the present they are working on some data to do that. This is a similar discussion that he would have with Westhall V, which was another item being heard tonight.

Ms. Joseph asked if there were any other questions for staff.

Ms. Ragsdale noted that the engineer, Jack Kelsey, was present in case the Commission had any questions.

Ms. Joseph asked Mr. Kelsey how the road would work. It looks as if they are proffering and staff feels that Killdeer should not be used by this development until it is upgraded. She asked if staff knows when the entrance is going to be upgraded and if they proffer to close it if it means that the traffic would not be going there. She asked if the traffic would all be going out the other way.

Jack Kelsey, County Engineer, said that the sight distance at the intersection of Killdeer Lane and Jarman's Gap Road is very poor. There is a retaining wall on the east side, which really obstructs the view. In order to see in that direction someone would almost have to pull out in the street. That sight distance will be corrected when the Jarman's Gap Road improvements are built. The idea was that Killdeer Lane would not be available for any additional traffic from this development until that sight distance was improved.

Ms. Joseph stated that condition would show on the site plan.

Mr. Cilimberg noted that the timing for Jarman's Gap is around 2009 for that project under way.

Mr. Edgerton felt that the Commission would need to make some recommendation to the Board about the amounts offered in the proffers. He asked Ms. Ragsdale if she thought that the amount offered for the proffers was consistent with the other ones that have recently been proffered or on the high or low end.

Ms. Ragsdale noted that the difficulty was that they don't have a proffer policy. So what staff goes by is what has been established with the proffers that have been approved. There is the difficulty that they are not apples to apples, but apples to oranges. They will have a different set of impacts to address. But, with this project given the off site road improvements staff feels is a factor into the cash amount of $2,750 that they have offered. Other than that it is comparable if you consider the off site road improvements.

Mr. Edgerton noticed that on the Haden Place cash proffer that they were only offering it on the market rate units. He asked if that is the way it is typically done.

Mr. Ragsdale replied yes that it was typical.

Mr. Cilimberg said typically what they know about other places that have the cash proffer programs is that where there is affordable housing being provided or for affordable units they won't apply the proffer there with the idea that there is still a cost, but the County absorbs the cost because they get an affordable unit. That is not a cost that is passed on to the buyer.

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

Kelly Strickland, of Dominion Development Resources, said that he was present to speak for the applicant. Wendell Gibson wanted to be here tonight, but he is a baseball coach and was not able to attend. David Wildman, who works with Wendell, is here and can speak on behalf of Mr. Gibson. As far as the changes to the Code of Development and to the application plan, of course, they have no problem with addressing all of those. The affordable housing proffer seems to be the stumbling block here. He felt that what Mr. Gibson would like to do is provide what the County wants. Mr. Gibson is happy to go back to his last proffer that he had, which was 15 percent affordable based on 80 percent area mean income. Area mean income comes out to about $50,000 a year. That would equate to roughly 1,250 a month as a mortgage expense based on 30 percent of the gross income. If you looked at 100 percent of the area mean income that would be $67,000 roughly. Thirty percent of that income would equate to approximately $1,600 or $1,700 a month as a mortgage expense. He pointed out that Mr. Gibson is a builder and his primary reason for this development and application is that he needs lots to build on. So he is planning to build this as well as being the developer. He felt that they would have a hard time finding new housing in the growth area with a mortgage of under $1,700 a month. The townhouses that are selling in the range of $300,000 would probably be in the range of $1,800 to $2,000 a month or more as a starting point. By going to the moderately priced housing and offering more units they were creating an alternative. There is some flexibility built in to the affordable housing policy in the Comprehensive Plan that allows that. He did not think they were necessarily not following the Comprehensive Plan. For instance, cash proffers are allowed in conjunction with this. So there is some flexibility. They are proposing two units at 66 percent of the VHDA starter home cap, which would be the equivalent of 80 percent AMI or the affordable housing as per the County policy now. They are proposing 4 units at 75 percent of the VHDA cap and 2 units at 85 percent. What it equates to is 2 units at about $190,000, if that is what the affordable housing is right now based on the interest rates, 4 units at around $225,000 and 2 units at around $225,000. It gives the potential for some buyers such as firemen, policemen and those types of people. He understands that a lot of them do not qualify for affordable housing. About 40 percent of residents have to go out of the County in order to buy a house to be able to live in. Where we want those people is in the County's growth area. This provides a means for a $1,300, $1,400 or $1,500 a month mortgage payment. If they can afford that they would not qualify for the $1,250 a month mortgage payment, which is the affordable housing policy. What they are proposing is an alternative. Obviously, they want to do what is best for the County. They are happy to go back to their previous

proffer of the 15 percent or 6 units at the 80 percent AMI. Those were the two things that came up in the staff report.

Mr. Strickland continued that he also would like to address the density issue in regards to the Master Plan. Obviously, they agree with the County that they don't want to build 17 affordable units. The other 17 units would probably have to be sold at $800,000 or $900,000 a piece. That does not make any sense as far as 50 percent goes to the additional units above the density proposed. When you look at what they are doing being 6.3 units per acre on the net according the 80 percent rule, he felt that there were some things justifiable in this particular site. Number one is its proximity to downtown and to the recently approved Old Trail development. On page 2 of the Code of Development it shows distances and what is close by. Within a mile of walking and biking distance of this particular site they have a post office, library, schools, restaurants, shops and parks. It is ideally situated for a little bit more density than the periphery sites. Secondly, they are providing a wide range of price points. On Killdeer Lane they have single family detached houses facing the existing neighborhood. Those have basement loaded garages underneath them. The other single family detached housing called village homes face Haden Lane. Those have rear loaded detached garages. So there are two different price points there on just how the houses are built on to the site and constructed. The interior of the site has the same thing. The townhouses on the left side of the site have rear loaded surface parking. The townhouses and cottages on the right side of the site have rear loaded basement garages. It is just a perfect slope to allow the site to kind of step down. The other thing they are doing on the plan is showing a range of massing. They are not providing a rear high density mass, but the largest block attached houses on the plan is 5 units. It is the two units the closest to the intersection at the entrance to Haden Place. Those will be about 5,000 square feet, which will be designed to front Haden Place with a substantial tree canopy between the two. Then they obviously front the pocket park. They basically are closing off the alley way between them and the single family detached houses. So they are providing a gate of two big architectural masses. There are six cottages provided on the square in the back with a green in the middle of it. But, everything was thought of here to keep cars from thinking they have the right-of-way. When a car pulls into Haden Place the last thing they want them to think is that they are going to beat a kid to an intersection or have to get around a bicycle. There is some thought in that to try to create a density or massing in the center of Haden Place while restricting the density on the periphery of the site where the existing neighborhoods are on Killdeer Lane and Haden Lane.

When you look at the term net density Mr. Strickland noted that he had always thought of it as 80 percent as basically being the density minus the roads and infrastructure. That has created a substantial headache in trying to determine where those lines are in creating the shaded colors on the map. He would offer something for thought that net density does not necessarily refer to a parcel, but it refers to a master plan. In looking at the yellow area, which is the CT-3 area shaded on the Crozet Master Plan, that they want the overall density of that overall area on the Crozet Master Plan to be between 3.5 and 4.5 units per acre. He suggested that is a guideline and something that they want to shoot for. There will be certain parcels that they will want to be less than that or more than that. There are some that they want to be right dead in the middle. But, if it was a rule that it had to be they could go through each individual parcel and say what the density would be or get rid of the net and just do it by gross. There are a lot of ways to interpret it. His idea of the net density is towards the master plan and not the individual parcel in trying to make that calculation because it is a guideline. He concluded by saying that Patty Saul, who is a neighbor across the road on Killdeer Lane, had some concerns about our storm water management and what is visible in the tree preservation. He did provide her a plan and spoke with her on the phone this afternoon. He felt that Ms. Saul was happy with what they were providing in tree preservation because she wanted to make sure that was preserved and done right.

Mr. Strucko asked if he could describe the affordable housing proposed.

Mr. Strickland replied that they were proposing 8 units instead of 6. Two of the eight units would be at the affordable price, which is 66 percent of the VHDA loan cap. It ends up being at about $190,000. Four of the units would be at 75 percent of the VHDA loan cap, which would be around $225,000. Two of the units would be at 85 percent of the VHDA loan cap, which would be around $248,000 or $249,000.

Ms. Joseph noted that just 2 of the 8 units are 80 percent.

Mr. Edgerton pointed out that there is a difference between the VHDA cap and the area median income. There are two different ways to calculate it.

There being no further questions for Mr. Strickland, Ms. Joseph invited other public comment.

Kevin Markey, resident of Haden Lane, said that currently Haden Lane is 12.5 to 13 feet wide in its entirety. That is from Jarman's Gap all the way to where it ends currently at the end of the road from Old Trail. So this development would put a serious impact of traffic on Haden Lane and Killdeer Lane for that matter because Killdeer Lane is the same size. He understands the road improvements, but those are all going to happen in a relatively short period of time for the development. They either need to widen the road just to bring trucks and equipment in to do the civil part of the work before even starting construction. Jarman's Gap Road is not due to be expanded until 2009 or 2010. So they are looking at a 2 ½ to 3 year build out probably in this development yet it is going to be 4 years before anything is going to happen to Jarman's Gap Road. They will have this 18' wide road with all of this parking in this development and he could not park on Haden Lane right now. He has already been told by the County Police that he is not allowed to park on the road. He had heard from the County Engineering that there is a sight distance issue with Killdeer Lane. Well on Haden Lane there is a telephone pole on one side and a bridge abutment on the other side. So you can't pass two cars simultaneously at the entrance to Haden Lane right now without the widening. So they are looking at a fairly disjointed project because they were going to be ahead of the Jarman's Gap improvements by at least a year or two. So all of this talk about getting from this community to less than a mile away to a post office and walking and bike trails is not going to happen because all of this development is going to happen now yet Jarman's Gap does not have any sidewalks. He and his wife have tried several times to walk into Crozet and you might as well take your life into your own hands. They had to walk on the grass or in the bushes or be several feet off the road. He felt that the median speed right now is close to 40 miles per hour when the speed limit is 25 miles per hour. He felt that even though it will be within walking distance of Crozet they can't get there. Now they are going to build this community and the people will not be able to get there from here. He understands that things are going to catch up, but why can't they catch up first. Why can't they have some of the Jarman's Gap improvements done prior to doing this development? So the right to build on this is 13 units with up to 20 with bonus provisions. Why can't they say let's do that now and later on according to the Master Plan they will be able to build other places. They would be able to build tighter density after Jarman's Gap is done. Right now they don't have a way to get to and from this community. His second issue is that once the improvements are done to Haden Lane, the 18' widening, there are no sidewalks or curb and gutter. They are just going to widen the road to 18'. There is already a Haden Lane in Old Trail and that road ends right there. There are two pieces of construction pipe in the road. The second the improvements are made to Haden Lane they are not talking about a few hundred trips, but they are going to take the traffic from Old Trail from the back where the townhouses are and run them down Haden Lane as well.

Barbara Westbrook, native of Crozet, said that she had taken some pictures that she wanted to pass around. The first is a picture of Haden Lane from Jarman's Gap. This is a real narrow country road. The second picture shows where Haden Lane was connected to Old Trail. After a farmer saw the amount of traffic coming through from Old Trail someone put the pipes down. She was concerned about all of the traffic and the impact on the neighborhood. She hates to see these two small country roads turned into heavily traveled roads. She knew that a lot of people who live there are very unhappy. They have been there for 30+ years and are thinking about moving to Waynesboro. She felt that was very sad to see.

Pete Extran, resident of Crozet, said that this is a general question and not specific to Haden Place. It is about how they are evaluating affordability and things like that. In national commentaries on housing affordability they speak of the affordability index where it is related to the average income for the particular geographic area. He has not heard any discussion about that and just wondered if there was some process whereby they actually measure the affordability index as compared with the proposed housing prices and so forth. Then they might make decision on how many units of each kind they need and so forth. So he thought that might be a useful concept to discuss. The Commission might have already done it, but it has not been mentioned.

John Russell, said that he lived on Jarman's Gap off of Killdeer Lane and was a real estate attorney. After hearing some of the comments that were made about the access easement, the proximity to

downtown, the proximity to Old Trails are yet to take into the reality versus the schematic. At this point he felt that they were looking at access issues where the reality is there is not proximity as a pedestrian to get to these areas. There is interconnectivity. This density is significantly high compared to the levels of the road. Killdeer Lane is in essence an old farm road that connected to March Mountain Farm to Jarman's Gap Road. It has not been significantly upgraded. It sounds as if it is not going to be significantly upgraded until maybe Jarman's Gap connection is upgraded at Haden Lane. Another issue they have with this connection is that Orchard Acres is opposed to the entry way to Killdeer. So not only do they have traffic coming off of Killdeer, but they have an abundant amount of traffic coming out of Orchard Acres and the traffic that is coming down the hill on Jarman Gap. His overall concerns is just two fold, infrastructure, curb, gutter, sidewalks, road way improvements and then access site lines and just improving the access before they allow the significant traffic that is going to come. This is particularly to the extent that they are going to open up the traffic onto Killdeer onto neighboring developments or Haden to neighboring development. He felt that this was a good project if the infrastructure supports it. His overall concern is with a lot of these projects they are way ahead of the infrastructure improvements with approving these projects. It is hard because they are putting the cart before the horse in some respects. But, that is the way the project process seems to be moving. Many of the comments that were made earlier with respect to the road or infrastructure, the safety of the existing residents and the safety of the residents that are projected to live in this due to the density. They cannot walk down Jarman's Gap Road safely. When he first moved to the area he found they cannot run safely in the area. They can't jog in the area on the roads because of the traffic unless you fear that you take your life in your own hands. He felt that the density is high compared to what the infrastructure status is surrounding this project.

There being no further public comment, Ms. Joseph closed the public hearing to bring the matter back before the Commission.

Mr. Cannon asked staff if the proffers include improvements or upgrading of both Haden and Killdeer Lane.

Ms. Ragsdale replied yes, that the applicant would provide the full frontage improvements on their property, which she did not mention earlier, on both sides of Killdeer to include the curb, gutter, sidewalks and planting strip. But, that would only be along their frontage. Then from where their property ends at the northern boundary north to Jarman's Gap Road what the County Engineer and VDOT have discussed with the applicant is 18' of pavement widening within the existing right-of-way. So it is pavement widening only on Haden and Killdeer Lanes and then one drainage issue on Haden to address. The proposed connector road that the applicant would build to connect the two roads would not be open to vehicular traffic to connect to Killdeer. VDOT within Ballard Field did not allow the connection to Haden Lane based on its current status. The Haden Place proposal would not upgrade it enough for the connection to be opened up. Then the other proffer that they speak of is for a potential connection of Killdeer Lane to connect to the south through the existing area that is yet to develop. So one day Killdeer Lane can be configured over to Summerfield Lane and may impact this area of the site. They are also waiting on Jarman's Gap Road improvements to improve this intersection. That is the road situation.

Mr. Cannon asked what Haden Lane connects to now and what it would connect to after this development were done if it were to be approved as presented.

Ms. Ragsdale said that it comes from Jarman's Gap Road and then it ends as the pictures show how it is blocked off.
Then Haden Lane ends and there is Haden Terrance that serves the townhouse units that ends as well. So there are two roads that end. Then there is just an area in between that is not defined. There is not way to get from this area to the other area.

Mr. Cannon asked if there was not a proposal as part of this rezoning to connect those two.

Ms. Ragsdale replied no.

Ms. Higgins noted that there is a connection between Killdeer and Haden that would be made once Jarman's Gap Road is done. She asked what happened to the development on the other side that the Commission reviewed.

Ms. Ragsdale pointed out that project was called Jarman's Hill. That project has been indefinitely deferred.

Ms. Higgins said that it is a piecing together to make the road the full connection with sidewalks and full width. There are no capital projects to do that over time. It would have to be done as the development occurs.

Mr. Cannon asked if there was discussion about extending sidewalks up Haden Lane that could potentially intersect with future sidewalks that would be built along Jarman's Gap Road.

Ms. Ragsdale replied that with this proposal at the 2005 work session with the Planning Commission they discussed what level of improvement would be expected based on current conditions and the current conditions and the density proposed and what would be this applicant's fair share. They started out that would be the full upgrade to an urban section the length of both roadways. The Planning Commission's recommendation fell within what could be done within the existing right-of-way and not acquiring additional right-of-way with what improvements they could get in that right-of-way. It was contemplated and then the Planning Commission weighed in. Staff has been working from that since then.

Ms. Joseph noted that it was for sidewalks only on this property on Haden and Killdeer Lanes.

Ms. Ragsdale replied yes.

Ms. Higgins said that it for 18' of pavement from this property up to Jarman's Gap Road.

Ms. Ragsdale replied that was correct with no sidewalks.

Mr. Edgerton noted that the issue at the previous meeting was based on a way to do that without taking property from other people between this property. What is being asked for will work within the existing right-of-way. No taking has to occur. The County has been reluctant to take property.

Ms. Higgins pointed out that there has been a reduction in the units from the previous plan.

Mr. Strucko noted that it was still 14 more by right than by right. This project is going to impact Jarman's Gap especially with connections still in question through Summerford, Haden Terrance, the Battlefield area and especially with the adjacent property Jarman Hill application still being in question as well. He questioned what this was going to do to an already stressed Jarman's Gap Road.

Mr. Cannon agreed. He felt that this is a good place for a denser development assuming that is what they want in the Crozet growth area given the proximity of amentias and the downtown area if it were truly walkable and if there were truly connections that they could anticipate would be made within a reasonable time. The proximity is good, but where is the infrastructure coming from and when is it going to come. He questioned how much they could depend on it and how much of a burden could they impose on the people already there pending the creation of that infrastructure.

Mr. Strucko noted that the Neighborhood Model is more than just density. It is a variety of things balancing against each other. The interconnecting streets are a major principal. He was looking at dashed lines on the map that potential roads could go. He was looking for something more than a dashed line. From what is in existence now the old access point to this particular parcel with 44 homes is either Haden Place or Killdeer. Those are two roads that are 12' wide currently. There are some improvements proposed for 18' from Jarman's Gap to the property line with no sidewalks. Jarman's Gap is scheduled for improvements in 2009.

Ms. Higgins noted that they were trying to take the density from the rural areas and put it in the growth area such as this. She felt that the reduction in the density on this has reflected itself. The preserved area is a little bit bigger. She liked the mixture of units in the revised plan. There is a playground lot and a garden lot that is not really shown. There is a pocket park. With the connection to Old Trail the hope is that people will not chose to go to Jarman's Gap to go Charlottesville or I-64. She agreed that the

infrastructure lags. It is not popular to have the connections that look like people are coming into your neighborhood, but if the connection exists and allows people already living there to go a different way. Having two is better than one. She noted that there were some favorable factors that guided their discussion at the work session such as putting the density in the middle and the single family units around the edges. Regarding affordable housing, she would be open if the Board chooses to take the applicant's proposal as part of what the housing community wants to do. She noted that the applicant has agreed to the 15 percent.

Mr. Morris noted that at the work session the Commission was planning on the Jarman Hill development coming in and doing their part and moving the road on up on their side all the way to Jarman's Gap. But, that is not happening. It bothers him that the Commission is continuing to approve building in the area without having the infrastructure in place prior to it. The applicant is willing to do his part on his property. He questioned how they would be able to get the equipment into the building site when they only have 12' of road. He acknowledged that it could be done as long as everybody else stays off of the road.

Ms. Higgins pointed out that the engineering department can weigh on it during the site review on this to come up with ways to say that this is not open until certain things are done. She felt that was reasonable to anticipate because it is done all of the time.

Mr. Strucko asked how feasible a connection was with Killdeer and Summerford Lane.

Ms. Ragsdale said that the property in between is the question mark on that end. If that property came in for a site plan or a development proposal, then they would look for an optimal connection from Killdeer through that triangle of land, which may impact the corner of Haden Place. As he said it is a dashed line concept at this point. Some of these properties have not come in with development proposals, which is a factor on that end of the project.

Mr. Cilimberg said that would also be necessary for Haden Lane to ever be connected through or for the pipes to be removed connecting into Old Trail over on the northeast side. They would have to have development of that property that is intervening between Old Trail and Haden Place along Haden Lane. That would remain an inadequate section of road. So that is why there will not be an interconnection until that is improved, which would likely come as part of the development there. That is the difficulty in the interconnection piece when they don't have a lot of County money to just go out and start improving roads throughout the development areas. They have to rely on the development itself. It is not 100 percent a desirable situation because very honestly they are getting pieces done as it occurs. Sometimes they will be waiting. Jarman's Gap will have sidewalks and bike lanes. But, again as they have known for a while now it always seems to be a couple or 3 years away. Even if you go back in the 90's it was 3 years away. It is a problem of funding when you start talking about the public infrastructure. The state's money, which everyone has read a lot about during the General Assembly Session about the funding of transportation, really does hit home when they are starting to look at our own transportation system in Albemarle County and how they are able to accommodate the new development in the areas that have been designated.

Mr. Strucko asked if the County had money if the connection to Summerford Lane and the proposed connector road could occur as is outlined on the dashed line on Attachment F.

Mr. Cilimberg said that the County would have to either get donation or acquisition of the land to make the connection. He did not know who the property owner was.

Ms. Joseph said that they have the property owner here and they could ask him if he would like to speak.

Gaylon Beights, the developer of Old Trail, said that the triangular piece has a preliminary site plan approved for 90 apartment condominiums with no connection to Killdeer Lane. He felt like a turn coat standing up here because he said he would never do this to another developer. But, the question is if they look at Summerford Lane the County always makes him build these connector roads. He asked why they would not ask that the applicant talk to him and connect this development to Summerford. He had to build that for a future connection. Here they are about to possibly approve another road that runs parallel to Summerford Lane. He felt that the connection ought to be Summerford Lane, but he was not trying to propose that they cut a deal here in front of the Commission. Again, Haden Lane cannot be connected

because of lack of property that they don't own. But, they provided a connection. The reason the pipes are there is because it is not ready to be opened yet. Killdeer is so inadequate that it deserves to be a cul-de-sac. He was not trying to keep Killdeer Lane from coming into Old Trail, but it was just an inadequate roadway. Again, they have a preliminary site plan approved for that triangular piece.

Mr. Cilimberg asked what the title is of the preliminary plan that is approved.

Mr. Beights replied that it was Ballard Field Garden Condos. He pointed out that his other question is that his perception of CT-3 is that you cannot do attached housing. But, he would love to be wrong.

Ms. Higgins said she thought that this attachment was the connection that they were talking about. She questioned why they were showing this as Attachment F if that is different.

Mr. Edgerton noted that Mr. Beights just said that Attachment F was not accurate.

Ms. Ragsdale pointed out that City View indicates that it is not approved. Therefore, she will check into that.

Ms. Higgins said that Summerford Lane goes to an end and then it shows the two.

Ms. Ragsdale said that is an accurate attachment.

Ms. Higgins asked if that was still a viable connection.

Ms. Ragsdale replied yes that one is still viable to connect from the proposed connector road in Haden Place down to Summerford Lane. That is what they have said they have provided for, but not shown in their application plan set.

Ms. Higgins said that it will happen because they proffered it to build it to their property line.

Ms. Ragsdale agreed that the applicant has proffered it, but have not built it. They promise to allow it to happen.

Mr. Edgerton said that if you look at the proffers it is not proffered to make the connection as shown on Attachment F. It is proffered to go somewhere across that.

Ms. Ragsdale said that is one of the issues that staff has with the proffers is that it is not illustrated and that the connections and all of that are not adequately illustrated in the application plan. That is one of the outstanding issue is that they don't have a visual. This is what the County Engineer provided to the applicant as guidance and as something that may be possible. But, the application plan does not reflect it with the rezoning at this point.

Ms. Joseph asked Mr. Strickland to come up and address this issue.

Mr. Strickland said at the Planning Commission work session last year he believed that it was Ms. Joseph that suggested that the potential for the connection needed to be made down to Old Trail. So when they started working with the design the first thing was to have a connection to Summerford Lane. The proffer does provide a connection to Summerford Lane. It also provides the ability for a connection to Summerford Lane either from Haden Place in the center of the property or by realigning Killdeer Lane or both. They wanted to leave the flexibility built in there because there were a lot of different players. Jarman's Hill had a connection coming through to Killdeer Lane. The plan that he saw of Mr. Beights' did have a connection and Haden Lane came down and kind of dead ended into that triangle. There is a block of houses on out parcel below 56-9 at the end of Summerford Lane that he did not believe is part of Ballard's Field or Haden Lane. That kind of stops right there. But, they wanted to be able to have the ability to connect. The big thing is that there were too many people involved. They did not know exactly where the connection was going, but they knew it was to the south.

Ms. Higgins asked if the proffer covers either the connector road or Killdeer Lane will connect to Summerford Lane.

Mr. Strickland replied absolutely that it does.

Ms. Higgins asked staff if the way the proffer reads if it was specific that was proffered.

Mr. Strickland said that the comment that they received this week is that the proffer is worded too vaguely and the County does not want the park, but just want the ability to have the right-of-way. So they are providing the land to be able to create the accesses.

Ms. Higgins asked if he was proffering the connection.

Mr. Strickland said that is correct.

Mr. Strucko asked if they could cross that triangular piece of property.

Mr. Strickland replied that they could. There is a piece of land in between that green one and Summerford Lane, which Mr. Beights owns. It is part of the open space for Ballard Fields. They cannot cross their property.

Mr. Edgerton asked if this was proposed as a public road.

Mr. Strickland replied yes, that it is.

Mr. Edgerton said that VDOT would have a lot to say about where this connection comes in.

Mr. Strickland replied that is correct.

Mr. Edgerton asked if there was any reason why they can't go ahead and draw a line on their plan and show where that connection is going to be and what will be acceptable to VDOT now so there will be no confusion about where that connection will be. He suggested designing the park with the understanding that connection will occur at some point, which would probably be the more reasonable way to go about it instead of wondering.

Mr. Strickland said that they would be happy to do that. One of the comments that he had in regards to the connection is if they want a connection of Haden Lane, Killdeer Lane and at Haden Place all going through.

Ms. Higgins felt that the Commission had discussed this before and said that they needed at least one connection with Summerford. That is what she recalled. She felt that it has to be worked out with the engineer of the adjacent developer, this developer and VDOT so that it is viable.

Mr. Strickland felt that a pedestrian was wonderful to have because it is a small pocket park. There is an acre and a half in Ballard Fields and beyond that is the western park that is part of Old Trail.

Ms. Joseph that there needs to be a vehicular connection that needs to be put on the plan before the request goes to the Board. The applicant would need to show that they worked with VDOT, etc. But, it has to be shown on the plan so that everyone is clear that is going through. There could be some sort of verbiage on there that says that it could move a little bit when the final designs come in. But, she felt that what Mr. Edgerton was saying is that it has to be shown.

Mr. Cilimberg asked to clarify because it seems that they came out of the work session with the idea that they should leave open the possibility of connection obviously understanding that it was dependent on whether or not the adjacent owner, whoever it might be, is agreeable. The only way that it is actually going to happen is that if that adjacent owner, whether it is Mr. Beights or anybody else who owns between this property and the property south where the road sits, agrees to let the road come through. They did not necessarily try to pin it down to a particular location because they don't know until the plan is

in for the development of the land adjacent or there is some kind of negotiation between this owner and that owner where that road or connection will be made. What he hears them saying is that they want a fairly specific location identified now. They don't know how that may or may not work with the adjacent owner.

Mr. Edgerton said that one of the concerns that he was having was if it was a public road that VDOT would have a lot to say about the north/south connection from the connector road to Summerford Lane. He would be more comfortable showing a connection that will work with the proposed detention basin and park area, which is such an amenity that is being offered on this project. He would like to see it rather than cutting through what they thought would be the detention basin or cutting right through the trees. From a planning perspective he did not see any down side of involving VDOT at this point to ask where from Haden Place where would they allow a connection.

Mr. Cilimberg asked if they want to have this connection if this is to be recommended for approval. Do they want to have this as the only connection shown on the plan? Haden and Killdeer exists, but are off site. So this developer has no control over where the road might go there. He asked if Mr. Edgerton wants to make sure that on this plan there is an additional middle connection to the property line basically that is located.

Ms. Joseph, Mr. Craddock and Mr. Edgerton agreed.

Ms. Higgins asked if they said that the connection would not be physically made until Jarman's Gap was upgraded. They don't want it to become the cut through until Jarman's Gap is upgraded.

Mr. Cilimberg agreed that just as they don't want Killdeer opened up with this traffic until Jarman's Gap Road is upgraded. Haden Place will be upgraded and be used as the only access basically. They need to be careful about the timing for anything that connects to the south. It is all going to be dependent on what happens with other property owners off site.

Ms. Joseph noted that the Commission has gotten through the connections.

Mr. Edgerton asked for some help from staff on Mr. Beights' question about his read of the CT-3 property that there would be no attached units. That is a critical issue on this plan.

Ms. Ragsdale said that it is predominantly single family detached. So when staff has been reviewing projects they have been looking at the mix of housing types and some single family attached, such as townhouses, have been approved in CT-3 areas. But, the majority of the projects have single family attached such as is in this case. The mix is 20 detached, 14 townhouses.

Mr. Edgerton said that it is allowed in CT-3 areas, and Ms. Ragsdale replied yes that single family attached was allowed in the CT-3 Crozet Master Plan.

Mr. Cilimberg pointed out that the question was for another developer sitting in the room who has zoning already approved and that is what governs what they can do and the zoning that they have approved. It is not the Master Plan's delineation. The Commission is making a decision here based on the Master Plan.

Ms. Joseph said that the next issue for discussion is the affordable housing.

Mr. Edgerton said that his personal preference would be to take the applicant up on his offer to comply with the existing policy. He felt that some very interesting ideas have come out of this discussion. He felt that the Housing Committee needs to pursue it and that the Commission needs to participate. He felt that it was a big part of planning and that it is an issue although the Board is ultimately going to make a decision on whether to adjust the policy or not. But, until they have a different policy he personally was not comfortable opening this can of worms right now. He felt that it will lead to a lot of confusion in the development community. Frankly, he felt that it was a slippery slope and wanted to be careful about going down too quickly.

Mr. Craddock said that by right the applicant would not have to put any affordable units on this property. He was in complete agreement with Mr. Edgerton to follow the current policy and allow the Board to make the slippery slope decision.

Ms. Higgins said that regarding the critical slopes as described in the staff report she did not take it as a significant issue since it was 1.7 percent. Therefore, she did not have any problems because it was not in relationship to any stream banks or serious sensitive areas.

Ms. Joseph asked if there were any other comments on the critical slopes issue. Since there were none, she felt that everyone agrees with Ms. Higgins.

Ms. Higgins noted that the planting strip was also a waiver request.

Ms. Joseph said that there was also a waiver for a private street request.

Ms. Higgins said that was for the alleys and for making the circle.

Mr. Edgerton asked that the Commission first make a decision on the rezoning before they started talking about waiver.

Ms. Joseph agreed. The biggest issue was whether they have reached the density in this area and whether they agree with the proffers. They apparently don't agree with the affordable housing, but agree with what the applicant has said to go back to the regular 15 percent of the 80 percent of what the Housing Committee has come up with as their existing policy. It is the road improvements, the density issue and as it relates to the affordable housing aspect and whether they agree with staff's interpretation of that. She asked that they start with the density and the interpretation because that is probably the most complex issue. It is still a little confusing. She felt that what they have been doing is looking at the density proposed in the upper end and saying that they have offered 15 percent affordable housing, then that allows them to have this increased density beyond the normal limits. It is very confusing. It sounds like 50 percent of the units all have to be affordable housing.

Mr. Cilimberg said that the answer is yes. That is the way that the Commission has viewed that additional density under the Master Plan. As it says in the report, the Board's review most recently of Liberty Hall they ended up getting a lower density in CT-3 because they felt like they took a more literal read of the density increase provision under the Master Plan.

Ms. Joseph asked if that was something that the Commission wanted to talk to the Board about or would they like to continue with the policy that they have established. She suggested that they continue with their established policy in reducing the density on this.

Ms. Higgins agreed because it was what they had said when they reviewed the plan before.

Mr. Morris and Mr. Edgerton agreed.

Ms. Joseph asked about the proffers on the roads that includes the sidewalks, curb and gutter. They talked about doing improvements on the existing public roads out there. She understands that everyone that lives out there feels that it is a rural cross section, but Crozet is part of our growth area and that is where they expect the changes to happen in our growth area. She knew it was difficult, but did not know how else to do this other than piece by piece in areas like this. Therefore, she could support what the applicant has proposed for the roads.

Mr. Edgerton said that he too could support what the applicant has proposed. From the design point it is a big improvement over the last plan the Commission saw. He was concerned with the ongoing struggle with infrastructure having to follow planning and growth, but unfortunately until they have a different political attitude in our state and government they will probably not end up having that funding. He could not think of anything that would drive these improvements faster than the additional 70 plus voters that are going to be living here. This also argues strongly for a proffer policy that they continue to dance around. He felt that it was nice to think about incentives for developers for affordable housing, but they

will be exempt when they consider cash contributions for County projects. They need to take care of their share.

Mr. Strucko noted that the proffers were better than they were before. Personally, he would be looking at the applicant for improvements from Jarman's Gap all the way down for some contribution there and also potentially from Jarman's Gap where these two roads, Haden and Killdeer intersect to the down town area. But, he could not do that if it involves a taking. He knew that VDOT was looking at improvements to Jarman's Gap itself. He hoped that their timing is not too off from this development.

Ms. Joseph said that the next issue is the cash proffers. The applicant has set out the cash proffers that he thinks are important. She asked Mr. Kamptner if he has reviewed the cash proffers.

Mr. Kamptner replied that he had read a prior draft.

Ms. Joseph noted that it was kind of like a menu that the applicant wanted to send so much money here and there.

Mr. Kamptner said that it was fine. He noted that they have had previous applicants who proffer for specific purposes.

Ms. Joseph asked staff if this is something they had any problems with or have they looked at the CIP and feels that this makes sense to us.

Ms. Echols said that normally what staff sees are sort of lump sum contributions to the capital improvements program. The applicant in this particular case was trying to express the individual needs that he was trying to address by itemizing them. He wanted the community to see that he understood there were needs and that he was allocating money in these ways. Staff talked with the applicant about the possibility of making it a lump sum, but he felt that this was where he wanted to be. It is not legally problematic. It is a cash proffer and it is to the project. The Commission saw the list of projects.

Ms. Higgins noted that there was also a proffer for $6,000 down payment assistance for affordable and moderately priced homes. But, if they go back to the first round of do the number of units meet 15 percent, then that would go away.

Mr. Strucko advised that he might have a potential conflict of interest when discussing these cash proffers. One on the list is a $4,625 contribution to Western Albemarle Rescue Squad of which he is a full active call running member, but a volunteer. He asked Mr. Kamptner.

Mr. Kamptner replied that if he was a volunteer and not receiving more than $10,000 annually it was not a conflict.

Mr. Strucko noted that he was not receiving any money.

Mr. Cilimberg said that as to that proffer 3e of $6,000 in the form of down payment assistance it won't have to go away just because they removed the moderately priced homes. It would have to be modified in its language.

Ms. Higgins said that the proffer says that the piece of property is reserved upon demand of the County for that connection to be made. Then it talks about future reservations for connectivity. Item #2 says upon the request it should be made available for pedestrian vehicular connections. Then back in the staff response it was pointed out that it would not be all of the area, but it would just be the strip needed for the road. She was not sure if that has been revised, but that just talks about reserving the right-of-way and not dedicating it or building to the property line. According to the new standards the applicant has to build to the property line or the applicant has to come to the Commission for a waiver.

Ms. Ragsdale replied that is correct. As she said, staff is still working with the applicant to make sure that the proffers and the application plan and everything meets the intent of what they are trying to do and getting the wording right with Mr. Kamptner. What staff has been discussing with the applicant is that

they said that they would dedicate the whole area there at Block J. So staff wanted to make sure that the County would not have to have the whole block, but the provisions for the road connection are available and not the entire block.

Ms. Higgins noted that it does not say that the road connection will be built.

Ms. Ragsdale said that is correct.

Ms. Joseph asked if staff will fix that before it goes to the Board, and Ms. Ragsdale replied yes, that is one of the things on their list that needs to be fixed.

Mr. Edgerton said that there is no question that the dilemma of not being able to provide safe access to this property is really kind of hanging over it. He asked if anybody had any trouble suggesting that they take the same amount of money and suggest that it all go to the transportation. Then the County might have the money to make the needed improvements to Killdeer and Haden Lane.

Ms. Higgins said that the County does not accomplish projects like that. There has to be a capital project for that funding to go to for the County to take on the responsibility to do those improvements.

Mr. Edgerton said the Commission could make a strong recommendation to the Board that from the planning perspective that they would like to recommend that an equivalent amount be proffered towards improving the infrastructure.

Ms. Higgins noted that she didn't understand because when the Commission discussed it before they picked one or the other to improve all the way based on the other property owner coming in with their side. Then when they talked about the one on Haden Lane being the 18' of pavement, but not the planting strip and sidewalks it was because it was going to be on the other side and then, of course, the connection through the other way was to keep it from being a dead end and not having a way to come back through Old Trail. Now he was saying that he wants the money to build the sidewalks on Haden and on Killdeer all the way out to Jarman's Gap Road from this development.

Mr. Edgerton replied no. If she went back to page 28 of the proffer form to construction of off site improvements they talk about what they are going to do with the widening. Then they discuss when they get to Killdeer and what they are going to do there. They talk about the vehicular connection, etc. Then they go to another section called cash proffers. So that is in addition to those improvements because they have already proffered to widen Haden and Killdeer Lanes and at least put sidewalks in their property line, which was consistent with what the Commission said they wanted to see last time. He felt that it might be nice to send $28,000 to the school and $5,000 to the rescue squad. But, what they need with this project now is to take all of that money and lump it together and say that is where we need to put the money.

Ms. Higgins noted that the money goes in to the general fund and the Board appropriates it to the projects.

Mr. Edgerton felt it was a good idea to ask the Board to direct all of this money to the infrastructure.

Mr. Strucko noted that some of this money was going as contributions to non-profit membership associations. Those are not CIP contributions.

Ms. Joseph asked if the Commissioners wanted to request that all the money go for transportation infrastructure.

Mr. Strucko said that he saw the proposal as contributing money to three private amenities as proposed by the applicant. He did not think that the applicant was offering this $15,000 to the County.

Mr. Craddock agreed with Mr. Strucko that $5,000 towards the Crozet Volunteer Fire Company was significant as is to Western Albemarle. He would suggest that they leave the proffers as they are.

Mr. Strucko said that he sees contributions to four entities and not all to Albemarle County.

Ms. Higgins asked Mr. Kamptner if a proffer goes in a form like this can the Board take the money and put it into the general fund and then delve it out as they see fit. Or do they actually have to track this money through the system.

Mr. Kamptner said that the County now has to track these through the system in order to give an accounting each year to the County that it is publicly available and it is sent to the State.

Ms. Higgins said that if the voluntary proffer is worded this way the Board has no choice but to put the money where it says in this proffer or they could find the proffer unacceptable.

Mr. Kamptner said that with a proffer like that there is some flexibility. It has to go for a CIP project, but there is some flexibility. If it is for a specific item, then it needs to go for that.

Ms. Higgins asked if that $5,000 would go to Crozet Claudius Park if it says that in the proffers.

Mr. Strucko said that it would go to the Claudius Park Non-Profit Association. He asked can an applicant proffer a contribution to a charitable organization or a non-profit organization outside of County government.

Mr. Kamptner replied that if the applicant wished to, he thought that they can, but most proffers come to the County.

Mr. Strucko said that the County really has a proffer.

Ms. Joseph asked if the Commission wants to accept these as presented by the applicant, or do they want to take this in total. It is $7,700.

Ms. Higgins suggested a compromise that a, d and f be called general capital improvement funding to be concentrated on transportation.

Mr. Strucko felt that there was a dispute here and the Commission needs to ask the applicant if he intend for this $15,000 earmarked for the Crozet Volunteer Fire Company, the Albemarle County Rescue Squad and the Park come to Albemarle County.

Mr. Kamptner noted that it does come to Albemarle County because it is all tied together in the opening paragraph.

Mr. Strucko noted that the Crozet Volunteer Fire Company is a separate 501.C3 as is the rescue squad.

Mr. Kamptner said that to the extent that the County appropriates money for the Fire Company and Rescue Squad.

Mr. Strucko said that this is a separate donation from Gibson Homes to the Crozet Volunteer Fire Company.

Mr. Kamptner said that it comes to the County for distribution.

Mr. Strucko questioned if the County would write three separate checks out to each entity.

Mr. Cilimberg said that every one of these by Virginia law these would have to go to the capital improvements program at the County. The first sentence says that. Then in the capital improvements program that money that has been allocated to these different purposes would be distributed in the CIP towards capital projects in those particular areas. So as an example, if the County has a CIP line item such as Claudius Crozet Park that it has had in the past and possibly may have now, the money will go towards that. It will not go directly to the non-profit because the County takes some responsibilities in

Crozet Park. Each one of these has to be funneled into the CIP of the County for projects under these categories.

Mr. Edgerton said on that point let's just say next year they had a CIP for recreation of $5,000 without this project. This project comes along and says they want $5,000 of the $77,000 to go to recreation. Does that free the County up to then take that $5,000 and use it on something else in that line item.

Mr. Cilimberg replied yes, that in the end the CIP is being funded by the sources available.

Mr. Edgerton said that if they solve social problems with these proffers in the sort minted way they basically adding $77,000 to the CIP, but ultimately the Board is going to decide how to spread this money out.

Mr. Cilimberg said what would have to happen is that money proffer would need to be spent according to how it has been proffered in the CIP. That would then mean lesser dollars of funding from other source of County funds to pay for the project. That money would be available to be used elsewhere in the CIP unless the Board decides they would just reduce their allocations to the CIP because they have proffers coming. But, that is a decision of the Board. That is not the Planning Commission's decision.

Mr. Edgerton noted that it was not their decision, but from the planning perspective it is our responsibility to make a recommendation to the Board and the applicant has made some suggestions here. Personally, he would rather see all of this money be directed towards building the infrastructure that the community so desperately needs to make the Master Plan work, which they are working so hard to implement in this growth area.

Ms. Higgins said that is what Mr. Strucko is disagreeing with and that is why she suggested the compromise with the three items.

Mr. Strucko replied that he was not disagreeing. He just wanted to make sure that was available to us as an option because he was seeing $15,000 that he thought is not $77,000 that could potentially just go to those kinds of infrastructure improvements. They may have to take this $15,000 out because he thought it was earmarked for particular things as outside entities and not to go into the kitty called the CIP.

Mr. Morris said that he would love to see the applicant consider having it in a lump sum that they could use as the infrastructure that would help the development and also help the entire community. But, it is the developer's money.

Mr. Edgerton noted that it was the Board's decision whether to accept the proffers and they have a responsibility to give an opinion of whether they think the proffers as stated are appropriate.

Ms. Higgins asked if the Commission could suggest that the sentence read the cash contributions shall be used only for projects in the community of Crozet development area and allocated as Albemarle County Capital Improvement Program for transportation. Or don't even limit it.

Mr. Edgerton pointed out that does not accomplish what he would like to accomplish. He would like to send a strong message to the Board that the Commission believes that infrastructure is needed and they want to direct more of the capital improvements budget towards it.

Ms. Higgins noted that what she was saying is that all of the money would go towards that.

Mr. Edgerton said that is what he would like to see happen.

Ms. Joseph noted that is what Ms. Higgins said.

Mr. Strucko said that Ms. Higgins wanted to target the specific infrastructure of the transportation and sidewalk.

Ms. Higgins replied that is what she said.

Mr. Morris agreed that was exactly what Ms. Higgins said.

Ms. Higgins said that item 3, if the applicant chooses to rewrite this, and it would state as it does, but instead of saying at the end of it and allocated in the following manner they would just delete that and skip down to the general capital funding and say shall be contributed to Albemarle County Capital Improvement Program for transportation projects identified in that growth area.

Ms. Joseph asked if all of the Commissioners could agree to that in concept that it could be rewritten that way.

Mr. Craddock agreed, but still would say that Western Albemarle is not getting their donation. The applicant wanted to specify that this money go to those folks. What he has seen will happen is that the County instead of sending $100,000 to Crozet will now they only have to send $95,000 because they are going to use the $5,000 from this instead of getting the normal $100,000 from the County and then this $5,000 as extra.

Mr. Cannon felt that was well taken. But, he understands Mr. Edgerton's proposal and supports it as a statement by the Commission of what they think is crucial here and as reflecting, at least in his case, the underlying concern with proffer policy generally that needs to be addressed. That they are playing catch up here and they have no rules, or least he did not think they were adequate rules if they have them, for ensuring that the assumptions on which these approvals are given will actually take place in the world. He felt that they were creating some real problems unless they address that. So this is a way of at least signaling that is an issue for the Commission. Then they have got to do something serious about a proffer policy or encourage the Board to.

Ms. Joseph said that they had gotten through that issue and the affordable housing issue. She asked if there was anything else in these proffers. They talk about historical resources where they are actually going to do the archival record, overlot grading plan they have agreed to interconnectivity of green space and on site amenities. She knew the interconnectivity of green space is something that they have talked about over and over again. So that is set.

Mr. Cilimberg summarized the Commission's expectations because he was not going to try language because really that is going to have to be handled through the proffer development with the County staff including the County Attorney. The Commission is saying that they would recommend approval of the rezoning with the understanding that they are going to follow the policy for affordable housing of 15 percent; the other necessary technical changes to the plan, Code of Development and the proffers that staff has noted will be made, and that the cash proffer for capital improvements will be devoted to transportation improvements in Crozet. That is the basis of the Commission's recommendation.

Mr. Kamptner asked if there also was the recommendation to provide the interconnection to Summerford.

Mr. Cilimberg replied that is a good point. The Commission wanted a connection between Haden and Killdeer from their east/west road shown that would be available southward into that adjacent area to Summerford Lane.

Motion: Mr. Edgerton moved, Mr. Morris seconded, to approve the applicant's request for ZMA-2005-007, Haden Place, if the applicant addresses the outstanding issues listed by staff and if the following changes are made to the proffers:

- The affordable housing proffer shall be modified to conform to the County's Affordable Housing Policy in the Comprehensive Plan.
- The recommended technical changes shall be made to the application plan, code of development and proffers that staff has noted.
- All cash proffers offered by the applicant should be devoted to transportation improvements in Crozet. The proffer language will be revised through coordination with County staff, including the County Attorney, prior to the Board meeting.
- An interconnection shall be provided and illustrated on the application plan from the

proposed east/west connector road between Haden and Killdeer Lanes southward to Summerford Lane in Ballard Field.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA 2005-007, Haden Place, was approved.

Motion on Waivers:

Motion: Mr. Edgerton moved, Mr. Craddock seconded, to approve the applicant's waiver request for critical slopes.

The motion passed by a vote of 7:0.

Motion: Mr. Edgerton moved, Mr. Morris seconded, to approve the applicant's request for the waiver of the planting strip requirements around the street circling the community green at the end of Haden Place.

Mr. Kamptner asked staff whether they recommended that pedestrian crossings be provided from the sidewalks on both sides of the community green as a condition of the approval.

Ms. Ragsdale felt that it could be handled outside of the waiver action. In working it out with the applicant they noted that as well. But, the Commission could provide it as a condition to provide the pedestrian connections to the amenity from the sidewalks.

Amended Motion: Mr. Edgerton moved, Mr. Morris seconded, to amend the motion to approve the request for the waiver of the planting strip requirements around the street circling the community green at the end of Haden Place with the following condition:

1. Pedestrian crossings shall be provided from the sidewalks on both sides of the community green.

The motion passed by a vote of 7:0.

Ms. Joseph stated that the two waivers were approved for ZMA 2005-007, Haden Place.

Motion: Mr. Edgerton moved, Mr. Morris seconded, to approve the applicant's request for the waiver of the private street request called Haden Place on the application plan.

The motion passed by a vote of 7:0.

Ms. Joseph stated that the waiver for the private street request was approved. She stated that ZMA-2005-007, Haden Place will be heard by the Board of Supervisors on August 2 with a recommendation for approval.

The Planning Commission took a ten minute break at 8:33 p.m. The meeting reconvened at 8:41 p.m.

Regular Item:

SDP 2005-083 Rio Truck Repair - Request for preliminary site plan approval to allow the construction of an 8,000 square foot building to be used for truck repair on property described as Tax Map 61 Parcel 146. The subject parcel contains approximately 1.428 acres and is zoned C1 (Commercial). This site is located at the end of Rio School Lane approximately 370 feet east of its intersection with Rio Road (State Route 631). This site is located in the Rio Magisterial District and is designated as Neighborhood Service in Neighborhood 2. (Steve Tugwell)

Mr. Pennock noted that during the past few hours tonight the applicant has been able to negotiate with the neighbors. Staff believes that the waivers are no longer needed. Instead these items will be addressed with revisions to the site plan. Staff is perfectly fine with that. Therefore, no action is needed because no waivers are needed if they revise the site plan the way that they have discussed.

Ms. Joseph said that since the applicant was able to work this out with their neighbors, the Planning Commission does not need to take any action because no waivers will be needed.

Public Hearing Items:

SP 2006-0011 Mosby Mountain Stream Crossing (Signs #14,22)
PROPOSED: Amendment to existing special use permit for fill in the floodplain to allow a culvert stream crossing.
ZONING CATEGORY/GENERAL USAGE: R-1 Residential (1 unit/acre)
SECTION: 30.3.05.2.1 (2); 30.3.05.2.2 (3)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 4 - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre)
ENTRANCE CORRIDOR: Yes
LOCATION: Approximately 200 feet from the intersection of Mosby Mtn. Drive and Old Lynchburg Road (Route 631)
TAX MAP/PARCEL: 90E-A0
MAGISTERIAL DISTRICT: Samuel Miller
STAFF: Tamara Ambler

Ms. Ambler summarized he staff report.

- The applicant is requesting to amend a previously approved special use permit to allow the construction of a four-barrel 10' X 10' box culvert in place of a ConSpan bridge on Ambrose Commons Drive to provide the second access into the existing Mosby Mountain Development. The applicant has indicated that issues have arisen with the use of the ConSpan at the site that are making approval of the bridge by VDOT and construction of the project difficult. It is important to note that the applicant has been coordinating with VDOT regarding various designs for the ConSpans since 2003 without approval so far. Specifically, soils on the site are fine and unstable and would require the addition of pilings for the foundation of the bridge and the addition of rip rap beneath of the bridge. It should be noted that if a box culvert were to be utilized, excavation of this unsuitable soil and backfill with suitable material would still be necessary to establish proper bedding for the box culverts. So there would still be in stream disturbance regardless of which structure were to be used.
- It is true that staff prefers a span design over a box culvert design to reduce long term stream impacts. Staff coordination with VDOT indicates that the applicant has not yet submitted a design showing the rip rap under the span structure and such design would likely be acceptable. However, staff also acknowledges the extended coordination between the applicant and VDOT. Therefore, staff recommends approval of the request with revised conditions. Those revised conditions are listed in the packet. Condition 1 is a new condition that stipulates that the applicant must first submit to VDOT one final proposal for the ConSpan structure with the rip rap scour protection provided under the extent of the structure. If VDOT indicates in their review of this final submittal that the rip rap cannot satisfactorily address the scour concerns and does not approve the final proposal in a timely manner, then the quadruple 10' X 10' box culvert may be installed in lieu of the ConSpan structure.
- Conditions 2, 3 and 4 remain from the original special use permit approval with just a few edits. Condition 5 also remains, but it has an addition that requires that if the box culvert is utilized then it must be cast in place or otherwise constructed to provide for countersinking of one barrel of the culvert to provide for normal and low flows in a manner satisfactory to the approved U.S. Army Corps of Engineers water quality permit.
- Conditions 6 and 7 remain from the original special use permit with minor edits, but not substantive in content. An email was sent to the Planning Commission that included condition 7. Staff failed to add one condition that was left over from the previous special use permit conditions, which says, in an effort to minimize environmental degradation, no soil shall be removed from the stream to compensate for any fill. She apologized for any confusion this may have caused.
- Jack Kelsey, County Engineer, is present to answer any questions about design features of

either structure.

Mr. Craddock asked what type of time frame staff thought it would take for VDOT to do one more review.

Ms. Ambler replied that they had discussed that and it was actually suggested by the applicant that perhaps they look at the understanding of a 60-day time period.

Mr. Craddock asked if VDOT would do that.

Ms. Ambler replied that VDOT has not indicated.

Mark Graham, Director of Community Development, said that he just wanted to let the Commission know that there are a number of coordination issues that happened with VDOT. This would go from the residency to the district in Culpeper and they would review it. But, for the final bridge design it would have to go to Richmond. Staff has seen those types of reviews take more than two months in the past. Rather than put a date on there what he was suggesting was that they try to look for VDOT to do the review and get the comment from VDOT and see if they can get it approved. But, they have no assurance that VDOT would review that within 60 days.

Ms. Higgins asked Mr. Graham about the last condition 7 where it talks about no soil shall be removed from the stream to compensate for any fill. Could that potentially conflict with trying to meet requirement 6, that talks about demonstrating approval of the revised floodplain and no changes in floodplain levels can occur? Typically there was some balancing out of what they remove. Are they conflicting? Does that make it conflicting because it says no soil shall be removed from the stream to compensate for any fill? That seems a little extreme because no change in the floodplain levels can occur. Sometimes that is how you account for the changes and how you keep from affecting a floodplain.

Mr. Graham said that if they were going to weaken one or the other he would say it would be 6 versus than 7 in that they want to maintain the stream section as much as possible. But, he suspects that is not going to be an issue with the ConSpan bridge or with the box culvert.

Ms. Higgins noted that she was saying with the ConSpan it probably would not, but with the box culverts it could be.

Mr. Graham said that it could be, except it is suppose to be a counter sunk section and the remaining sections should actually meet the contours. So it should be fine.

Ms. Joseph asked if there were any other questions for Mr. Graham or staff.

Ms. Higgins acknowledged that VDOT takes a long time.

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

Pete Caramanis, representative for Bates Development, said that they were here tonight out of necessity and not for convenience. Since this original special use permit was approved in 2002 Bates Development has made numerous efforts back and forth with VDOT to try to get a span design approved. It has become very clear that is not going to happen. Whether or not a specific item can be addressed in a revised plan has not been sufficient to get the entire design approved because there is always something left that is insufficient. Basically, it has become clear that VDOT is not comfortable with a span design on this site due to the soil problems. So tonight they are here asking to amend this special use permit to allow construction of a box culvert. Ms. Ambler mentioned that perhaps with some rip rap and scour protection it was likely to be approved. He would disagree with that. At the end of the packet there is a letter dated May 19 from Jim Utterback, who is the Residency Administrator of VDOT, where he states the department strongly recommends the County allow the use of a box culvert at the site. There is also an email before that where Ms. Ambler received some conflicting information from someone at VDOT. Since then there was another email that they may or may not have from Jim Utterback to Mark Graham where he makes it as clear as he could. He was directly addressing the fact that there is a condition

potentially requiring Bates Development to submit another proposal for review. In response to that concern, Mr. Utterback says that he understands the County has a process to follow, but he was not sure how efficient it is to revisit the ConSpan issue with VDOT again. There should be enough existing documentation from VDOT on this structure, and he references that May 19 letter. He distributed copies of the email. (See Attachment) He thinks that it is clear from that email that all they would really be doing by submitting another proposal to VDOT is taking more time, which no one really wants to do. Beights Development certainly does not want to take any more time. The residents of Mosby Mountain have been very clear that they would like this crossing constructed as soon as possible. Obviously, requiring Beights Development to go back to VDOT, which they have already talked about, is a process of indefinite length. Even if it is only one submission it does not lend itself towards achieving that goal. He understands the County's concern from reading the staff report that using the box culvert instead of the ConSpan is basically environmental and the potential impact to the stream bed. They have submitted a letter from an environmental engineer from Timmons, Chris Dotson, who specifically states in that analysis that the box culvert, although it would have some minor increased impact on the stream bed during the construction phase, would have no greater long term impact on the stream bed than the span design would. In addition, another box culvert was used on this same stream a little further down the stream on Old Lynchburg Road. Obviously it has been used successfully in that location. Acknowledging that some greater temporary impact would result to the stream bed as part of the proposal, they have submitted some stream buffer mitigation in planting some trees within the stream buffer to ensure that the area remains in its naturally beautiful state even with the construction of the boxed culvert. They had a meeting with the Mosby Mountain residents that discussed this to let them know what was going on. That occurred about a month ago. They answered a lot of questions mostly about why this is taking so long. The Mosby Mountain residents have been waiting to have this crossing constructed for four years and it is still not there. The site is clearly not as attractive as they anticipated it being by this point because the residents expected the crossing to be built. The residents expressed their unanimous support for allowing the box culvert at this location understanding that it would get constructed quicker. VDOT has said that they would approve a box culvert. The Army Corps of Engineers has already approved the use of a box culvert. Staff received a letter from the Mosby Mountain Community Association expressing their support. In addition, tonight he would submit to Ms. Ambler a petition in support of their application, which was signed by about 30 lot owners in Mosby Mountain. He has not heard or received any opposition from any residents in Mosby Mountain Subdivision.

Next, Mr. Caramanis asked to briefly address condition 1. Obviously, he has already mentioned that it would not be productive to have to resubmit anything to VDOT. In light of the email that he circulated, his position would be that it is appropriate to simply delete condition 1 and not require Beights Development to make that submittal and waste any more time on this. If the Commission determines that it is appropriate to keep the condition, there are a few changes that he would recommend. The first is it mentions if VDOT indicates in their review of this final submittal that the rip rap cannot satisfactory address scour concerns and does not approve. He reiterated that throughout this process VDOT has been fairly creative in their reasoning for rejecting each revision that is submitted to them. He felt that it would be more appropriate not to limit this condition to a specific response from VDOT, but rather have the condition say "if VDOT does not approve the final proposal." This could go on indefinitely. VDOT might say that the rip rap and scour protection is fine, but there is some other reason that they can't approve the span, and then they would be back to square one. The other thing he would like to see, again, Mr. Graham addressed this by using the words "in a timely manner." Again, that just leaves this open to drag on even longer. If they are going to keep this condition in here, he would like to see a specific time frame added. He would like to put as much pressure on VDOT as possible to get them to respond quickly. He suggested that 30 days would be sufficient. If they don't get a response or if they get a denial in that time frame, then they would be allowed to move forward. Lastly, it does say quadruple 10' X 10' box culvert may be installed. He realized that it would be a quadruple box culvert because that is what the engineers of Bates Development used to look at it and thought that it would most likely be required there, but this will require the approval of VDOT. They might think the quadruple will do it or they might think that it needs one more, but he would prefer that this be approved as a box culvert and leave the flexibility there for VDOT to approve it without them having to come back and amend it one more time. So he would respectfully ask that the Commission recommend approval of the application with the deletion of condition 1. Or if the Commission feels that condition 1 needs to remain in there with those changes that he just recommended. He would be happy to answer any questions.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Cannon asked what is there now.

Mr. Caramanis replied that there was nothing there now. Right now they have an entrance to access one side road. Then it does not continue to access the remainder of Mosby Mountain. So what were supposed to be one neighborhood with two entrances are essentially a street and a neighborhood with one entrance until they can be connected.

Ms. Joseph asked if he knew how many revisions that they had sent to VDOT at this point and when their first submission was.

Mr. Caramanis stated that he had some information on that, which they provided to staff. He asked staff to chime in if they knew the answer from the information submitted.

Ms. Higgins said based on their timeline submitted the preliminary review of the ConSpan was on April 22, 2003.

Ms. Joseph said that was correct, and there were two submittals.

Mr. Caramanis said that there have been numerous discussions about a lot of things that were not submitted, but were batted back and forth. It has become even clearer in verbal discussions, although he felt that the email was pretty clear, that it has pretty much been stated in verbal discussion that VDOT is not going to approve a span design here now. VDOT is reluctant to put something that concrete in writing to the County. But, he feels that the email is pretty significant.

Mr. Edgerton asked why VDOT would be reluctant to make that statement.

Mr. Caramanis replied that people are always reluctant to make statements that leave no wiggle room. He was not singling out VDOT. He just thinks that people never want to say never. He felt that was the situation that Beights Development was in right now. If VDOT said never it would make this situation a lot easier for Beights Development, the County and everybody. He felt that was the situation they were in. They can't wait for VDOT to say never. They have already tried this for four years. He felt very sympathetic to the residents of Mosby Mountain that are waiting for this. There is not much more that they can tell them other than this is the way that they can get it done. That is why the residents are supporting Beights Development in this request.

Ms. Joseph asked if there were any other questions for the applicant.

Ms. Higgins requested to ask another question of Mr. Graham. She asked if Mr. Graham had responded to the May 19 letter, which says that the department strongly recommends the County. She felt that they were mincing the words because saying that their understanding is that the County will not allow the use of it. So it is kind of a Catch 22.

Mr. Graham said that it was not that the County would not allow it, but VDOT. He has talked to Jim Utterback, the Resident Administrator, about it. They are in an awkward spot. What has happened is that the local office and the district office do not really have that big of an issue with the ConSpan design, but when it went to Richmond to the bridge division all of a sudden they don't want to see those. They want to see box culverts. They can't overrule. That is the issue. But, Richmond won't come out and say that that ConSpan is not an acceptable design. That goes back to when the special use permit was first being considered the first thing that they got was a documentation from the then acting engineering here in Charlottesville that said a ConSpan bridge design would be acceptable subject to final shop drawings. Now this is where they were at is final shop drawings. When it got to Richmond all of sudden the issues start coming up.

Ms. Higgins noted that it was a different soil condition.

Mr. Graham replied that is true, but the applicant and staff have met with VDOT several times. He has

met with VDOT staff from the district and even representatives from the Bridge Division. The last meeting they had they talked about a rip rap. They were trying to use sheet piling before and were told that the sheet piling was just not going to work. They talked about a rip rap design as a solution. All he is suggesting is that because they wanted the ConSpan design and because of the lesser environmental impacts let's try the rip rap and see if that works. If that does not work, they can give up and go to the box culvert.

Ms. Higgins said that based on this email she felt that the applicant was irritated. The resubmitted plan might be submitted and not get an appropriate review because the applicant has been through it so long and so many different times. But, that was her personal opinion.

Mr. Graham said that he did not know what to say. He was truly sorry that the applicants have had to go through this. He was also sorry that staff has had to go through this for such a long period of time.

Ms. Higgins asked if he felt that it was worth leaving item 1 in just to go through the whole routine again.

Mr. Graham replied that he would like to quite frankly because they have used ConSpans. Old Trail has a ConSpan and it was approved, but it was different soil conditions. But, they were talking about trying to respond to those soil conditions for the scour potential and seeing if that can address it. If VDOT says that it is not addressing it, then he gives up.

Ms. Joseph said that they would have scour with the box culverts. They are going to have to excavate all that stuff before putting the box culverts in and put something suitable underneath that.

Mr. Graham replied yes, they would put a footing in with the box culverts. The risk of undermining the box culverts is fairly low. But, with a ConSpan it is an open channel there and the opportunity for erosion is significant.

Ms. Joseph said that she sees erosion happening there.

Mr. Graham said that it does have problem soils there. There is no question about that.

Ms. Joseph asked about a suitable time limitation because they don't want this applicant hanging in this process.

Mr. Graham said that he did not want that either. He was hoping that the way that is worded that it gives staff the discretion to determine whether VDOT has had adequate time to make a review and a recommendation or not.

Ms. Higgins said that it is written kind of nebulous.

Mr. Graham agreed. But, the problem is that honestly he did not know how long it would take VDOT to review it.

Mr. Edgerton asked if there was a way that the County could get on the same side of the table with the applicant to try to push VDOT into making a decision in a timely way. He asked if Mr. Graham could go to VDOT's office and tell them that he needs a decision and that he does not mean next October.

Mr. Graham said that he could, but he did not know if he would get the decision. He pointed out that there are site plans and subdivisions that are not getting reviewed by VDOT within 60 days. That is being done locally. They are talking about something that has to go to Richmond.

Mr. Edgerton pointed out that this VDOT representative who is writing the email has given approval.

Ms. Higgins noted that he was the local resident and was being overruled by Richmond. With all of these things taking so long and what the situation is she asked if Mr. Graham thinks the plan should be sent through again for another round. She asked if he felt that it was that important.

Mr. Graham said that it was the question of balancing the environmental concerns with the pragmatic of VDOT.

Ms. Higgins said that VDOT wants to stick with what is tried and true.

Mr. Graham agreed, but that VDOT has approved ConSpans before. As everyone has noted, VDOT will not come out and say that they are not going to approve a ConSpan. So he has said based on the last meeting that they had with VDOT they said try it with the rip rap. He was saying let's try it with the rip rap and if that does not work then move on.

Mr. Edgerton asked if he was suggesting that some shop drawings be submitted by the applicant to VDOT with rip rap.

Mr. Graham replied that was correct with rip rap in the channel for scour protection.

Mr. Edgerton said that in the staff report he got the distinct impression that because of the soil condition to get the structural support necessary to make the ConSpan there is probably more environmental degradation to the stream than would be put in by the box culvert. His read was that they would have to do more excavation than they would for the box culvert.

Mr. Graham replied that he was not sure about that. The box culvert is going to be a pretty intrusive thing. One of the things is that the bridge can be done in the wet. To build the box culvert they are going to have to build a diversion to even build the box culvert.

Mr. Cannon said that he understood from the applicant that their expert's report indicated that construction of the box culvert would be more disruptive than the bridge at the time of construction, but after that the operational impact would be equal. He asked if Mr. Graham agreed with that.

Mr. Graham noted that what they have seen from the Department of Conservation and Recreation and the Department of Environmental Quality in Virginia is that they disagreed with that and have shown a strong preference to the ConSpan over a box culvert. Those are the two environmental agencies that protect the streams.

Mr. Cannon said that is based on long term as well as separate comments.

Mr. Graham agreed it was for cumulative impacts.

Mr. Craddock noted that was in their summary where it says that the County Engineer has determined greater long term impacts if a culvert is used. He asked who Mike Viar is.

Mr. Graham replied that he was VDOT's District hydraulic man.

Mr. Craddock asked if Mr. Viar was overruled by Richmond.

Mr. Graham replied that was correct.

Ms. Higgins questioned that if several years from now if an inspection was made and they are still getting scour if that was worth taking the risk.

Mr. Graham said that the simplest answer would be not to build anything and have a single entrance. There is risk in anything here. What is the risk and how significant the risk is would be real hard to say.

Ms. Higgins said all they would need is a real bad flood condition and it is going to scour. It does not matter. But, the box culvert potentially has less risk of that happening. The applicant has already designed that. If it was her call, she would say remove condition 1. She felt that staff has done a highly diligent job in these meetings. But, she knew staff had no pull with VDOT. It might just be a principle thing now and they are tired of looking at. VDOT has made their call. VDOT has written him a letter saying that he strongly recommends that he allow them to use this.

Mr. Graham noted that even after he asked VDOT they will not come back and say that they will not approve a ConSpan.

Ms. Higgins agreed that he can't because he is in Richmond.

Ms. Joseph asked if anyone else has any questions.

Ms. Ambler asked to make one clarifying comment since the Commission was referencing the response from Timmons in their Attachment B. It is on page 17 of the packet. It is important to note that in those environmental impacts that Timmons was looking at a double 10' X 10' and not a quadruple 10' X 10'. That means that there are two barrels versus four barrels. The actual quadruple is actually bigger.

Mr. Cannon said that the environmental impacts of a quadruple would be greater.

Ms. Ambler said that it would be greater because there would be more excavation.

Mr. Cannon asked if it would be for both short term and long term impacts.

Ms. Ambler said that was correct. Also, she had talked to the US Army Corps of Engineers and she knew the applicant was pursuing a water quality permit. It is not currently permitted currently because it is going to require a different higher level permit. She felt that it would not be an issue of getting it permitted through the Army Corps, but it does need to be permitted. There is just confusion between the double and the quad box.

Ms. Joseph asked if there was any other member of the public present that would like to speak to this issue. There being none, she asked if the applicant would like to make a rebuttal.

Mr. Caramanis said that the letter mentions a double. His understanding is that the review that they did was just for the use of a box culvert and he was not sure why it says double. Again, he did not think that they were talking about how many it is going to be here. They know what the area is and they were evaluating a box culvert at that location. That is what it relates to. The other thing to keep in mind is that a ConSpan at this location would have a much greater impact than a Span at any other location. So when they are comparing ConSpan to box culvert, which is not an option here because they can't get a ConSpan approved, but if they are comparing the two a ConSpan at this location was going to have more impact on the stream than a typical ConSpan may have.

Ms. Joseph asked if Mr. Beights has anything to add to the rebuttal on this.

Gaylon Beights noted that they have been trying as hard as they can for four years to get this approved. It has never been any issue other than getting a bridge approved. The Commission can listen to the facts as he has, but they would not be here this far tonight if it were not for Mark Graham. If Mr. Graham had not called the meeting and demanded that the people be there that they would not even be where they are tonight. He said that VDOT does not want a bridge because they don't want the maintenance or the size or scope and they are box culvert oriented. He believed that no matter what the Commission decides tonight they are going to end up with a box culvert. The thing that frustrates us is that they have tried and tried and hired engineers and designed and submitted. They have 117 people that they have promised a bridge to and he was just glad that they are not all here tonight because they want to lynch him. He asked for the Commission's consideration.

Ms. Higgins said that she has been there and done this and respects Mr. Graham for what he has gone to bring it to this place. But, she thinks that there is a lot of baggage with VDOT that they want what they want and they can explain to someone what rip rap is.

Motion: Ms. Higgins moved, Mr. Strucko seconded, to approve SP-2006-0011, Mosby Mountain Stream Crossing, with the conditions recommended by staff, as amended deleting item 1.

Mr. Kamptner said that would also trigger the need to amend condition 5, adding condition 7, and

modifying condition 6 as well.

Ms. Higgins said that there was no modification to condition 7.

Mr. Cilimberg said that there would have to be some wording changes throughout where the bridge or box culvert is referred to. They would have to be making some adjustments in wording to reflect the fact that this is just going to be a box culvert if that is what the Commission decides to recommend.

Ms. Higgins felt that if condition 1 is deleted, then in condition 5 just the first sentence comes out.

Mr. Cilimberg felt that staff could take care of that, which was something that the Commission did not have to worry with. It is just that the Commission understands that those adjustments will be made. He noted that there needs to be some modification in the sixth condition that the Commission should be aware of and include in the motion so that when it gets to the Board it will be taken care of.

Ms. Ambler noted that basically all they need to do is say that the applicant needs to submit computations showing no rise in the 100-year floodplain because that is what our Code requires.

Amended Motion:
Ms. Higgins moved, Mr. Strucko seconded, to amend the motion to revise the conditions as recommended by staff as follows:

1. Albemarle County Community Development Department approval and VDOT approval of final grading plans and box culvert and road plans and computations;
2. Albemarle County Community Development Department approval of an Erosion and Sediment Control Plan to include stabilization of fill;
3. Albemarle County Community Development Department approval of mitigation plans for disturbance of the stream buffer;
4. If a box culvert is utilized it must be cast in place or otherwise constructed to provide for countersinking of one barrel of the culvert to provide for normal and low flows in a manner satisfactory to the approved U.S. Army Corps of Engineers water quality permit.
5. The applicant must provide computations showing no rise in the 100-year floodplain.
6. In an effort to minimize environmental degradation, no soil shall be removed from the stream to compensate for any fill.

The motion passed by a vote of 6:1. (Mr. Craddock voted nay.)

Ms. Joseph stated that SP-2006-011, Mosby Mountain Stream Crossing will be heard by the Board of Supervisors on August 2 with a recommendation for approval.

ZMA 2006-001 Westhall Phase V (Signs #49,59,64)
PROPOSAL: Rezone 8.96 acres from R-1 Residential (1 unit/acre) and R-6 (6 units/acre) to PRD Planned Residential District residential (3 - 34 units/acre). 36 single family detached units proposed at a density of gross 4 units per acre.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood CT4 - 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). Neighborhood CT5 - mixed residential and commercial uses (net 12 units per acre for all housing types; net 18 units per acre for mixed use. CT 1 and CT 2 Preservation and Reservation Areas with net 1 unit per 20 acres.
ENTRANCE CORRIDOR: No
LOCATION: Portion of Tax Map 56H Parcel A, located approximately 600 feet east of the end of Park Street (SR 1204) in the Community of Crozet.
MAGISTERIAL DISTRICT: White Hall
STAFF: Elaine Echols

Ms. Echols summarized the staff report. Since the Commission has read the staff report and are familiar with this area of Crozet she would briefly remind the Commission of where they were the last time they

looked at this. This is a piece of property that is at the end of Park Road. It is 8.9 acres. It is with 36 single family detached units. The Commission looked at this with ideas about layout and design, density, impacts, about affordable housing and gave staff and the applicant some guidance. The applicant has made all of the changes that were requested with one exception, which is in regards to the affordable housing proffer. The Commission has already gone through something similar to that tonight. The Commission had asked questions about the greenway system. In the packet staff included a greenway map, which shows the context of the easement on the adjoining property that would follow along the Eastern Avenue. The applicant has proffered that to be a temporary access easement on that general property. Staff has looked at this and found that there are some minor changes that need to take place in the proffers and the application plan based on what they reviewed for the staff report. Staff has been working with the applicant on those things. But, the really big issue here is whether or not the affordable housing proposed is acceptable. If there are questions, she would be happy to answer them.

Mr. Edgerton said that if he read the staff report correctly the applicant is offering the easement or land, but is not building the trail.

Ms. Echols noted that Dan Mahone, of Parks, wants to build the trail and has volunteered to do so. Mr. Mahone asked that the applicant just give the right of way and the County will build the trail.

Mr. Edgerton asked if Mr. Mahone was comfortable with what was being proposed, and Ms. Echols replied yes.

Mr. Edgerton asked if Eastern Avenue does go through would a sidewalk take its place.

Ms. Echols said that was correct. It is envisioned right now because of the green strip that on that side of the road it would be more of a sort of park type setting with a meandering asphalt path. It will probably have to come back to the Commission for a waiver, but that is the concept. That is why when they provided the 20' for the buffer they attached that to the green space and adjacent to the right of way so that they would have the opportunity to make sure that screening is maintained and they will disturb as little as they can in the back. When the right of way goes through they would have given us the 20' to the backs of the lot. Therefore, staff could work with what they have gotten. Staff feels that is an acceptable arrangement.

Ms. Joseph said that there is a note on one of the plans that talks about the County is responsible for the maintenance of the 20' path. She asked if that was what it was all about.

Ms. Echols replied yes, because the green space is actually connected at the backs of those lots. So they are saying that the County is responsible for that because the applicant would be giving that to the County.

Mr. Edgerton said that on page 12, middle of the paragraph the staff report talks about cash proffers. The applicant is going to cash proffer Eastern Avenue for $1,500 per market rate unit cash for capital improvements. Schools would be an obvious item. It says with $3,000 for a pedestrian bridge an estimate of the value of the greenway trail on the property the total value of the cash proffer is around $100,000. What value did staff put on the greenway trail?

Ms. Echols said that it was not the trail itself, but it is for the temporary access easement. Staff could have done this in a better way. But, she took the assessed value of that property off of the County's maps and took that area and multiplied it by the rate. It is not totally sophisticated and it is certainly open. It is not $100,000 for the greenway trail. That is the difference between the $75,000 plus the $3,000 and $7,500.

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

Chris Schooly, of Stonehaus Development, said that last time they met there was some discussion about what exactly they were building. He passed out several renderings. The first set of colored renderings is actually images of houses that they will be building in the first 4 phases of Westhall. Those 4 houses

along with other will be the 30 market rate units that they will be building in this section. The last 3 black and whites are 3 of the 4 proposed versions of houses that they would be doing for cottages for affordable housing units. As the Commission can remember from the last time they met he felt that they could all agree that what they proposed for cottages was acceptable. They were providing an attached unit and providing yard, which may not be the biggest yard in the world. But, for a gardener it will be a large enough space, which will be private. They also discussed relegated parking. They would be providing at least 2 parking spaces behind the face of the building, but it may be in the garage or with a driveway. This would include the affordable housing units. All of the parking would be relegated behind the face of the building. In reference to the expansion of the tot lot, they agreed with the Commission that there needed to be some delineation between the storm water management pond and the tot lot due to their closeness. What they did to address that was to take one lot out and add it to the tot lot. Then they provided a gracious trail head for the entire greenway system. That is something that they have always talked about in Crozet about provide interconnectivity to this. They provided five parking spaces, benches at the picnic area and the tot lot. The storm water management pond itself would be mobile. This is not something that is going to need a fence because it was going to be on just a grassy area on dry days. It is a place to play Frisbee. They are trying to open this up and create a trail head that meets the community standards. Traffic was also a big issue last time. The staff report acknowledges that this is an acceptable level of service on Park Road and Tabor Street. Last time they discussed Park Road style improvements. They met with County staff and walked the section to decide how they could make Park Road safer for the traffic that they would be implementing, but at the same time not losing the traffic calm feel of Park Road that they all acknowledge that is something that they want to save. They came up with some areas that could be widened on the shoulder and some drainage areas that could get improved. They accept in their proffers the responsibility of making those improvements. Then, of course there is always the Eastern Avenue Connection. When Eastern Avenue is built they will not have any traffic issues whatsoever. They have made a cash proffer towards Eastern Avenue. Considering what the Commission went through earlier tonight, Jarman's Road, it is a similar issue. They have provided some money. The staff report indicated that it was a little bit low. If the Commission was willing to look at the other capital improvements and they allocate that money towards the traffic improvements of Eastern Avenue that is fine with us. They know that it is an important issue for Crozet. The proffers in general they are offering $3,300 per unit. Ms. Echols was able to provide them a schematic of it in comparison of what other proffers were in the area. He felt that they exceeded that average that they were expecting. One thing that they did include Mr. Edgerton mentioned, which was the value of the trail. They have lost a lot in trying to beef up the trails. He thought that the value in that was not considered. They feel that their $3,300 per unit is adequate. Regarding the affordable housing, it is a difficult issue and they know where the Commission came down on the last on Haden Place in their discussion. There are a couple of issues of why they propose 100 percent. First of all they think that it is reflective of the Crozet community. They think that there are a lot of people who hit that 80 to 100 percent gap, including someone on their own staff who recently came in at 82 percent. When they provide the attached units, they really see that there is some type of market between 80 percent for attached and 100 percent for detached units. There was some gesture in the staff report that should be considered. They would urge the Commission to consider that tonight. There is an overall issue of about 100 percent they can provide attached units. It is pretty difficult at 80 percent for them to provided detached units. It really becomes a question for the Commission. At 80 percent they can provide attached town houses. At 100 percent they can provide detached units. They will allow them to discuss that to see what the Commission comes up with. If there are any questions, they would be happy to answer them.

Ms. Joseph asked if they had ever considered if they had a two-story house or a house with a basement that the whole is not finished and that is the way that they may have some affordable housing. She suggested that possibly only one floor would be finished and then the owner could finish the second floor or the basement.

Mr. Schooly said that it was something to consider and something that they propose to use. If the Commission denies the application tonight based on them not moving from 100 percent, then they have something to consider. If they drop down to the 80 percent on the recommendation assuming that they could go to a detached unit, that would be acceptable if they had the option to go from detached to attached between now and the Board of Supervisors. Then they could raise options similar to that in how exactly they could provide some affordable housing at 80 percent in a detached model that they all agreed was aesthetically and functionally better than the attached units.

Ms. Joseph asked if he was asking if the Commission decides that this project was different than the other project they just looked at that or not different, then they wanted to do attached housing some where.

Mr. Schooly said that the 80 percent that they feel like they would first like to do attached housing. They would have a difficult time tonight saying that they could do 80 percent with detached units.

Ms. Higgins said she had a question from page 27 of Attachment B. Her understanding is that within the 100 percent it is not called affordable, but moderate in that the County has no involvement to provide any buyer or anything like that. Since Ron White is present she would like him to respond to that. She felt that the Commission needs to acknowledge that since if they go in this direction she did not think this proffer works that way.

Mr. Edgerton requested to ask Mr. Schooly if what he was hearing is that if the Commission's decision is to stick with the affordable housing policy that exists right now that this plan is out the window.

Mr. Schooly replied yes.

Mr. Edgerton said he would have to move for denial. He did not think that the Commission could possibly negotiate meeting the affordable housing regulations.

Ms. Joseph noted that there was a sign up list of other persons who wanted to speak. She invited Barbara Westbrook to come forward and speak.

Barbara Westbrook said that basically she was concerned about the impact on the neighborhood streets. There is only one outlet to get to Route 240, which is one lane wide and connects three roads being Tabor Street, High Street and Park Road. All three roads are 20' wide with no sidewalks or room for bike lanes. There are 271 homes in that 1 mile plus the proposed Westhall homes of another 132. There is a possible 403 homes using this 1 mile stretch. When she talked to David Benish today he said that VDOT uses the figure of 10 vehicle trips per day per single family dwelling. She felt that is a little high using 10 vehicle trips per day on this one mile stretch, not including Westhall, would be over 1,800 car trips per day on this 1 mile stretch. She did a traffic count this morning for about 1 hour and 45 minutes on this 1 mile stretch. It totaled 283 vehicles and almost 40 were construction trucks, which will only increase. Crozet Park is in this section and that adds quite a bit of traffic when there are craft shows, swim meets, the Fireman's Fourth of July Carnival and other similar events. She felt that could be a real problem for safety when there is a lot of traffic for rescue squads. The bottom line is that she would ask that approval be delayed until Eastern Avenue is constructed. So much money has been talked about. She would just assume see all of the money go to Eastern Avenue because a lot of people in Crozet would like to see this go ahead to alleviate so much of the traffic problem. She was taking this out of context, but she agrees with staff in the report on page 13 where staff believes that $45,000 to be applied to Eastern Avenue is a very small amount given the fact that the cost to construct the road is likely to be so much greater. It would appear that the only other option available would be to postpone the approval of this rezoning until the street network that allows traffic to actually use Eastern Avenue is done.

Cathy Mattigan reiterated what Ms. Westbrook had said about there only being one road going in and out, the construction vehicles, and other items like that. The infrastructure is a big major concern. The other concern, which is really minor in the whole aspect, is referred to on page 8. It basically says under interconnection streets and transportation networks to provide the opportunity for future connections to Jamestown Court. She lives on Jamestown Court and that area she has always been led to believe by both the County and in conversations with the developer when they put the sewage easement on their property was that this was suppose to be an emergency road. It was suppose to be gravel and have a chain link fence across it. Since they started construction it is now a paved road with two little areas where you can basically turn your car back. The only way that this road is shut off is that there are cones that are at the end where it connects to Jamestown Court. Traffic is going in and out. People being people want to explore and just move the cones. She has some concerns about that statement being a future connection when she has been led to believe as well as her neighbors that this was to be an emergency access only.

There being no further public comment, Ms. Joseph closed the public hearing to bring the matter before the Commission.

Ms. Higgins asked if someone could explain the Jamestown Road.

Ms. Echols asked that the Commission look at page 24 of the staff report on the far right hand there is a cul-de-sac. This cul-de-sac has been in existence for a while. This is an older subdivision. When Westhall Phase I came in the Subdivision Ordinance required an interconnection to the east. She noted that she might not have all of the facts correct and she knew there were some people in the audience that could correct her if she was wrong on this one. The applicant purchased or acquired the adjoining property or land from Jamestown Court in order to make a connection from Jamestown Court to Westhall Drive. That was not a very poplar decision in the neighborhood for the reasons that the Commission can see. Ms. Mattigan's house is right next to where that connection would be. She thought that there were also covenants which restrict that connection from actually happening. If it ever does happy, she thought that there was a covenant restriction that has to be dealt with in some form or fashion. But, the applicant for Westhall I she believed provided the connection that he could and he wanted to use this for construction purposes. In any case she believed they worked out with Ms. Mattigan that would not be used for the permanent road. But, it would be for emergency access. What staff was trying to point out in this system was that there are multiple connection points and not to say this was being opened up with this development. It is in Westhall Phase I and it is not even part of the rezoning. It is sort of illustrating where the connections are. There are no proposals to do anything different with this particular rezoning.

Ms. Higgins said that was a good explanation. But are these roads going to interconnect with this rezoning and is that going to be a permanent connection?

Ms. Joseph replied no it is not connected to this rezoning.

Mr. Edgerton said that he did not think the Commission could possibly consider any rezoning when they don't know what the plan looks like. At the work session they were brought that plan with no units shown. In response to their frustration about not knowing how that density might be the applicant brought this plan. But, now they were being told that unless they agree to alter the proposed current affordable housing plan they would not be seeing this. They had a lengthy discussion about that earlier this evening. With that in mind he did not think the Commission could possibly approve what is being asked for now.

Ms. Higgins noted that if the Commission denies the request they have to give a reason. She asked if it was just for that one reason.

Mr. Edgerton said that the reason he would give was that the Commission has not been shown a plan of what is being proposed. He asked how the Commission could approve a rezoning without a plan.

Ms. Higgins said that if the Commission denies the rezoning because it does not meet the affordable housing requirement or goal for the County, the applicant said that if he had to satisfy that then that area there would change. But, this is the plan before us.

Mr. Edgerton said that the applicant did not say that. The applicant said that this plan would be out of the window.

Ms. Higgins said that the applicant said that the attached units could not be accomplished.

Mr. Edgerton noted that the applicant did not point to the units.

Ms. Higgins requested that they ask the applicant to explain what he meant by that statement so the Commission could get this into a very clear and concise package of what would change.

Mr. Schooly said that their position is tonight that they have submitted a plan and a proffer of 100 percent of AMI, which includes this.

Ms. Higgins said that if the Commission denies this plan because it does not meet the affordable housing, then what he is saying is that he cannot just make those affordable and it would change the plan.

Mr. Schooly said that the entire plan would stay the same at 80 percent except for that. That will make it clear on what they are trying to accomplish.

Ms. Higgins said that if the six small blocks there represent what would be the affordable housing chunk and they were saying that if it was not the 80 percent median income they were going to recommend denial. But, the Commission was okay with all the other issues. She did not want to lose the whole evening and just stop at that because that is the whole agenda.

Mr. Edgerton said that the agenda was to try to do some good planning here. He noted that they require rezonings to be specific. They were negotiating with a developer over a plan that he has not even prepared yet. The applicant has not even prepared the alternative and they are being asked to approve it. He was uncomfortable taking that position.

Mr. Cannon said that the Commission could disapprove this because it does not meet current policies for affordable housing. That appears to be adequate grounds for disapproval. He did not see discussing the rest of the project on some hypothetical as to what it may or may not look like when they come in for final approval.

Ms. Joseph asked if all of the Commissioners want to discuss all of the other issues that surround this.

Ms. Higgins said she did not want it going to the Board without the Commission discussing all of the issues.

Mr. Strucko said that it was important to have the other issues.

Mr. Craddock agreed with Mr. Edgerton.

Mr. Morris said that he could support this motion if the portions relating to affordable housing are brought in line with the County policy. He said that he was okay with everything else.

Ms. Higgins said that she agrees with Mr. Morris and Mr. Edgerton.

Mr. Strucko felt that the Commission needs to discuss the other proffers, the traffic mitigation and the proffer for the Eastern Avenue to determine whether or not that is adequate.

Mr. Edgerton said that the other cash proffers are not adequate.

Mr. Strucko agreed.

Ms. Joseph said that the cash proffer is not adequate.

Mr. Cannon said that he did not know because maybe they need to consider something else. When it is defective on its face he did not want to try to fine tune the other aspects of the proposal particular.

Mr. Morris said that they don't have a proffer policy to guide us.

Ms. Higgins noted that the applicant had done a better job on the trail head by giving the tot lot up and separating the two.

Mr. Edgerton said that he really liked the plan and was prepared to approve it, but if it involves altering their affordable housing policy and that is the ultimatum they have been given, and then he could not support it.

Motion: Ms. Higgins moved to approve ZMA-2006-001, Westhall Phase V, with the proffers offered.

There being no second, the motion failed.

Motion: Ms. Higgins moved, Mr. Edgerton seconded that ZMA-2006-001, Westhall Phase V, be denied because it does not meet the 15 percent affordable housing goal of the County.

Mr. Kamptner asked if the Commission wished to identify their specific concerns for the Board.

Ms. Higgins said that the Commission expressed its concerns

Mr. Edgerton requested a friendly amendment to the motion stating that the proffer for the improvement to Eastern Avenue is not adequate with $45,000 for a 4.5 million dollar road. He said is concerned that there is no commitment in this rezoning for the location of Eastern Avenue from the applicant who is an equity interest owner in that land. Mr. Edgerton said he would like the development to show a commitment to the location of Eastern Avenue or the proffer for the greenway easement will be absolutely worthless if Eastern Avenue gets put somewhere else.

Ms. Higgins said she believes that the location of Eastern Avenue is not going to change. She would not agree to amend her motion. She said that Eastern Avenue is in the Master Plan and if the adjoining property comes for review, Eastern Avenue is planned for that area.

Mr. Edgerton suggested that Ms. Higgins look at Western Avenue in the Master Plan and where it really got built.

Ms. Higgins noted that Eastern Avenue is a different avenue than Western Avenue. She asked if the proffer contribution for the $45,000 was in addition to the other improvements.

Mr. Edgerton noted that the applicant was also tripling its density, which, to him was not enough.

Ms. Higgins said that the staff report noted the concerns shared by the Commission. Therefore, she did not think that needed to go into the motion.

Mr. Morris noted that affordable housing at 100% of the median household income was one major concern.

Mr. Strucko said that he would vote for a motion that included the concern for affordable housing. However, he personally feels that there is an additional issue, which is the adequacy of the cash proffers for the transportation network and Eastern Avenue.

Amended Motion:

Ms. Higgins amended the motion to say ZMA-2006-001, Westhall Phase V, be denied because it does not meet the 15 percent affordable housing goal of the County, and further consideration needs to be given for the cash contributions for the transportation, which was seconded by Mr. Edgerton.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2006-001, Westhall Phase V will be heard by the Board of Supervisors on August 2 with a recommendation for denial.

Motion on Waivers:

1. Section 14-422 of the Subdivision Ordinance for sidewalks on the private street.
2. Section 14-422 of the Subdivision Ordinance to substitute an asphalt path as shown on the application plan in the northern part of the site for sidewalks on both sides of the east-west street at the northern part of the site.

3. Section 14-422 of the Subdivision Ordinance for planting strips with the condition that for location (b) described in this report, at least three feet of separation between the back of the curb and the path shall be provided.
4. Sections 4.6.2 and 4.6.3.b. of the Zoning Ordinance to allow the setbacks shown on the application plan to be used, rather than using the zoning ordinance's standard of measurement for front and rear yards.

Motion: Ms. Higgins moved, Mr. Morris seconded that waivers 1- 4 for ZMA-2006-001, Westhall Phase V, be approved subject to the potential or eventual approval of the rezoning.

Mr. Edgerton noted that the four requested waivers must be legally tied to the plan shown. Mr. Edgerton referred to the applicant's comment that the only way he could commit to proffering 6 units at 80% of the median household income was with a redesigned plan. Since there isn't a redesigned plan in front of the Commission, he could not vote in favor of the waivers. If the Commission had an approvable plan in front of them, then he would have voted for the waivers.

The motion was defeated by a vote of 2:5. (Commissioners Edgerton, Cannon, Joseph, Strucko, and Craddock voted nay.) (Commissioners Higgins and Morris voted aye.)

Ms. Joseph stated that the waivers were denied.

Ms. Echols said she would like to make the point that those waivers also are available during the subdivision and site plan process. If the development does get approved, the opportunity to consider the waivers does exist at a later date.

Ms. Higgins asked if the Commission needs to make a statement to go with the denial.

Mr. Cilimberg asked Mr. Kamptner if the vote to deny the waivers was appeal able.

Mr. Kamptner noted that since this is a planned development everything is appealable.

Ms. Higgins stated that the reason it failed on the vote was that the Commission is recommending denial of the plan based on the reasons stated previously.

Mr. Cannon noted that Mr. Edgerton gave a persuasive argument and since the Commission denied the proposed rezoning on the terms presented, it doesn't know and did not know what a final plan might look like. Therefore, he felt the Commission was not in the position to act on the waivers.

Mr. Cilimberg pointed out that the Commission has one more action to take on the very last sentence after the waivers, which was not part of their action. It involves recommending approval of permission to disturb open space in conjunction with Section 4.7.2 of the Zoning Ordinance as shown on the application plan.

Motion: Ms. Higgins moved, Mr. Morris seconded to approve permission to disturb open space in conjunction with Section 4.7.2 of the Zoning Ordinance as shown on the application plan.

The motion was defeated by a vote of 2:5. (Commissioners Craddock, Strucko, Joseph, Cannon, Edgerton voted nay.) (Commissioners Higgins and Morris voted aye.)

Ms. Joseph stated that ZMA-2006-001 will be heard by the Board of Supervisors on August 2 with a recommendation for denial.

Old Business:

Ms. Joseph asked if there was any old business.

Expedited Engineering Review (Mark Graham)

Mr. Graham reviewed the proposed expedited engineering review that was a pilot program that they were trying. This is an optional pilot program. It is the applicant's choice on whether they want to do it. It is a pilot program because this is something that staff does not know how it is going to work so they are going to try it and see how it goes. But, what they are talking about doing is for engineering plans only that the engineering staff in the County reviews associated with final site plans or final subdivisions that they will consider an engineer certifying that they have gone through their calculations and verifies that it is correct and consistent with the County Code requirements. If they provide the County with that assurance, staff will do a quick quality review of those to make sure everything looks okay and assuming everything looks okay they will approve the plan right then and there. The important thing to note about this is it will only be used with final plans and will not be used with preliminary plans or plats. One of the big benefits staff thinks of this program is that they are thinking this will allow the engineers to spend much more of their time looking at the preliminary plans and trying to look at it from the perspective of workability and can it really be built and what are the issue before the applicant, owners and builders spent so much time and effort into plans that turn out to have significant problems. In developing this plan the initial idea was followed by staff. They took it out and worked with a number of the engineers and entered a process in developing this thing. The next step is that they took it to a Round Table Discussion or Focused Discussion with the engineers to see what their issues and concerns were with it. He would say that overall the engineers are very positive about it. There are some who can't wait to do this. Some engineers want to maintain the engineering review that staff has traditionally given as a quality control review for them. The overwhelming sentiment was to let us keep doing the first review of those final plans in the same way they have traditionally done it. But, then when they make a resubmission they would provide the certification that they have looked at all those things that they have commented on and have addressed all of those things so the plan could move on.

Ms. Joseph asked what he thought about that.

Mr. Graham replied that it should help. He thought that there would be opportunities for first submissions to take advantage of these primarily on small or simple things. For example, a pad that is in a shopping center. Basically, it was laying the building and the parking lot into it and the entire associated infrastructure is already in place. He thought that there are some opportunities for it. There are plans and reviews that are not covered with this. That is important to note. For example, the plans for public road still go to VDOT. They need VDOT approval for the public roads. Staff cannot replace VDOT on that. That is reality. In the end VDOT has to accept that road for state maintenance. The County does not maintain roads. So they have to assure that VDOT will accept those roads before they bond it and allow them to construct it. Plans that need health department approval will still have to go to the health department. Plans that need to go to the Service Authority still need their approval. They are not replacing any of those reviews. He was bringing it to the Commission tonight just to make them aware of it. He was taking it to the Board of Supervisors tomorrow night to talk to them under their new business. Then on Thursday night he will be taking it back to the Development Review Process Task Force to discuss. Assuming nobody has any serious concerns staff plans to start implementing it next week.

Glenn Brooks, Senior Engineer, was present to respond to the Commission's questions.

In general consensus, the Commission was supportive of the pilot program for expedited engineering review.

There being no further old business, the meeting proceeded.

New Business:

Ms. Joseph asked if there was any new business.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 10:31 p.m. to the July 18, 2006 meeting.

V. Wayne Cilimberg, Secretary

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