

§§ 18-5.1.56(b)(7)(b) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to allow Charlottesville Beautiful Minds to care for six to twelve children in conjunction with CLE 2015-231, as described hereinabove, subject to the performance standards for this use in Albemarle County Code § 18-5.1.56(b) and the conditions attached hereto.

CLE 2015-231 Charlottesville Beautiful Minds (Kristie Davis) Special Exception Conditions

1. No outside activities associated with this use other than child drop-off and pick-up shall occur before 10:00 a.m. or after 7:30 p.m.;
2. Parking for child drop-off and pick-up and for any employee not residing in the home shall be off-street only; and
3. Child drop-off and pick-up times shall be staggered at a minimum ten (10) - minute interval so that no more than two vehicles arrive to drop off or pick up at the same time.

Recess. The Board recessed their meeting at 7:46 p.m. and reconvened at 7:56 p.m.

Agenda Item No. 13. **PROJECT: ZMA-2015-00001. Old Trail Village (Sign 51 & 41).**

MAGISTERIAL DISTRICT: White Hall.

TAX MAP/PARCEL: 055E00100000A1; 055E00100000A2; 055E00100000A3; 055E00100000A4; 055E00100000A5; also 055E0012701000, 055E0012701100, 055E0012701200, 055E0012701300, 055E0012701400, 055E0012701500, 055E0012701600, 055E0012701700, 055E0012701800, 055E0012701900, 055E0012702000, 055E0012702100, 055E0012702200, 055E0012702300, 055E0012702400, 055E0012702500 which formally were a part of TMP 055E00100000A1.

LOCATION: Old Trail Drive and Rockfish Gap Turnpike (Route 250).

PROPOSAL: To amend Code of Development and Application Plan for approved ZMA201400004 (Old Trail NMD). No change to maximum allowed density is proposed.

PETITION: Request to amend Code of Development to reduce the minimum number of residential units from 1,600 to 1,000 units; remove, revise and add a number of regulatory tables and text pertaining to street specifications, density and floor area ranges, maximum units by unit type, zoning regulations, spatial enclosure and building height, setbacks, architectural and landscape standards, and land uses allowed; add farm stands, Tier I, Tier II, Tier III Personal Wireless Facilities, and Cluster Cottage units as permitted uses; request for private streets; request for modification of street standards; request for modifications to sign regulations; for ZMA201400004 on property zoned Neighborhood Model District (NMD) which allows residential mixed with commercial, service and industrial uses at a density of 3-34 units/acre.

OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH); Steep Slopes (SS); Scenic Byways (SB).

PROFFERS: Yes.

COMPREHENSIVE PLAN: Greenspace; Mixed Use- residential (18 units per acre maximum), commercial, and office uses; Neighborhood Density Residential- 3-6 units/acre; supporting uses such as religious institutions, schools and other small scale non-residential uses; Urban Density Residential- 6-12 units/acre; supporting uses such as religious institutions, schools, commercial, office and service uses.

(Advertised in the Daily Progress on January 25 and February 1, 2016.)

The Executive Summary as summarized by staff states that at its meeting on December 15, 2015, the Planning Commission ("PC") voted 6:0 (Firehock absent) to recommend approval of ZMA201500001 with changes recommended by staff as listed on Attachment G of the December 15, 2015 PC staff report, provided that those changes were made prior to the Board meeting.

In addition to the rezoning request, the applicant requested a special exception to modify the regulations for sign area and sign height (See attachment H of the PC staff report). The PC recommended approval of the special exception to modify the regulations for sign area and sign height by a vote of 5:1 (Keller nay) (Firehock absent).

The PC also approved exceptions under the Subdivision Ordinance that allow the applicant to not install gutters, sidewalks, and planting strips on private streets that serve amenity-oriented lots (e.g., lots oriented to a common area). Under the Subdivision Ordinance, applications for exceptions are considered by the Board only if the PC denies the application or approves an exception with conditions that are objectionable to the subdivider.

Additionally, the applicant separately requested a special exception to reduce the minimum side setbacks in Block 31, and that request is being presented to the Board for its consideration as a separate agenda item on February 10, 2016. The applicant is most eager to have that request approved as soon as possible, and wanted to avoid any delay in the consideration of that special exception request.

The applicant has made all of the changes requested by the PC to staff's satisfaction. The revised Code of Development, Application Plan, and Proffers are attached as Attachments A-C. The County Attorney has prepared the attached Ordinance to approve ZMA 201500001 (Attachment D) and the attached Resolution to approve the special exceptions to modify the regulations for sign area and sign height (Attachment E), reflecting the recommendation of the Planning Commission. The Planning

Commission's action letter, staff report, and minutes from the December 15, 2015 meeting are also attached (Attachments F – H).

Staff recommends that the Board adopt:1) the attached Ordinance to approve ZMA201500001; and 2) the attached Resolution to approve the special exception to modify the sign area and sign height regulations.

Ms. Meghan Yaniglos, Principal Planner, addressed the Board, stating that this is an amendment to the Old Trail neighborhood model rezoning that took place in 2004, and referenced a map provided showing the development's location on Route 250 West. Ms. Yaniglos stated that Old Trail is requesting to amend the code of development application plan for proffers and is one of the first neighborhood model developments to be approved in the County. She noted that staff and the applicant found many inconsistencies and obstacles with the existing code and plan during the site plan and subdivision processes. She said this amendment incorporated the previously approved variations for the blocks being requested, and simplified and clarified the code and plan so that it is easier for staff, the public and the applicant to interpret. Ms. Yaniglos stated they are requesting to reduce the minimum density from 1,600 to 1,000 units to allow for market changes, and are requesting to add cluster cottage unit farm stands, and Tier I, II and III wireless facilities as uses. She noted that in addition to the rezoning requests, the applicant is asking for a modification of sign regulations in area and height, and there are a number of revisions required by the Planning Commission, which the applicant has addressed to staff's satisfaction as outlined in Attachment G of the Commission's staff report.

Ms. Yaniglos stated the Planning Commission has unanimously approved the rezoning request, and favorable factors include the zoning amendment is consistent with the Crozet Master Plan, incorporated the previously approved variations within the blocks and simplified and clarified the code and plan, and the cluster cottage unit type allows for an additional housing type that provides more opportunities for affordable housing. She said that staff did not identify any unfavorable factors at this time and recommend approval of the rezoning request. Ms. Yaniglos noted there had been some concern regarding the sign modifications, and she will defer to the expertise of Ms. Ragsdale and Margaret Maliszewsky, who review signs for the County.

Ms. Mallek asked if there will be a presentation later on the sign modifications. Ms. Yaniglos responded that Ms. Ragsdale had not planned to give a full presentation.

Ms. Mallek said they may need to call up the information later.

Mr. Sheffield asked Mr. Randolph if he had voted for this while serving on the Planning Commission. Mr. Randolph responded that he had, and stated that it had been a unanimous vote on the rezoning and a 5-1 vote on the sign issue, which the Board will talk about during this application review.

The Chair opened the public hearing.

Ms. Valerie Long of Williams Mullen law firm addressed the Board, stating that she is representing March Mountain Properties, the owner and developer of Old Trail properties. She introduced David Brockman, Development Manager for Old Trail Village; Leslie Tate, a land planner with Roudabush Gale & Associates; and Bill Ledbetter, who is President of Roudabush Gale and handles all of the engineering in Old Trail. Ms. Long stated that Old Trail had submitted the application in early 2015 and thanked Ms. Yaniglos and team for their patience as the Old Trail team works through all of the details pertaining to the rezoning. She noted that most of the revisions to the code are technical in nature, and Old Trail was originally approved in 2005 as one of the County's first neighborhood model projects, and there was a lot of detail in the original code of development, which had created some questions and confusion. Ms. Long indicated the goal of this rezoning is almost entirely to streamline the code, clarify and update the rules and regulations, and to implement the large number of variations for the project that have been taking place over the years, which currently has to be applied as separate variations for development block. She noted this code revision will fold them into an updated code of development and updated application plan, and there are also some technical revisions to the proffers.

Ms. Long stated she has been a resident of Old Trail since 2012 and feels very passionate about the neighborhood, with continuous improvements being done by management there. She said the development offers many home types including single-family homes, townhouses, attached villas, and a large common area called Lower Ballard that features semi-annual campouts. Ms. Long stated that Old Trail offers commercial establishments, restaurants, retail shops, dentists and physicians, and an ACAC facility, and one of the questions that Mr. Brockman receives most often is, "When are we getting more commercial businesses?" She said that a lot of what this rezoning will do is facilitate the process to make that easier, and noted the rezoning only covers the village center portion of the neighborhood, which was originally rezoned in 2005. Ms. Long referenced a map provided and pointed out which blocks will be subject to the application and those that have already been developed.

Ms. Long stated the sign application might appear that Old Trail is requesting four times the sign area, but what they are actually asking for is the ability to have a three or four-sided sign, because every side counts towards the sign area limits. She said that from the beginning, Mr. Brockman and Mr. Tate met with Ms. Maliszewsky, Ms. Ragsdale and Stewart Wright from the Zoning Department to discuss more creative options for signage to improve what is there and make it more effective. Ms. Long stated that staff has been great to work with, and Old Trail has their support for this proposal. She presented information on "theme panels," which counts toward the sign area face regulations in terms of size and

can never be larger than 16 square feet with the area containing the text never exceeding 32 square feet, and each side of the pillar counting toward sign area regulations. Ms. Long said the footprint for the sign is substantially smaller than what is allowed, so they are asking for a slight increase in sign area to allow for the theme elements, which are designed to reflect the various natural elements in the community, mountains, meadows and ponds. She stated there are a lot of competing elements where the signs are proposed to be located, and their design has the signs going a little bit taller but with less of a footprint.

Ms. Long stated the applicants have reduced the minimum number of residential units required to be in the community from 1,600 to 1,000 units, so the lots can be slightly larger than they would otherwise have to be and more green space can be incorporated into each of the blocks. She said that Old Trail might have more than 1,000 units, but would like to have the comfort of knowing they will not be in violation of zoning approvals if they do not reach 1,600 units.

Mr. Randolph said the Planning Commission had worked out with staff the issue of the single road connection between blocks 32 and 22, as the neighborhood model calls for interconnectivity as one of its eight criteria. He stated that he still sees a single connection, and in the event of flooding or something like a fuel truck explosion, block 32 will become a completely isolated neighborhood.

Ms. Long responded the connection shown is actually the secondary access that is just an emergency access used as needed, and the primary entrance for block 32 will be off of Old Trail Drive. She stated that under the ordinance, any development with more than 50 units must have a second point of access for emergency, so the original application plan showed a connection for the blocks across the creek. Ms. Long said that in looking at the amendment, the applicant feels this creates an impact on the stream in that location and they might not want to build that if they do not need to. She stated that part of the concern is the existing application plan shows it as a road, and if they do not address it now it would have been required when they went to build block 32, and staff cannot approve a subdivision plat without it. Ms. Long said the road is shown with a note that says if they need a secondary point of access in this block and they are not able to provide it somewhere else, they will build it, probably as an emergency-only and/or pedestrian connection with ballards such as those at Estes Park, so it will not serve as a day to day vehicular connection. She stated that Old Trail may have some options to obtain a secondary access point through the golf course on some other roads, which would be their preference and may still include pedestrian connections, and the Planning Commission had approved that as one of its many motions.

Mr. Randolph asked if they are proposing cutting the setbacks from 10 feet to 7.5 feet, and asked if those will be the narrowest side setbacks at Old Trail. Ms. Long responded that in some locations there are 5-foot minimums proposed to provide maximum flexibility, with the understanding that some will exceed this, and there are some zero lot line areas for attached villas.

Ms. Mallek asked if lot 32 access to Old Trail Drive is north or south of the stream and if it is fairly close to the stream. Ms. Long pointed out the location on the map and noted the environmentally sensitive preserved areas near the stream buffers.

Mr. David Brockman addressed the Board and stated that he is the Old Trail Development Manager as well as a resident there, and said there is a trailhead that goes into that area as well as a streambed that straddles on both sides of the trailhead that heads west, and the entry will be in the same general area as the trailhead so it ends up on the landward side.

Ms. Mallek asked if the wireless facilities are specific requests or just on Old Trail's code of development list. Ms. Long explained that when Old Trail was approved in 2005, the Tier I, II and III wireless concept had not yet been developed, similar to the definitions for farm stands and farmers markets, so they would like to modify the code of development so those uses are allowed under zoning.

Ms. Palmer asked Ms. Long about the time needed for the sign presentation. Ms. Long said that it will only take a minute, and explained the zoning approvals do not permit commercial development up against Route 250 in the front, and there are also strong provisions requiring the maintenance of existing trees or the addition of a vegetative row of landscaping to protect the scenic beauty along 250. She stated the businesses that are there struggle without visibility from Route 250, which is critical for them, and Mr. Brockman has worked hard to improve the signage that is there, which originally was no sign. Ms. Long said they have tried to come up with an attractive design that will make the signage more effective, as the businesses are not visible from Route 250 so even though they can have wall signs it is hard for those commercial businesses to show that they are even there and compete with other businesses nearby. Ms. Long added that there were similar sign requests granted for Stonefield for the same reason back in 2010, which were also a neighborhood model development and were subject to the smaller sign standards.

Mr. Travis Pietila of the Southern Environmental Law Center addressed the Board and stated that he will address some of the points made earlier and reiterate concerns stated in the SELC's letter. Mr. Pietila stated the ordinance made clear that in measuring the sign area, all of the textural, background and thematic elements counted toward the relevant square footage limit in the ordinance, so for this request, the parts of the sign stating "Old Trail Village" should not be considered separate from the theme panels when calculating sign area. He said the applicant is requesting permission to build two four-sided monuments at its entrance on Route 250, and while the SELC has no issue with the plan to use one monument for freestanding signs and one for subdivision signs, they do have concerns that both the area and height requested for the monuments significantly exceed the allowances for both sign types in the ordinance. Mr. Pietila said that regarding the monument using the freestanding sign allowance, the sign

ordinance treats a four-sided monument as two double-sided signs. He explained under a straightforward reading of the ordinance, putting two signs at an entrance limits the area of each face to 16 square feet, but the applicant is requesting for each side of a freestanding sign monument to 64 square feet, which is four times the standard in the ordinance. Mr. Pietila stated that using the subdivision sign allowance, the ordinance limits each of the four sides to 12 square feet, so the request exceeds the standard by an even greater amount. He said the proposed monuments will also be 10 feet taller than the standard for subdivision signs and 4 feet taller for the standard for freestanding signs, and on top of the request to expand the size and height of its signs, the applicant appears to be asking to still retain its ability to attach bonus tenant panels to its freestanding signs. Mr. Pietila stated that overall, the SELC feels this request is clearly excessive and does not feel the applicant's rationale for why it deserves a special exception from the ordinance to be compelling, especially an exception of this magnitude along scenic Route 250 West. He said they also have concerns about the precedential effect that approving this exception can have, from a practical and political standpoint because the next applicant will argue that their request should be granted also. Mr. Pietila stated the SELC urges the Board to reject this special exception request regarding the applicant's signage and instead require the applicant to develop a concept that reflects the standards set forth in the ordinance.

There being no further public comment, the Chair closed the public hearing and the matter was placed before the Board.

Mr. Dill asked if there will be signs for the restaurants and ACAC on Route 250, or just for Old Trail itself. Mr. Brockman responded that it is important to note that this does not give blanket approval to the sign and just provides a guideline on which Old Trail will work with County ARB, and Old Trail did not have the specific information component of the sign available at the time this was developed. He said the amount of information they would be able to put into 32 square feet will be limited by the number of colors, but if they are able to fit individual store owners within that space, that is something they will consider. Mr. Brockman said that ideally they are just trying to promote the commercial aspect of Old Trail, so they will most likely have words such as "health," "wellness," "shopping," and "dining," and those types of key words to let people know there is a viable commercial entity inside the project. He added this is why there is a caveat that it is still subject to review.

Mr. Dill asked if they would not have many different store logos with their branded colors. Mr. Brockman responded it would all work in one cohesive design with all the information embedded inside the information panel.

Ms. Mallek asked if the current monument and all of the individual elements will go away. Mr. Brockman explained the idea is to take away the sign that is there currently and put it into a better quality design, and when they did that version they tried to put individual names on there and they all had to be the same color, but that is not working. He stated that only one quarter of Old Trail's commercial development has built out, so ultimately there will be 30 businesses and not all of their names will fit on the sign. Mr. Brockman said the idea is to promote the spirit of commercial enterprise that will be put in with more thematic elements and a title of something like "Old Trail commercial – with health, wellness, shopping and dining."

Ms. McKeel stated that she is feeling a disconnect with the information provided, and asked if the sign will not really look like the pictures. Mr. Brockman responded that in speaking with Ms. Maliszewsky, they wanted to establish a design parameter to work within and set limits they would not exceed so that Old Trail would come back and the ARB would have the final discretion on approval of the final design going forward.

Ms. McKeel asked where all the verbiage will be placed. Mr. Brockman said that the "Old Trail Village" is the 32 square feet, and all of the information written would be in that space, with "Old Trail Village Center" with "Shopping, Dining and Entertainment" or something similar written below it in smaller letters.

Mr. Sheffield asked if this will qualify for the directional sign (TODS) program. Ms. Long replied that she does not know.

Mr. Brockman stated they looked into those, but that would be a separate sign with VDOT, and Old Trail does not feel that it would be appropriate signage for them. Ms. Long pointed out that Old Trail is asking for deviation from parameters, and even if they are not, the ARB will still have review jurisdiction over the signage because it is on an Entrance Corridor and this is a sign. She stated there is much more detail to be worked out, such as landscaping issues and how to light the sign, but they wanted to show the concept so there can be an official application for the ARB's review.

Ms. McKeel said when they were hearing "quadruple in size," it really was not, because the proposed sign will be four-sided.

Ms. Long clarified that it is four sides and each side counts toward sign area with a double-sided sign, and it is a much smaller footprint.

Ms. McKeel commented that the proposed monument sign is also much taller. Ms. Long said that it is taller.

Ms. Mallek stated that going from 10 to 16 feet is a big difference. Ms. Long said the dimensions, as shown in her printed exhibit, are 3 to 5.5 feet.

Ms. Mallek stated it is 16 feet tall. Ms. Long clarified that the text where it says "Old Trail Village" can never exceed 32 square feet, which is what they can do without any request, but they want to have theme panels to make it more attractive. She stated the theme panels count toward the sign area, so even though it was not text it counted, and in order to add those elements and make it more attractive they have to ask for the larger sign area restriction. Ms. Long said that as long as the text for each side does not exceed 32, they can have the additional theme elements to make it more attractive, but the tradeoff for the additional height is that the footprint is much smaller and will fit in much better with that area.

Ms. Mallek said that 5 feet wide is enormous, and a pedestal that is 5 feet times 4 sides and 16 feet high is huge, even larger than the sign at Seminole Square, and having two of them on either side of the intersection will multiply the effect. She stated that someone had mentioned the competition along 250, but this just seems like declare sign war to her and she is having a really hard time with this.

Ms. Long stated that Old Trail tried to do this right from the very beginning and sat down with Ms. Maliszewsky and Ms. Ragsdale to come up with some options that are attractive and will still be supported by the Architectural Review Board.

Ms. Mallek emphasized this is a dramatic change from what the sign ordinance says, and this proposal is really discounting completely what the County had spent about four years getting to, and if this is something that staff and people feel should be incorporated, she would rather take it up as a discussion in the sign ordinance rather than trying to make a decision for one applicant, because it seems that in short order others will be requesting the same. She said she is putting all of her concerns on the table now for discussion.

Ms. Long said the challenge has been that the sign regulations for a neighborhood model district are much more restrictive than they are for other commercial districts, and with developments like Old Trail there is the challenge of trying to advertise that they are a residential community but also have commercial businesses. She stated this is the same challenge faced with Stonefield when they were subject to the much smaller neighborhood regulations, and the Board, at that time, decided that the commercial use is the predominant use, with all the residential in the back, so they granted a waiver to allow the commercial sign regulations to apply. Ms. Long said this is an effort to balance out the fact that the commercial businesses here are invisible from Route 250.

Mr. Randolph stated that he voted for this before as a Planning Commissioner, and had met with Commission Chairman Keller earlier that morning and told him that he regretted voting for it because when he did he thought it was a two-dimensional sign. Mr. Randolph said that in looking at the dimensions of the sign, the only word to describe this sign is "obelisk," and this one will be 16 feet tall, which is a major size sign. He stated that because of this and the significant increase from standards in the sign ordinance, he feels compelled to change his favorable vote as a Commissioner and vote against it as a Supervisor.

Mr. Dill commented that he does not feel this will set a precedent, as Old Trail is larger than any other entity out there other than perhaps Wintergreen, and a sign should be in relationship to its presence. He stated that Old Trail is huge with residential, commercial and a golf course, and as a lifetime retailer he understands that the sign is extremely important to the success of the development, and he does not feel that visually it will even feel that much out of place given the scale of the development at hundreds of acres and the sense that it is the dominant feature in that part of the County. Mr. Dill said he trusts the final committee will come up with something that does not look outrageous through a combination of colors and style, and he feels pretty good about the proposal.

Mr. Sheffield asked what the buildout of homes is at Old Trail. Ms. Long responded that under the current approvals, it is a minimum of 1,600 units and a maximum of 2,200 dwelling units, with 500,000 square feet of commercial space, not counting the golf course and clubhouse, and restoration hall.

Mr. Dill asked if the senior center is considered part of the commercial development. Ms. Long stated it is not technically considered part of commercial, so it is in addition to those limits.

Mr. Davis pointed out that the zoning map amendment would reduce the minimum level to 1,000 units. Ms. Long clarified that the 1,600-2,200 units does not include the additional 400-600 homes in the other areas of the development, which do not have any commercial.

Ms. McKeel said she thought when Old Trail was built the idea was to screen it from 250, and the businesses and commercial were for the people who live there, and while she understands the need to attract additional consumers, she does not really see the comparison with Stonefield at all.

Ms. Long stated that her point is that neighborhood model districts can be different, and both Stonefield and Old Trail are the first two, so they are both subject to the sign regulations for the district, and the Board had, in the past, at least once recognized for Stonefield that neighborhood model districts merited an exception. She said that most neighborhood model districts do not have the amount of commercial that Stonefield or even Old Trail do, and while the commercial development is intended for the benefit of the residents there, they cannot survive without others from the outside community. Ms. Long stated that even with the Old Trail residential buildout, there are not enough rooftops to support those businesses, and Mr. Brockman works hard to host events to draw people from other communities to come into the development, but it is a challenge to compete with businesses that have direct street frontage on 250. She said that as Mr. Dill had indicated, Old Trail is a very diverse community with

businesses, retail, residential, golf, the restoration hall, and individual businesses.

Ms. Mallek asked how the challenge they are facing would be helped by this idea, 16 feet as opposed to 10, and there is already a great big highway sign that says "Old Trail Drive." She stated that she understands the classy marker and feels it is a great idea to have a symbol that represents the entire neighborhood, but it is the height she cannot wrap her head around.

Ms. Palmer stated that she was sad to see the Tapas Restaurant go away, and she had found it via the internet and by using her GPS, which is how many people find things now. She said she feels the proposed sign is too tall and the County had just gone through a sign ordinance, which is where this should be addressed rather than in a special exception. Ms. Palmer stated they are supposed to have a buffer from Route 250, and the County has worked very hard to keep the road scenic, which has been a challenge. She stated that every fall the Crozet Gazette has a photography contest at which a National Geographic photographer gives a lecture and critiques everyone's photos. Ms. Palmer said this year, the photographer was commenting on why there were three National Geographic photographers living here, and he said this is a beautiful community because of zoning, great planners and elected officials who keep the zoning under control. She noted that he talked about downtown Crozet and I-64, and she feels they have done a lot of work on the sign ordinance and feels they should support staff in the great job that was done and not grant a special exception with a 16-foot tall sign, even though the design itself is nice. Ms. Palmer pointed out that she has no problem with the rest of Old Trail's proposal, just not this sign.

Ms. McKeel asked if staff has any other comments they would like to make, since they referenced so much in this discussion. Ms. Ragsdale said she wants to clarify how they regulate freestanding signs, and explained that a monument sign can have each side at 32 square feet as allowed by the ordinance, and the only other things pointed out in the report were that 16 feet in height is what was allowed with planned development-commercial.

Ms. Mallek said it certainly does not seem that all signs on Route 29 are 16 feet.

Mr. Dill said that they are.

Ms. Ragsdale noted that some of those signs probably predate the ordinance and probably are taller than 16 feet, and Ron Higgins is present if clarification is needed.

Ms. Mallek commented that the Board had been talking about 4'x8' panels as being the limit, and if that has changed dramatically she would have to look at this differently, and the reason why businesses park their trucks with giant panel ads on the sides everywhere is because they cannot get that surface area through their permanent signs.

Mr. Brockman thanked Ms. Ragsdale and stated that he had always thought that freestanding mixed-use planned development signs were allowed to be 16 feet, and Old Trail is trying to work within dimensions that are part of the code, and all of the information will stay within the 32 square feet. He said their goal is to give respectful homage to the community and provide structural scenery with mountains and scenery rather than faux wood, and with respect to the four sides there will never be more than two panels of information. Mr. Brockman said that it costs a lot of money to create these things, and he is waiting to get guidance so they wrote in their request that they will most likely do a three-sided sign, with one side having trees behind it. He stated that in looking at the size of commercial in relation to the size of the development, one quarter of the commercial planned for Old Trail is about all that is needed to service the residents there. Mr. Brockman said that under the neighborhood model development and master plan scheme for all of the villages to connect, what downtown Crozet and Old Trail are trying to do is to create a destination that is cohesive and have some synergy. He emphasized that all of the businesses in the area need to reach out, and 250,000 square feet of commercial development is well beyond what is needed just for Old Trail, and all of the restaurants there draw from Nelson and Ivy and Waynesboro. Mr. Brockman said that many people commented that they find it more convenient to go to Old Trail or Crozet than into Charlottesville. He also noted that the sign height is currently just over 12 feet, and the proposed height will be shorter than the stoplight there.

Mr. Sheffield said the standard stoplight height is 16 feet.

Ms. McKeel asked for clarification that the height is within standard.

Ms. Mallek stated that her understanding is that the height limit is 10 feet, and she has been operating under that information for four years.

Ms. Ragsdale explained that this varies by district, and there is a series of sign tables in the ordinance and a set of regulations for planned development-commercial, planned development-shopping center, residential and commercial districts, and 12 feet is the maximum height for neighborhood model.

Ms. Mallek stated that she strongly supports the reduction in minimum numbers to 1,000 units, because when it went into the process in 2004 there were 800 units, but it came out of the public hearing with 2,200 units, and the community completely balked because they were completely out of the discussion. She said that through two issues of the master plan and a lot of terrific redesign and nimble changes offered by the development, they are getting back down to the level at which people bought into to begin with. Ms. Mallek added that people really like the smaller houses and that model type is selling quickly, which shows how good Old Trail's planning is in response to consumer demand.

Motion was then offered by Ms. Mallek to adopt the ordinance approving ZMA 2015-0001. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,
NAYS: None.

ORDINANCE NO. 16-A(1)
ZMA 2015-00001 OLD TRAIL VILLAGE

**AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX MAP AND PARCEL NUMBERS
055E0-01-00-000A1 (portion), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-27-01000, 055E0-01-27-01100, 055E0-01-27-01200, 055E0-01-27-01300, 055E0-01-27-01400, 055E0-01-27-01500, 055E0-01-27-01600, 055E0-01-27-01700, 055E0-01-27-01800, 055E0-01-27-01900, 055E0-01-27-02000, 055E0-01-27-02100, 055E0-01-27-02200, 055E0-01-27-02300, 055E0-01-27-02400, AND 055E0-01-27-02500**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Numbers 055E0-01-00-000A1 (excluding those portions that lie outside the zoning boundary for ZMA 2004-024), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-27-01000, 055E0-01-27-01100, 055E0-01-27-01200, 055E0-01-27-01300, 055E0-01-27-01400, 055E0-01-27-01500, 055E0-01-27-01600, 055E0-01-27-01700, 055E0-01-27-01800, 055E0-01-27-01900, 055E0-01-27-02000, 055E0-01-27-02100, 055E0-01-27-02200, 055E0-01-27-02300, 055E0-01-27-02400, and 055E0-01-27-02500, collectively, "the Property", is identified as ZMA 2015-00001, Old Trail Village ("ZMA 2015-00001"); and

WHEREAS, the Property is zoned Neighborhood Model District – NMD, subject to the Code of Development, the Application Plan, and Proffers, all of which were adopted on September 15, 2005 in conjunction with ZMA 2004-024; and

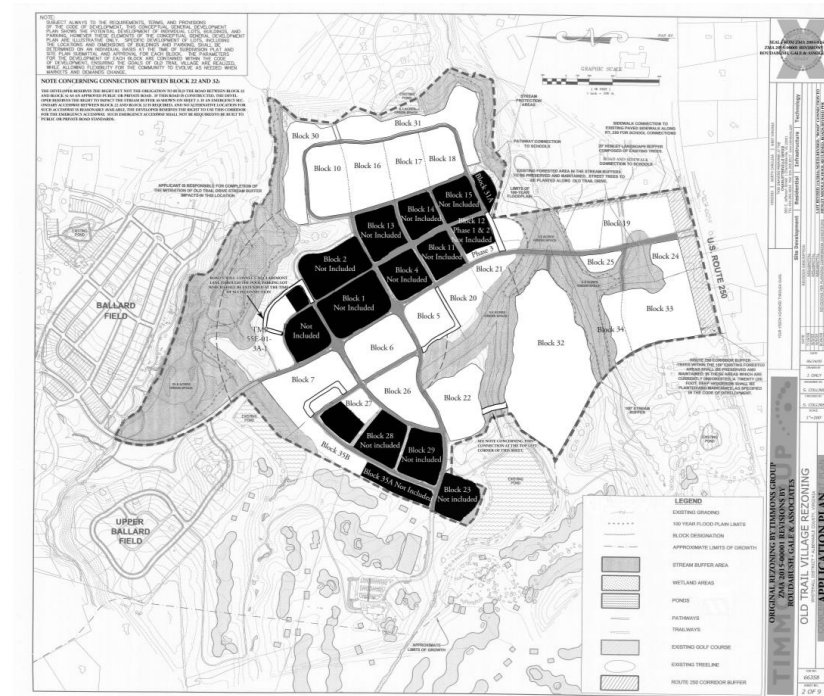
WHEREAS, the Property was subsequently amended by ZMA 2008-05 on November 12, 2008, which amended the Code of Development and the Proffers, and by ZMA 2014-04 on March 11, 2015, which again amended the Code of Development and the Proffers; and

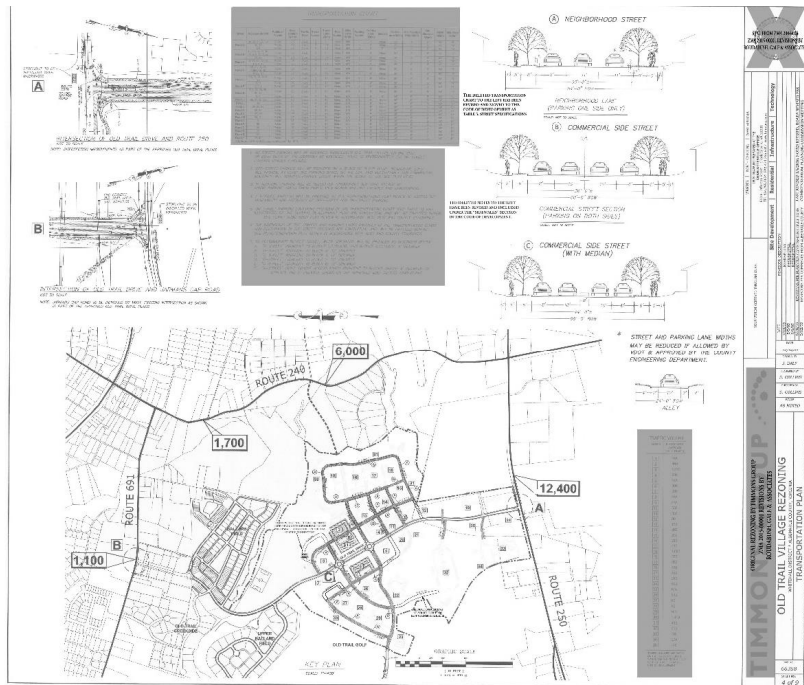
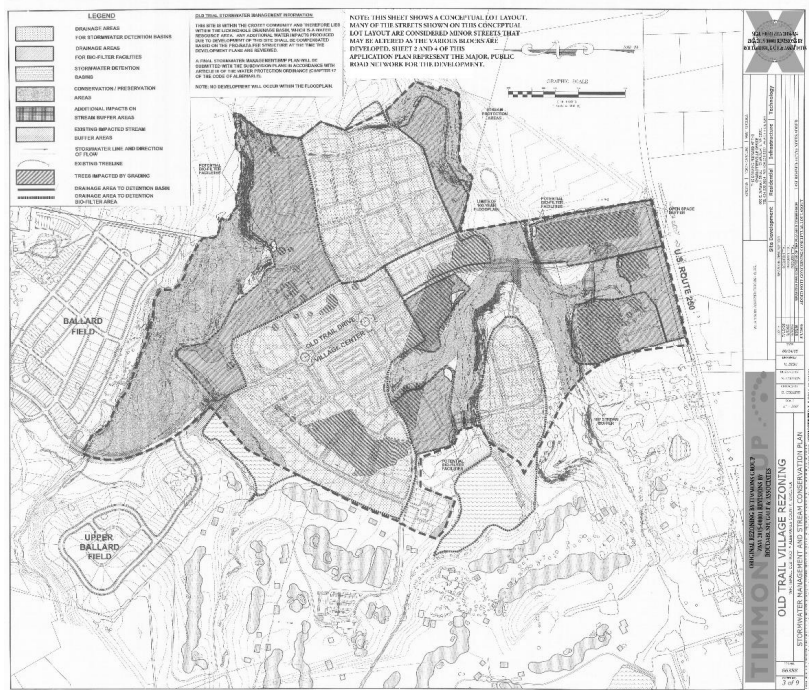
WHEREAS, ZMA 2015-00001 proposes to amend the Code of Development, the Application Plan, and the Proffers applicable to the Property in order to:

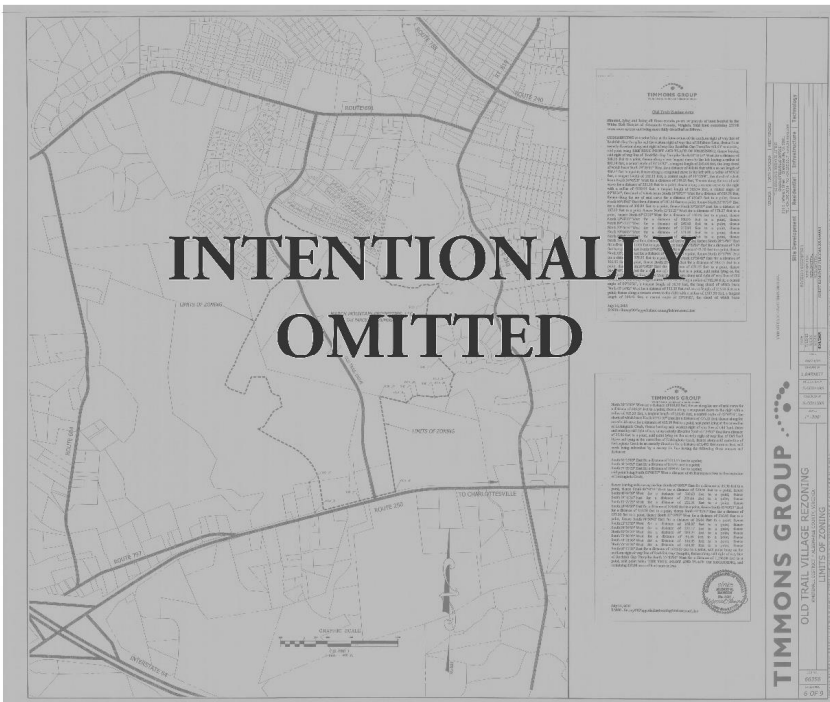
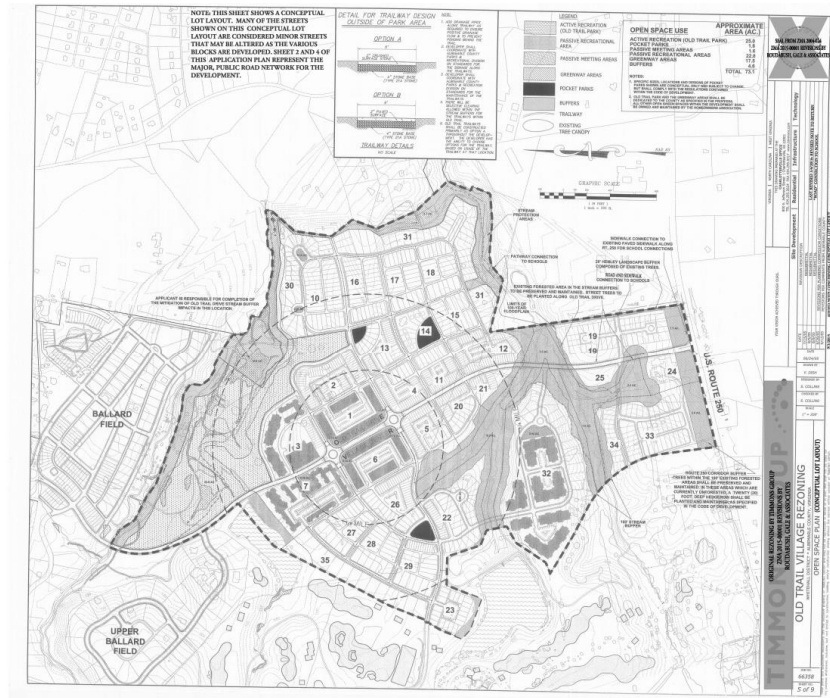
- reduce the minimum number of residential units from 1,600 to 1,000 units;
- remove, revise and add a number of regulatory tables and text pertaining to street specifications, density and floor area ranges, maximum units by unit type, zoning regulations, spatial enclosure, building height, setbacks, architectural and landscape standards, and land uses allowed;
- add farm stands, Tier I, Tier II, and Tier III Personal Wireless Facilities, and Cluster cottage units as permitted uses; and
- revise the street system plan/map to show only the major streets, to delete two street interconnections, and to update the designations of those streets serving amenity oriented lots and those that are approved as private streets; and

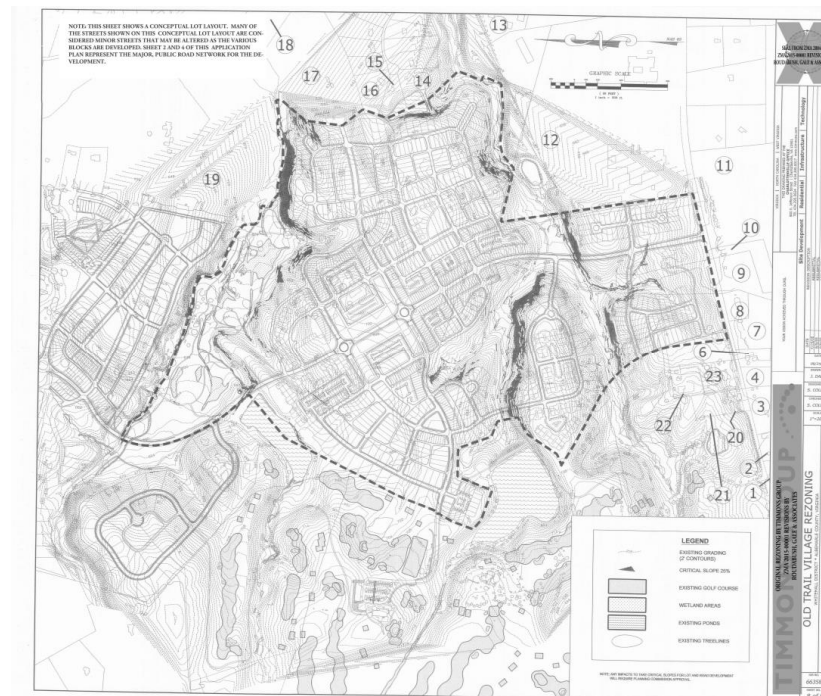
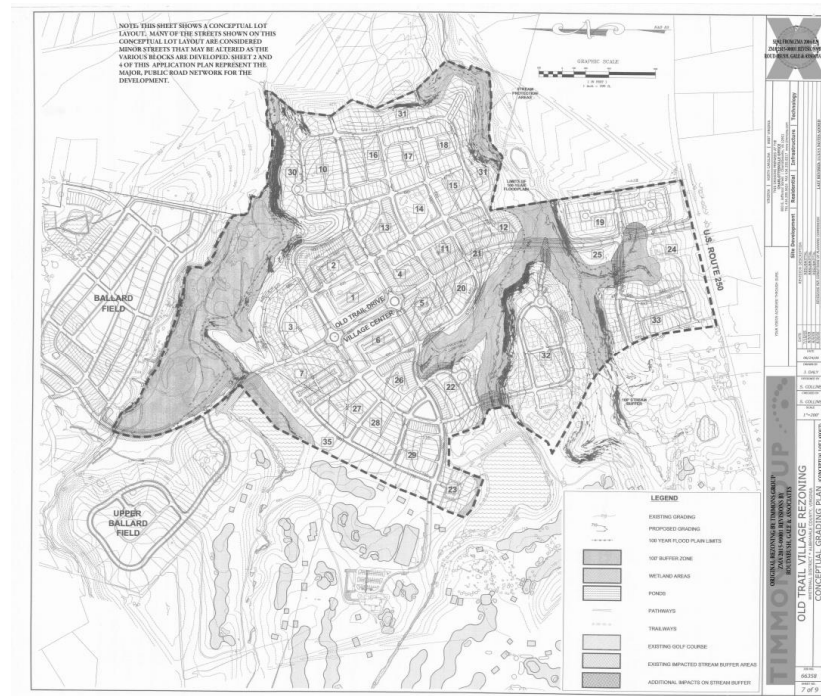
WHEREAS, on December 15, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-00001, provided that the Planning Commission's recommended changes and any other minor technical revisions recommended by staff were made to the Code of Development, the Application Plan, and the Proffers before the ZMA was presented to the Board for its approval, and such revisions have since been made.

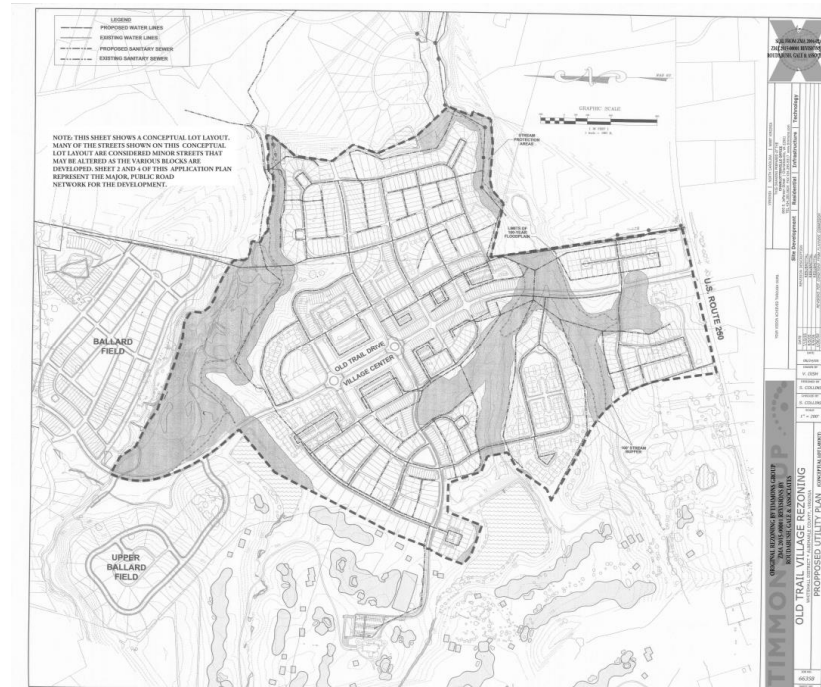
BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00001 and its attachments, including the Code of Development, the Application Plan, and the Proffers revised after the Planning Commission public hearing, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-00001, with the Code of Development, entitled "Old Trail Village Amendment, ZMA-2015-00001, Amended Code of Development, March Mountain Properties, LLC" and dated January 14, 2016, the Application Plan, entitled "Old Trail Village Rezoning, ZMA 2015-00001, Amended Application Plan" and prepared by Roudabush, Gale & Associates, with pages 3, 7, 8 and 9 last revised on November 12, 2015, pages 2, 4, and 5 last revised on January 4, 2016, page 1 last revised on January 14, 2016, and page 6 removed, and the Proffers dated January 13, 2016, attached hereto and incorporated herein, and the zoning map for Tax Map and Parcel Numbers 055E0-01-00-000A1 (portion), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-27-01000, 055E0-01-27-01100, 055E0-01-27-01200, 055E0-01-27-01300, 055E0-01-27-01400, 055E0-01-27-01500, 055E0-01-27-01600, 055E0-01-27-01700, 055E0-01-27-01800, 055E0-01-27-01900, 055E0-01-27-02000, 055E0-01-27-02100, 055E0-01-27-02200, 055E0-01-27-02300, 055E0-01-27-02400, and 055E0-01-27-02500, are amended accordingly.











PROFFER STATEMENT OLD TRAIL VILLAGE

Date: January 13, 2016

ZMA #: ZMA 2015-00001 Old Trail Village Amendment #3

Tax Map Parcel Numbers: 055E0-01-00-000A1 (excluding those portions that lie outside the zoning boundary for ZMA 2004-024), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-3A-00100, 055E0012701000, 055E0012701100, 055E0012701200, 055E0012701300, 055E0012701400, 055E0012701500, 055E0012701600, 055E0012701700, 055E0012701800, 055E0012701900, 055E0012702000, 055E0012702100, 055E0012702200, 055E0012702300, 055E0012702400 and 055E0012702500.

The Owner of the parcels identified herein above (the "Property") is March Mountain Properties, L.L.C., a Virginia limited liability company (the "Owner"). This Proffer Statement shall relate to the Code of Development for Old Trail Village approved as part of ZMA 2004-024, as amended by ZMA 2008-05, as further amended by ZMA 2014-00004, and as further amended by ZMA 2015-00001, as such Code of Development may be amended from time to time in the future in accordance with the Albemarle County Zoning Ordinance (the "Code of Development"), and to the Application Plan prepared by Timmons Group entitled "Old Trail Village Rezoning ZMA 04-024 General Development Plan," last revised by Roudabush, Gale & Associates with a latest revision date of January 14, 2016, and including any previously approved amendments thereto (the "Application Plan").

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the Property as requested, the Owner shall develop the Property in accord with the following proffers pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the requested rezoning, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested. This proffer statement shall supersede and replace in all respects the proffer statements approved by the Board of Supervisors in connection with ZMA 2004-024, ZMA 2008-05, and ZMA 2014-00004. If rezoning application ZMA 2015-00001 is denied, these proffers shall immediately be null and void and of no further force and effect.

1. **Green Space: Park Land and Greenway Dedication.** The Owner shall devote a minimum of twenty percent (20%) of the land within the Property to green space as shown on sheet 5 of 9 of the General Development Plan. Of this green space land, within five (5) years after the date that ZMA 2004-024 is approved by the County, or within thirty (30) days after the request of the County, whichever is sooner, the Owner shall dedicate to the County for public use for parks and open space resources and for a greenway, a 25-acre park, a 10.8-acre greenway area, and a 6.7-acre greenway area, each as further shown on sheet 5 of 9 of the General Development Plan (collectively, the "Park and Greenway Area"). After it is dedicated to public use, the Park and Greenway Area shall continue to be included in the total area of green space and amenities within the Property. At the time of the conveyance and dedication, the Park and Greenway Area land will be subject to the Architectural and Landscape Standards for Old Trail Village, as provided in the Code of Development. The remaining green space land within the Property that will not be dedicated to the County for public use shall be maintained by the Old Trail Owner's Association. The dedication of the Park and Greenway Area land shall be a fee simple interest in such land. If the Park and Greenway Area land is not dedicated as part of a site plan or subdivision plat, the Owner shall pay the costs of surveying the land and preparing the deed of dedication. The Owner shall construct the trail through the 6.7-acre Greenway Area, as shown on sheet 5 of 9 of the General Development Plan, within six (6) months after the approval by the County of the first subdivision plat or site plan applicable to any portion of block 30 or 31.

site plan applicable to any portion of block 30 or 31. The trail shall be constructed to the County standards for a Class A trail, with a surface of compacted stone dust.

2. **Affordable Housing.** The Owner shall provide affordable housing units equal to fifteen percent (15%) of the total residential units constructed on the Property, in the form of for-sale units, for-rent units, "accessory units" (as defined in paragraph 2(C)(3) herein), and "carriage units" (as defined in paragraph 2(C)(3) herein) and subject to the terms herein ("Affordable Units"). The Affordable Units shall be reasonably interspersed throughout the Property as provided in this paragraph 2, subject to the requirements of the Application Plan and the Code of Development. If the Owner elects at its option to provide for-sale single family detached Affordable Units, such units shall be applied toward the 15% requirement. Each subdivision plat and site plan for land within the Property shall designate the lots or units, as applicable, that will, subject to the terms and conditions of this proffer, incorporate Affordable Units as described herein, and the aggregate number of such lots or units designated for Affordable Units within each subdivision plat and site plan shall constitute a minimum of fifteen percent (15%) of the lots in such subdivision plat or site plan. Notwithstanding the foregoing, however, the Owner may "carry-over" or "bank" credits for Affordable Units in the event an individual subdivision plat or site plan designates Affordable Units that in the aggregate exceed the fifteen percent (15%) minimum for such subdivision plat or site plan, and such additional Affordable Units may be allocated toward the fifteen percent (15%) minimum on any future subdivision plat or site plan, provided however, that the maximum number of Affordable Units that may be carried over or banked shall not exceed fifteen percent (15%) of the total units on any subdivision plat or site plan.

The Owner shall convey the responsibility of constructing the Affordable Units to the subsequent owners of lots within the Property and such subsequent owner/builder shall succeed to the duties of the Owner under this paragraph 3A, and the term "Owner" shall refer to such subsequent owner/builder. Such subsequent owner/builder shall create Affordable Units affordable to households with incomes less than eighty percent (80%) of the area median income such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income.

A. **For-Sale Affordable Units.** All purchases of the for-sale Affordable Units shall be approved by the Albemarle County Housing Office or its designee. The subsequent owner/builder shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the Affordable Units. The ninety (90)-day period shall commence upon written notice from the then-current owner/builder that the Affordable Unit(s) will be available for sale. If the County or its designee does not provide a qualified purchase during this ninety (90)-day period, the then-current owner/builder shall have the right to sell the Affordable Unit(s) without any restriction on sales price or income of the purchaser(s), and such Affordable Unit(s) shall be counted toward the satisfaction of this paragraph 2. This requirement shall apply only to the first sale of each of the for-sale Affordable Units.

B. **For-Rent Affordable Units.**

(1). **Rental Rates.** The initial net rent for each for-rent Affordable Unit shall not exceed the then-current and applicable maximum net rent rate approved by the County Housing Office. In each subsequent calendar year, the monthly net rent for each for-rent Affordable Unit may be increased up to three percent (3%). For purpose of this proffer statement, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rent Affordable Units may not exceed the maximum rent established in this paragraph 2B shall apply for a period of five (5) years following the date the certificate of occupancy is issued by the County for each for-rent Affordable Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia

Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

(2). **Conveyance of Interest.** All deeds conveying any interest in the for-rent Affordable Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph 2. In addition, all contracts pertaining to a conveyance of any for-rent Affordable Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 2B. At least thirty (30) days prior to the conveyance of any interest in any for-rent Affordable Unit during the Affordable Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 2B(2) have been satisfied.

(3). **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each for-rent Affordable Unit, the then-current owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such Affordable Unit rented that shows the rental rate for such Affordable Unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

C. **Mixture of Types of Affordable Units.** No more than fifty percent (50%) of the Affordable Units may be accessory units and/or carriage units. For purposes of this proffer statement, "accessory units" shall mean Accessory Apartments as defined in the Albemarle County Code, Chapter 18, Section 3.1, and as regulated by the Albemarle County Code, Chapter 18, Section 5.1.34, and a unit within a two-family dwelling as a two-family dwelling is defined in the Virginia Uniform Statewide Building Code. For the purposes of this proffer statement, "carriage units" shall mean any separate, independent, accessory dwelling unit detached from, but located on the same parcel as the structure of and clearly subordinate to a single family detached dwelling, as distinguished from a duplex or other two-family dwelling.

3. **Cash Proffer for School Projects.** For each dwelling unit constructed on the Property that is not an Affordable Unit, the Owner shall contribute cash to Albemarle County for funding school projects within the Community of Crozet and shown on the County's Capital Improvements Program, as follows: one thousand dollars (\$1,000.00) for each single family detached unit, five hundred dollars (\$500.00) for each townhouse unit, and two hundred fifty dollars (\$250.00) for each multifamily unit. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the building permit for such dwelling unit, unless the timing of the payment is otherwise specified by state law. If the cash contribution has not been exhausted by the County for the stated purposes within ten (10) years from the date of the issuance of the last residential building permit within the Property, all unexpended funds shall be refunded to the Owner.

4. **Cash Proffer for Park Master Plan.** Within one (1) year after the date that ZMA 2004-024 is approved, or within thirty (30) days after the request by the County, whichever is sooner, the Owner shall make a cash contribution to the County in the amount of fifty thousand dollars (\$50,000.00) for the purpose of funding a master plan for the 25-acre park land shown on sheet 5 of 9 of the General Development Plan (the "Park Master Plan"). If the Park Master Plan is completed for less than fifty thousand dollars (\$50,000.00), any remaining funds may be retained by the County and used to fund parks and recreation projects and improvements as described in paragraph 5. If such cash contribution is not expended for the Park Master Plan within two (2) years from the date of the contribution, all unexpended funds shall be refunded to the Owner; provided that any portion of the cash contribution not

required to fund the Park Master Plan that is retained by the County as provided herein, shall be refunded to the Owner as provided in paragraph 5 if such funds are not expended within the time provided therein. **THE REQUIREMENTS OF THIS PARAGRAPH FOUR HAVE BEEN SATISFIED.**

5. **Cash Proffer for Park Projects.** For each dwelling unit constructed on the Property that is not an Affordable Unit, the Owner shall contribute cash to Albemarle County for funding parks and recreation projects and improvements identified on the County's Capital Improvements Program within the Park and Greenway Area in general accord with the Park Master Plan as available funding allows, as follows: one thousand dollars (\$1,000.00) for each single family detached unit, five hundred dollars (\$500.00) for each townhouse unit, and two hundred fifty dollars (\$250.00) for each multifamily unit. Notwithstanding the terms of this paragraph 5 to the contrary, however, the Owner shall receive a "credit" against the first fifty thousand dollars (\$50,000.00) that would otherwise be owed to the County pursuant to this paragraph 5, in recognition of the cash proffer referenced in paragraph 4. In the event the cash proffer referenced in paragraph 4 is not sufficient to fund the Park Master Plan, the County may apply a portion of the cash proffer described in this paragraph 5 as required to fully fund the Park Master Plan. If the County determines it to be a more reasonable use of funds, the County may substitute facilities shown on the Park Master Plan or locate facilities shown on the Park Master Plan elsewhere in the Community of Crozet. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the building permit for such dwelling unit, unless the timing of the payment is otherwise specified by state law. If the cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the issuance of the last residential building permit within the Property, all unexpended funds shall be refunded to the Owner.

6. **Phasing of Retail Development.** Prior to the issuance of a building permit for the five hundredth (500th) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed forty-eight thousand (48,000) square feet. Prior to the issuance of a building permit for the one thousandth (1,000th) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed ninety-six thousand (96,000) square feet. Prior to the issuance of a building permit for the one thousand five hundredth (1,500th) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed one hundred forty-four thousand (144,000) square feet. Prior to the issuance of a building permit for the two thousandth (2,000th) dwelling unit with the Property, the aggregate retail space within the Property shall not exceed one hundred ninety-two thousand (192,000) square feet. Retail space shall not include office space or any health and fitness facility.

7. **Overlot Grading Plan.** The Owner shall submit an overlot grading plan meeting the requirements of this section (hereinafter, the "Plan") with the application for each subdivision of the single family detached and single family attached dwelling units shown on the General Development Plan. The Plan shall show existing and proposed topographic features to be considered in the development of the proposed subdivision. The Plan shall be approved by the County Engineer prior to final approval of the subdivision plat. The subdivision shall be graded as shown on the approved Plan. No certificate of occupancy shall be issued for any dwelling on a lot where the County Engineer has determined the lot is not graded consistent with the approved grading Plan. The Plan shall satisfy the following:

A. The Plan shall show all proposed streets, building sites, surface drainage, driveways, trails and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this paragraph 7.

B. The plan shall be drawn to a scale not greater than one (1) inch equals fifty (50) feet.

C. All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be shown to assure that surface drainage can provide adequate relief from flooding of dwellings in the event a storm sewer fails.

D. Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control Plan for the land disturbing activity. These steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall (2:1), unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.

E. Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.

F. No surface drainage across a residential lot shall have more than one-half (1/2) acre of land draining to it.

G. All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site.

H. INTENTIONALLY OMITTED.

I. The Plan shall demonstrate that an area at least ten (10) feet in width, or to the lot line if it is less than (10) feet, from the portion of the structure facing the street, has grades no steeper than ten (10) percent adjacent to possible entrances to dwellings that will not be served by a stairway. This graded area also shall extend from the entrances to the driveways or walkways connecting the dwelling to the street.

J. Any requirement of this condition may be waived by the County Engineer by submitting a waiver request with the preliminary plat. If such a request is made, it shall include: (i) a justification for the request contained in a certified engineer's report; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree. In approving a waiver, the County Engineer shall find that requiring compliance with the requirement of this condition would not forward the purposes of the County's Subdivision and Water Protection Ordinances or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the Project, and to the land adjacent thereto.

K. The Owner may request that the Plan be amended at any time. All amendments shall be subject to the review and approval by the County Engineer.

L. In the event that the County adopts overlot grading regulations after the date ZMA 2004-024 is approved, any requirement of those regulations that is less restrictive than any requirement of this

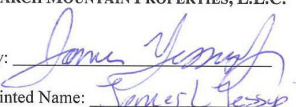
5

paragraph 7 shall supersede the corresponding requirement of this paragraph, subject to the approval of the Director of the Department of Community Development.

8. **Construction of School Connections.** The Owner shall construct the pathway connections to the schools, shown as "Pathway Connection to Schools," and "Road and Sidewalk Connection to Schools" on sheet 5 of 9 of the General Development Plan, within six (6) months after the approval by the County of the first subdivision plat or site plan applicable to any portion of a block that either includes or is adjacent to any such connection.

WITNESS the following signature:

MARCH MOUNTAIN PROPERTIES, L.L.C.

By: 

Printed Name: James L. Joseph

Title: Manager

Mr. Davis noted that the Board needs to take an action on the special exception, so they could change the wording in the resolution to "denial" in Attachment E if there was a motion to deny it.

Ms. Long stated that the applicant would prefer to come up with a solution that would be supported by the Board and would be happy to sit back down with staff and work with Ms. Mallek on a refined request that is something they all can support.

MOTION: Ms. Mallek moved to defer the Old Trail sign special exception at the request of the applicant until the matter is brought back to the Board by staff. Ms. McKeel seconded the motion, which passed unanimously (6-0).