

**Albemarle County Planning Commission  
December 15, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 15, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Tim Keller, Mac Lafferty, Vice Chair; Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Karen Firehock. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was Megan Yaniglos, Principal Planner; Elaine Echols, Principal Planner; Ron White, Chief of Housing; Margaret Maliszewski, Design Planner; J.T. Newberry, Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**Public Hearing Item:**

**ZMA-2015-00001 Old Trail Village**

PROJECT: ZMA201500001 Old Trail Village, White Hall

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 055E00100000A1; 055E00100000A2; 055E00100000A3; 055E00100000A4;  
055E00100000A5

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, minimum 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. (Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint presentation regarding ZMA-2015-000001 Old Trail Village.

**Proposal:**

- Request to amend the code of development, application plan, and proffers.
- Reduce the minimum density from 1,600 to 1,000 units to allow for market changes.
- Request to add Cluster Cottage unit, farm stands, and Tier I, II, and III Personal Wireless Facilities as uses.
- Request modifications:
  1. Private Street authorization
  2. Modification of street standards for amenity oriented lots

- a. Curb, curb and gutter
  - b. Sidewalks
  - c. Planting strips
- 3. Modification of sign regulations
  - a. Sign area
  - b. Sign height

As stated in the report, staff does not object to the request to change the minimum density, as the reduction is still within the density ranges recommended in the Crozet Master Plan. In addition, staff does not object to the uses proposed to be added.

### **Proposed Application**

The request is in need of some revisions. Staff believes that most of the issues identified can be worked out with the applicant between this meeting and the Board meeting; however, the applicant wanted the application to be heard by the current Commission. She would go through some of the substantive issues in the presentation. The first is the private street requests.

The applicant has requested private street authorization for the remaining streets to be developed in Old Trail. Attachment H in the staff report contains the detailed analysis of the request. In talking with the applicant this afternoon, the request for a portion of Street H to be private was an error and they would like to remove that from their request. They are requesting that Street B located behind Block 6 be approved as a private street. As stated in the report, staff is not recommending approval of this as a private street. Staff believes that this street is a major component of the block network and is a direct connection between commercially designated blocks 7 and 6 and the existing Golf Drive. Also, staff believes roads should not be constructed in varying public and private road segments as this can create inconsistencies in road design as well as operation and maintenance of the road. It is also County policy that roads be public. Staff is recommending denial of this portion of the request.

The applicant is also requesting that any future roads can be built as private. Staff is recommending denial of this request as well. Staff found that the justification for this request does not meet the ordinance requirements in 14.2.33. The ordinance allows for approval of private streets in certain circumstances and at this time there isn't enough detail for staff to make a positive finding for this request. This does not preclude the applicant from asking for a private street request in the future when blocks are submitted for site plan or subdivision approval.

The last street segment that was discussed in detail in the report is the connection between blocks 32 and 22. In speaking with the applicant this afternoon, they are amenable to making the change to the note that would allow secondary emergency access to be required if needed and if another access has not been established.

Related to the private street request are the modifications to the street standards. Staff is recommending approval of both the sidewalk and planting strip modifications, but not the curb and gutter request. Again, the request that was submitted did not provide adequate justification for staff to make a positive finding. Similar streets serving amenity oriented lots have been built with curb and not gutter, and that is what staff is recommending for this request. In speaking with the applicant this afternoon, they indicated that they would provide more information for your consideration of this request. However, staff has not seen this information; and, therefore our recommendation is still to approve the gutter portion of the request but not the curb.

There is a lot more information in the staff report, but those are the main points staff wanted to go through.

### **Factors for Consideration**

#### **Factors Favorable:**

- The rezoning amendment is consistent with the Crozet Master Plan.

- The rezoning amendment incorporates the previously approved variations that are within the blocks proposed to be amended, and simplifies and clarifies the Code of Development and Plan so that it is easier to interpret for staff, the general public, and the applicant.
- The Cluster Cottage unit type allows for an additional housing type that could provide more opportunities for affordable housing.

**Factors Unfavorable:**

- Changes are needed to the Code of Development and the Application Plan to allow each to be in final form for Board approval.

**RECOMMENDATION:**

- Staff recommends approval of this rezoning amendment ZMA-2015-00001, Old Trail Village with amended code of development and application plan and provided revisions are made as indicated in Attachment G prior to the Board of Supervisors meeting.

The recommendations for modification requests are shown on page 9 and 10 of the staff report, which she would not take the time to go over. If there are any questions, staff would be happy to answer them.

Mr. Morris invited questions for staff.

Mr. Randolph asked if staff had any other examples out there of a cluster cottage unit, a CCU, for us to evaluate what this looks like.

Ms. Yaniglos replied that there have been other localities that she has looked at that have cluster cottage units out west. In Seattle they have done these types of units. So she has done some research on them, but there have not been any in the county that she was aware of. Working out the details of cluster cottage units are still to be worked out with applicant. But, she does not have any readily available example.

Mr. Randolph asked if staff had any idea if it was one-story or two-story and row houses connect to each other.

Ms. Yaniglos replied cluster cottage units typically are one-story and the houses can either be separated or not.

Mr. Randolph asked if it was with a narrow alleyway between them, and Ms. Yaniglos agreed that was correct.

Mr. Randolph said that he got the picture and thanked staff.

Mr. Lafferty asked if staff had any idea of how many affordable houses have been built and occupied.

Ms. Yaniglos replied that she was not sure of that number; however, the applicant might be able to help with that question.

Mr. Loach noted on the reference on page 5 in #2 the applicant has proposed to remove the road connection that was shown on the original application plan which is also in the Crozet Master Plan between Block 19 and Henley Middle School and instead provided a pedestrian only connection. He asked is that still part of this proposal.

Ms. Yaniglos replied they are currently on the plan showing that. But, staff did meet with them and the schools and they are amendable to changing the plan to show the full road and pedestrian connection.

Mr. Loach asked if the road connection was back, and Ms. Yaniglos replied that was correct.

Mr. Lafferty said that they are going from 1,600 to 1,000 units and staff is saying that there is no increase or decrease in the occupation. He asked is that because of the clusters.

Ms. Yaniglos replied no, they are still within that density range recommended in the Crozet Master Plan even with the cluster cottage units.

Mr. Lafferty pointed out he was wondering how she got rid of 600 homes and did not change it.

Ms. Yaniglos said it allows the applicant to cater to the market for the types of units.

Mr. Randolph asked staff to give the Commission an idea of what the fruit stands look like that are proposed here. He was trying to get an idea design wise how the proposed fruit stand design would be in congruity with Old Trail.

Mr. Benish replied that the applicant could probably best answer what they might envision since he was not sure whether they specifically have a plan. However, he thinks the intent is just to make that use available.

Mr. Randolph asked staff to describe the difference in characteristics, construction and width between a private street and a public street so that the students in attendance know what is at stake here and what is being proposed by the applicant.

Ms. Yaniglos explained for the amenity oriented lots there are a couple of ways to look at it. The private streets, as proposed by the applicant behind Block 6, would need to be built to public road standards. So it would still need to have parking on one or both sides of the street, curb and gutter, sidewalks, street trees and planting strips. So the design would still be the same for public streets versus a private street. The private street request for the amenity oriented lots they would be removing the sidewalks and planting strips. Staff is recommending that curbing be provided, but the width gets reduced to 20' to allow just for fire access. The normal width of a public street with no parking is 24' wide and additional width parking stalls that would an additional 9' on each side of the street if they had parking on both sides.

Mr. Randolph thanked staff for that information.

Mr. Lafferty asked what the justification is for the changes in the signs. He noted they just went through a whole meeting of coming up with the new regulations.

Ms. Yaniglos deferred the question to the applicant to explain.

There being no further questions, Mr. Morris opened the public hearing to the applicant and public comment. He invited the applicant to address the Commission.

Valerie Long, with the law firm of Williams Mullen, here representing the applicant which is March Mountain Properties, LLC. Others present were David Brockman, development manager for Old Trail Village; Leslie Tate, a planner with Roudabush, Gale & Associates the civil engineering firm that works out at Old Trail. First, she thanked Ms. Yaniglos for all of her assistance especially over the past few weeks in putting together the staff report. As the staff report indicates we call this our housekeeping rezoning application it is a lot of technical amendments. There are a handful of substantive issues, which they will talk about. For the most part it is all about stream lining the code of development, clearing up some inconsistencies they have identified over the past few years, and just trying to make the code reflect the new standards for codes of development because this was one of the very first ones that was ever built. The existing code contains a lot more detail than she thinks even staff now thinks is necessary or even appropriate. It requires their review of site plans and subdivision plats to take even longer than the process normally does because it requires lots of waiver requests, special exceptions and variations to the code.

Our overall goal is to try and clean that up, clarify a number of provisions, eliminate any inconsistencies, provide better clarity of intent in certain areas, and also try to apply some of the variances and waivers that have been granted on a block by block basis. As we have gone along to go ahead and build those variances and the things that are allowed that have been allowed on a block by block basis build those into the current code so that they don't have to go back to the Planning Commission and the Board and request variances, waivers or modifications every time they propose a new block. So in many cases we come forward to the Board with the same variation requests block after block. So we worked with staff to try and bring those altogether in one place and make it very clear in the code and in the application plan what is allowed. She would be happy to answer more about that.

Ms. Long noted they have some great photos that they wanted to show off and brag a little bit on Old Trail because she thinks David Brockman and the owners have done such a fantastic job building a wonderful community there with a nice variety of architecture, a huge variety and types of housing and income levels and amenities. It also does not hurt that we have what we think are the best views in Albemarle County out there. They had a great opportunity with the Virginia Film Festival this past year.

Ms. Long presented a PowerPoint presentation to orient the Commission to the location and maps of Old Trail Village. She pointed out Route 250/Old Trail Drive going through Jarmans Gap Road. She pointed out the marketing map that they use to show how the community is planned. In the application plan and the various blocks the ones that are in black are not subject to this rezoning since because those are blocks that have already been developed. So it is really just the blocks that are shown in white.

First, she would talk about the private road requests because as staff indicated they are in agreement with them on the vast majority of issues. They have already made the changes or already talked to staff and worked out some minor revisions to the language in the code to address their concerns. But, there are only a few things that we have not quite done.

On the existing application plan a road was shown that would connect the two blocks; but, because this is a sensitive environmental area they realized when they were looking back at the application plan if we can avoid having to build that road across the stream bed we would really like to. However, we realized we might need that as a secondary access road for block 32 if you have more than 50 units. So we put a note on there that just says we don't have to build it unless we need it as our secondary access point. We hope that we are going to be able to provide a secondary access point somewhere else other than right there. But, we did reserve the right to build it there if we need it and so are going to work with staff on tweaking the language a little bit to clarify that if we can't build it anywhere else we will build it there. But, as staff indicated this is the one portion of road B.

In the next exhibit it shows how we contemplate block 6 being developed in the future, which is really across the street from the Village Center. She pointed out the portion of the road in question. The challenge is they are trying to provide sufficient parking for these future retail locations. It is always a challenge parking in an urban environment like this. The hope was if that portion of the road could be private road they could actually have perpendicular parking along the side, which help provide additional parking for the retailers. That is not something that VDOT allows as part of public roads. So it would otherwise look and function like a public road, but it just would have that additional parking. They actually don't believe that this will be a major thoroughfare nor do we actually want it to be. We want Old Trail Drive to be the thoroughfare. Actually they don't want people coming from Jarmans Gap coming down Old Trail Drive and cutting through the back of block 6 to get to the golf course or to Restoration. We want them to come down Old Trail Drive, go around the traffic circle and come that way, which is how you would do it right now. That is one of the few areas that we were not able to reach a full agreement with staff on. We would ask that the Commission consider that request. She would be happy to answer more questions about that.

Next, she would like to talk about the amenity oriented lots and the private road requests or modification requests we have regarding those. The pictures of two blocks that have developed was shown so the Commission could get an idea of why they were asking. In the two blocks, Blocks 13 and 14 she pointed out the alley. Next she noted the grass mall, which was a like a big play field or little mini linear park. They have access by what is really an alley, which is the required street frontage that is required for any

unit that fronts on it. If you don't have front a public road you have to have official access somewhere else. In the slide she pointed out the houses and the field that they front on and other landscaping areas. These are very popular and home owners love to live right on the public spaces where people gather. The alley way serves those residences, which does not have curb and gutter. Essentially the look that they are looking for has a slightly smaller scale alley, which functions very well, with no curb and gutter.

Since these alleys were build kind of the standards and requirements of the county have changed. Now we have to build curb and gutter in the alleys. She provided an example of a new block that was built, again, with a linear park and the units around it front on them so they have access. No longer can we build this as an alley. It now has to be a private road. So when they talk about an amenity oriented lots, which are along the park, they have to be served by a private road. They have been requesting and obtaining waivers so they don't have to build sidewalks back there or street trees. They are also asking for curb and gutter to be waived. In the picture of some amenity oriented lots she pointed out the alleys that they would end up with the curb and gutter requires another extra 2' on either side, which makes the alleys much wider. It really just makes it less like an alley and much like a street. It ends up surrounding those houses with larger streets. As shown in the slides people end up parking in the alleys. They are constantly trying to work with folks to not park in the alleys since they are not supposed to. As the streets get wider it just makes it look and feel like a street. She would be happy to talk more about that later.

To answer Mr. Randolph's question, the same pictures were in the code of development to give you a flavor for what we are thinking about with the cluster cottages. However, we still have many details to work out on this. But, they wanted to go ahead and put the concept and intent in the code of development so that we had the option to build this later. They think it is going to be a great option. Mr. Loach commented to me about the need for garages. They certainly hope to have at least that as one of the options for some of them. There are no examples of cluster cottages in Albemarle, but they do have some pictures to kind of give the Commission an idea about what they are looking for.

Finally, she provided a slide showing the affordable units that are under construction right now in Old Trail. The one- and two-bedroom units that front on the common area have common parking area and no garages. The units are actually built in the inside of the block. So they are really excited about those.

To answer Mr. Lafferty's question about the number of affordable unit, there are about 25 total. Some of those were apartments and single-family attached units. She would be happy to answer more questions.

Mr. Morris invited questions for Ms. Long.

Mr. Keller said he appreciated them coming in to give the Commission a heads up about these a while back. They really had a good free ranging discussion from affordable housing through urban design issues affecting this. He asked does the homeowner's association folks get a summary of what the developer is coming to the Commission with.

Ms. Long replied absolutely. In fact, we have held in addition to the regular homeowner's association meetings held David Brockman has been holding neighborhood meetings not even technically separate from the homeowner's association. In fact, he held the most recent meeting two weeks ago to update the community on this proposal. They have been very supportive of it all along.

Mr. Keller said he can assume if there were negative feelings we would see the public here from Old Trail.

Ms. Long replied that they think so. They have worked hard to keep everyone informed. It is hard to talk about a lot of these technical issues with them, such as private streets versus public streets and curb and gutter issues. But, the big picture issues is they usually are focused on when are we going to get more commercial such as restaurants and shops or more commercial, which is the bigger challenge.

Mr. Keller said the parking they are hoping to gain from the privatizing of the street near the future commercial look like pull in parking as opposed to parallel parking spaces.

Ms. Long replied that was right, they are proposed as perpendicular.

Mr. Keller said if there is significant traffic flow there, then there will be the issue of people backing into the flow of traffic.

Ms. Long replied that is currently the concern that has been expressed by staff with regard to that proposal.

Mr. Keller said in terms of the affordable housing do you see these new 1,000 square foot units as having any affordable units within that set.

Ms. Long replied absolutely they certainly hope to. Again, we have not worked out all the details yet. But, part of the plan is to work with staff, the realtors, the builders and others to figure out and make sure they address the market demand, but also do everything we can to make these units qualify under the affordable housing program even if they don't technically qualify for whatever reason because of the stringent technical rules with regard to income levels and things like that. They have worked with Ron White, Housing Director, on these issues a lot. His statement to us has been a lot about even if they don't technically work if you build them small enough they can only ever be but so expensive, and that will help with the affordable housing stock. So that is at a minimum our goal. But, they certainly hope as the Commission and Board continue to refine the affordable housing program and proffer process in the comprehensive plan provisions regarding affordable housing that these could just be and an additional option for satisfying affordable housing.

Mr. Keller asked Ms. Long if she did not have a percentage of the units she was thinking about at this point because this is early in your whole marketing strategy, and Ms. Long replied that was correct.

Mr. Dotson said he had two questions related to the change of the minimum number of units from 1,600 to 1,000. If that change was not made what kinds of units would have been built and then what kinds of units could be built if it is lowered to 1,000. There is a statement about respond to the market and he was trying to be a little more concrete than that.

Ms. Long replied that when David Brockman was hired and came on board he looked at the application plan and realized they had to build a minimum of 1,600 units in this area that he questioned how they are going to make that work. When they looked at the details they realized that a huge number of the units are apartments. Apartments are obviously a very important component of the mixture of housing, but it would have been a huge increase. Many more apartments would be required in order to meet the density minimums of 1,600. At the same time the lots would have to be very small for the single-family units whether attached or detached. They are already on the small side, and it depends they vary throughout the neighborhood. The original ones that were plotted right near the Village Center were very small and did not sell well. They found through their market research in talking with purchasers that people wanted just slightly bigger houses and lots. They loved the idea of smaller lots and getting their sort of yard areas from common spaces, but they wanted more common space. So when David Brockman came in he realized we need to make these lots a little bit bigger and add some linear green space like those grass malls and have the lots front on them. Of course, when you add more green space and make the lots bigger you have less room to meet the minimum density figures. After the first few blocks were getting plotted she remembers Mr. Brockman saying that he was getting really nervous that they are going to be able to ever achieve that. Staff started getting nervous, too, saying how are you going to do it if you keep up this level of density on each block you are not going to get there and you are going to need to have all apartments for the rest of it. That is when they realized maybe we need to start thinking about dialing back the minimum because we did not want to be in a position where we could not achieve the minimum and be in violation. We wanted to continue to be able to have those slightly larger lots and be able to adapt to the market demand that was asking for them. The lots on the green malls were selling very well and we realized we wanted to do more of them. That is essentially how it all started.

Mr. Dotson noted a related very technical question is in the code of development on the phasing of retail development the amount of commercial is geared to the number of residential units. Have these

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numbers been adjusted or do they need to be adjusted because he was assuming that in all likelihood you are going to build 1,000. Often we build at the minimum level and he asked would that cause any heartache in terms of the phasing of retail development.

Ms. Long replied no, those numbers started out in proffers and were put in place at the time of the original rezoning in 2005, which she worked on. There was a great fear at the time and Mr. Loach may remember this. The idea of having retail in a neighborhood was new. There was great fear that 500,000 square feet of nonresidential with some retail and some office that all the retail would go to Old Trail and it would not go to Downtown Crozet. The Crozet Master Plan had just been adopted and there were great hopes and lots of excitement about the redevelopment of Downtown Crozet. So the community asked the developers and the owners to commit to phasing the retail in more slowly; to not bring in the retail all at one, but to wait and phase it in as the houses and residential units were brought on board. So that is how that phasing schedule was developed. Frankly, we were never very concerned that we would exceed the retail because we knew it would be a challenge frankly to develop the retail in Old Trail because they did not have the frontage or the street visibility like you do on Route 250 or in Downtown Crozet. It is a challenge. So the original developers were quick to agree to that because it was very important to the community of Crozet to not do anything that would make it any harder for Downtown Crozet to redevelop and we knew frankly that it would not be a problem to comply that the retail would come on fairly slowly anyway. We looked at adjusting those numbers again and continue to feel like it will not be a problem to continue to comply with it.

Mr. Loach said he had been talking before with staff about the elements where staff had moved for denial, and then Ms. Yaniglos made a statement later that the Commission could move for denial, but the applicant could still reapply for approval at a later time.

Ms. Yaniglos agreed that was correct.

Mr. Loach asked to go back to staff's reasoning for moving for denial. He asked was this something that was strongly felt or staff had its own internal conflicts about or was it just was following procedurally that this does not meet the circumstances, so we move for denial.

Ms. Yaniglos replied that it was probably a combination of both. Staff has to look at the standards and then internally with engineering staff look at it as well. She asked Mr. Loach if he was specially asking about road B.

Mr. Loach pointed out in looking at what Ms. Long has presented and knowing Old Trail that he was concerned about backing into the traffic lane, which Mr. Keller had pointed out. That is the one that is most problematic

Ms. Yaniglos pointed out that staff did not have that drawing under what was submitted for the private street request. It was only the request for that street. So staff did not see any of that design to have that dialogue on. But, the extension of that road that goes into block 5 and 20 that staff are recommending approval of we have had extensive dialogue with the applicant concerning that street. The applicant originally came in for a request that had perpendicular parking along that street and staff had said it needs to function as a street and have parallel parking and not perpendicular.

Mr. Loach noted that had answered his question. He thinks the idea about the curb and gutter, again, they have shown the sections where they don't have. To my knowledge we have not had a problem with the alleyways in Old Trail with regard to accidents or anything like that. He thinks the amenity frontage lots really work well from what he can see in walking the area. So he has less problem with the curb and gutter in the alleys. He asked was there any engineering problems with no putting in the curb and gutter as far as drainage.

Ms. Yaniglos replied no.

Mr. Morris asked again in accordance with drainage there is no problem, and Ms. Yaniglos replied no that she had talked to engineering.

Mr. Lafferty asked if he misunderstood Ms. Long that she did not have any percentage for affordable housing.

Ms. Long replied the proffers include the standard requirement for 15 percent of the units to be affordable complying, and so we certainly are complying with that as they go through the project.

Mr. Lafferty asked if no more than one-half of those will be cluster cottage units.

Ms. Long replied there is a requirement in the proffers that says there is a limit on the number that can be accessory units. They do not have a limit on the number of cluster cottage units, and don't anticipate that they will have too many of those. There is no guarantee that they will have any. It is an idea that David Brockman has come up with and wants to look into further. The main reason they included it in our code now was so that when he got to the point if he figured out a way to make work that it was clear that it was a permitted type of use in the community.

Mr. Lafferty noted it just says no more than 50 percent of the affordable units may be accessory units or carriage units.

Ms. Long agreed that was correct. So if they do build the cluster cottage units the idea is that they would be stand-alone detached single-family units. It may not necessarily have a family, but may have an individual or couple. But, the hope would be that if Mr. Brockman and his partners in development and marketing can make it financially feasible, and particularly if he can make them qualify as affordable units under the requirements of the proffers that they would count obviously as a single-family for sale unit. That is the goal in that it is yet another way to provide affordable housing in the community.

Ms. Yaniglos suggested that she might be confusing the carriage units with the cluster cottage unit, which are different types of units.

Mr. Lafferty pointed out it said accessory units or carriage units.

Ms. Yaniglos pointed out the carriage units are the units that came in the last rezoning amendment where they were above the garage.

Ms. Long thanked Ms. Yaniglos because that is a great point. There is a limit on carriage houses or any other accessory units of no more than one-half. Frankly, she did not know that they have any right now. So she did not think they are anywhere near reaching that limit. But, these are the cottage units, which would ideally be stand-alone units hopefully right around 1,000 square feet, which is a good way not only to provide another option. However, as the housing director says if you build them small to begin with it is a lot easier to keep them affordable.

Mr. Lafferty said when building out do they integrate the affordable housing in with the regular housing or wait until the end.

Ms. Long replied no, absolutely we integrate them as we go that is a requirement of the proffers. On a block by block basis every block has to have 15 percent affordable units with some flexibility to carry it over if you do 30 percent in one block.

Mr. Morris invited further questions.

Mr. Loach asked to make his pitch again if they are going to have those cluster units at 1,000 square feet that we add garages on them.

Ms. Long thanked the Commission for the feedback because that is the type of market feedback that is incredibly helpful as Mr. Brockman starts thinking about how exactly to make that concept work.

Mr. Keller pointed out one thing they have not dug into is signage. He thinks of Old Trail as a new urbanist experience in the rural Albemarle County. He realizes it is in the growth area, but otherwise rural Albemarle County. So that implies a lot of pedestrians and people on bicycles. He can't understand why they want to double the square footage of signs when all of the psychological studies show that the slower people are going the smaller the signs can be. They all have heard him talk about the millennials and the lack of need for signing because of the digital medium that is bringing them to locations. It seems that so many things being presented to us are really looking forward to the future. This is really a dinosaur where you are looking backwards.

Ms. Long said she would ask David Brockman answer that because he has really been spearheading the sign concept ideas. Some of it has to do with trying to provide better signage up at Route 250 so that people know that the commercial establishments, which you can't see from Route 250, are there. However, a lot of it has to do with marketing and branding the various sections of the neighborhoods as well.

David Brockman, building manager and resident of Old Trail, said he would explain the reason they approached this idea. First of all they needed to get an interpretation of what was allowed for signage in Old Trail out on the Route 250 Corridor. Through legal we worked with staff and determined that what was allowed is one sign for our commercial area and one sign for our residential area. That really is the primary purpose for us to look at expanding the signage. It is not for the signs that are internal to the project, but for the signs out on Route 250. Once we found out we were able to have a sign for the residential component. The complexity of this is that the village area is embedded to the project and it does not have any visibility out onto 250. When he first got there many of our businesses complained about not having enough traffic or signage. If they had it their way if we want to talk about going a step backwards they would have signed the world. So what he explained to them and just so you know that what we are doing forward thinking is that we said the best way we can do this is we need to provide this as destination. He thinks that applies to all of Crozet. They want to become a destination that you can come and have entertainment and a lifestyle in Old Trail as well as Downtown Crozet. That is really how this growth is going to become. So they started doing events and bringing people in through traffic. However, you still need to have some level of signage. Out on Route 250 being rural what they have discovered in our concept theme, as shown in the pictures in the slide, our concepts are that the signs needed to kind of reach up in the air a little bit. The signs need to come out from the branches from the trees and get some visibility from a distance. With stop signs, light bars and everything else that we have out there we kind of found a perfect dimension of about 16 feet that falls just under stop bars and can be visible from enough of a distance away. They worked closely with the County ARB and proposed this idea. He thinks what they liked and what we tried to do was to create a very small footprint. That was what was kind of appealing to this is that by going vertical and having more of a smaller footprint we were not evading the environment. We were being more respectful in trying to be more part of the forest and not a detraction from the forest. So we were already able to do two signs with one sign at 16 feet. All they ask for is that the second sign, which one would promote residential and the other promote commercial, not to diminish one business over another business, that they would make them equal to be 16 foot tall. That was the first part of the request. So it really is just to take one of those towers and extend them up to 16 feet. He asked Ms. Yaniglos to correct him if he was wrong on any of the specifics.

Mr. Brockman said the second part of it is that they we wanted to respect the county's sign square footage face. So that is actually staying the same. The primary message on the sign is going to still stay within that 32 square feet minimum. What they really are trying to do is to give identity markers that will also be kind of structural features. So by doing that it provided the building to kind of raise the sign up so the top part and the bottom part are actually kind of our logo because they have been doing a rebranding of our villages. So we made them part of the structural part of it. The only way they could really include that was to call it sign area. But, our intent is not to add more sign area to have more logos and names out there. It was really just to kind of make them kind of equally important signage elements vertical in their component narrowing their footprint and something that could reach out and speak to people up and down Route 250 and still respect the beautification corridor of Route 250.

Mr. Brockman said the rest of the signs that you speak to are internally to the project. We are very social media friendly and we really do enjoy that. So our intent is going through the rest of the community and

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everything else would be low scale. It is all going to be very pedestrian friendly. They are not looking to repeat this throughout the whole community. It is really was just something that we wanted to try to do out at the Route 250 side. Hopefully, that gives the Commission a little more background.

Mr. Randolph asked are these signs that you are going to replicate and put on Jarmans Gap as well and it will become your symbol and consistent signage through Old Trail.

Mr. Brockman replied that the component that is going to be consistent is the physical structure of those kind of icons that are on there, which show the meadows, the waters and the mountain vistas in the background. That is what they are intended to kind of represent. Actually when he got there he tried to put a little bit of a curtailment to this. But, all of the land out on Jarmans Gap has been dedicated to VDOT. There really isn't currently any place for us to put signage out there. What you out there is actually all we could really do. So our potential idea is that when we come into the park they feel like when you are in the village area you are coming into a new part of the development which is kind of like Downtown Old Trail so when you pass the park perhaps right at that location we may put an icon there. We might repeat one element of it. But, this really was the only thing that we wanted to do and only do it on Route 250.

Mr. Randolph thanked Mr. Brockman for explaining that.

Mr. Dotson asked for a clarification of map in Attachment F. He sees two stars that are up by the entrance. He asked is that the only place that this change applies to.

Mr. Brockman replied that we would only be able to do two towers, for the lack of a better word. On either side of the road or both on one side of the road, but the idea we have presented is that we try to do them on either side.

Mr. Dotson said none of the rest of the ink on that map really applies to this, and Mr. Brockman replied that is correct because those are just directional arrows.

There being no further questions, Mr. Morris invited public comment. There being none, Mr. Morris invited the applicant for rebuttal.

Ms. Long noted one brief comment was she did not speak specifically to the request for what we call a community wide private road waiver request. She would be happy as the Commission gets into that talk more about why we were interested in that. She can do that now or can answer questions about it.

Mr. Loach asked Ms. Long to address the issue now.

Ms. Long said the issue really is, as she alluded to a little bit, with every block that gets developed we have to ask for a private road waiver request since the default requirement is public. Every time we do that it has to go in a form of a request that has to be approved by the Board of Supervisors usually on the consent agenda. It is not as onerous as it used to be, but it still requires a waiver request to be written, submitted to and reviewed by staff, a staff report to be written about it and an item on the consent agenda. What we are asking is that we have the ability with our application plan and in the code of development. We have identified all the major road networks and we are saying we are committing to building all those roads. But, in the future there is areas in these blocks that have not been developed yet or even really designed yet and we don't know exactly what the road network will be in there. We will most certainly have some of those amenity oriented lots. Some of those will be required to have a private road to serve them. We don't want to have to come back and ask the Board every time for a request to waive the requirements of those that function and look like alleys. We don't want to have to go through that if we don't need to. Similarly, there may be a few other locations where a private road makes sense for some of the same reasons so we have just asked for because they have all been approved so far. Again, as part of our efforts to reduce the number of variations and modification requests that they have to make with every single block that because they have all been approved just approve them now as part of the code. There were a couple of roads where we wanted to make some changes and staff said no it is shown on your plan as a public road and you have to build it as a public road. We just don't

want to have to come and make that request every single time. So that was the intent. We also don't want to risk that staff is not able to approve it because there is a concern that it a requirement on the plan. She would be happy to talk more about it, but that is the basic jest of that request or the reason for it.

Mr. Morris invited questions for Ms. Long.

Mr. Keller said as a follow up to this maybe in the hope that there could be a better mousetrap made from discussion because you have been very helpful in those kinds of discussions in the past. We have existing older neighborhoods that were built without curb and gutter and have significant storm water issues in high volume rain events. You are saying that in those alley ways when curb and gutter come in the width of the road needs to be wider because of VDOT standards. He asked is it because of VDOT standards or County standards.

Ms. Long replied that it is the county standard, but the curb itself adds 2' on either side with what they use called roll top curb. As they saw in the picture, it is a little wider when you lay it back that way.

Mr. Keller asked is there a county wide issue that could be addressed here as opposed to in Old Trail with the Commission asking Planning staff and County Engineering to think about refining that road width for those alleys so that they include the concrete part of the curb and gutter. Then we can still be looking to have curb and gutters installed and not have the potential storm water issues and expense in the future that we are seeing in older neighborhoods now.

Ms. Long asked to rephrase what he is saying just to make sure she understands him correctly. So for right now part of the challenge, too, since Old Trail was originally approved and a lot of other neighborhoods were approved usually alleys were 16' wide, but then fire and rescue folks started requiring extra width to accommodate rescue vehicles and fire trucks. Now with or without curb you've got to have 20' minimum for the fire trucks. She thinks what he may be saying is allow the curb and gutter to be part of that 20'. So now it is 20' without curb and gutter and if you add 2' of roll top curb and gutter on either side you obviously are at 24'. So maybe you could have 16' plus 2' of either side of roll top curb and gutter for a total of 20'.

Mr. Keller agreed that was what he was asking.

Ms. Long suggesting asking Mr. Brockman if that works; but, she also obviously would want staff to weigh in.

Mr. Keller agreed the Commission would want staff to weigh in.

Mr. Brockman said they certainly would like to have their input. He had that conversation with Fire Rescue. So what it means is taking the wheels of the fire truck and driving them up on the roll top. Honestly, he has not gotten a real kind of clear answer on that. He believed that could be possible. There are a lot of other ways to do that drainage issue. But, the one that he did want to add, and he thinks we had an agreement with staff, if we could not resolve the drainage issue we may still be required to do a curb and gutter. So it does come with the assumption that we solve drainage and we are allowed to be able to take the curb and gutter off and deal with the Fire and Rescue. If we couldn't, then we may have to do a curb on one side and we may have to do a curb on the other side. What really was the impotence to this is the alley, which has a drain in the center of the road, is what has been opposed by county engineering and no longer allows for that center drain to happen. There could also be a way to bring that back into the mix and try to use a center drain to solve some of those. The biggest issue is there has been a lot of construction problems in the county towards that. So we hope we are the ones that show how to do it right. But, he does think there needs to be a diligence to build things properly to be able to solve drainage problems and that is probably where a lot of the problems came from.

Mr. Keller said he understands that there are many green solutions that are superior to curb and gutter. But, then that opens up a whole other can of worms if we were going to approve this. If he was going to support your proposal, he would want to know that there was something in those standards that would be requiring that to happen in lieu of us giving up this requirement.

Mr. Brockman suggested they could say predicated on drainage being resolved.

Mr. Morris noted that was the key.

Mr. Keller said we would agree with that.

Mr. Randolph said he wanted to focus in on blocks 6, 7 and 26, the road that goes through there. He thinks there is a certain degree of optimism in perhaps naiveté that people coming in off of Jarmans Gap from Crozet North going to Old Trail won't potentially use that as a cut through. He was raising this in relationship to Mr. Keller's point that if, in fact, that road shrinks to being 16' wide with curb and gutter that 4 additional feet on either side, that it is narrow enough and it reduces the likelihood that it will be a cut through. But, if in the final plan you end up with a road because of Fire Rescue insistence because the trucks are not getting any smaller for fire purposes and the rescue trucks continue to get larger and larger, that if they insist that has to be 24', then he really thinks on blocks 6, 7 and 26 we have got a real potential problem on our hands. They are going to be mixing this supposed alley way along with cut through traffic going both directions, which makes me a little bit nervous. He just wanted to raise that point and then he wants to come back when the Commission talks about this as a Planning Commission to find out from Mr. Loach whether the Crozet CAC also had any concerns about that possible cut through and the width of the roads.

Mr. Brockman asked to clarify one thing. He noted the narrower roads that we are talking about we are only proposing that the curb and gutter would go away in locations where the original code of development in the original neighborhood model development application plan indicated where alleys would be. Alleys are only servicing residential homes. So in that particular case we were really just suggesting that would actually be built all to the same specifications as a public street. Our only request was for the private street. Actually, initially they had shown it as angled parking because the angle was in the direction of the flow, which is really what you see more in main street designs. Honestly, he would actually agree with you that he would not want that to be a smaller street. He thinks if they went with angled parking that by itself serves as a traffic calmer. Honestly, he wants a lot of people to come in there because they want them shopping. He thinks they would see actually a lot of traffic, but he does look at it in my mind as if it is kind of a downtown/main street area. They really would avoid proposing that type of thing within the community, and really would only be in the commercial areas. Just to clarify, the narrower without curb and gutter we really are in the perimeter residential blocks to help dress up the alleys to make them look and feel like alleys. Then this particular one in the blocks 6 and 27, Road B would look and feel just like a public street with the added feature of doing angled and/or perpendicular parking on it. He hoped that clarifies that issues.

Ms. Yaniglos asked to further clarify the private street request. Staff is recommending approval on what she would call a blanket approval for amenity oriented lots. It is really staff is recommending denial of any additional above outside of those amenity oriented lots that we don't have the detailed information on right now. So to their point of coming in for private street approval on these amenity oriented lots they would already have that approval that we are recommending. It would just be any additional above that.

Mr. Brockman said he understands where Ms. Yaniglos is coming from. In blocks 22, 32, 33 that they see on the lower right side of the screen those are areas that have large parcels without a lot of definition on street layout. What she is speaking to is correct. If it is an amenity lot he thinks they are in agreement that there is no issue with private and we were just looking forward because we are not sure what rest of it is going to look like. Staff is suggesting that they would feel more comfortable if they saw something before they approved it. He asked if that was a fair statement.

Ms. Yaniglos agreed.

Mr. Morris closed the public hearing to bring it back to the Commission for discussion and action.

Mr. Loach said the Crozet CAC has not been involved. The reason for that as was stated before Old trail has its own community association. He assumed had they not been communicating with their own  
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people they would have come to the CAC and said they wanted to bump this up to a community level. As he said and he has been attending their meetings, you know they have obviously gone along with the expansion and changes as put forth tonight. It has been an issue and has not reached the CAC level.

Mr. Keller said he would like to hear from staff on the issues of storm water in those alleys.

Ms. Yaniglos pointed out she did ask that question of the county engineer if not having curb and gutter was going to be an issue with storm water and drainage. He said that it would not and that they did not have any concerns about the drainage without curb and gutter.

Mr. Keller asked if the county engineer speak to other alternatives or topographic variations in that area.

Ms. Yaniglos replied that he did not.

Mr. Keller noted this was another case where it would really be great to have the county engineer here when the Commission has these kinds of discussions.

Mr. Loach asked are you satisfied with the discussion where the applicant said that if in fact there is a drainage problem that they would have to be responsive to it.

Mr. Keller said when he is doing my cup half fill days, yes.

Ms. Yaniglos pointed out regardless of the curb and gutter whether it is there or not they are going to need to meet our storm water regulations. It is like Mr. Brockman said if in the storm water they are not meeting those regulations and it is needed, then they are going to need to meet that requirement.

Mr. Randolph pointed out my first Planning Commission meeting four years ago we discussed Estes Park and the discussion centered around the fact that the neighbors in the adjoining community did not want through traffic coming in. According to the neighborhood model we were to be in favor of interconnectivity and we ended up as a Planning Commission approving that with only one way in with a bollard however available for emergency vehicles. We look here at block 32 and 22 and if we take out the appendix that ties together the two colons here, it is a bad medical analogy. If they take out that connector between block 32 and 22 it looks to me like there is only one way into block 32. On page 5 you say staff is in support of this road being designated as an optional public or private street because of large impacts to the street buffer. However, you go on the proposed note appears to leave it to the discretion of the developer to decide whether or not to build an emergency access way. In my way of thinking it is the second access way into this piece of property, and he is right back to Estes Park again where began and it is déjà vu all over again. Do we really want to permit there to be with this sizeable piece of property because that is the estimate he would have looking at scale in Old Trail that has to be at least 20 acres of land there that there would be only one road in. He asked is that something they want to do.

Mr. Loach said he thought over 50 units you had to have two.

Ms. Yaniglos said if it is needed for emergency and VDOT requirements come into play there as well on secondary access.

Mr. Randolph said he suspects VDOT will weigh in because there have been other cases where we have approved something and then it has gone to site review committee and in comes VDOT along with Fire Rescue and they say that is not going to work that way. That was Arden Drive, too.

Ms. Yaniglos said that is why staff wanted to clarify the note.

Mr. Loach asked to go back to Mr. Keller's point on the parallel parking. He thinks the problem is a double edged sword on the signage. So essentially we are going to add signage up front so there is more traffic through to the interior of Old Trail to these commercial areas so that those commercial areas can be better supported, which means more traffic through there. That is where he has a problem with

the parallel parking as Mr. Keller said backing out into traffic. That is the one area he has a problem with. He believes that they will see more commercial traffic into those areas, especially since the other side right now is mostly professional offices and this is more retail. He would more or less leave that to staff since that is the one thing he had a problem with and if they can solve that in their own way with the applicant on what it should like in the end. In other words, he would at this point he would agree with Mr. Keller and would move just for that part to be denied and if they can resolve it later with the staff that would be fine. The other question was on Ms. Long's request for the private road blanket and if staff was satisfied with the compromise allowing all the amenity frontage to be included, and Ms. Yaniglos replied yes, that was what she had in the report as a recommendation.

Mr. Loach said that was the only part that he could really see a problem with.

Mr. Morris invited further discussion.

Mr. Dotson said procedurally it is very helpful that staff put together this nine different topics of potential motions that we are going to go through.

Ms. Yaniglos pointed out that Mr. Kamptner provided the motions.

Mr. Dotson said he was just wondering if it does not burden the process if we proceeded each topic in turn and that staff said what their recommendation was and then the applicant indicated we agree or disagree because that would help us focus on the issues.

Mr. Morris agreed they would go down the list and vote on them one at a time.

Ms. Yaniglos noted the first one was for the rezoning request. Staff recommends approval of ZMA-2015-1 Old Trail Village.

Mr. Kamptner said based on the discussion tonight there are two items that the Commission may want to expressly identify both with respect to the application plan. One would be the Henley connection that it be depicted or be described on the plan that is providing for vehicular and pedestrian access. He would refer to it as the Block 22/32 connector that would remain on the application plan, which was the Commission's consensus.

Mr. Morris pointed out Mr. Randolph addressed it.

Mr. Randolph noted that it was so called the appendix.

Ms. Yaniglos pointed out in Attachment G is the summary of revision that includes both of those.

Mr. Keller asked would there be a benefit in going down the individual pieces and coming back to the zoning map amendment last because we would have resolved each of those other issues.

Mr. Kamptner said he thinks the order does not matter.

Mr. Morris suggested the Commission start with the first one they are on right now. He asked Mr. Kamptner if he was saying there were two items that need to be added to this with one being the connector between 22 and 32.

Mr. Kamptner noted actually they probably could address it with the revisions recommended by staff in Attachment G and that would follow the reference to the proposed amendments to the application plan last revised November 2, 2015 subject to the recommended revisions in Attachment G and further subject to any minor technical revisions, etc. as stated in the motion.

**Motion:** Mr. Loach moved that the Commission recommend approval of ZMA-2015-00001 Old Trail Village, with the revised proffers dated November 2, 2015 as set forth in Attachment D, the proposed amendments to the code of development as set forth in Attachment B, and the proposed amendments to ALBEMARLE COUNTY PLANNING COMMISSION – DECEMBER 15, 2015  
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the application plan, last revised November 2, 2015, subject to any minor technical revisions recommended by staff before the matter is scheduled for consideration by the Board of Supervisors and include all comments by Mr. Kamptner as far as staff recommendations.

Mr. Kamptner suggested the revisions recommended by staff in Attachment G.

Mr. Loach amended the motion with the revisions recommended by staff in Attachment G.

Mr. Randolph seconded the motion.

Mr. Dotson asked if the applicant was in agreement.

Ms. Long said she appreciates the opportunity. She spoke extensively with Ms. Yaniglos about these items on Attachment G that was 1 – 7. They were generally in agreement on how to address each of these, but it may not be exactly as it is stated here. If she could provide perhaps an example. Number 1 says remove the parking requirements that are in the code for cluster cottages. The issue there is we have said in the code that parking requirements for a cluster cottage would be 1.5 spaces per unit. Well that is less than is currently allowed. We think that is plenty and I think maybe staff would agree eventually. But, in order to legally be able to have it, only 1.5 spaces per unit, we have to get the zoning administrator to approve it. So what I discussed with Ms. Yaniglos today is that rather than remove it completely, because we think it is helpful to state our intent, is to say 1.5 spaces per unit subject to approval by the zoning administrator to clarify it that way so we don't take it out completely. We went through each of these this afternoon and discussed how we would handle them.

Ms. Long noted similarly, number 7 says provide lots more information about cluster cottage units in how it would be done. She had explained they were really not quite ready for that yet and did not know exactly how they are going to do it. They wanted to put the broad parameters out in the code so everybody knew what they were talking about and to be clear what our goals were. But, they still need to sit down with architects, engineers, realtors and folks who might be potential customers and make sure they are doing it in a way that works. Obviously, it would be with the staff, too, to make sure that they can comply with the regulations. She thought staff was generally in agreement and they can figure out a way to compromise and get enough information so they can be comfortable with it in the code, but not so much that our hands are tied. That is our only goal. We don't want to say we are going to do it exactly like this, and then if David Brockman comes up with a better way to do it or we get input from folks in the community of better ways to do it we just don't want to have our hands tied and not be able to do it the way we think makes sense just because we put too much detail in the code.

Mr. Loach asked to be specific regarding hands being tied and if she meant the connector road.

Ms. Long replied no, she was just talking about the cluster cottage units as an example. Her broad comment would be she did not know if it would work necessarily to say approve it subject to these provisions if it is exactly the way staff wrote it because we have come up with better ways in the last few days. We can certainly commit to the Henley connector and then with regard to the connection between blocks 32 and 22. We were not proposing to take it off. She did not think staff was saying that there was a major problem; but, we just need to clarify the note better. Mr. Randolph made the point if there was more than 50 units we must have a second connection, and we don't disagree with that at all. We think we might be able to provide a secondary connection from another location through the golf course. If we can and it meets the requirements we would not have to build a secondary connection across that stream bed. That would be the goal. It would require impacts to the stream and it would be expensive. If we can provide a path, a compliant secondary access from another location that is what we hope to do. So the intent of the note is to say we don't have to build that as a full blown connector road for traffic, but we reserve the right to do so. If we decide that it makes sense from the neighborhood development, we will build it. If it does not, but maybe we end up needing it for emergency access we will build it for emergency access if we can't provide emergency access somewhere else. So it is really just a matter of adding more precision to the note than we already have, and I think staff and I are in agreement with how to get there.

Mr. Loach said he was wondering because of all the complexity of all of the items if it would be easier since staff has got all our input for them to go back work out the language and come back.

Mr. Benish pointed out that is what we do. If the Commission's action is to adjust the major elements defined here in these seven points, then we work with the applicant to come that answer. Then we provide the Board of Supervisors the response to how they addressed your recommendation. Sometimes they are different and may not be as precise as listed here, but if we have met the intent of the Commission based on our conversation we pass that information to the Board. So I think it is the major elements that are identified here and some of the details we can come to a different opinion and we provide that guidance to the Board of Supervisors.

Mr. Randolph said our intent is not to straitjacket you at all.

Ms. Long replied that she did not think they did. However, she was just wondered the way it sounded like it was going to be written sounded like it would. So I think what Mr. Benish has suggested would be fine.

Mr. Benish suggested if they just added maybe like the major elements as defined in Attachment G maybe that will be adequate.

Mr. Loach asked staff to provide the language for the motion and they will put it to vote. However, he just wanted to make sure.

Mr. Kamptner suggested they could revise the last clause subject to any minor technical revisions, and have it begin subject to addressing the major elements of recommended revisions in Attachment G and any minor technical revisions recommended by staff as stated there. Depending upon what the Commission's action is and what they do with street B behind block 6 there are some parts of this Attachment G that may be inconsistent with your later action and they will need to reconcile those as well.

Mr. Keller noted that was my reason for doing it last.

**Amended Motion:** Mr. Loach amended the motion for ZMA-2015-00001 Old Trail to include the verbiage Mr. Kamptner suggested, which was seconded by Mr. Randolph.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris said ZMA-2015-00001 was passed unanimously.

#### **Private Street Authorization:**

Ms. Yaniglos said the next motion is for the private street authorization. There are three different recommended motions that matches what staff has recommended. Since the applicant did request street H she would look at Mr. Kamptner to see if they still need the motion even though the applicant has made the statement.

Mr. Kamptner pointed out yes unless the applicant wants to withdraw that portion of their request.

Ms. Long agreed with that portion.

Ms. Yaniglos said they don't need to have a motion on that one, but just for the top and bottom items.

#### **Private Streets**

**Motion:** Mr. Loach moved and Mr. Lafferty seconded that the Commission authorize private streets as follows for the reasons stated in the staff report and in Attachment H:

- The portion of Street B located that serves Blocks 5 and 20; provided that the portion of Street B located behind Block 6 be designated on the application plan and in the code of development as a public street.
- Streets T, L, N, and P and those serving amenity-oriented lots.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

**Motion:** Mr. Loach moved and Mr. Randolph seconded that the Commission deny the applicant's request to authorize other streets not shown on the application plan or referred to in the code of development as private streets, for the reasons stated in Attachment H.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock)

Mr. Morris noted the motion for denial was passed unanimously.

### **Curb and Gutter Request**

Ms. Yaniglos noted the next one was for the curb and gutter.

**Motion:** Mr. Loach moved that the Commission grant an exception from the requirement to install gutters on private streets that serve amenity-oriented lots, for the reasons stated in Attachment H.

Ms. Yaniglos pointed out this is the one the Commission had discussion about the curb and gutter. Staff is recommending that curb be installed, but not gutter.

Mr. Lafferty seconded the motion and noted that was only if the applicant can take care of the drainage.

Mr. Kamptner said if there was consensus to grant the exception for both curb and gutter they could revise that first motion to include both curb and gutter and be able to include a condition that curb and gutter shall be provided if required by the county engineer.

**Amended Motion:** Mr. Loach amended and Mr. Lafferty seconded the motion that the Commission grant an exception from the requirement to install curb and gutters on private streets that serve amenity-oriented lots, for the reasons stated in Attachment H, as amended, to include a condition that curb and gutter shall be provided if required by the county engineer.

Mr. Morris asked if the applicant was in agreement.

Mr. Lafferty pointed out that was what they discussed.

Ms. Long said she thought that it was going to be stated as so long as we could comply with the drainage requirements.

Mr. Loach said that was what he thought Mr. Kamptner said because the only reason it would be required is if you could not.

Mr. Kamptner pointed out the condition was worded so it would be a determination by the county engineer.

Ms. Long said if they could make it clear that it has to do with drainage that would be our preference so that it is very clear on what the goal is.

Mr. Benish suggested if it was required by the county engineer for the purpose that it was addressing drainage.

Mr. Morris agreed that was what the Commission was after.

Mr. Loach amended and Mr. Lafferty seconded the motion as suggested.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

#### **Street standards: sidewalks**

Ms. Yaniglos said the next motion is for the sidewalks. Staff recommends approval for those that serve amenity-oriented lots.

**Motion:** Mr. Loach moved and Mr. Lafferty seconded that the Commission grant an exception from the requirement for sidewalks on those private streets that serve amenity-oriented lots, for the reasons stated in Attachment H, subject to the following condition:

1. A five-foot wide sidewalk across the length of the amenity area shall be provided for access to and from the lots and shall connect to the sidewalk network along the public and private streets.

Mr. Morris invited discussion. There being none, Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

#### **Street standards: planting strips**

Ms. Yaniglos noted next was the planting strips. Staff was recommending approval.

**Motion:** Mr. Loach moved and Mr. Lafferty seconded that the Commission grant an exception from the requirement for planting strips on those private streets that serve amenity-oriented lots, for the reasons stated in Attachment H.

Mr. Morris invited discussion. There being none, Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was passed unanimously.

**Special exception for sign modification: freestanding sign area**

Ms. Yaniglos noted the next item was the freestanding sign area. Staff recommends approval.

**Motion:** Mr. Lafferty moved and Mr. Dotson seconded that the Commission recommend approval of a special exception to increase the maximum sign area for monument-style freestanding signs using multi-sided theme panels as depicted in Attachment F from 32 square feet to 64 square feet per sign, plus bonus tenant panels as provided in County Code § 18-4.15.10(a)(8), for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller pointed out that they have just gone through a sign ordinance and he did not see a need for us to be increasing signs in this particular one. He thinks they are setting a precedent.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 5:1. (Keller nay) (Firehock absent)

Mr. Morris noted the motion was carried 5:1 and he assumes the reason for the nay was exactly as Mr. Keller suggested in setting a precedent.

**Special exception for sign modification: freestanding sign height**

Ms. Yaniglos noted the next item was freestanding sign heights. Again, staff is recommending approval.

**Motion:** Mr. Loach moved and Mr. Lafferty seconded that the Commission recommend approval of a special exception to increase the maximum sign height for monument-style freestanding signs using multi-sided theme panels as depicted in Attachment F from 12 feet to 16 feet, for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller said as stated before he thinks that they are looking backwards instead of forwards as far as signing and we are going against what they just did with the last sign ordinance.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 5:1. (Keller nay) (Firehock absent)

Mr. Morris noted the motion was carried 5:1.

**Special exception for sign modification: subdivision sign area**

Ms. Yaniglos noted the next motion was for the subdivision sign area. Staff recommends approval.

**Motion:** Mr. Lafferty moved and Mr. Randolph seconded that the Commission recommend approval of a special exception to increase the maximum sign area for monument-style subdivision signs using multi-sided theme panels as depicted in Attachment F from 24 square feet to 64 square feet, for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller asked to ditto his earlier comments.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 5:1. (Keller nay) (Firehock absent)

Mr. Morris noted the motion was carried 5:1.

**Special exception for sign modification: subdivision sign height**

Ms. Yaniglos noted this was the last one for subdivision sign height. Staff recommends approval.

**Motion:** Mr. Loach moved and Mr. Randolph seconded that the Commission recommend approval of a special exception to increase the maximum sign height for monument-style subdivision signs using multi-sided theme panels as depicted in Attachment F from 6 feet to 16 feet, for the reasons stated in Attachment H.

Mr. Morris invited discussion.

Mr. Keller noted that he could support this one.

Mr. Morris asked if the applicant agreed.

Ms. Long agreed.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted the motion was unanimously approved.

Mr. Morris noted that ZMA-2015-00001 Old Trail Village and the modification requests would be forwarded to the Board of Supervisors to be heard at a date to be determined.

**The Planning Commission recessed at 7:57 p.m. and the meeting reconvened at 8:05 p.m.**

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)