

**Albemarle County Planning Commission  
June 21, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, June 21, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Acting Chair; Jennie More, Daphne Spain, Pam Riley, Bruce Dotson and Bill Palmer, UVA representative. Members absent were Tim Keller, Chair; and Karen Firehock, Vice Chair.

Other officials present were John Anderson, Engineering representative; Rachel Falkenstein, Senior Planner; Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**The Planning Commission recessed at 7:18 p.m. and reconvened at 7:25 p.m.**

Ms. More said she resides in physical proximity to the proposed project and she may realize a reasonably foreseeable direct or indirect benefit or detriment to the value of my real property in an amount that exceeds \$5,000 as a result of the action of the Albemarle County Planning Commission. She disqualified herself from participating in this transaction and requests this fact be recorded in the appropriate public records for a period of five years.

**Ms. More left the meeting at 7:26 p.m.**

**Public Hearing Items.**

**SP-2016-00003 West Glen**

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 055C003000000A0; 055C003000000A1; 056A1010002500,  
056A10100026A0, 05600-000011500

LOCATION: Southwest of Cling Lane and northeast of Peach Tree Drive and Orchard Drive

PROPOSAL: Construction of stream crossing of Powell's Creek with box culvert and roadway in floodplain

PETITION: Fill in the Flood Hazard Overlay under section 30.3.11

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT: FH – Flood Hazard Overlay

COMPREHENSIVE PLAN: Neighborhood Density Residential – 3-6 units /acre, supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features  
(Rachel Falkenstein)

Ms. Falkenstein summarized the staff report for SP-2016-00003 West Glen, a request for fill in the floodplain, in a PowerPoint presentation.

- The proposal is to construct a stream crossing of Powell's Creek, which requires fill in the

floodplain. Special Use Permits are required for fill in the Flood Hazard Overlay under Section 30.3.11 of the Zoning Ordinance.

- The proposed property is located west of Downtown Crozet. Five parcels, TMP 55-03-A, 56A1-01-25, 56A1-01-26, 56-115, and 55C-03-A1 are proposed as part of this property. It is located south of Cling Lane, which is shown terminating the cul-de-sac and north of Peach Tree Drive and Orchard Drive. Powell Creek runs through the property and an area of floodplain runs along Powell's Creek. The property is zoned R-6 Residential.

History: There was a previous special use permit, SP-1990-103, which is also a request for fill in the floodplain that allowed the construction of Cling Lane that also had a crossing at Powell Creek. That crossing, as shown in the picture in the presentation, was two boxed culverts. With this special use permit there was a condition stating that the crossing should serve accesses up to 30 lots so the construction of Cling Lane and 30 lots were constructed on the property. The condition also stated that no development of the residue property or access to adjacent properties shall be allowed until a second access is provided to Orchard Drive.

The applicant is proposing to comply with that condition to provide a second access to Orchard Drive, and they are proposing an extension of Cling Lane. No longer ending in a cul-de-sac it will extend based on that proposal to cross Powell Creek. This will be the stream crossing that will run parallel to the creek until it intersects with Orchard Drive. The proposed crossing is a 10'x10' triple box culvert, and the applicants have demonstrated to the satisfaction of the county engineer that there will be no rise in the base floodplain elevation with this design. If approved, the applicant proposes to develop the property residentially at a gross density of about 4 dwelling units per acre. However, staff has not reviewed a subdivision plat for this yet and really just been focused on the design of the stream crossing at this point. If the stream crossing is approved they will have to come in for a subdivision plat to be reviewed against the zoning and subdivision ordinances.

The applicant is proposing several mitigation measures to help mitigate the impact of the stream crossing. They are proposing the removal of an existing dam along Powell's Creek as pictured in the slide, which is about a 5' dam with a small area of impoundment behind it. They are proposing to remove the dam and restore the stream to its natural state. Staff from the Army Corps of Engineer has expressed their support for this dam removal project. They are also proposing some mitigation plantings in areas of the stream buffer that are not already forested as well as an area of greenway dedication that is consistent with the Crozet Master Plan. Before any disturbance is permitted they will have to submit a mitigation plan to be approved by the County Engineer.

The Crozet Master Plan shows this property for land use of Neighborhood Density Residential (as shown in the yellow color) as well as greenspace (as shown in the green color). The greenspace coincides mostly with the stream buffer and floodplain as well as some areas of preserved slope on the property. The Neighborhood Density calls for a density of 3 to 6 dwelling units per acre. As you can see there are also some conceptual street locations shown on the property. It shows connections going across the property to the east. It does not show a crossing of Powell's Creek or a stream crossing in this location.

Ms. Falkenstein said she wants to talk a little more about these street locations shown in the Master Plan. Currently there is not adequate right-of-way to build streets in those locations as you can see by the map. She pointed out McComb Street, which is a small easement that has not actually been built or a public roadway. So there is not adequate right-of-way at this time for them to build a public roadway in this location. The other area shown crosses some private

property to the east. If these roadways were to be eventually constructed they would come out along Blue Ridge Avenue, which is a public road. However, it was built prior to current road standards; it is a very narrow roadway; it is very steep, and it was not designed for a large volume of traffic. The alternative connection that the applicants are proposing would come and connect to Orchard Drive so that they will be coming out onto Orchard Drive pretty close to Jarman's Gap Road, which runs east/west across the picture, which will be a more adequate roadway for the traffic demand caused by this development.

In summary staff have identified some favorable and unfavorable factors with this request.

#### Factors Favorable:

1. The proposed stream crossing will not cause any rise in the base floodplain elevation.
2. The stream crossing will allow development of the property consistent with the Crozet Master Plan.
3. The applicants are proposing a greenway dedication in an area consistent with the Crozet Master Plan, and
4. The stream crossing in this location would promote interconnectivity and disperse traffic onto a road system that is better able to handle the additional traffic load.

#### Factors Unfavorable

1. The Crozet Master Plan does not identify a road with a stream crossing in this location and the Comprehensive Plan recommends that roads with stream crossings only occur in areas shown in the Master Plans.
2. The stream crossing will also have some environmental impacts for features such as the floodplain, stream buffer and preserved slopes; however, they are proposing some mitigation measures.

The staff recommendation is for approval of SP-2016-03 with six conditions. The first two conditions are kind of wordy; but, they are pretty standard conditions. The first one is a general accord condition just asking that the stream crossing be in general accord with the plan submitted by the applicant. The second one is asking for approval from the Federal Emergency Management Agency (FEMA). The third condition is that lots and associated streets resulting from the subdivision of the property be located outside of the 100' stream buffer with an exception of lots being allowed within the landward of 10' of the buffer only if they are adjacent to approved storm water management facilities within the buffer. Condition 4 is that the net density of the property shall not exceed 6 units per acres in accordance with the master plan. Net density shall be calculated by subtracting the areas within the floodplain, the stream buffer and preserved slopes from the total acreage. She will note that the applicant has done a calculation to determine this will be about 74 units. Condition 5 is prior to the issuance of a grading permit they shall dedicate the greenway trail as shown on the plan. Condition 6 would just be an expiration date on the permit of 5 years if the use is not commenced.

Ms. Falkenstein presented suggested motions and said she would happy to answer questions at this time.

Mr. Lafferty invited questions for staff.

Mr. Dotson asked along the creek does the master plan show a trail sort of paralleling the alignment of creek.

Ms. Falkenstein replied that it just identifies this area as a greenway, and she does not have a

map showing a trail here. She will note that Parks and Rec staff has reviewed the request and said they would like to have a trail here and it will provide some connections to other existing trails.

Ms. Echols pointed out the Parks and Green Systems Plan does show a trail in this area.

Mr. Dotson said he had a question either of staff or the applicant. He asked if the trail is paralleling the stream bed and it is interrupted by this road crossing how would someone using the trail get to the other side of the road. He asked would they go up onto the road and across; would they go through one of the three box culverts; would there be a trail way as part of that; or how would that happen.

Ms. Falkenstein replied that the crossing would be over the road, and Parks and Rec staff has weighed in on this and they said that would be an acceptable crossing in this location.

Mr. Lafferty invited other questions. He noted that he had a few questions since he did not think our packet had the Crozet Master Plan showing the future connections and so he was wondering. He said attachment H came as close to it as possible. The restrictions in 7.1.91 about the connection to Orchard Lane refers to a tax map 55C, parcel A that he could not identify on the GIS system and so he just wondered where it is because he does not know if it connects all of this property or just part of it.

Ms. Falkenstein asked if he was referring to the previous special use permit, and Mr. Lafferty replied yes.

Ms. Falkenstein explained that the property has since been divided so that original tax map is no longer in the same configuration, and she would guess that tax map number no longer exists.

Mr. Lafferty said he noticed that the map staff had up shows a connection going all the way up to Blue Ridge Avenue. He asked if that is where the Vue is going to be.

Ms. Falkenstein pointed out that she had put a slide at the end in case a question about the Vue came up. She pointed out there is another by right proposal for people who are not familiar with this for the Vue, which proposes to construct apartment units on this portion of Tax Map 56/115. That will be a by right residential development to the R6 zoning ordinance standards utilizing the acreage of this property for that development by clustering the development on the front portion. The West Glen development will propose a road crossing through this property, but, is not proposing to develop any units on the property. So it won't actually connect the road way to the Vue because as you can see they will cross the stream once here and connect to Orchard Drive. However, in order to connect to the Vue and stay on this parcel they would have to do a second stream crossing. So that is not what they are proposing; it was just the connection out to Orchard Drive.

Mr. Lafferty said he was surprised with the Vue that you did not have a condition like condition 4 where you don't include the floodplain and the buildable acreage.

Ms. Falkenstein pointed out the Vue was a by right development so staff calculated it based on gross density and how we calculate density with the zoning ordinance. Since this is a legislative review we are able to.

Mr. Lafferty said as far as health and safety go you said that Blue Ridge Avenue cannot handle

the 81 units of the Glens; however, you approved 126 apartments that will dump right into Blue Ridge Avenue.

Ms. Falkenstein replied that she was suggesting that the road ways probably are not adequate to safely handle additional traffic. However, with the Vue, again, that being a by right development we can't require upgrades to the road, can't deny development and are very limited to what we can do.

Ms. Echols pointed out VDOT would be the ones who are ensuring that in a by right development and they did not require any changes.

Mr. Lafferty said since we are not talking about the Vue right now the actual property is much less than what we were shown in the staff report and it does not include the stuff that goes up to Blue Ridge Avenue.

Ms. Falkenstein pointed out the part they are proposing to subdivide is only about 19.7 acres that does not include the parcel highlighted on the left, the Vue, that is just a parcel included in this request because it includes the fill in the floodplain stream crossing.

Mr. Lafferty noted in the engineering report a lot of it was not readable; but, it does say there is some section that is expected to have up to a ½ foot rise in the floodplain. In the conditions on the front page you say that the favorable conditions that the proposed stream crossings will not cause any rise in the base floodplain elevation, and then in the unfavorable conditions you say we will impact the environmental features such as the floodplain, the stream buffers, preserved areas and slopes. That seems to contradict each other.

Ms. Falkenstein said she would like to have the engineering reviewer, John Anderson, address his comment. Then if there are further questions about the favorable factors she can answer that.

Mr. John Anderson said those were good questions. He has been with the county several years and had been with Community Development for two years and yesterday just started in Environmental Services. He said he had noticed the rise, too, and it was something that has changed in one revision of the plan initially. What we see now are three box culverts and combined with a 300 square foot opening. What we saw previous were a little bit less; it was a 192 square foot opening and we did see more of a rise. There is still that slight rise and where you find that rise is not at the crossing, it is not at the box culvert so much as downstream just a little ways where the road kind of hugs the floodplain and there is actually a retaining wall. He thinks you will see there is a stream cross section like letter G. It is where there is some fill that intrudes a little bit and that supports fill for a roadway. So you do see a 0.49 foot rise and that is something that he believes is a good condition for a special use permit because he thinks the next step is for Dominion Engineering, Mike Meyers, who is a certified floodplain manager. This guy knows his business and he respects that. He said Mike Meyers went to FEMA with his model and right now that is the data that you see as a 0.9' rise. So when he goes to FEMA with his condition it is incumbent on him that he work that model and maybe refine it with some additional cross sectional information. But, that is going to be a requirement if the Planning Commission or if the Board issues a special permit with a no rise, then that means no rise.

Mr. Anderson pointed out at the moment after one very solid revision where they went from two boxes to three boxes lowering the rise substantially; there is still this little bit that is not at the box culvert, but it does have to do with that area where they have a retaining wall and a little bit

of roadway embankment fill. So there are some options. As a little bit of side information, FEMA has people that evaluate the results of these models all the time and then they also contract out to firms that might specialize in it. There are firms that do that. So you are going to have an engineer representing the developer and an engineer representing the agency, FEMA, and they will be on the same wave length before it is done. He pointed out FEMA saw the application that came to the Commission earlier for 5<sup>th</sup> Street Commercial and way back when they actually issued a letter of that revision for that project in the year 2000. He noted that you don't just see changes in the map, sometimes you see changes in tabular data to the 100<sup>th</sup> of a foot. He said so no rise is a strong condition and if it is a condition of approval then it falls to the developer in the process of getting a letter of that provision to make the point.

Mr. Lafferty asked would FEMA have feet on the ground in Crozet because in the 5<sup>th</sup> Street Station when they did that they said they disagreed with the FEMA maps and they were going to do the surveying themselves. He thinks that is how they got some of the conditions changed.

Mr. Anderson asked Mr. Lafferty to help him understand what you are saying happened in the other case.

Mr. Lafferty said he thinks they disagreed with the FEMA floodplain drawings and so they did actual engineering measurements on the ground.

Mr. Anderson replied that FEMA in the maps will use day in and day are not always surveyed. There are floodplain maps that we rely on for a number of really important purposes they are based on gross topographic information. It is certain reaches of streams like this one, Powell's Creek, where you have a little bit more of refined effort on FEMA's part; they actually try to define a more critical part of the floodway called a floodway. But, a lot of times you can go beyond that and improve that, and sometimes if you look at our GIS lay area and you look at the floodplain line you will see a crossing contours. Floodplains will cross contours as you go upstream; but, you will them sometimes just part rather strongly and go up the hill or something. So those are the kind of things that engineers with field surveys can improve upon, and FEMA welcomes that. In fact, sometimes they will waive a review fee if someone were to approach them with what they call improved topographic data. So that is kind of a first step and Dominion Engineering will probably bring that to bear to try to run the base model that FEMA used to establish floodway and base flood elevations here on Powell's Creek. They used a certain model and Dominion Engineering has access to that and the more discreet field run survey that they put into that model the more accurate the results of the model. It does to tend to lower base flood elevation when you put more refined improved topographic information into it. So you have seen something and the engineering has certainly seen it and if they propose to accept this condition of no rise they have to be confident that working with FEMA directly or FEMA contractors that they can prove it that will turn out that way.

Mr. Lafferty asked would you suggest that the letter from FEMA in our documents are them just using the topo that they have available the data but they did not come up and do any measurements.

Mr. Anderson asked that the numbers that they see in the application today are not based on any additional information.

Mr. Lafferty replied it was the letter saying that it was a great project and removing the dam would probably be better.

Mr. Anderson asked what the question is.

Mr. Lafferty asked did FEMA do any on site work, and probably not or yes.

Ms. Falkenstein suggested that the applicant might be able to answer that because they are the ones who provided that correspondence.

Mr. Lafferty said okay while he has the engineer up here you mentioned the difference in the culverts the one downstream has a cross sectional area of 139 square feet. The new one has a 300 square foot cross sectional area. So the one downstream will block the water and above this we have been charged by the State of Virginia to do and what would happen downstream from dam if it broke. There are two dams feeding this in Mint Springs. What do you think would happen because they are pretty big size bodies of water?

Mr. Anderson replied that he can't say or answer on the spot now. Depending on the size of impoundments or dams, and he did not know the size of these runs, but the state actually does evaluate what we call the zone of inundation dam break zones and we consider that with our reviews. He can't speak to that; he was the planner who coordinated that with the state. He believes it the Department of Conservation or Recreation the dam safety division. They are cognitive and aware, in fact, the state has been looking at a dam that he had a chance to work on, the Hollymead dam that carries traffic. So it is in the forefront of people's mind both here and at the state. That is a tough question to ask what he thinks might happen.

Mr. Lafferty said it probably would not be good for buildings close to the floodplain, would it.

Mr. Anderson replied that it all depends on the magnitude of who you are talking about because we all have seen the movies and in fact we might all have had experience with floods. In fact, you have really put your finger on the purpose of the National Flood Insurance Program and that is why we have our Flood Hazard Overlay Ordinance; that is what it is all about. It is a balance of development and risk you might say.

Mr. Lafferty said they have some unanswered questions, and Mr. Anderson replied yes, sir, and asked if there were any more.

Mr. Lafferty replied that he did not think so since he thinks he has put him on the spot enough.

Ms. Falkenstein said she would like to clarify quickly we don't have a condition recommending no rise in the base floodplain. That came from my staff report and what she should have said is negligible rise in the base floodplain and not zero rise.

Mr. Lafferty said but we have a project that is not compliant to the Crozet Master Plan and not compliance to the overall comprehensive plan.

Ms. Falkenstein said that is correct, she had identified that as an unfavorable factor.

Mr. Lafferty said at one time back several years ago there was a mention of almost a promise of a linear park connecting to the park in Old Trail. A linear park went up at Powell's creek and now we are putting another impediment to it of having of having to go up an incline and down it to have a linear park there. It just seems like that is another thing that we are losing for multi-modal transportation and the Crozet Park system, which the volunteers have been trying to do a circuit navigation around Crozet and they have been doing a great job; and he was just concerned

about that. He asked does anybody have any questions.

Ms. Riley pointed out in your report you said the applicant had approached other owners about another entrance way, but none of those had been successful. She asked were all of those alternatives going to be coming off of Blue Ridge or could you elaborate on them a little bit more.

Ms. Falkenstein replied that she would prefer that the applicant spoke to that. But, she thinks he was looking to make the connection shown in the Crozet Master Plan in the general area here. There is a small easement along McComb's Street already existing. She was not sure if they explored widening that or not; but, they could probably speak to that better.

Mr. Lafferty asked if there were any further questions. He said he would like to invite the applicant up to speak. Again, you have ten minutes as the timer readings go. He explained yellow means you have one minute left.

Charlie Armstrong, with Southern Development, said that he had with him Keith Lancaster also of Southern Development and Mike Meyers of Dominion Engineering. We thank you for your time tonight. He said the first thing that he would like to do is address some of the big questions that have come up from you all that staff did not yet answer. He thinks he has answers for all of those that our plan has designed to. First, the other connection. One of our goals here was to make as many connections to adjoining places as we could. This special use permit from the 90's specifically requires a connection to Orchard Drive in order to develop the residue, and he would come back to that in a minute. But, we also wanted to look at making, if not, just the connection to Orchard, maybe an additional connection or maybe an only connection to Blue Ridge. That is the only other place that we could get to. There are no other streets in between our property and back down to Jarman's Gap. All of that property is owned by one owner who owns a collection of parcels there. We met with that owner multiple times and discussed opportunities for a connection through there and a lot of different possibilities for how that connection could work. There is the McComb's Street right-of-way he believes is 30', which is not sufficient for a public road.

Mr. Armstrong said we would be able to potentially provide an emergency access connection there. As the fire department said to us in one of our meetings with them whether our emergency access connection is there or not they are going to use it if there is an emergency because our road does about that plan. So the end of those discussions was we were not able to reach any kind of agreement with them to connect through. So Orchard is the only place we are proposing a connection, and that is consistent, of course, with our special use permit. He found it very interesting that staff in their report came to a conclusion that says that the Orchard connection is probably a better place to connect, and it leads me to believe that if the master plan we agree on today that might be where a road connection will be shown and that one might not be shown going to Blue Ridge because of the inadequacy of Blue Ridge right now to handle additional traffic. It is just not designed to today's road standards.

Mr. Armstrong said once we did not reach agreement with that other owner, and after learning of staff's thoughts on Blue Ridge we abandoned that possibility for a connection. Next, is the dam break scenario which is also an important one, which is downstream of Mint Springs. He pointed out that many properties in the county are downstream of one dam or another. We have thousands and thousands of ponds and dozens if not hundreds of what he would call lakes. So dam break is an important thing to consider. In our analysis we did not do a sophisticated floodplain analysis for a dam break inundation study like the county has had to do.



But, in our analysis it is easy to see that the two culverts that are upstream of this property going under Cling Lane and also going under the railroad tracks are significantly smaller than what we propose. Our culverts would be able to handle about 50% more water than those upstream culverts. So any water that comes down stream first has to clear those two smaller culverts before it gets to ours, which it would easily pass, and then it would hit Jarman's Gap Road again, which is smaller than what we propose as well and it may back up there, too. But, ours would be the largest culvert in proximity so water would pass here far more easily than it would pass any of the other culverts in this stream.

Mr. Anderson said regarding the question about the trail connection and the greenway there, we are proposing to actually create and dedicate. That does not exist now. That is the greenway shown on the map. It is one that Dan Mahon and Parks really wants to see because it provides a critical piece of the connection from Downtown Crozet up to Mint Spring. Without that you are on road or going somewhere else to get to Mint Spring. With this there can be a multi-modal trail straight up along the creek valley to connect those important hubs. So we would like to be able to dedicate that greenway with this project and make that happen for the county. To think about it in terms of we are losing the green way is not really an accurate way to think about it. That greenway does not exist. We would be gaining a greenway. He would be gaining a greenway as a county resident. He hopes that answers the questions that came up.

Mr. Andersons pointed out that he had a few other things that he would like to discuss. This property in that 1990's special use permit was designated as phase one of the development, and this has been owned since that time by Crozet Development Solutions. It has always been planned to be developed. It has always been phase 2 or 3 or however many phases it might be of that initial phase 1. They stopped short in the 90's because they did not want to build this road connection to Orchard which was desired at the time. It is an expensive thing to build, and they wanted to do the 30 units that they are allowed to do without making that expensive connection. So they did provide two additional road connections to this residue parcel, one of which is the extended cul-de-sac of Cling Lane. Instead of doing the traditional cul-de-sac we have houses surrounding it. Cling Lane extends about 200' into this parcel so that it would not have to disturb the adjacent residents through a lot. They were planning for this future development. The county documents that were submitted back at the time also call it phase one. Those plans from the 1990's also do show this conceptual stream crossing location on those plans. So this is really a request to complete a development that was started long ago and has always been slated by the landowner and by submitted county documents for future development. The site is zoned R-6 as staff pointed out or 6 units per acre. We don't propose to develop to that density or anywhere near it. The comp plan suggests a desired density of 3 to 6 units per acres, and we are proposing about 4 units per acre so we are well within that and certainly below the median point of that 3 to 6.

Mr. Armstrong said environmental concerns were our first concern when we started looking at this; a stream crossing does have environmental impacts and there are ways to mitigate those so that they are not on the net. They are not detrimental to the stream; but, that was the first thing we needed to look at. So we zeroed in on this concrete dam that is in the stream channel pretty quickly. Dams impede stream flow; aquatic wildlife movement such as fish, thick organisms and things like that. So removal of that dam, which is a significant undertaking was where we looked first in addition to the plantings and other things that we can do that are helpful. But, this is really the big thing of that dam. You asked if the feds had come out to the site. He invited the Army Corps of Engineers to the site; they visited with me and walked the creek; and focused on that dam especially. After the Army Corps visit they determined that removal of the dam coupled with this new stream crossing; the stream crossing being this light

environmental negative and the dam being a huge environmental positive, those two things together that this proposal is a net environmental benefit to the stream; and their letter says that very clearly which is in the packet. So we are excited to be able to do that. It will do something that we have never been able to do before. We are moving dams in my office that is just above Woolen Mills so he always looks down on where the Woolen Mills was and now it is a natural river when it was not before. He knows this is a little bit smaller than the Rivanna; we want to be able to do something similar. That is the start of our environmental studies of the property; it certainly is not the conclusion. We have to and will do significant other floodplain studies and will coordinate all of those with the Corps of Engineers, DEQ, Department of Games and Inland Fisheries and the MRC to ensure that our development techniques cause no adverse impact.

Mr. Armstrong said in my final few seconds he is going to ask you to consider two of the conditions and possibly remove them if you see fit. Condition 3, existing ordinances accurately address this right now. So he would ask that condition 3b be removed because what it causes is a longer road for the same number of lots. It allows lots only to be developed on one side of the road in a lot of cases, which means more impervious surface per house than otherwise would be possible. This is a designated growth area and condition 4 limits density. He feels that having the density here in one place is better than reducing density here when we are already proposing something that is well below the recommended median and what is below by right. It would be better to have the density here than to have fewer units, which means eventually somebody needs to build more units elsewhere to accommodate the same amount of growth. Thank you for your time and he won't take up any more of it. But, he was happy to come back with questions.

Mr. Lafferty invited questions for Mr. Armstrong.

Mr. Dotson said he had a couple of questions. Condition #1 currently states as well as maintaining no increase in the 100-year flood elevation; can you live with that.

Mr. Armstrong replied that he thinks that a negligible increase would be a better condition to have if we are talking inches. He did not think that disturbs anything and so should you see fit that would be preferred. But, he thinks with some engineering we can probably meet that condition if you all feel that is necessary.

Mr. Dotson said you are objecting to condition #4 and if you could maybe translate this is saying 6 units per acre net density and you are building 4 units per acre gross density. Your gross density would translate to what net density.

Mr. Armstrong replied that he believes that if this condition were imposed that it would be about 74 units maximum density there, which is still just around 4. Our plan of development is right around that density. So it does not have a tremendous impact on what we are planning to do; but, we bump right up against it to have that stream buffer and other areas removed for the purposes of calculation of the stream buffers and other areas are already removed from the area we are proposing to develop. That is not an area we are going to develop. This is just on paper for the purposes of a density calculation is what that is suggesting.

Mr. Dotson said that he did not understand and perhaps the staff could comment about your suggestion that #3 be removed. It is a fairly technical condition and he was not sure he would fully understand it.

Ms. Falkenstein said sure, so we have a Water Protection Ordinance (WPO) that deals with

development and how it is permitted in the stream buffer. It has been interpreted by the county engineer and engineering staff that we would allow certain disturbances within the landward 50' of the stream buffer. We don't allow building sites within the stream buffer; however, we have allowed lots. So if you can demonstrate that your building site is outside of the stream buffer you can still have a private lot on the stream buffer. This is maybe not the best tool to enforce protection of the stream buffer because once it is on private lots individuals often times maybe don't even know it is a stream buffer and will mow, build sheds, playgrounds and things. When we have legislative reviews we try and ask lots be pulled out of the stream buffer. The way this condition is written we allow lots within the landward 10' of the stream buffer. If there is a storm water management facility already disturbing the portion of the stream buffer, this is for consistency sake; this is what staff had recommended with the Adelaide development also in Crozet so she was just trying to maintain some consistency there.

Ms. Echols pointed out it is our standard practice to recommend that the stream buffer not be on lots because it is easier to ensure long term maintenance if it is owned by an association rather than each individual lot owner.

Mr. Dotson reiterated what he thinks she is saying is #3 reflects our standard practice.

Mr. Lafferty asked staff to explain what attachment D, page 4 of 4 is showing.

Mr. Anderson said he did not know if he had attachment D and if it was possible to put it up on the screen.

Ms. Falkenstein asked if he was referring to the image on the engineering comments.

Mr. Lafferty replied that it was engineering review comment on page 4 of 4.

Ms. Falkenstein said that Mr. Anderson might want to speak to that, but she would pull up their application plan here. It is difficult to see on the screen, but a portion of this Red Tail Drive is also shown within the stream buffer. If this came in as a by right development there could be an interpretation that this road would be allowed within the landward 50', but the stream buffer because it is disturbance necessary to provide use of the lot, however, since we have a little more discretion with the legislative review with the condition 3 asking that this road be removed outside of the stream buffer.

Mr. Lafferty asked if the yellow part shown there is the stream buffer or the floodplain, and Ms. Falkenstein replied the stream buffer.

Mr. Lafferty asked if it actually covers some houses and the road, and Ms. Falkenstein replied yes, the yellow part with the road is the stream buffer.

Mr. Lafferty pointed out there was no key to the drawing so he couldn't tell what it meant.

Mr. Anderson pointed out he was trying to say as Ms. Falkenstein was saying that here a hardscape within the stream buffer, and it is what Ms. Echols and Ms. Falkenstein are getting at is that the stream buffer does have a little bit of allowance in there for things to be done, but we prefer not to see hardscape improvements. He apologized for not having a key; but, every once in a while he will just copy an image and slash a little yellow on it trying to call attention to something.

Mr. Lafferty replied no, it is fine because it brought it to my attention. He asked if there were any further questions from the Commission.

Mr. Armstrong pointed out he thinks the answer to your question there is this comment and the condition came with the staff report subsequent to when this plan was submitted, and the answer is that this plan would have to be modified in order to comply with that. He has shown right here estimated when we originally submitted an application; this would not meet that condition.

Mr. Lafferty invited further questions.

Ms. Riley asked staff to elaborate a little bit on if the Corps of Engineers has concluded sort of the net benefit in terms of you building a road across this stream versus removing the dam and restoring the stream to its nature state there. Could you describe a little bit more what is going to happen when you remove the dam and whatever sort of improvements would you be making.

Mr. Armstrong replied that they would have to come up with a detailed engineering plan for that, which we have not done yet. But, he has had significant discussions with the Army Corps of Engineers about how that would go about. He explained it would involve removing the concrete structure itself, so essentially hammering out a large concrete dam and hauling that away. Then the water that is impounded above it creates a small pond that he would guess is 40' X 20' or 30'. Since that water would then be allowed to flow freely in the original creek bed the sides of that pond would be bare dirt that would need to be reshaped and stabilized and then planted with native species in order to bring it back to what that creek bed used to look like or our closest guess to what it used to look like. You can't just blow up the dam and walk away, you have to do a lot of work to make it look like that dam was never there.

Mr. Lafferty said further down Powell's Creek the county just spent a great deal of money putting in two catchment basins so they could keep the silt out. He assumed that this pond has a fair amount of built up silt, which you would be releasing into the catchment basin that the county would have to clean up. Another good thing about the pond is you might use it as a catchment basin and clean it out instead of trying to destroy it.

Mr. Armstrong replied well if that is what you prefer we can look into that.

Mr. Lafferty said he did not know if he would prefer that or not. He just thinks it is going to be an expense that the county is going to have to bare to clean out the silt that is going to go down stream.

Mr. Armstrong said that he will speak to that and absolutely not we can't just demolish a dam and let any of the silt that has accumulated behind it over the years run. We have to dredge behind it first to remove that so that does not happen. There is certainly and he does not know how deep but he can assure you that there is silt built up, and so that would all have to be dredged out with a backhoe and carried away before any of that water was released. So that would be part of the plan.

Mr. Lafferty asked have any environmental studies been done on the creek, dam and the pond.

Mr. Armstrong replied yes, sir. We have done a phase one environmental analysis which is more tailored towards environmental concerns generally. We've also have done a wetland delineation and a stream delineation with a certified wetland and stream delineator to make sure

that we know exactly where any of the wetlands that are on the site are. Our plan avoids all of them and he knows exactly the structure and type of the classification of the stream that is there so that we can adequately do our engineering for that stream.

There being no further questions from the Commission, Mr. Lafferty invited public comment.

Mary Jane Richey, an adjacent property owner, said she had lived in my neighborhood for 19 years and over these 19 years the development of this property that we are talking about tonight has come up several times. Every time it comes up what enters is the floodplain, Powell Creek and the environmental issues that we are talking about tonight are the ones that are most concerning to me. She would guess when we say stream crossing we are talking about a road, and those two terms are interchangeable. She thinks the committee is considering tonight all about a road and she just can't believe that there is not another way to get to this property to develop it. She believed there is another way and heard the gentleman before me say that he had tried to work with the property owners. She has heard the opposite so she was not going to say who said what. But, you know how it goes. What concerns me in the report are the words used mitigation, mitigating, and alleviating. She said if you have looked in the dictionary to see what those words mean, and those two words mean the same thing and they don't fix the problem. What they do is to make less severe, less impact, less tense and less painful; it does not alleviate or take away the problem. The impact is going to be the impact on the environment. She knows from working as a naturalist in a park in Tennessee for 17 years that once you make a mistake like this in the environment you cannot take it back. So she is really concerned that the planners even considered when it goes against some of the county's rules about preserving floodplains, stream buffers and so forth. It also goes against what is stated in the master plan and this road is not shown in the master plan. The master plan states that no road should go across a stream unless it is shown in the plan. So if we have a master plan what good is it if we don't follow what is set down in the plan? She believes that property owners have the right to develop and use their land; but, she did not believe they have the right to destroy the environment. So she would ask the Commission to consider not accepting this proposal as is recommended.

Mike Marshall, an adjacent property owner, said my wife Lisa and I own the 18 acres that is immediately east and south of the property that is being discussed. We were present on this property in 1990 when the original special use permit was approved. That parcel was a remainder from the development of Orchard Acres. The development of Orchard Acres could not reach that parcel; it was basically a scrap raw piece of land. We never thought it was going to be developed. What happened was that Mr. Rick McNealy, the developer of Orchard Acres, deeded it over to the Charlottesville Housing Foundation, now the Piedmont Housing Alliance (PHA). In exchange he got a letter he thinks was endorsed by the county saying that he had given land worth \$140,000 and therefore he got a tax credit for that. The county broke its rules against crossing streams in order to create Crozet Crossings because it was under pressure to show it was sensitive to the affordable housing needs in the county. At the time the PHA said it would not build the housing project there in which the houses cost \$60,000 a piece, the average house at that time cost about \$100,000. In the end when they were done the houses sold for \$85,000, which proves that the PHA was not more efficient than a private developer.

Mr. Marshall said that he would like to say on the subject of the dam that the dam was built during a hay day at the orchard and it was built to impound water to fill pesticide tanks. If you are going to look at what comes out of that dam you might want to look at what is around the dam because that is where they filled their tanks. The Wayland family had extensive orchards in this area in the hundreds of acres of trees and they had orchards for decades in there. On the

subject of whether or not they were approached he would say that is a flat out lie, and the developer never came to us and offered any kind of discussion about how to get through us to get to Blue Ridge Avenue. The reason that this property was always considered undevelopable was because Blue Ridge Avenue does not really have access for the number of units that would want to come out on that street. He wants to point out that the 1990 special use permit (SUP) there was 60 units total, 30 were allowed and the additional roadway was to allow another 30 units, not another 74 units. We got a call from Mr. Charlie Armstrong wanting to meet with us. We have often been approached by developers who want to talk to us about our 18 acres and we thought this was a similar meeting. In the meeting Mr. Armstrong showed us his plan which showed 30 single residential family houses with the road that you are talking about now, and we said why are you showing us this and he said we are just trying to be nice. At the end of the meeting we walked out and we thought the point of the meeting was to say we are here to do this and you can't do anything about it. Well, okay we can't do anything about it. We had a subsequent meeting with him and he raised the question and said well a sensible road here would come off Jarman's Gap Road and go up the east side of the street and then you would never get into a stream crossing; and Mr. Armstrong said well that road makes a lot more sense for Crozet in 50 years. That was the end of the discussion. He said this is my wife and daughter who were both in those meetings with us and he thinks they would come in here and say the same thing that we were never approached about coming through our property. He wants that to be clear, and he resents that being in the staff report. He thinks the staff should have checked with us before they took that on face value.

Mr. Lafferty thanked him Mr. Marshall for his comments. He invited the next speaker to come forward.

Robin Luce said on behalf of the Crozet Advisory Committee she wanted to express their statement, which she believes the Commission received in the mail. They oppose the issuance of this special use permit as proposed for the reasons identified below:

- Because of its impact on environmental features including the stream, wetland and floodplain area of Powell's Creek.
- Due to a lack of compliance with the floodplain, stream buffer and critical slope ordinances which are on the Orchard Drive side, which Mr. Armstrong did not mention. He talked about the benefits of the dam and he did not talk about the slope.
- Given concern is number 3.
- Over protection of potential sensitive species that now exist in the area the CCAC suggests that a study be done by a third party to determine if there were the impacts to sensitive native species because one has not been conducted already by a third party.
- Number 4, due to the impact and misalignment of the existing neighborhoods. According to the Crozet Master Plan new developments should be in keeping with the character of existing development. The development resulting from this special use permit is a significantly higher in the surrounding neighborhoods.
- Last, based on the CCAC's concerns regarding the method used by developers in the county including non-buildable acreage in density calculations which results in a higher number of allowed units than would otherwise be permitted based on zoning amendments were recommended by the CAP with only buildable acreage as utilized in the density calculations. That is for the CCAC.

Ms. Luce said as a resident on Cling Lane she just wants to say in response to the report that the proposal is indeed radical different from the existign neighborhood. She did not know a lot about the houses yet, but they are hearing 3,000 square foot houses. She pointed out that Orchard Acres is blue collar type hard working people. She feels that the damage to the stream

and the impact to the existing neighborhood is being significantly downplayed in the staff report. She asked for additional time.

Mr. Lafferty replied since she was representing the CCAC and the Orchard Acres people that she could go ahead a little longer.

Ms. Luce, as a Cling Lane resident, said Charlie Armstrong talked about if it were designed today they would have surely designed the road in this way. Well she thinks that this is what can never be planned for is what happens when a neighborhood comes along and people buy in and what do we have. What we have on Cling Lane right now is children and little ones riding their bikes and riding to each other's houses and they need the cul-de-sac. They don't get fancy vacation this is what they have for their fun in life. It is a street full of little children and she understands the life of them. She understands that there is going to be growth. Does this have to be done right now and need growth so that we need to use this tiny remnant of land and destroy park that is here that does not cost anything. She suggested that they let these kids grow up and do it in ten years and we are we busting out of our seams.

Kim Connelly, resident of Crozet, said she was not a neighbor of the property. She was a former member of the CCAC. She was here tonight because she was concerned about the big picture. If you look at this piece of property and the adjoining property that is going to be developed by right, which is the Vue, you have this little wedge of Crozet that is going to have a tremendous number of units. The Vue she thinks is 120 units by right and then this is another proposed 74 units. That is not in keeping with Crozet's Master Plan. She just wants to draw your attention to a few things in the factors that are unfavorable. The Crozet Master Plan does not identify a road with a stream crossing there. The stream crossing will impact environmental features such as floodplain, stream buffer and preserved slopes. If we have these rules to protect the environment why are we granting exceptions to the rules? It is unfortunate that there is this wedge of unbuildable land without this one access; but, that is not your problem or my problem to grant the developer access to this piece of property. They took a risk in proposing this development, sorry. She did not see the benefit of granting this exception when we will have permanent damage to the environment or at least impact on the environment.

Ms. Connelly said she just wants to draw your attention to a couple of other things. The details of the proposal due to the narrow width of the parcel. South of the crossing point there will be additional disturbance to the floodplain within the floodway fringe and the road will traverse a small area of preserved slopes which cannot be avoided if this access is to be constructed. She is very concerned about the developer wanting proposal 3 and 4 of the staff's recommendation lifted. She thinks that is a very slippery slope and she hopes we don't go down it. The Albemarle Comprehensive Plan Objective 6 retaining existing buffers should be the priority. In Objective 7 the cumulative effects of reducing floodplain or building within them will reduce habitat, reduce flood water storage and increase the frequency of flooding for adjacent properties. We have these rules already set to protect our county so she urges you to turn down this proposal because she did not see the net benefit. She only sees the detriment to the community.

There being no further comments from the public, Mr. Lafferty invited the applicant for his five minutes rebuttal.

Charlie Armstrong said the first thing he needs to address is Mr. Marshall's comment essentially calling me a liar. We met in his office on September 22<sup>nd</sup>, December 17<sup>th</sup> in my office and on February 9<sup>th</sup>. In the second of those meetings Mr. Marshall drew on a plan and said this is the

only alignment of a road which I would consider in order to allow a road through my property. That alignment took a road from one of our roads in our proposed subdivision down along the edge of the stream buffer through his property and out precisely at the intersection of Blue Ridge and Jarmans Gap. That poses a problem because it is through two additional properties which we don't have any control over. It is two additional land owners, one of which he did approach and he said absolutely not, no way ever no how, it just does not work for my property. That owner is the developer of the Vue. Apparently a road through there would not allow him to do what he was proposing to do on his property. So since Mr. Marshall said that was the only way ever he would consider it that is a dead deal. He was not going to get any further into the he said she said stuff and he will leave that to you all. But, that needed to be addressed.

Mr. Armstrong said the comment about the environment that was brought up, he is an ecologist by education. My wife is also an ecologist and she has six years of education beyond my ecology degree. He understands environmental concerns, hydrology, and ecology. He has stood in streams and took samples to know what a healthy stream is and is not. When he met with the Army Corps of Engineers on this project to look at this stream and the Army Corps agreed that removal of that dam was a net benefit to the stream. If both of those things happen that carries a lot of weight in my mind. It was my own assumption because it is so important to have that unimpeded stream flow along as many linear feet as you can do it. The question about environment benefit in my mind is resolve.

Mr. Armstrong said the resident who heard 3,000 square foot homes obviously the rumor mill has been gemmed up because we have no idea what size houses would be built here. We have gotten nowhere near that step. These lots probably would not if he was guessing be for 3,000 square foot homes; he would think significantly smaller than that. But, again, that is a guess we have not gotten anywhere near that stage of planning and the rumor mill has gotten significantly ahead of us. The comment about the Vue he thinks is interesting because it talks about having the Vue plus this project and the net impact of those two things being a lot of additional units. While he does not disagree with that he thinks it would be counterproductive to throw out a development that proposes the density that is desired in the comp plan while you have no control over one that is by right that it is proposing a density because of the way they are clustering it is significantly higher on a little piece of land that they are developing. With the two conditions that he asked to be removed in fact our density would be significantly below comp plan density and would not calculate any of those environmental features into that density calculation. So he still would still like to see those conditions removed if you see fit. If you don't, we have to find a way to live with it. He does not know where they go from there; but, it would pose significant restrictions on us that we would just have to deal with it. Thank you again for your time.

Mr. Lafferty thanked Mr. Armstrong. He closed the public hearing to bring the matter back to the Planning Commission for discussion and action. He invited comments from the Commission.

Mr. Dotson said he had a question for the applicant. He said you were asked before about removing the silts behind the dam, do you have any concerns that those silts might contain pesticides from the old orchard use and what approach would you take to that.

Mr. Armstrong said that was a great question. He said yes, he did have concern not just there but on the property in general. Any property that was used for orchards in the past has a risk of pesticide contamination. That risk is generally pretty low and often times the residual pesticides on those orchard properties are at or below what is naturally occurring in the environment anyway. But, as you probably know a lot of the developed land in Crozet was once orchard. So



that is a concern for most any developer who is paying attention in Crozet. We had done our phase 1 environmental study, which he mentioned. There is a phase 2 environmental study to come. It is significant undertaking and it is expensive. That is where there would actually be soil sampling in those areas and that silt would be sampled, too. This would be determined by whatever program the environmental scientist who is doing that sampling comes up with.

Mr. Dotson asked if the silt would be sample.

Mr. Armstrong replied that he would ask that it be sampled. He pointed out the environmental scientist determines what they think they need to do and in their phase 1 study they already identified the orchard use as a problem to be looked into further. It is not necessarily a problem, but it could be and should be further evaluated.

Ms. Spain said Mr. Armstrong said he did not know yet about the size of the houses or the pricing of them. She asked will there be any consideration of affordable housing.

Mr. Armstrong replied yes, staff did not put it in their staff report. But, we had mentioned to staff and they did not feel it was relevant to the special use permit because affordable housing can't really be logically tied. But, our partnership agreement with the landowner is that we provide 15% affordable housing as part of our development. That is a private agreement and has nothing to do with the county. But, that is the deal, that is what they wanted; and that is what we will do.

Mr. Lafferty said sort of to address your part about the adjoining development going on our primary responsibility is to look out for the health, safety and welfare of the people in the county. When we see roads that are getting too crowded, then we react to that one way or the other. So that is all part of our charge. He would like to mention that the staff report indicates that this will increase the connectivity. He does not see how that increases any connectivity except for the people who will be living in this development. He noted that it only has one road out and he does not see how it makes any different.

Ms. Falkenstein agreed that was right; it will be primarily for the new lots. It might increase connectivity a little bit for existing residents on Cling Lane giving them a more direct route to downtown Crozet.

Mr. Lafferty said my observation, something that has not been addressed, is that this is a run for deer right through this property across Blue Ridge Avenue and down into some of the wooded sections between Carter Street and Blue Ridge. He suggested that maybe the thought would be that by having a bridge they can transgress the area quicker, but then they are exposed to automobiles. It will have an environmental impact on the bear and deer that he has seen in the area. He said his concern is that it does not comply with the comprehensive plan and the Crozet Master Plan; it is interrupting slopes and critical slopes, it is filling in the floodplain where we said we would not do that, and to do that just to put in some more houses. He would like to ask Mr. Kamptner a question about the restriction put in 1991 that even if the parcel has been divided up is it still pertinent to this discussion.

Mr. Kamptner replied it is from whether there is a reasonable use of the property kind of analysis you look at what the property was at the time the condition was imposed so the reasonable use or the 30 homes that were allowed to be built and the fact that the residue has this restriction on it really does not come into the analysis because it continues forward as one of the bundles of sticks of the property rights that continue with the property. As this moves

forward we will look at that some more, but that is the approach that we look at this residue portion.

Mr. Lafferty said that unless they can make a connection to Orchard Lane it is a no go.

Mr. Kamptner said they can always apply to amend that special use permit to remove that condition. That is the other option that exists.

Mr. Lafferty said they would have to have that intact if they were looking for a connection to Jarmans Gap Road or a connection to Blue Ridge Avenue.

Mr. Kamptner replied or whatever because there are other ways in which this property can be developed beyond the 30 houses that were approved in 1990.

Mr. Lafferty said his own personal opinion there would be no way to get rid of condition #4. As a matter of fact that is the one that eliminates the floodplain from buildable sites. He would work to get that included in the comprehensive plan; but, it is not there now. But, he would not be amendable to taking out #4 and #3 either. He asked are there any other comments from the Commission.

Ms. Riley asked staff to put conditions #3 and #4 up on the screen. She would be inclined to agree to not remove conditions #3 and #4. She thinks that the applicant himself has said that potentially the net number of unites would be the same with #4 or not so she did not really see why they would remove that. She pointed out that she might be amendable to changing condition #1 to the term negligible as opposed to no.

Mr. Dotson said in terms of #3 and #4 he favors retaining them. In terms of #1 he would like to see it maintain no increase rather than negligible. He said a question of the staff in the suggested motion if we were to recommend approval it does not mention the concept plan and often we do he believed. He asked should that be part of the motion not just the conditions but also the plan.

Ms. Falkenstein replied that the plan is mentioned in condition #1.

Mr. Dotson said okay so that is covered.

Ms. Echols pointed out the other thing is that they are going to need to amend the plan. She asked to rephrase that, they can't accomplish the plan that they have presented if these conditions are applied. So we would want to make sure that any connection there refers to the corrected plan and not one that they could not accomplish.

Mr. Dotson agreed and pointed out that was explained by the applicant the sort of the timing of the conditions and the drawing of the plan. He said the other question is about the dam, the restoration and the green space which has been presented as one of the pluses for this. He asked should there either something on the concept plan, and maybe it is on there, or in the condition that addresses dam removal, dedication of green space, restoration and removal of silt.

Ms. Falkenstein pointed out the greenway is mentioned in condition #5. None of the conditions mention the other mitigation measures; they are noted on the concept plan but not in the conditions.

Mr. Dotson said okay as long as they are noted on the concept plan that is fine. Thank you.

Ms. Spain said this is a clarification for Mr. Kamptner. In the July 1, 1991 agreement that we were just talking about, item 2 saying the stream crossing needs to be constructed for these lots to be developed did you just say that the applicant could apply to amend that.

Mr. Kamptner replied that it really is the second sentence of that condition.

Ms. Spain said if the applicant asked to have that amended then there would be no second entry required and we would not be having this discussion.

Mr. Kamptner pointed out they would have to address fire/rescue's concern because of the number of units and the need for a second access. But, they would not necessarily have to connect to Orchard Drive.

Ms. Spain asked what is involved in the applicant trying to do that or in other words how do they do that.

Mr. Kamptner replied that they file an application to amend SP-1990-103 and it would come through the same process and would be considered by the Planning Commission and by the Board.

Ms. Spain asked if they can ask the applicant if he would be amendable to that, and Mr. Kamptner replied yes.

Charlie Armstrong said that was one of our first discussions with staff. It was about which way staff would prefer to see this come forward. It is either an amendment to remove that condition or a new special use permit to provide the crossing that is specified there. He pointed out staff indicated that they did not think they could support a removal of that condition he guessed because of the road networks that it would be tying into, Blue Ridge particularly. They did not say at the time whether they thought they could support a new special use permit like we have presented here. But, we did not pursue it and he thinks it is spelled out very well by staff why we did not pursue it in the page titled stream crossing and master plan road network pros and cons list. There are more cons for providing the road precisely where it is drawn on the master plan than providing it where we are providing it here so we did not pursue it. Would we be amendable to it he would suppose, but he did not think it was the best thing for the county or for the residents.

Mr. Lafferty noted but to get a sign off from fire and rescue you are going to need a second entrance. So one way or the other you are going to have to address it.

Mr. Armstrong said that is right since he believed they would need to have a second entrance and he believed a waiver might be possible for emergency access only. Developments have done that in other places. Whether that would be approved he would just have to speculate.

Mr. Lafferty noted that McComb right now is a gravel road with ruts in it and it would have to be completely redone.

Mr. Armstrong agreed and pointed out that adjacent land owners have expressed the desire that it not change there. He said that is why we are here.

Mr. Lafferty said he feels like the proposal is premature. It asks us to go against the comprehensive plan and against the Crozet Master Plan and in doing these kind of things he wonders what the value of spending two to three years coming up with these plans are. There is already talk about residents of Crozet wanting to do on their own review their master plan because of what has been going on. He thinks that the proposal has too many questions about it and it is premature, which is a personal opinion.

Mr. Dotson pointed out as another personal opinion, he thinks this is a close call or judgement call. He thinks the staff has accurately summarized the pros and cons and my thinking is that the pros is just a little bit stronger than the cons though there certainly are disadvantages to it. In terms of the Crozet Master plan and where it shows street connections he does know that at the master plan level these are not engineered surveyed, they are sort of broad brush conceptual connections. One way to look at the master plan is to say well what it is really saying is you need interconnections. If one interconnection does work then consider another one. He would suspect that those drawing those dotted streets weren't aware of the earlier condition that the connection be made to Orchard Avenue. That would probably be a level of detail they would not get into in doing a master plan. So while strictly speaking it is not consistent with it, it does get at the important principle of an interconnection a second point of access.

Mr. Lafferty said when Crozet was doing their last master plan this area was actually when they were looking at the downtown development that had the greatest density and as you moved out past Carter Street in going in the western direction it got less dense and then less dense as you went on out as we have heard on Adelaide that it should have been by the master plan at the lower end of the density range. This area was a less dense area. He would think that there was a great deal of thought put into these different locations and some of the connectivity. He invited other comments. There being no further comments, he asked for a motion.

Mr. Dotson moved to recommend approval of SP-2016-00003 West Glen with the six conditions outlined in the staff report.

Ms. Riley seconded the motion.

Mr. Lafferty asked for a roll call.

Ms. Spain, Ms. Riley and Mr. Dotson voted aye.

Mr. Lafferty voted nay.

The motion passed unanimously by a vote of 3:1:1. (Lafferty; More, recused) (Keller, Firehock absent)

Mr. Lafferty noted that a recommendation for approval for SP-2016-00003 West Glen will be forwarded to the Board of Supervisors to be heard at a date to be determined.

Ms. More returned to the meeting at 8:56 p.m.

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