

# Application for a Resolution of Intent to Amend the Comprehensive Plan



Resolution of Intent to Amend the Comprehensive Plan = \$315

Project Name: REDFIELDS

Contact Person (Who should we call/write concerning this project?): MARCIA JOSEPH

Address 481 CLARKS TRACT City KESWICK State VA Zip 22947

Daytime Phone (434) 984-4199 Fax # ( ) E-mail MARCIA481@EARTHLINK.NET

Applicant (Who is the Contact person representing?): REDFIELDS DEVELOPMENT CORP C/O MARCIA JOSEPH

Address 481 CLARKS TRACK City KEWSWICK State VA Zip 22947

Daytime Phone (434) 984-4199 Fax # ( ) E-mail MARCIA481@EARTHLINK.NET

## AN AMENDMENT OF THE ALBEMARLE COUNTY COMPREHENSIVE PLAN IS HEREBY REQUESTED WITH REGARD TO:

- A. Goals and Objectives, Standards     B. Community Development Plan  
 C. Land Use Maps     D. Transportation Plan  
 E. Scenic Roads, Rivers, Vistas     F. Facilities & Utilities Plan  
 G. Other (Please specify) \_\_\_\_\_

### BRIEFLY STATE AMENDMNT REQUESTED or ATTACH ANY PERTINENT INFO :

SEE ATTACHED

**RECEIVED**

SEP 07 2010

Applicant Must Sign

Signature Applicant

Date

9/7/10 COMMUNITY DEVELOPMENT

REDFIELDS DEVELOPMENT CORP

(434) 984-4199

Print Name

Daytime phone number of Signatory

FOR OFFICE USE ONLY

CPA # \_\_\_\_\_

RESOLUTION OF INTENT ADOPTED:  YES  NO DATE OF ACTION \_\_\_\_\_

Fee Amount \$ \_\_\_\_\_ Date Paid \_\_\_\_\_ By who? \_\_\_\_\_ Receipt # \_\_\_\_\_ Ck# \_\_\_\_\_ By: \_\_\_\_\_

County of Albemarle Department of Community Development  
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

**ATTACHMENT TO  
APPLICATION FOR A RESOLUTION OF INTENT TO AMEND THE  
COMPREHENSIVE PLAN**

**Project Name:** Redfields

**Date of Submission:** August 30, 2010

**Brief Statement of Amendment Requested.** This Application for a Resolution of Intent to Amend the Comprehensive Plan of Albemarle County, Virginia, is filed by Redfields Development Corporation (the "Applicant"). The Applicant proposes to expand the Development Area boundaries in Urban Area Neighborhood 5 to include all of the Redfields property currently zoned PRD ("Redfields"), including without limitation tax map parcel 076R0-00-00-00100. A zoning map of the Redfields area is attached as Exhibit A.

**Criteria For Review.** Pursuant to the Policy of Submittal of Proposed Amendments to the Comprehensive Plan of Albemarle County, Virginia, the County has five criteria it considers when reviewing a request to amend the Comprehensive Plan. Below, in bold and labeled A through E, is a restatement of each of the five Criteria for Review, followed by statements from the Applicant addressing the issues described in the Criteria.

**A. The Comprehensive plan provides a long-range guide for direction and context of the decision-making process for public and private land uses. The Comprehensive Plan is general in nature rather than attempting to identify specific geographic locations. The Land Use Map of the Comprehensive Plan suggests the relationship of recommended uses to general areas. Proposed amendments to the Land Use map should be reviewed for compliance with the general plan rather than area-specific or parcel-specific requests for a change in the recommended use. The purpose of the Land Use Map is to provide and plan for a balance of land uses, equipped with adequate utilities and facilities, in a comprehensive and harmonious manner. Any proposed change in the Land Use Map will be evaluated for protection of the health, safety and welfare of the general public rather than the proprietary interests of an individual.**

Response to A. Redfields is located in Albemarle County, Virginia (the "County") south of the City of Charlottesville. Redfields is located west of Old Lynchburg Road and northwest of the property known as Biscuit Run. It parallels Interstate 64 and is southeast of the I-64 and Route 29 interchange. Redfields is surrounded by the existing communities of Mosby Mountain and Sherwood Farms as well as the Country Green community.

The majority of Redfields is located within the Development Area, Urban Neighborhood 5, but the southern portion of Redfields is outside of the Development Area. All of Redfields, including the portion of Redfields outside of the Development Area, is located

within the water and sewer area in the Albemarle County Service Authority Jurisdictional Area. Redfields is adjacent to property designated as "Urban Density" (which is 6 to 34 dwellings per acre) in the Comprehensive Plan and is within one or two miles of property designated "Community Service". A map showing the comprehensive plan for the Redfields area is attached as Exhibit B.

The Albemarle County Board of Supervisors approved Redfields in 1989. This approval allowed smaller lots and a higher density of lots than would be allowed in the Rural Areas. (Today, even higher density than was approved for Redfields in 1989 is desired within the Development Areas. See Land Use Plan, p. 22, item #3.) Redfields was to be developed in five phases. All phases but the fifth phase have been developed. The Applicants are now ready to develop the fifth phase, which is currently outside of the Development Area.

The area surrounding Redfields has undergone many changes. These changes include Biscuit Run being turned into a state park, improvements to 5<sup>th</sup> Street Extended, and the growth and development that have recently occurred and will occur around Redfields. Inclusion of all of Redfields in the Development Area would serve to compliment the recommended uses in Urban Area Neighborhood 5.

The purpose of the Land Use Map is to provide and plan for a balance of land uses, equipped with adequate utilities and facilities, in a comprehensive and harmonious manner. Placing all of Redfields within the Development Area will be a benefit to the welfare of the general public and will help further the purposes shown on the Land Use Map. Shopping and other services are needed and desired south of Charlottesville in the area now designated as a Community Service area. Biscuit Run was approved for development of over 3,000 homes and is now a state park. It will be important for new businesses coming into the Community Service area off of 5<sup>th</sup> Street Extended to see the area as one that will generate sufficient patronage. Extending the growth area to include all of Redfields will assist in that effort.

Inclusion of all of Redfields in the Development Area would serve to compliment the recommended uses in Urban Area Neighborhood 5. Nearly adjacent to Redfields is land designated as Urban Density. The current Land Use Plan envisions the majority of land south of I-64 and west of Avon Street, which includes Redfields, as Neighborhood Density (3 to 6 units per acre). Additional homes in Redfields are desired by County residents, due to its close proximity to Charlottesville, major highways and community services. Much of the growth in Charlottesville is now designated to take place further from Charlottesville. This increases the commuting time of County residents who work in Charlottesville. It requires additional resources from the County to extend services and creates a greater impact on the environment. On the other hand, Redfields is very close to Charlottesville, it is within the Albemarle County Service Authority Jurisdictional Area, it is supported by recent improvements (such as the improvements to 5<sup>th</sup> Street Extended) and it is in a desirable location for many County residents.

The considered development in phase five of Redfields does not direct growth away from a designated growth area; it makes a logical connection to the existing Development Area

by allowing the entire Redfields PRD to be within the Development Area. This proposal to include all of Redfields within the Development Area would not expand the Development Area in a manner that would be detrimental to the County's citizens and would not change what the County and Applicant always intended with respect to the intended density of the neighborhood.

**B. The merit of Comprehensive Plan amendment requests shall be largely determined by the fulfillment of support to the "Goals and Objectives" specified in the Comprehensive Plan.**

Response to B. The Growth Management and Facilities Planning Goals, as amended in 2007, ("GMFPG") of Albemarle County's Comprehensive Plan suggests two goals. The first is the ability to provide excellent services at a reasonable and economic cost. To do this, the County desires to focus its transportation, utilities and services in the Development Areas. (See page 5 of GMFPG.)

Redfields is already incorporated into the County's plans for public facilities. The entire Redfields PRD is located within the jurisdictional area for water and sewer. The map of the ACSA Jurisdictional Area boundary in the area of Redfields, attached as Exhibit C, shows all of Redfields within the Jurisdictional Area. It makes economic sense to take advantage of existing infrastructure and capabilities within an established community.

The second goal is to conserve and protect resources. The Comprehensive Plan has long included growth management tools to protect the County's natural resources. The introductory section of the Growth Management and Facilities Planning Goals (as amended in 2007) states (p. 3) that the County's primary growth management goal directs development into designated areas and conserves the balance of the County for rural areas and resource protection. Planning efforts in the County focus on tools that discourage development in the Rural Areas and direct growth to these designated Development Areas. Eight principles that guide development in Development Areas are listed in the Land Use Plan (pg. 11) and are meant to guide decision-making regarding land use in these areas.

Principle 1 states, "Accommodate new growth in the County within Development Areas." Because the county has lost 3,000 dwelling units proposed for the Biscuit Run development, there should be land added to the development area in Urban Area Neighborhood 4 & 5 to make up for this loss to slow down growth in the rural areas.

Principles 2 and 3 state, "Encourage greater utilization of land in designated Development Areas by achieving higher gross densities for residential and non-residential development than in the past. Encourage infill development of vacant lands and development of under-used areas within the designated Development Areas." The majority of the land has been built out in Redfields and it was done according to the density requirements requested by the County. Redfields residents enjoy the beauty and layout of the neighborhood. Redfields includes lots, and dwellings, roads and trails. It is expected that the remaining acreage in Redfields will be developed to complement the existing development and the surrounding area. The development will respect the

residents of Redfields, the surrounding property owners and the landscape by maintaining areas of open space, maintaining a trail system throughout the development, and protecting areas containing critical slopes. The development being considered will complement the development surrounding it and focus any development internally to the existing Redfields development.

Principle 4 states, in part, "Development Areas shall not encroach into water supply watersheds." This proposed addition to the Development Area will not encroach into an Albemarle County water supply watershed.

Principle 5 states, "Avoid development of "Significant Areas" as designated in the Open Space Plan." This proposed addition is not located in areas designated as "Significant Areas" in the Open Space Plan.

Principle 6 states, "Discourage linear style development along major roads." This proposed addition is internal, and not adjacent to any major road.

Principle 7 states, "All Development Areas shall be served by public sewer and water." The Functional Description of Development Areas found on pages 12 and 13 of the Land Use Plan generally describes the boundaries of the Development Areas as being based upon resource protection priorities, such as water supply watershed areas, and the opportunity for the geographic area to be adequately supported by public services and facilities. As already noted, the entire Redfields PRD is located within the jurisdictional area for water and sewer.

Principle 8 states, "Plan for a system of transportation and community facilities and services that support and enhance the Development Areas." The Area Study B Plan indicates that the existing roads are adequate to handle the existing traffic; the study also contemplates transit service at the intersection of Old Lynchburg Road. The community facilities will include a large state park within biking distance from Redfields.

Because all of Redfields is already located in an area designated for water and sewer, because there is a need for additional development south of Charlottesville (consider Mosby Mountain and the Whittington neighborhoods), and because the infrastructure already exists or is otherwise intended, the Comprehensive Plan should be amended to include all of Redfields within the Development Area.

**C. A primary purpose of the Comprehensive Plan and Land Use Map is to facilitate the coordination of improvements to the transportation network and the expansion of public utilities in an economical, efficient and judicious manner. Comprehensive Plan amendments which direct growth away from designated growth areas shall be discouraged unless adequate justification is provided. Amendments to the boundaries of growth areas may be considered appropriate if the request is comprehensive, proposes to follow a logical topographic or man-made feature and is supported by adequate justification. No Comprehensive Plan amendment shall be**

**considered in areas where roads are non-tolerable or utilities are inadequate unless the improvement of those facilities is included in the Comprehensive Plan amendment proposal.**

Response to C. As discussed above, Redfields is an existing development near recently improved infrastructure and within walking distance of a part of the County that is designated for significant development. As already discussed, all of Redfields is within the ACSA jurisdictional area for water and sewer. (We contrast this with the Whittington Development, out of the Jurisdictional area, and compare it to the Mosby Mountain Development, within the Jurisdictional Area. See the Albemarle County Executive Summary – Staff Report – for the Whittington PRD Request to Amend the Albemarle County Service Authority Jurisdictional Area, dated September 1, 2010.) In addition, when Redfields was approved in 1989, there was a concern whether Route 631, Old Lynchburg Road, could handle increased use. Since that time, this road has been significantly improved. It is now 4 lanes, and it is more than adequate to handle the traffic generated by the eventual build-out of the units previously approved in the Redfields PRD. It makes more sense to expand the Development Area to include all of Redfields and the west of Old Lynchburg Road, where development is actually occurring and infrastructure is important, especially now that Biscuit Run will not be developed.

**D. Proposed Comprehensive Plan amendments shall be evaluated for general compliance with adopted County policies, studies and ordinances and to determine if corresponding changes are necessary.**

Response to D. County policy has been to maintain the Development Area boundaries. There are reasons why this policy should not apply to Urban Area Neighborhood 5. First, Biscuit Run is now a state park and the demand for housing south of Charlottesville needs to be fulfilled. The Development Area will need to be modified due this change in use of Biscuit Run. Second, Redfields, at least most of it, is already within the Development Area. It is appropriate to utilize existing resources to accommodate the need for growth south of Charlottesville. Allowing an extension of the Development Area boundary to include the entire existing Redfields PRD should mitigate the loss of land from the Development Area by creation of the new state park. Third, improvements made to the area, ranging from improvements to Old Lynchburg Road, to establishment of the County Office Building south, to improvements on the entrance ramp to I-64, to a new large state park, were intended to support growth in this area. If the growth is not permitted, the improvements will be a waste of taxpayer funds.

**E. Except as otherwise provided, the following conditions may be considered in the evaluation of a request to amend the Comprehensive Plan. 1. Change in circumstance had occurred; or 2. Updated information is available; or 3. Subsequent portions of the Comprehensive Plan have been adopted or developed; or 4. A portion of the Plan is incorrect or not feasible; or 5. The preparation of the Plan as required by Article 15.1-447 of the Code of Virginia was incomplete or incorrect information was employed.**

Response to E. From the time Redfields was approved in 1989, the intent was to develop all of the property, unless sufficient development could occur within the northern portion of the subdivision (*i.e.* the first four phases of development). In a letter to the County, dated December 8, 1989, Gaylon Beights noted that the land now outside of the Development Area was then zoned R-1. (The letter is attached as Exhibit D.) In this letter, Mr. Beights stated that it was his intent to develop all of Redfields. Mr. Beights asked that if this property could not be developed that it be taken out of Redfields so that it could be sold to a neighbor whose property was outside of the Development Area. Phase five was retained in Redfields.

Redfields was approved for 656 units, but not all have been built within the first four phases. When the development was approved, it was not clear whether all of the approved units could be built within the first four phases of the development. Due to topography and other reasons, including compliance with County requests, it was not possible to include all of the units in the first four phases. It was always understood that the remaining units would be allowed in phase five. Attached as Exhibit E is an official determination, dated October 25, 2005, which finds that an additional 215 Units are allowed in Redfields. An additional 215 Units in phase five of Redfields, which is approximately 45 acres, would be consistent with the Neighborhood Density requirements (3 to 6 dwellings per acre) under the Comprehensive Plan.

We have spoken with members of staff and have been told by one staff member that the County had always intended to place all of Redfields in the Development Area under the comprehensive plan, but it just never got around to getting it done. Staff is reluctant to approve the development of phase five unless all of Redfields is included in the Development Area. To have the property included in the Development Area the comprehensive plan needs to be amended; for this reason, this application has been filed.

Biscuit Run had been approved for more than 3,000 units. These units will no longer be built. Biscuit Run, now being a state park, will create open space where development was otherwise intended. Additional development in Redfields, which was always intended, will have less impact on resources than Biscuit Run would have and it will fulfill a need for homes south of Charlottesville.

Placing all of Redfields in the Development Area would not alter the original intent of the development when it was first approved in 1989. Albemarle County's Land Use Plan, which included Urban Area Neighborhood 5, was last approved in 1996. Unfortunately, when the Land Use Plan was approved in 1996, the Development Area Boundary was not adjusted to reflect that Redfields fit the criteria for a growth area. The Plan should have been adjusted at that time to recognize that the Board of Supervisors had determined, by voting for the PRD, that Redfields was now at a density that reflected the density encouraged within the Development Areas. Leaving part of the PRD out of the Development Area but including the entire PRD within the jurisdictional area allowing for a connection to public water and sewer appears to have been an oversight when the Comprehensive Plan was updated.





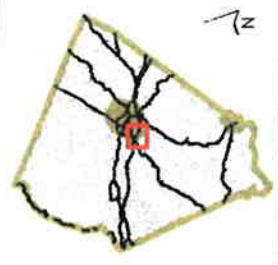
EXHIBIT B

Legend  
 (Note: Some items on map may not appear in legend)

- Commuter Rail Corridor
- County Park Land Use
- Community Services
- Historic District
- Industrial
- Neighborhood Density
- Neighborhood Services
- Other Services
- Office/Professional Services
- Public and Community
- Regional Services
- Transit/Heavy Corridor
- Transportation
- Urban Density
- Rural Area
- Back Development Area 1/4
- Water Park Area

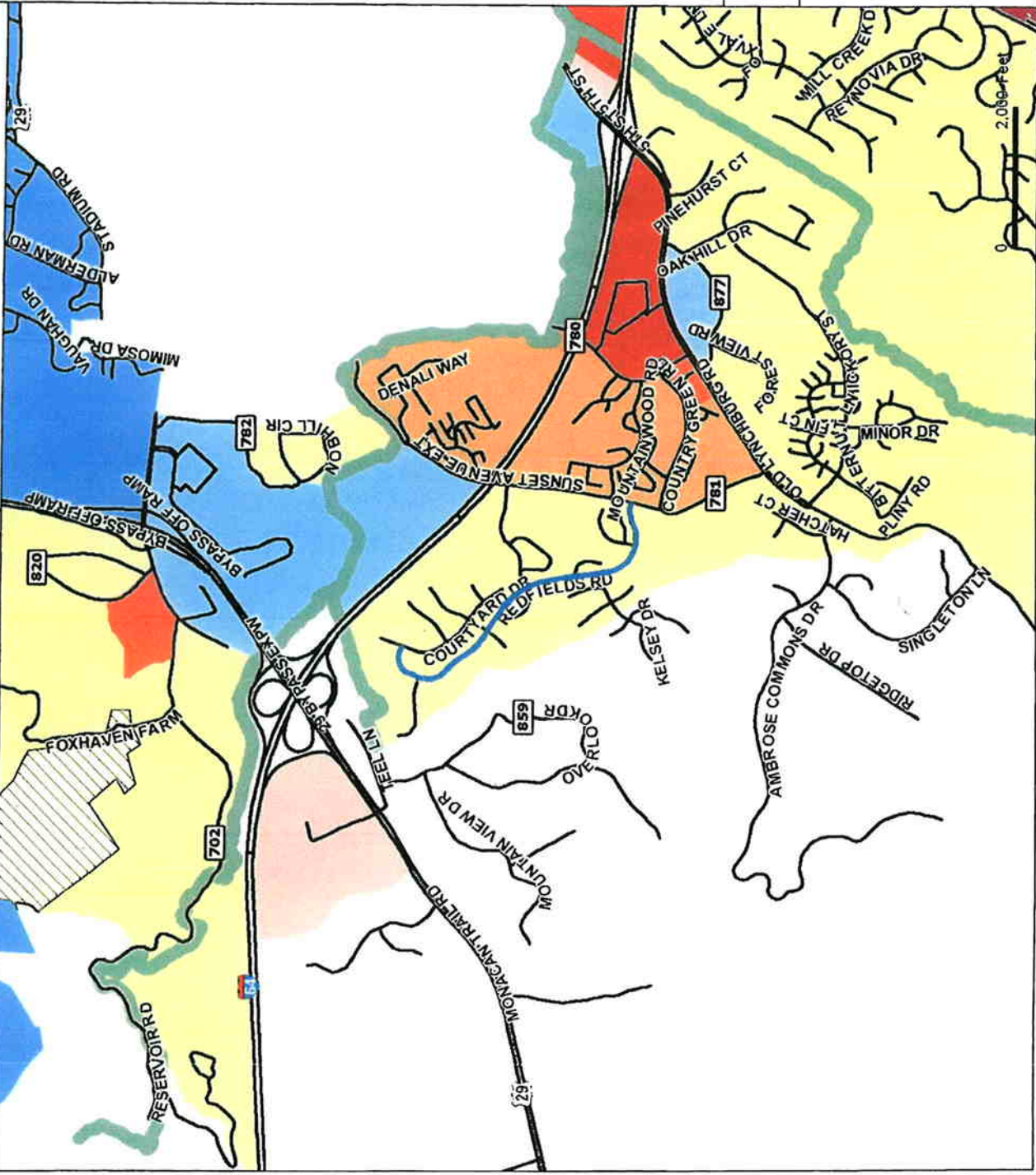


GIS/Web  
 Geographic Data Services  
 www.albany.org  
 (434) 298-5932



August 28, 2010

Redfields comp plan



Map is for Display Purposes Only - Aerial Imagery from the Commonwealth of Virginia and Other Sources

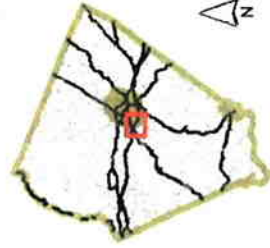
EXHIBIT C

Legend  
(Note: Some items on map may not appear in legend)

- ACSA Jurisdiction Area
- Water
- Water City
- Water and Sewer
- Water Only To Existing Structures
- Unimproved
- City Street and Sewer

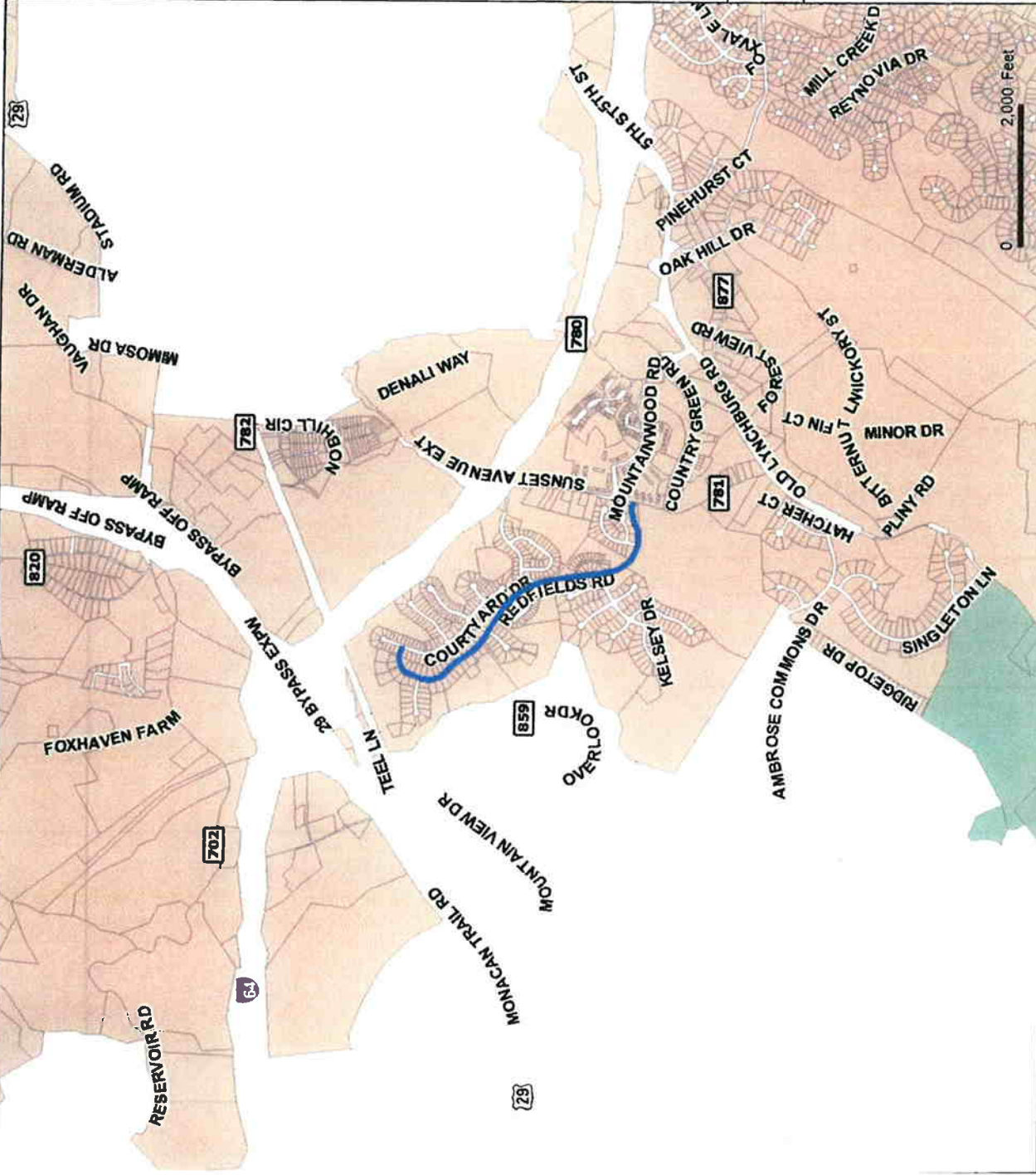


GIS-Web  
Geographic Data Services  
www.albemarle.org  
(434) 260-5832



August 24, 2010

Redfields jurisdictional area



Map is for Display Purposes Only - Aerial Imagery from the Commonwealth of Virginia and Other Sources

## EXHIBIT D

DEC 8 1989

PLANNING DIVISION

December 8, 1989

Mr. William Fritz  
Senior Planner  
401 McIntire Road  
Planning Department of Albemarle County  
Charlottesville, Virginia 22901

Dear Bill,

Thank you for allowing us to meet with you yesterday. I am hopeful from our conversations and joint cooperation that we can resolve each and every outstanding issue prior to the December 20th deadline you referenced in our meeting and recommend approval of the Redfields Development to the Planning Commission.

I decided to outline the outstanding issues in writing so as to assist both of us in a comprehensive listing of those we both consider left to resolve at the end of our meeting.

Water pressure to lots above the 580 elevation. You stated that while this is not an issue that would cause any recommendation of denial and in fact was more accurately an engineering issue to be worked out between our engineer and the Authority, the means of correcting same needs to be discussed and understood at this juncture so as not to generate any surprises or extraordinary costs later.

Elimination of lot 107, and the 93 units designated on this property and the determination of the County's definition of the Urban Ring. You explained to us that the reasons for proposing the deletion of lot 107 and the corresponding 93 building sites from the development was in order to define the limits of urban development and in so doing attempt to conform to the intent of the Comprehensive Plan in preventing the disturbance of slopes greater than 25% and discourage development on mountain sides.

Our points for considerations are:

1. The open area that can allow housing clusters in this area are prime development sites and can meet all county requirements.
2. The portion of 25% slope that is to be disturbed is minimal at best and in fact could be even less when a new topographic map is completed. To totally eliminate 44 acres for these reasons seems to be an extreme interpretation of the guidelines of the plan.

3. Both you and your fellow planners agree that the establishment of the Urban Ring is inexact at best and required a joint meeting to decide where to locate the line. We are appreciative of the fact that you have already adjusted the line several hundred feet to allow all of our Phase Two to be included.

We would like to request that you reconsider the location of the line to include the lot numbered 107. We are willing to limit even further the number of units to be built on this 44 acre parcel.

The land is currently zoned R-1. The property currently has 44 building rights and it is our hope that these at least would be allowed. While our latest submittal reduced the number on this site from 143 units to 93 units, it was and is our intent to develop this phase last which will be approximately eight to ten years in the future or longer.

Mr. Frank Cox is of the opinion that the Water Authority could require a commitment from us to allow them to put a stand pipe or holding tank on the top of the mountain in order to achieve appropriate pressure to the lots above the 580 elevation. Should this provide the solution to the water pressure issue it then becomes more important that the Lot 107 be allowed the requested density and be served by this facility.

Another suggestion would be to allow us to remove this property from the development and not include it in the overall plan or open space. This would allow a lessening impact to the project financially, and also allow the land owner to sell the property to the adjacent property owner, whose property is also outside the urban ring.

I am assuming that we would meet the open space requirements with out this property.

If we must include this property in the development it is important to allow us to adjust the densities lost on lot 107 to other areas of the property.

In a discussion with David Bendish following our meeting, he confirmed that the densities are on the entire tract. For example, as long as total densities do not exceed  $4 \times 275.95$ , or 1103 units, and in any net area densities do not exceed medium densities (6 to 10 units per acre) the PRD will conform to the intent of the Comprehensive Plan as well as the PRD ordinance.

Please consider with the issue above the relocation of the Recreation Center. Relocated a few hundred feet toward the entrance and to the right of the entry road will utilize this otherwise unused property and allow for an additional 15 to 25 units on this property.

Removal of house allowed on Lot 106. You have explained that this is inconsistent with the plan as a result of the steep slopes and mountainous terrain and the only building site is the top of the mountain which as a policy is discouraged by the planing staff.

We have attempted to explain that this is a condition to the purchase of the property. The son of the owner desires to live on the site and raise his family on the property. We have assumed that the lot will provide both public road access and public utilities and not disturb slopes in excess of 25%. The property will also allow for public access easements for the enjoyment of the hiking trails and streams by all the future residents.

This use appears to meet all the requirements of the development as well as provides for the maintainance of the property by the lot owner and not the new home purchasers.

Should this be an issue that you find in conflict with your interpretation of the intent of a PRD please let me know as I will need to approach the land owner on this issue as soon as possible.

Curbs and gutters. Our submittal calls for curbs and gutters in all neighbors. However, allows for a non curbed street for the spine and entrance road. It is our desire to have a more rural entrance road for the development yet change to curbs with gutter once you enter the individual neighbors.

In our submittal to date we have kept this design and in so doing have not designed any lots on this road (with the one exception in phase three, of six lots).

Should the County Staff feel strongly about the engineering department's recommendation for all curb and guttered streets it would cause for a redesign of the entry road and spine road to have frontage lots. It is our opinion that this is not the preferred end product for this development.

The design and road specification as submitted seem to conform to the other successful and desirable developments recently allowed, Forest Lakes and Mill Creek would be two of these.

Bill, I would like to meet with all parties next Wednesday and resolve all issues to your satisfaction so to allow your report to recommend approval of Redfields. Two and a half years in planning, with one of those working with your department, and the impending VDOT changes threatening the viability of the project and density where the County want growth necessitates an agreement on all of these issues quickly

I will work with you to find solutions.

Sincerely,

  
Gaylon W. Beights

# EXHIBIT E



**COUNTY OF ALBEMARLE**  
**Department of Community Development**  
401 McIntire Road, Room 227  
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

October 25, 2005

Justin Beights  
Beights Development Corporation  
800 E. Jefferson St.  
Charlottesville, VA 22902

**RE: Official Determination on Development of Redfields Phase 5  
Tax Map 76R, Parcel 1 (TMP 076R0-00-00-00100)**

Dear Justin:

Although we have already discussed this by telephone, you requested a written determination regarding the process to develop Phase 5 of the Redfields PRD. My official determination is that you will need to apply for a Zoning Map Amendment (ZMA) with a new application plan showing the proposed development in this area. The following further explains my research and findings.

Redfields was originally zoned Planned Residential Development through ZMA 89-18. In the initial Application Plan, the area in question was identified as Phase 6. In ZMA 98-08 the same area was identified on a Phasing Plan as Phase 5, noted as being 33.6 acres of Open Space, and labeled "Parcel E."

In researching the subdivision files in the Community Development Department, I found two relevant approved plats, both drawn by Kirk Hughes & Associates. The first was dated revised March 14, 1997. It noted the area as "Parcel 'E,' remaining 58.4704 acres" and as "Future Development Phase 2 Open Space." The most recent plat (June 1, 2001) that included the same area was entitled "Plat Showing Survey of: Parcel 'E-4' being a portion of Parcel 'E' Redfields." It labeled the area as "Parcel 'E' remaining 45.3429 acres." This is the same acreage currently carried by our real estate assessment office for TMP 76R-1

Since you now want to develop this Open Space parcel, you will need to submit the fee and a ZMA application that meets all the submittal requirements of the Zoning Ordinance section 8.5. This will require an amended Application Plan for the whole PRD including a summary of the lots/dwelling units already approved in site plans and subdivision plats, along with the acres devoted to each: residential units, roads and open space. It should also show what you want in the Phase 5 area and demonstrate that you will still meet the PRD requirements of a minimum of 25% open space overall and not exceed the total 656 dwelling units originally approved. You

may request changes to the total number of dwelling units if you choose. By my count however, you have only platted 441 lots (including E3), so you have approximately 215 more. The original Application Plan included 29% land in Open Space so that may be an issue for a rezoning, but you may propose less provided you meet the 25% minimum.

This determination is consistent with language from the June 17, 1998 minutes of the Board of Supervisors' public hearing for ZMA 98-08 which states, "Since Phase 5 is currently shown as open space and its development would be subject to a separate future zoning action, staff recommended the zero lot line pattern for Phase 5 be dealt with at that time."

If you are aggrieved by this determination, you have the right to appeal it within thirty (30) days of the date notice of this determination is given, in accordance with Section 15.2-2311 of the Code of Virginia. If you do not file a timely appeal, this determination shall be final and unappealable. An appeal shall be taken only by filing with the Zoning Administrator and the Board of Zoning Appeals a notice of appeal which specifies the grounds for the appeal. In order for an appeal to be considered complete, it shall include a completed application and \$120 fee. The date notice of this determination was given is the same as the date of this letter.

If you have any further questions or concerns, please call or write again.

Sincerely,

Janice D. Sprinkle  
Deputy Zoning Administrator

Cc: Redfields Land Trust  
Ben M. Miller, Elizabeth E. Miller & Percy Montague III, Trustees  
C/O Debra A. Raines  
413 7<sup>th</sup> St. NE  
Charlottesville, VA 22902

Reading file  
ZMA 98-08 and 2001-01  
Wayne Cilimberg, Director of Planning