



# THE WHISTLE

THE VOICE OF WESTERN ALBEMARLE

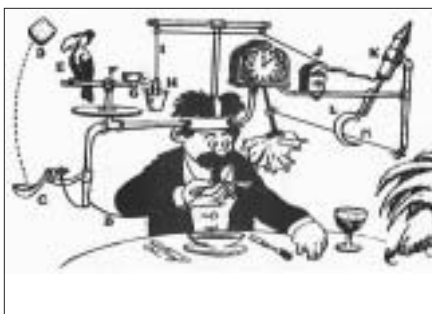
## IN THIS ISSUE

- ❁ IVY RESIDENTS STOP FAULCONER...MAYBE PAGE 1.
- ❁ DR. JIM: EASING YOUR CHILD'S FEARS OF TERRORISM AND WAR. PAGE 2.
- ❁ MEETINGS FOR VOICING YOUR CONCERNS FOR RURAL AREAS AND MOUNTAINS. PAGE 3.
- ❁ CLASSIFIEDS. PAGE 4.

## ONLINE

WWW.CROZETWHISTLE.COM

- ❁ THIS MONTH: YOUNG INVENTORS FAIR



ALSO, NEW DATE AND TIME FOR COMMUNITY DESIGN DAY

- ❁ SOAP BOX: THE SECRET LIFE OF BILL FINLEY, THE WHITE HALL PLANNING COMMISSIONER WHO CAN'T SAY "NO."

## Ivy Residents Win Rare Victory

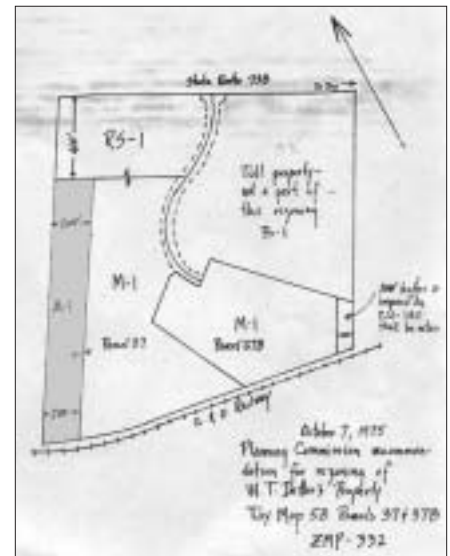
*But re-write of code could send all back to square one*

Before a crowd of more than 250 citizens, the Albemarle Planning Commission voted to deny Faulconer Construction three site plan waivers in a public hearing at the County Building on Feb. 4. Citing reasons such as overdevelopment and code-ordained aesthetics, as well as concerns about the presence of explosives close to two schools, the commission surprised other county officials and planning experts with its decision.

However, commissioners also granted a deferral to Faulconer, giving the company an opportunity to return with a site plan absent of waivers. Immediately following the hearing, Albemarle County Community Relations Manager Lee Catlin told *The Whistle* that Faulconer had two options. It could submit an amended site plan, absent of critical slope, curvilinear parking and one-way drive waivers. Or it could start the entire site approval process all over again.

But less than 24 hours after the commission's decision, the Board of Supervisors approved a revised Section 18 of the county's zoning code, regarding parking. When asked by *The Whistle* about the impact of the new ordinance on Faulconer's site plan, Catlin e-mailed, "The new parking ordinance does not require waivers for curvilinear parking and one-way circulation. Instead, these design elements are allowed by right, provided that the applicable design requirements in the ordinance are satisfied. We currently are reviewing the Faulconer site plan submittal with regard to the new ordinance to see if the applicable requirements have been satisfied."

As to the timing of the ordinance's passage, Catlin wrote, "The new parking ordinance is consistent with recommendations of the Development Areas Initiative Committee (DISC) and the Neighborhood Model...Since April 2002, the new parking ordinance has been the topic of a 'Focused Discussion' with the community and was considered by both the Planning Commission and the Board of Supervisors during work sessions and public hearings."



County sketch of 1975 shows rural buffer (in gray). Ivy residents say it was illegally rezoned as light industry in 1980. Faulconer's site plan shows most of its facility would be built in that strip of land.

## Classifieds

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### Meetings, from page 3

setting. Comment sheets will also be available to provide written comments that will be forwarded to both the Board of Supervisors and Planning Commission prior to the joint meeting on March 26.

**On Wednesday, March 26, 2003, at 6:00 p.m.**, the Albemarle County Planning Commission and Board of Supervisors will hold a joint meeting in the second floor auditorium of the County Office Building to discuss the proposed Mountain Overlay District Ordinance.

Information on both the Rural Area Review and the Mountain Overlay District will be posted to the Albemarle County Web site at [www.albemarle.org](http://www.albemarle.org).

If you have any questions or comments regarding the above, please do not hesitate to contact Joan McDowell at 434-296-5823 or by email at [jmdowell@albemarle.org](mailto:jmdowell@albemarle.org).

— Lee P. Catlin, Albemarle County community relations manager, [lcatin@albemarle.org](mailto:lcatin@albemarle.org), 434-296-5841, 434-296-5800 (fax).



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### Square One, from page 1

Christopher Hyland, vice president of the Ivy Community Association (ICA), said he asked the county clerk for a copy of the revised ordinance. The clerk told Hyland it had not been printed, and a draft was not available.

“Until the exact wording is printed, we won’t know if the new ordinance applies to everything in the pipeline,” said Hyland. “There’s a possibility that the new ordinance could be worse for them, because of a clause regarding removal of soil.”

Hyland said his group is also pursuing legal means to stop Faulconer from moving into Ivy. On Aug. 18, the ICA will face Faulconer and the county in County Circuit Court. On April 14, attorneys for the ICA, Faulconer and the county will argue—in a pre-trial conference—the broadness of presentation. Frank Buck, Hyland’s attorney, will request Judge Paul Peatross hear issues of safety, traffic, and environment with regard to the definitions of light and heavy industry. Rick Carter (Faulconer)

and Larry Davis (Albemarle County) will seek to limit the court’s consideration of light vs. heavy industry, exclusive of any other factors.

Hyland said his group might seek criminal charges against the county for its 1980 general rezoning of a crucial strip of rural land. He said the county’s action violated state law.

Hyland said the ICA would also utilize affidavits swearing that Civil-War-era gravesites of Ivy’s African-American population exist on Faulconer’s parcel of the business park.

Faulconer is a major construction corporation operating in five states. It wants to move its heavy equipment and maintenance/repair facilities from Charlottesville to Ivy Business Park. The company’s site plan indicates significant grading and paving of almost 27 acres, much of which is forested. Ivy residents are worried about the company’s impact on nearby schools, traffic and the local water supply.