Albemarle County Planning Commission
February 22, 2011

The Albemarle County Planning Commission held a public hearing on Tuesday, February 22, 2011, at 6:00 p.m., at the County Office Building, Room #241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Duane Zobrist, Chair; Ed Smith, Thomas Loach, Linda Porterfield, Don Franco, Russell (Mac) Lafferty and Calvin Morris, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Joan McDowell, Senior Planner; Ron Higgins, Chief of Zoning; Eryn Brennan, Senior Planner; Summer Frederick, Senior Planner; Amelia McCulley, Zoning Administrator/Director of Zoning; Bill Fritz, Director of Current Development; Glenn Brooks, County Engineer; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Zobrist invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved to the next item.

Derek Oppen, an adjacent property owner, spoke in opposition to SUB-2010-00160 Shobe- two lot subdivision. He noted that they only had a couple day notice so he was the only one that could free up time tonight to come to tonight's meeting. The neighborhood talked it over internally and they object strongly on two grounds. One is the process that the Shobe's chose to follow. They do not understand why they chose to do this in secret and did not tell anybody. He thought the process was wrong, but he was not blaming the Commission. Secondly, Eric Shobe bought part of the property that he owns from the previous owner and had made assurances to him that it would never be divided. He made the same assurances to Harvey and Leslie Wilcox who live in Ednam Woods. He questioned what is going on. He felt going back on one's word is not something they consider very favorably.

Mr. Zobrist asked why he objects to the subdivision.

Mr. Oppen replied that he had never seen the subdivision and did not know how it was going to be divided.

Mr. Zobrist noted that the request was on the consent agenda, which the Commission does not normally hold a public hearing on it. He asked if he had something specific about the request.

Mr. Oppen said that he bought the property because it was very private and secluded so he could work from an office there. He has a beautiful view of the Ragged Mountains. He was not sure if the plan for whoever they sell it to is to put up a two-story house, which he would get to see instead.

There being no further comments, the meeting moved to the next item.

Consent Agenda:

Approval of Minutes: August 17, 2010

CCP-2011-00001 Henley Middle School Wind Turbine
Installation of a wind Turbine for educational and power generation purposes on the school site.
(David Benish)

SUB-2010-0160 Shobe- Two Lot Subdivision Plat
PROPOSED: Final plat approval to create two lots in the Rural Areas. Associated with the subdivision is a request for private street approval.
ZONING CATEGORY/GENERAL USAGE: Rural Areas (RA)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area in Rural Area 3
ENTRANCE CORRIDOR: No
LOCATION: Turner Mountain Road [PVT] approximately 0.36 miles from Ivy Road [Route 250W]
TAX MAP/PARCEL: 05800-00-00-05800
MAGISTERIAL DISTRICT: Samuel Miller
(Megan Yaniglos)

Mr. Zobrist asked if any Commissioner would like to pull an item from the consent agenda for further review.

Ms. Porterfield asked to pull SUB-2010-0160 Shobe-Two Lot Subdivision Plat from the consent agenda for discussion.

Mr. Fritz noted that the request was a two-lot subdivision resulting in a 6 acre lot and a 4.6 acre lot. It will be served by a new private street, which will be internal to these two lots, and then accesses Turner Mountain Road that leads down to Route 250. Turner Mountain Road is a private street that was approved previously. Usually two lot subdivisions with a private street are done administratively and don't come before the Planning Commission. This request is before the Commission because the criteria for administrative approval for a two-lot private street requires the sole and direct means of access to a public street. This is not the sole and direct means of access to a public street, but accesses another private street. Therefore, the request has to come to the Planning Commission.

Mr. Zobrist noted that otherwise the request would have been by right and approved administratively. The Commission would have never seen it.

Mr. Fritz agreed.

Ms. Porterfield asked if they know they will be able to connect the street to the private street.

Mr. Fritz replied that it was a previously approved private street. Staff has looked at the information provided and it appears that the existing maintenance agreement contemplates exactly this type of division and that any lots created would be subject to an amendment of the maintenance agreement. They are automatically folded into it.

Ms. Porterfield noted one of the things the gentleman said was he felt that the people in the area don't know anything about this. Since it involves a private street connecting to a private street, she assumed all of these people are part of that maintenance agreement. It seems somewhat odd no one has any information.

Mr. Fritz said that the ones up Turner Mountain Wood Road might not because there is another road that goes off to the east. However, Turner Mountain Road goes all the way down and there is an existing maintenance agreement for that street. It contains a clause that essentially says any further division is automatically part of the maintenance agreement.

Ms. Porterfield noted she was not expecting there to be someone here who was going to object. That is why she wanted to know a little more about the request. She asked what lot Mr. Oppen owned.

Mr. Fritz replied that Mr. Oppen owned tax map 58, parcel 58A, which is immediately to the north and adjacent to the property.

Ms. Porterfield noted that was all her questions.

Mr. Morris sympathized greatly with what the speaker has said. However, it seems that this request meets all of the criteria by right.

Mr. Zobrist asked if the Commission votes on this independently.

Mr. Kamptner replied that SUB-2010-0160 would need to be voted on separately since it was pulled.

Motion: Mr. Morris moved and Mr. Lafferty seconded for acceptance of SUB-2010-0160 Shobe- Two Lot Subdivision Plat for the reasons stated in the staff report with the recommended conditions.

1. The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available at the Community Development Department;
2. The final plat shall address all minimum requirements from Sections 14-410 (Standards for all street and alleys) and 14-412 (Standards for private streets only).
3. Health department approval of individual private wells and/or septic systems.
4. Submittal and approval of a private street maintenance agreement in accordance with Section 14-317.
5. Virginia Department of Transportation approval of the entrance.

The motion carried by a vote of 7:0.

Mr. Zobrist noted SUB-2010-0160 Shobe- Two Lot Subdivision Plat was approved with conditions.

Motion: Mr. Morris moved and Mr. Loach seconded for acceptance of the two remaining items on the consent agenda.

Mr. Morris congratulated the folks in Crozet for taking a lead on the wind turbine.

The motion carried by a vote of 7:0.

Mr. Zobrist noted the consent agenda items were approved.

Public Hearing Items

SP-2010-00023 Westminster Canterbury Apartments - Parking Structure
PROPOSED: Parking Structure
ZONING CATEGORY/GENERAL USAGE: PRD - Planned Residential Development - PRD Planned Residential District, which allows residential (3 - 34 units/acre) with limited commercial uses
SECTION: 19.3.2(7) Parking Structure
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses, Greenspace and Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development density) in Neighborhood 3.
ENTRANCE CORRIDOR: Yes
LOCATION: This facility is proposed in the Westminster Canterbury Development, which is located on the north side of Richmond Road (US Route 250) approximately 1,000 feet east of State Farm Blvd. (Route 1117)
TAX MAP/PARCEL: 78-55A6
MAGISTERIAL DISTRICT: Rivanna
(Summer Frederick)

Ms. Frederick presented a PowerPoint presentation and summarized the staff report.

The proposal is a special use permit to allow for a parking structure in the existing development.

Staff has identified the following factors favorable to this application:

1. The proposed parking structure will support additional residential density within the PRD zoning district, furthering the purposes of said district.
2. Adjacent properties will not be adversely affected by the development of the proposed parking structure.

Staff has identified no unfavorable factors to this application.

Based on the findings contained in this staff report, staff recommends approval of SP-2010-00023 Westminster Canterbury Apartments – Parking Deck.

Mr. Zobrist opened the public hearing and invited the applicant to address the Commission.

Michael Mathews, with Mathews Development Company, introduced Gary Selmeczi, President and CEO of Westminster Canterbury; and John Hash, Engineer with Timmons. They would be happy to answer any questions. He appreciated the staff report where two favorable factors had been identified and no unfavorable factors. It is simply a parking structure underneath some planned apartments. As he understood the ordinance there was only one level allowed underneath the apartment by right. With two levels, it requires the special use permit. They think two levels is more efficient for the use of this particular site. They would hope the Commission would act in favor of their request. He introduced Mr. Selmeczi for a couple comments.

Gary Selmeczi, President and CEO for Westminster Canterbury, said he had the pleasure of servicing Westminster Canterbury for about 5 ½ years. He hoped the Commission knows that Westminster Canterbury is a good neighbor and citizen of this community. They employ just over 300 employees and serve over 400 residents in a continuum of care. They are one of the largest single properties and consequently property taxpayers in the County and look to enhance the County with some possible future development. What may not be known is that Westminster Canterbury is a non-profit retirement community and has also provided over 3 million dollars in confidential financial assistance to seniors who have outlived their resources. Therefore, they are very pleased that no one has ever left and that is their faith based tradition. They look forward to continuing to grow that mission and service in this community.

Mr. Zobrist invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission.

Mr. Morris noted that he had been out to the property and talked to the people. A great deal of thought has gone into it. This is going to be extremely beneficial to the current and future residents of Westminster Canterbury. He was totally in favor it.

Motion: Mr. Morris moved and Mr. Loach seconded to recommend approval of SP-2010-00023, Westminster Canterbury Apartments – Parking Structure as recommended in the staff report.

The motion carried by a vote of 7:0.

Mr. Zobrist noted that SP-2010-00023, Westminster Canterbury Apartments – Parking Structure would go before the Board of Supervisors on a date to be determined in accordance with the staff report.

Mr. Fritz announced this was Summer Frederick's last item and Planning Commission meeting. She has taken a position with Thomas Jefferson Planning District Commission. The Commission will be seeing Ms. Frederick again in a different capacity. He thanked her for everything she has done.

The Planning Commission congratulated and thanked Summer Frederick for her services to the Planning Commission.

SP-2010-00028 Charlottesville KOA

PROPOSED: Special Use Permit to bring an existing campground into compliance with the Zoning Ordinance and to add six cabins.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
SECTION: 10.2.2 (20) Day camp, boarding camp.
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots).
ENTRANCE CORRIDOR: No.
LOCATION: 3825 Red Hill Road (Rt. 708) approx. one mile northwest of Scottsville Road (Rt. 20S) junction.
TAX MAP/PARCEL: 101000000052A1.
MAGISTERIAL DISTRICT: Samuel Miller (Eryn Brennan)

Eryn Brennan presented PowerPoint presentation and summarized the staff report.

- This is an application for a Special Use Permit to bring an existing campground into compliance with the Zoning Ordinance and to construct six 15' x 30' cabins, each with a sink and full bath, on existing tent sites. Because the campground predates the current Zoning Ordinance, Charlottesville KOA is a legally non-conforming use – so this is the first application and review that has been conducted for this site. The campground has existed on the site since 1966, and currently, there are 47 RV sites, 20 tent sites, and six cabins located on the campground. There is also a store, shower, and bathroom facility, pool pavilion with a bath, and a game room/laundry.
-
- Zoning and Current Development staff have determined that there is ample parking on the site to accommodate the campsites and cabins and that no improvements to the entrance are required; therefore, a site plan would not be required for the proposal. The Virginia Department of Health has also approved the sanitary facilities and VDOT has determined that the entrance has adequate commercial sight distance and meets the requirements for the proposed use.

- Staff has received no communication or correspondence from adjacent neighbors in regards to this application.

- Staff reviewed images of the site. Although the campground does not directly contribute to the Rural Area land uses outlined in the Comprehensive Plan, such as agricultural and forestal activities, in staff opinion the use does assist in providing an economic opportunity for a rural landowner. In addition, because the parcel remains primarily wooded, the development of the campground has not compromised the rural character of the site. The campground also facilitates agritourism by providing an opportunity for visitors to experience the natural and scenic beauty of the area first-hand, which is consistent with recommendations for the Rural Areas and the Economic Development Policy component of the Comprehensive Plan.

- The Planning Commission needs to take two actions tonight. The first action is in regards to the existing central system and proposed modifications, and the second action is on the Special Use Permit application. In regards to the first action, the existing campground is served by six separate septic and drain field systems and one well providing water to the entire site. Under the County's ordinances, the existing water supply and waste water disposal systems are considered an essential system because there are three or more connections to each system. A central system is considered a "public system" or facility, and the Code of Virginia requires that any proposed public facility that is not already specifically identified in the County's Comprehensive Plan be found in compliance with the County's Comprehensive Plan by the Planning Commission. The existing central system serving the campground was established in the late 1960s, and there is no prior finding that this system is in compliance with the Comprehensive Plan.

- Sewage disposal for the proposed six cabins that are subject to this Special Use Permit request is to be addressed by modifying one of the septic and drainfield systems on-site by adding a new

septic tank that will connect to existing drain fields and associated conveyance lines and pump tanks. The existing well water system will also serve the new cabins.

- The policies established in the Comprehensive Plan generally discourage the use of central systems in the Rural Areas except to solve a public health or safety problem for existing residences. However, staff opinion is that given the existing development and use of the site, and the related policies and goals of the Comprehensive Plan previously noted, the continued use of the existing central systems is in substantial accord with the Comprehensive Plan. Central systems are a practical way to serve a number of connections that are characteristic of a campground. The provision of individual well and septic systems for each campsite or facility would not be practical nor necessarily more environmentally sound.

- Regarding the proposed modification to the existing central system to accommodate the six new cabins, staff also believes that this modification is in accord with the Comprehensive Plan. Therefore, staff recommends that the Planning Commission find that the existing central water and sewage system and proposed modifications to serve the six new cabins are in substantial accord with the Comprehensive Plan.

- Regarding the Special Use Permit application to construct six new cabins on existing tent sites, staff believes this would not constitute an intensification of use on the site and would serve to support a business in the rural area that protects and promotes the agricultural, scenic, and natural character of Albemarle County. The proposal would also only minimally affect the wooded character of the site, as no removal of existing vegetation would be required. Furthermore, there are no anticipated detrimental impacts on adjacent properties resulting from the proposed use. Staff has not identified any unfavorable factors to this application.

- Staff outlined a suggested motion regarding the central system and proposed modification noting that this action permits just the general use of the central system. The specific design for the system is still subject to an additional review and approval by the Board of Supervisors.

- Staff recommends the Commission take action on the existing central system and proposed modifications as recommended in the staff report.

Mr. Zobrist invited questions for staff.

Ms. Porterfield asked if the Commission finds this in compliance whether another person/agency will verify that the septic systems are functioning properly as well that the well they are using for the central system has no problems.

Ms. Brennan replied yes.

Ms. Porterfield asked who does those things.

Ms. Brennan replied that the Virginia Department of Health has already approved all of the existing septic and the other systems that extend on the site. They have three drain fields all of which are large enough to accommodate the existing cabin and tent sites. They accommodate the additional tent sites and cabins as well. It is the County's policy in regards to the three lines that makes it a central system and therefore has to come before the Commission.

Ms. Porterfield asked if the Health Department requires them to test the systems. In other words, do they have to test the well that is feeding that system. In addition, do they have to test the septic systems to be sure that they are functioning properly.

Ms. Brennan replied that she believed they have, but the applicant is present and has met with the Health Department several times and can speak and answer the questions.

Mr. Zobrist opened the public hearing and invited the applicant to address the Commission.

Bryan Nettleton, owner, said the water is tested quarterly for bacteria and to make sure the chlorine levels are correct. The Virginia Health Department had him hire an engineer to check the septic systems and make sure they were working adequately and could handle the new cabins. Ms. Brennan did a great job in explaining everything.

Mr. Zobrist invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Motion on Recommendation for central water/sewer system and proposed modification:

Motion: Mr. Smith moved and Mr. Lafferty seconded to recommend that the existing central water and sewage system (three septic and drain field systems) and proposed modifications to serve six cabins on tax map 101, parcel 52A1 are in substantial accord with the Comprehensive Plan.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that motion passed and the Commission would now discuss SP-2010-00035 regarding the special use permit.

Ms. Brennan pointed out the recommended action and conditions of approval for the special use permit application.

Mr. Zobrist invited questions for staff.

Ms. Porterfield questioned condition #5 that amplified sound shall conform to Section 4.1.8.04. Since amplified sound is big these days, she asked staff to tell the Commission what the conformance entails.

Ms. Brennan replied it was what is allowed by right in the rural area, which was 55 decibels at night and 60 decibels during the day.

Ms. Porterfield asked if there was a problem with any amplified sound, who would respond.

Mr. Kamptner replied that zoning would respond.

Mr. Zobrist suggested since there is probably going to be some amendments that they would probably want to modify the language to say the outdoor amplified sound should conform to Section 4.1.8.04 or any similar ordinance now in effect or that may become in effect in the future.

Mr. Franco questioned why they say anything.

Mr. Kamptner noted this was one of those conditions that is a placeholder for a standard that applies to any use that is allowed by zoning in any district. Depending on which district you are in the decibel levels may change. However, this is really a reference to a standard that will apply regardless of whether it stated as a condition.

Mr. Franco noted in other words they don't really need it as a condition because it already applies, and Mr. Kamptner replied yes.

Ms. Brennan pointed out zoning was concerned when they had a discussion over this condition and it was added at the last minute. Zoning was concerned about all of the discussion about outdoor amplified music. It is redundant because like any other parcel in the rural areas they would be subject to the zoning ordinance no matter what the changes are in the future.

Mr. Morris agreed with Mr. Franco that it was redundant. He asked Ms. McCulley to come forward and address this issue.

Ms. Brennan noted that she had discussion with Francis MacCall who was the zoning reviewer on this application. They decided to leave it in the condition knowing that it could be taken out by the Commission if they felt it was appropriate.

Ms. McCulley asked for time to look up that section to make sure she was clear about what it is.

Mr. Zobrist noted that the Commission would take a five minute break.

The Planning Commission took a break at 6:28 p.m.

The meeting reconvened at 6:32 p.m.

Mr. Zobrist called the meeting back to order at 6:32 p.m. and asked Ms. McCulley to address the Commission.

Ms. McCulley recommended removing condition #5 since it would probably avoid the question in case of an exemption. The condition actually creates more confusion than it solves. Therefore, she recommended its removal since it was not necessary for the noise ordinance to apply.

Mr. Zobrist invited questions.

Mr. Franco asked if condition #6 was any different.

Ms. Brennan replied that condition was included because currently there are light fixtures that do not meet the ordinance on the property because they were put on the property before the ordinance existed. That is in there to ensure that those light fixtures will be changed to be compliant with the ordinance before a zoning clearance or building permit is issued.

Mr. Franco said he was comfortable with that.

Motion: Ms. Porterfield moved and Mr. Morris seconded to recommend approval of SP-2010-00028, Charlottesville KOA subject to the conditions as enumerated by staff numbers 1, 2, 3, 4, and 6.

The motion was passed by a vote of 7:0 with the following conditions, as amended.

1. Development of the use shall be in general accord with the conceptual plan titled "Concept Plan", prepared by the applicant and submitted November 15, 2010 (hereafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:
    - Location of the pool and pavilion, the store, the game room/laundry, the cabins, travel ways, and bathhouse as shown on the Conceptual Plan.

    Minor modifications to the Plan, which do not conflict with the elements above, may be made to ensure compliance with the Zoning Ordinance.
2. Written approval from Fire and Rescue Division shall be required prior to the issuance of a zoning clearance and the commencement of the use.
3. Written approval from the Health Department shall be required prior to the issuance of a zoning clearance and the commencement of the use.
4. The use shall conform to the requirements outlined by the Virginia Department of Health Bureau of Tourist Establishment Sanitation.
5. All site lighting exclusively for camp use must either emit 3,000 lumens or less or be full cutoff fixtures. Lighting issues must be resolved prior to the issuance of a zoning clearance for commencement of the use.

Mr. Zobrist noted that SP-2010-00028, Charlottesville KOA would go before the Board of Supervisors on a date to be determined with a recommendation for approval with conditions.

SP-2010-00035 Blue Ridge Swim Club – Day Camp, Boarding Camp
PROPOSED: Special Use Permit for a summer camp that would allow overnight stays; continue existing swimming pool use for members; and allow special events and concession sales on 13.206 acres
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2 (20) Day camp, boarding camp (reference 5.1.05); Section 10.2.2(4) Swim, golf, tennis or similar athletic facilities (reference 5.1.16); Section 10.2.2(5) Special Events (reference 5.1.43)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: 1275 Owensville Rd. (Rt. 678), north of Holkham Dr.
TAX MAP/PARCEL: 058000000075A0
MAGISTERIAL DISTRICT: Samuel Miller
(Joan McDowell)

AND

SP-2010-00041 Blue Ridge Swim Club
PROPOSED: Special Use Permit for a summer camp that would allow overnight stays; continue existing swimming pool use for members; and allow special events and concession sales on 13.206 acres
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2 (20) Day camp, boarding camp (reference 5.1.05); Section 10.2.2(4) Swim, golf, tennis or similar athletic facilities (reference 5.1.16); Section 10.2.2(5) Special Events (reference 5.1.43)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: 1275 Owensville Rd. (Rt. 678), north of Holkham Dr.
TAX MAP/PARCEL: 058000000075A0
MAGISTERIAL DISTRICT: Samuel Miller
(Joan McDowell)

Ms. McDowell presented a PowerPoint presentation and summarized the two staff reports for SP-2010-00035 Blue Ridge Swim Club – Day Camp, Boarding Camp, and SP-2010-00041 Blue Ridge Swim Club.

Proposals

- SP 201000035 - Camp (located at Blue Ridge Swim Club
- Currently located at Camp Albemarle
    - Allow children's camp 5 days per week
        - 8:30 AM to 5:00 PM
    - Would allow 60 campers, unless the Health Dept. approves septic system for 100 campers
    - One overnight per week (Thursday)
    - Construction of a 2,000 s.f. pavillion
    - Transported by shuttle bus and individually
    - Concession stand would be allowed to continue food sales

- SP-2010-00041 Blue Ridge Swim Club
    - Existing since 1905
    - Water drawn from adjacent stream
    - Would bring swim club into compliance with current zoning ordinance
    - Swim Club could continue as a non-conforming use
    - Would limit to 250 members, unless Health Department approves septic system, and then would max out at 350 members
    - Open from Memorial Day weekend to Labor Day weekend

    - Open from noon to 8:00 PM
    - Health Department and VDOT approvals required
        - Septic system would be improved to current standards
        - Improvement of entrance/exit and sight distance

- Based on the findings contained in this staff report, staff recommends approval of SP-2010-00035 Blue Ridge Swim Club – Day Camp, Boarding Camp, subject to the conditions listed in the staff report. In condition 2 "quiet time" should be replaced to "be between 9:30 p.m. and 8:30 a.m. with the night time maximum sound level of 55 decibels shall be imposed from 9:30 p.m. to 8:30 a.m. In addition, add a condition that the maximum number of campers shall be limited to 60 unless the Health Department approves the septic system for no more than 100 campers.

- Based on the findings contained in this staff report, staff recommends approval of SP-2010-00041 Blue Ridge Swim Club subject to the conditions listed in the staff report with the changes listed in red: Memorial Day Weekend and Labor Day Weekend in condition 2. In addition, add maximum number of members to 250 unless the Health Department approves the septic system, but no more than 350..

Mr. Zobrist invited questions for staff.

Ms. Porterfield asked when talking about members if members are individuals or a family.

Ms. McDowell replied that staff is basing this on what the septic system is being reviewed for currently. Therefore, it was individuals.

Ms. Porterfield noted that in other words anybody who is joining has to say exactly how many persons are involved in the membership. Is there any possibility to bring guests?

Ms. McDowell replied that the septic was not reviewing for guests, but only for members. They were given an average of folks that could come during the day. Therefore, they averaged it out as well.

Mr. Zobrist asked if the members hold certificates.

Ms. McDowell replied that she was not sure.

Mr. Zobrist said that the Commission could ask the applicant.

Ms. Porterfield asked staff to go back to the changes to the conditions.

Ms. McDowell pointed out that the changes to #2 were really to clarify. It did not need to be exactly Labor Day or Memorial Day, but just that weekend.

Ms. Porterfield asked if the special use permit was forever or if it would have to be reviewed after so many years to see if there are any problems.

Ms. McDowell replied that there is no condition that would limit it for a return visit.

Mr. Lafferty asked if the bathrooms would be in the same place.

Ms. McDowell replied yes.

Mr. Lafferty asked if they would have to have a lift station for the sewage, and Ms. McDowell replied yes.

Mr. Loach asked if the road and bridge would be adequate for fire and rescue.

Ms. McDowell replied that fire/rescue has reviewed it and asked that they be notified before there are any outdoor fires. They had no comments on the road. It would be a pedestrian bridge.

Ms. Porterfield noticed in the report that the applicant agreed to put up a fence along one property line. She asked if there is a fencing regulation for the entire property.

Ms. McDowell replied as she remembered there is a fence out there, but the applicant can address any agreements he may have made subsequent to his application.

Ms. Porterfield asked does the County have a fencing regulation around a pool.

Ms. McDowell replied that she did not know. She noted there was a fence around the property.

Mr. Kamptner noted that the Building Code requires fencing for any pool 4' or deeper.

Ms. McDowell pointed out that this pool is deeper than 4'.

Mr. Kamptner noted that would be enforced by the Building Official.

Mr. Morris noted this was interesting because it has been in existence for 100 years. He would agree because when they put up a pool 35 years ago in his neighborhood they had to put up a fence. This site would be grandfathered.

Ms. Porterfield asked if any of this is grandfathered, or with their site plan they were going to have to meet all regulations.

Ms. McDowell noted that this brings it into conformance with whatever is in the Code now.

Ms. Porterfield asked if there was a 6' fence required to go around the pool, would they have to fence around the pool itself or the property.

Ms. McCulley noted that should be confirmed with the Building Official in terms of what the Building Code would require. They are not modifying the pool itself. It is not a Zoning Ordinance specific requirement. They can require fencing, screening, or something in terms of a visibility kind of buffer. They are not as informed as the Building Official would be about the Building Code.

Ms. Porterfield said she was more concerned since everywhere she lived there has always been a regulation that a pool has to be fenced with a certain height fence because pools are an attractive nuisance. They don't want some small child getting into them and that sort of thing. That is what she is asking and why it came up. She noticed that it was only one property line. She questioned if staff was saying they could not require fencing.

Ms. McCulley replied she was not saying that. There is language in the supplemental regulations, which are zoning regulations that apply to this use. The reference to a fence talks about when a lot on which any such pool is located and abuts a rear or side line of, or is across the street from any residential district, that substantial sightly wall, fence, or shrubbery shall be erected or planted so as to screen effectively said pool from view from the nearest property and such residential district. This pool is not adjacent to a residential district, but there is further language that allows the Board for the protection of health, safety, morals and general welfare to require additional conditions as it deems necessary, including but not limited to provisions for additional fencing and/or planting.

Mr. Zobrist opened the public hearing and invited the applicant to address the Commission.

Todd Barnett, applicant, said he started Field Camp with Jay Fennel in 2000. They have never owned a camp facility. In 11 years, they have used facilities at Tandem School, Free Union Country School, the Sugar Hollow Girl Scout Camp, and Camp Albemarle. They have increasingly used Camp Albemarle, but their Board always gives the first choice to their own groups and camps. They get what is left. He made the following comments.

- They teach about outdoors and nature, safety and nature, read loud stories, play capture the flag, and go swimming. Every Tuesday and Thursday they take hikes up in the mountains for the day. On Thursday nights, they do overnights, make samoas, play games, and sing songs. Then they go off to bed where sometimes scary stories are told. Blue Ridge Swim Club came to him this past summer and asked him to consider buying the property. Because he had an appreciation for its history and most importantly because he would keep the pool open for the members who had gone there for a long time. He knows that paying a twelve month mortgage on a three month business is not financially sound. There is a reason that there is not a single commercial stand alone pool operation. However, he thinks he can make it work by having his camp there and running the pool. It comes down to whether this pool can survive. He thought this is the third oldest operating pool in the country. There are two in Colorado, which are older. However, you can imagine the reasons why they die. There are places where there have been a great deal of cultural attention as well.
- Unless something happens, he was under the impression that this pool might not survive. Before this deal, the club was close to a deal with a local commercial fitness club. It seems that pool memberships alone cannot pay for the renovation, maintenance, and operation needed to sustain the pool. If it is important to keep this pool in operation, then he hopes they would give him the opportunity to continue to pursue the project. He would pursue state and national historic designations for the pool if he owns it. There is a great deal of concern from neighbors in the room. Honestly, as he told neighbor, Peter Thompson, when he first told him there were those that opposed it. He said he thought it was going to be fine because he would be the only person who was complaining. However, he was wrong about that. He has tried to talk with all of the adjacent property owners. He had been very forth coming in trying to address their concerns if they would talk to him. He committed to building a fence around the pavilion. They cannot build the pavilion too close to the stream because of the 100' barrier. It would be outside the fence that is there now. At first he thought that would be fine, but then it occurred to him it was an attractive nuisance during the season they were not there. He would like to build the fence around the field that they intend to use. The pool would still be closed in. He was committed to doing that.
- He also told Mr. Thompson that he would commit to having no pool after dark events. He agreed that could go on the conditions of approval. He agreed to cap the number of visitors to any event at 250. He has never ran a pool before, but that seems like an awful lot of people. There would be one overnight per week. All his neighbors had his phone number. He would be there Monday through Friday running the camp. He would be happy to address their concerns as soon as they arise. He thought these compromises were fair. It is important to recognize that this deal does establish conditions for improvements for the pool that won't be there otherwise. The things he has to do is like the septic system, the noise from a PA, parking, and so forth. He thought that pools are good places for communities to thrive. He believed very passionately about getting kids outside in the summer in a healthy and safe program filled with adventures in outdoors and nature awareness. He thought all of these things were a good thing. He hoped to continue to have that opportunity in Albemarle County.

Mr. Zobrist invited questions for the applicant.

Ms. Porterfield asked that he go back to his hours of operation.

Mr. Barnett replied that it starts at 8:45 a.m. on Monday morning. Almost everybody is out before 4:45 p.m. when the bus takes off to take the children into town. About two-thirds of the children historically have taken the bus. On Thursday they stay there overnight. Sometimes there is a child there as late as 5:00 p.m. Those are pretty much the hours. There are not weekend hours for the camp. The pool is opened noon to 8 p.m. every day from the Saturday of Memorial Day to the Saturday of Labor Day. That is for club members only on those days.

Mr. Morris asked if he agreed that a club member is an individual rather than a family.

Mr. Barnett replied that he understood that it was a membership. Last year there were 116 members, which made up 211 people. It is a little less than twice the number.

Mr. Morris noted from what he had seen generally a membership was a family membership, which could be one or six people. He would just like to know.

Mr. Barnett noted that the average was about 1.8 people per membership.

Mr. Lafferty asked if he could describe the fence being proposed.

Mr. Barnett replied that the existing fence was just over the height of his waist. He was thinking of extending that same fence. He was not sure what the regulation was, but he was assuming since it was there that was done in some way that complied with insurance regulations. If it were not, then he would put be a taller fence in. During the summer, he found that the foliage is dense. It is not a matter of sight issues. Someone might say they can see the pool, but it was very dense in that area. He understands the children noise issue, but felt they were a very under control camp. He had never sensed that they were a noise problem. He noted that he could be biased in that. He did not think that sight was much of a problem. If it is a problem of people climbing over the fence, he understand that is a liability issue as well and something that he has to think about.

Mr. Lafferty noted that he had mentioned the P.A. system and the use of a mega phone.

Mr. Barnett replied that was a condition granted there. On three Fridays per year, they have a mega phone and a tiny P.A. It was just a little box like used on the downtown mall. They have used either of those. The regulations would be fine. The decibel levels was new, but it sounds fine. He thought that was a good way to monitor the noise. They are going to run a lawnmower, which might go over 55 decibels.

Mr. Zobrist noted that the noise regulations were in the ordinance. There being no further questions for the applicant, Mr. Zobrist invited public comment. He noted that the Commission had received many letters and emails with most being in favor.

J.H. Verkerke, resident of 2592 Holkham Lane, spoke in support of the request.

- He was a long time member and former President of the Blue Ridge Swim Club and an adjacent property owner who had lived approximately 300 feet from the pool property for the past 20 years. He spoke first on behalf of the Blue Ridge Swim Club members who voted 58:1 in favor of selling the property to Todd Barnett and the Field Camp. The Blue Ridge Swim Club property is an historic treasure and one of the very oldest in the country. As noted in the staff report, it was originally built as a boy's camp operated on the same site. Many of the proposed uses in the application continue the swim club operation that have been uninterrupted for more than one-half a century. The other parts of the application return the property to its historic roots as a nature camp.
- The certificate member owners of the pool property could have reaped a significant financial windfall by selling two lots for residential development. However, they voted overwhelmingly in favor of the deal with the Field Camp, which give most members only continued access to the pool. They made this sacrifice because they care much more about preserving the open space and special historic character of the pool than the monetary gain.
- As a long time resident of Ivy, he urges them to consider the unique contribution that a revitalized swim club and nature camp will make to their community. In contrast to the predictable clearing and natural devastation, that accompanies new residential development, the proposed uses give the Field Camp every incentive to maintain the natural beauty of the site and to protect the environment from degradation.
- The opportunity for neighbors to walk to any recreational facility is all too rare in our largely car based suburban setting. Preserving the pool and permitting a nature camp to operate during the nine weeks of the summer will protect the rural character of our community and create an invaluable recreational option for local children and adults alike. Despite the objections that several neighbors have raised to this application, as a close adjoining property owner the only truly plausible concern is that the proposed uses will create too much noise for the area. His own experience as a owner and resident of an adjoining parcel cause these concerns into question. His family spends most of the summer on a screened porch that faces the pool property. Even

on the busiest days of the season with more than 100 members and guests in and around the pool, they have never heard noise from the swim club property. He thinks the greatest threats to their peace and tranquility come from roaring lawn tractors throughout the mowing season, unattended dogs confined and barking in the yards of neighbors, and from loud music played by teenagers when their parents are away. They often hear the sounds of young children playing and having fun in their neighborhood, but that has never been a significant threat to their serenity.

- On behalf of the pool members and the many neighbors who support the proposal along with the people in the surrounding community who will benefit for decades to come, he respectfully asked the Commission to recommend approval of this application.

Keith Geerhart, as an adjoining property in Lewis Hills, he asked the Commission to approve this as well. His children attended Field Camp in years past. He felt Field Camp was an asset to the neighborhood. There are a many children in the neighborhood who would be able to walk to this camp during the summer. It will be an asset to Albemarle County as a whole to enable children to get unplugged from video games, get outside, and enjoy the outdoors. The noise being discussed comes from the children playing. It is not boom boxes or parties. That was a sound that he welcomed in his neighborhood. He asked that the request be approved.

Judge Cheryl Higgins, an adjoining property owner, asked the Commission not to approve the request due to her two primary concerns of traffic and noise.

- The first was the traffic. She apologized if she did not understand what they were requesting. From the information she received they wanted to allow a summer camp for up to 100 campers and then in addition to allow an existing swimming pool use for up to 350 memberships. From today, she understood that memberships would mean as family entities and not as individuals. Then on top of that it sounded that there could then be visitors. She was very concerned about what that will do to the traffic on Owensville Road.
- As she read the report, it stated that the swim club membership, while it is 250 individual members, the average daily attendance is 20 people or approximately five cars. However, it sounds now that this will be much more of a business and much more aggressively marketed as a business. She was concerned about what is going to happen when there are potentially 300 people or families that are members and have teenagers that are driving and all of that traffic is on Owensville Road.
- She recognizes that according to the report two-thirds of the people come in through buses. However, there are also going to be camp counselors of a ratio of one counselor for every seven children. Therefore, that is going to be at least ten additional cars assuming those people are not going to car pool. There are going to have to be administrators. Therefore, at 8:15 to 8:30 a.m. they are going to have those additional cars, approximately 50, on Owensville Road. That does not sound like a large number of cars, but for that road, she would say that it is. It is especially true considering what traffic can be like between Owensville Road and Route 250 when trying to turn left, which she does every morning. She thought those were important considerations that are not being taken into account. Owensville Road is just simply not built or prepared for having an additional 100 campers plus 350 plus potential attendees.
- With all of those people comes a great potential for noise. That is her second concern. She thought that other people have addressed that. That is why she was asking the Commission to decline this request.

John E. Early, resident 2416 Holkham Drive for 25 years, spoke in opposition to the request due to several concerns.

- Ms. Higgins voiced the noise concern quite elegantly. The other problems he has with the short term concerns are the number of people that will actually be on site if the project is approved as Ms. Higgins alluded to. He was also concerned about the hiking and trails. They already have kids cutting through their neighborhood from West Leigh going to Blue Ridge or other areas. He wondered how many more folks would be wondering through the backyards of their neighborhood and disturbing things.
- His larger concerns are based on long term considerations. He truly believed that a commercial enterprise next to a residential development would have a negative impact on his house value, which was something that had been steadily declining over the past three years during the

recession and according to his latest appraisal. He recognized Mr. Barnett's honorable intentions and his love of nature are certainly nice and appropriate, but he was more worried about what will happen when Mr. Barnett loses interest or realizes that this enterprise is no successful and they have already granted a special use permit for these types of activities.

- This is a land use permit and not an activity for Mr. Barnett to run a day camp. So the land use activity must be carefully monitored to make sure that is done appropriately. He would recommend should the Board and Planning Commission approve it, which he hopes they do not, that it be limited to this special use permit and there will be no grandfathering should a subsequent owner come in and try to accomplish the same process.

Chris Georges, resident 2408 Holkham Drive, said the last two speakers stole all of his thunder. He asked to reiterate his opposition to these permits. He has faxed and emailed letters to the Planning Commission. Since writing to them, he had heard it mentioned that approving this proposed request might keep this property safe from undesirable development. He asked does that mean this is the best of the worse. To many here tonight this would be undesirable development. The applicant states that the current by right use of this property could accommodate two home sites. There is nothing undesirable about that since all nearby and surrounding properties are single family residential and not commercial. He suggested that perhaps the best measure for deciding is not fear of something worse, but what is consistent with sensible principles of community development. He urged the Planning Commission to deny this request.

Patrick Kearns, resident of 1400 West Pines Drive, noted that his residence actually backs up to the property and he asked the Planning Commission to not vote in favor of the proposal. He opposed the special use permit for the overnight camping especially. The idea of having up to 60 people camping in basically his back yard is not a great idea for him as a homeowner. They say that 60 people would be the smallest amount with the possibility of going up to 100 people. Over a course of nine weeks that could mean up to 900 to 1,000 people actually camping in his backyard. The thought of that is a little disturbing. Especially with all of the activity, being talked about it was just going to add more people into that area. As a homeowner that fronts the property, he felt this was a detrimental impact to the surrounding area and to the homeowners. He hoped the Planning Commission voted no on the proposal.

John Chaplin was present, but chose not to speak.

Pat Kearns, wife of Patrick Kearns, agreed with what her husband said.

Cathie O'Doagghue, of 1410 West Pines Drive, said that for the past 25 years her family has lived with the Blue Ridge Swim Club in their back yard. They were very active members for several years. Historically even on the popular days, such as July 4th, there were not more than 50 people present at one time. On a normal day at the pool, one could expect less than ten sporadic visitors the majority of which are well beyond their teenage years. The proposed 2,000 square foot pavilion that will shelter 65 to 100 kids ages 8 to 15 is directly behind her back deck. As is the case with many families, they use their deck to relax and enjoy the peace and quiet of the rural residential area in which they live. There will be bull horns used for field day, game day, swim day, family day any day they chose. The proposed hours of operation are from 8 a.m. to 8 p.m. Any rational person can expect significant amounts of noise to be generated by a camp of this scale and will cause an unreasonable level of disruption. She feels their quality of life will undoubtedly suffer. The Nature Center Field Camp has operated for the past 11 years out of Camp Albemarle, which has cabins for overnights, fields, outdoor shelters, with woods and streams for exploring. Hardly can 13 acres in the middle of several established neighborhoods replace such a near perfect setting. How is this historic and quaint swim club going to remain untouched and preserved when construction activities are proposed such as clearing of trees, paving, graveling, upgrading of drainage and runoff for a 50 car parking lot, the construction of a large septic field to accommodate waste from over 100 plus people. She questioned if this property would lay dormant during the fall and winter. There are several issues that she is concerned with fire and safety being a major one. She asked the Planning commission to deny the request.

Frank Fountain, a parent of a current camper, spoke in favor of the permit. He could not speak to many of the neighborhood issues. However, he could speak to a couple of things. With respect to traffic, he

could say that during the entire time of going with his son at the Field Camp he never once brought his son physically to the location nor picked him up. His son has taken the bus that the day camp currently offers in which approximately two-thirds of the campers do. That in itself limits the activity of traffic. With respect to the sound, he only knows what he has heard tonight. That also includes some of the things in the previous sessions. He was unsure of the current decibel levels. He was not aware of any noise complaints from Camp Albemarle. He can speak to the fact that Mr. Barnett has been excellent partner in his son's summer education. He had no reason that he would not be an effective partner in this endeavor with his neighbors.

Peter Thompson noted that Mr. Barnett had expressed his comments in favor of the request.

Deane Begiebing asked the Planning Commission to please vote in favor of the proposal. She speaks as a certificate member of the Blue Ridge Swim Club and as a land owner across the street on Owensville Road. The entrance to the swim club is diagonally across from her driveway. Her property was family land that was purchased from Mr. Baker who started the Blue Ridge Swim Club. This is a treasure as Mr. Barnett said, which was one of the few in the country. It is a treasure for Albemarle County. This is a rescue proposal that does happen to benefit the children of Field Camp as well of those who would love to see this unique pool preserved. She agreed that the noise level should be the kind of noise one would want to hear in the summer of children congregating and enjoying the outdoors. She grew up going to that pool. Her son lifeguards at the pool. It is a family legacy. Her parents were charter certificate members. She would be emotionally crushed if they could not preserve this pool. It really is a community asset. She believed that Mr. Barnett's plan has been one of the best she has seen. It was better than the proposal with the Fitness Center. This plan benefits a far wider audience.

Sherry Early noted that her husband had already spoken. They live on Holkham at the very back. They certainly would be affected by this in a negative way. They have community trails there that are supposed to be only for the community. If other people come in since it is a private road it would be their insurance that would have to cover it should someone have an accident or whatever going on the trails. The camp is a wonderful idea, but it is a commercial idea. Therefore, it was not wonderful in their community. It was a long time heritage sort of place, but it only had ten people a day because the word did not get out. In order for him to put money into it, it is going to be advertised. He is going to try to get more families to come. The children will want to bring their best friend. In the end, it will become commercial property. She asked where do the residents stand on that. No one has talked about the events requested, but there is nothing saying what the actual events would be. She asked if there would be weddings, game days, or events with other camps. Events is a broad word that spans many things. It would take them away from being a quiet residential area where they bought an amount of land on dead end streets. They want a quiet community.

Neil Williamson, with The Free Enterprise Forum, asked to be clear that they have no opinion of this application. This is the second application tonight that the Planning Commission has seen fit to question the septic ability of the site. In his understanding, the Department of Health has jurisdiction over that. A condition that suggests that the Department of Health has to issue a permit before the site plan is approved is perfectly responsible and understandable. The idea that the Department of Health has not done a calculation with regard to the septic use for guests of members, his guess is as a state agency monitoring this across the state they have the ability to handle that. It is important to recognize mission creep when it occurs even in these small areas and this is clearly an area where the Planning Commission should be leaning on the Department of Health and frankly stay out of that part of the argument.

Murray Whitehill started that he lives over at the shallow end of the pool. He started swimming there in 1946. He has seen this transformed from one thing to the next. The residents all around have actually intruded upon a commercial operation rather than the other way around. As fair as noise, he has heard it go both ways. He thought it would be wonderful to hear children out actually playing versus playing on computers. It is only going to last a few weeks in the summer. His wife and he have to listen to 12 weeks of permanent lawn mowing every weekend 10 hours a day. He used to own the back portion of the women's bathhouse because the property survey was wrong.

Veronica Waters, property owner on Holkham Drive, said her property did not adjoin the swim club. There are two separate issues here. It disappoints her that the two issues are being put together. There is the issue of the swim club and the issue of the field camp. She spoke in opposition of the request. There are many great things to be said about it. However, her major issues are traffic. Trying to turn left off Owensville Road onto 250 is impossible. Adding 200 cars to the mix does not help matters. Getting out of Holkham onto Owensville Road is taking her life into her hand every single morning. Cars come racing through. If there are more cars trying to leave out of there, then there will be more issues that will cause traffic accidents. There are many issues involved such as fire/rescue access, the increased environmental impact. It is great that there might be a camp, but she was not sure that there is a lot that is great there as opposed to Camp Albemarle. The increase of trespassing would be a problem because there are many trails that go through this neighborhood. Having more people wanting to use those trails is not actually a positive thing. She asked what other groups or events would use the pavilion. What other special events will happen once a special use permit is allowed. Who will have the ability to approve and deny the events. If noise becomes a nuisance who will make that decision. Who will make that determination. Will the tree line be upgraded to create a so und barrier. What guarantees are there to protect their quality of life beyond one individual's word to limit disruption. Mr. Barnett is a great guy. She has no reason to doubt his word. However, the special use permit would apply to the whole parcel from now to the end of time.

Shirley Cunningham said she lived over at the deep end of the pool. Her property goes down to the woods. The sight line to the pool is a non-event unless standing at the concession cooler. She could not image anything this day and time where kids can walk to a structured event five days a week. This is a blessing. She can't imagine a better noise to listen to than a bunch of children having a good time for the one night a week. These kids will be tired without their boom boxes. They would be listening to scary stories. The alternative she was not sure of for what the certificate holders of the swim club might be. Surely, this is a wonderful thing to hand off a swim club to. She was in favor of the request and hopes that is what will happen.

Mr. Zobrist invited rebuttal from the applicant.

Kelly Strickland, present with Todd Barnett, said he had been helping him with the plan and application. He thought what is really unique about this property is this facility will only be opened 13 weeks during the year just during the summer months when school is out. He made the following comments.

- One of the things that came up was traffic on Owensville Road. Just around the corner is Meriwether Lewis School. Of course, the school is out the entire time the pool is open. Therefore, it kind of works in favor of less traffic even with this use in place. Because it is only 13 weeks out of the year that it is open they have requested waivers of the site plan so they won't have to pave the parking lot, pave the entrance road, put in curb, gutter, storm channels, drop inlets and everything else, which would typically be required for a site plan. They are trying to leave it exactly the way it is. They want to put in a pavilion for the camp.
- They want to put in infiltration trenches instead of the storm drainage system. They would like to leave grass for the parking and delineate the parking spaces with 6' X 6' pressure treated wheel stops. The travel way would be graveled coming through. It would be very like what is there already. There would be very little disturbance and improvement. However, it would make it a little more convenient and easier for people to park.
- Along the same lines as limiting the disturbance, they wanted to accommodate the Fourth of July, Memorial Day, and Labor Day events with the septic field. They did not want to design a septic field that would only be functioning in full use three days out of the year. It is a pump system that is going to a field of 850 gallons per day as estimated for a typical day. That is how the septic system was designed. In order to have the extra capacity they proposed a storage tank. Because it is a pump system, this would allow them to be able to store the effluent and pump it up on the not busy days. That was another thing for this type of use. It did not make sense to go through all the bells and whistles.

Todd Barnett asked to talk about a couple of things that came up.

- He does limit the number of children in the camp. The camp almost always fills up every week before the summer begins. He could have made it bigger. It is a quality of life thing. He does not

want a large camp. Sixty children is a small amount. He has 60 children in his school, which some feel is against the economic model. He has done that because having a quality of experience with those children is really important to him. He does want to limit the number. Frankly, if he has a sense there are too many pool numbers, then he will knock the number down there as well. He is less certain about that since he has not been out there before. As one person said, there are typically not more than 50 people there on a big day. It was bigger before, but no everybody shows up. He was not actually concerned at this point. If he gets concerned, he will knock down the number of members that they have. They have intention of hiking on private property. He has never done and won't do it in the future.

- When he writes about his camp, he writes about the fact they go hiking. However, they go hiking on public property only. They do that two days a week. They are actually off campus two days a week from about 9 a.m. to 4 p.m., which will also limit their impact in the area. Lastly, he does not own Camp Albemarle. He does not have any authority over it and can't get it when he wants. They get it whenever they can. They will continue to go there on a regular basis because the children like to go over there. It is a neat things to go and will break things up. He wants to have the opportunity to have the overnights there. He thinks the neighbors will find they are an excellent neighbor. Camp Albemarle has its problems, too. His safety will be much better in this place. Camp Albemarle is a very tight situation in getting in and out. He worried about that entrance every summer. It is one that does not comply and really needs work. There are not a lot of places to run camps for children in the summer. It has its other safety issues, which he thinks he can address better in this proposed location.

Mr. Zobrist invited questions.

Mr. Loach noted that the camp hours are from 8:30 a.m. to 5:00 p.m. It says the pool hours are noon to 8 p.m. Does that mean that after the camp is closed there will be other people coming in for the duration.

Mr. Barnett replied that his understanding is that most of the crowd for the pool during the weekdays comes in after work and then on the weekends. There will be some overlap. This is something they talked about a lot when he was making the deal with the members. The sense was that both of the groups could interact happily and without getting on one another's nerves. He did not think there would be much of the same population there at the same time.

Ms. Porterfield noted staff has added condition #10. She asked if he was willing to limit the number to 60.

Mr. Barnett replied no. Last year they had 540 campers over the course of 9 weeks.

Ms. Porterfield noted it was 60 at only one time.

Mr. Barnett replied no, because it says unless and until the Health Department approves the septic field for no more than 100. He was will willing to limit up to 100. He has never gone up to 100 in a week in the past. For four weeks in the summer, there is a leadership school. During leadership school, the kids are there for two weeks in two week sessions. The first week they are in camp for two days. They are not there much, but it is another 15 kids. Last year the most they had was 72 kids. He would not get to 100, but would have an average of 60 kids there a day. Again, that is not a lot of kids.

Ms. Porterfield noted that it sounded like he was limiting it to 60, but he really was not. He would really like per session to have the ability to go to 100.

Mr. Zobrist pointed out it would be provided the health department approved the septic system. There being no further questions, he closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Mr. Smith noted that the applicant was talking about it staying open 13 weeks, which was no different than it has been. It was conceivable that there could have been 200 people a day there for the last 60 years. As Mr. Whitehill said, the pool was there before the residential houses. One lady said she had trouble getting on 250. He goes out every morning and he has no trouble, but leaves at 6:30 a.m.

Regarding the trails and trespassing, the school already has trails that people are using. He did not know where these trails are going. He thought the camp would be a good thing for the area.

Ms. Monteith noted that they had heard from a couple of people a concern about the intersection of 250 and Ivy Road. She wondered what would trigger a warrant for signalization at that location.

Mr. Cilimberg noted that warrants are determined by VDOT. Therefore, there would be the need to request VDOT to do a warrant study.

Ms. Monteith pointed out that it sounds like it is needed.

Mr. Zobrist questioned if they have to do a formal.

Mr. Cilimberg suggested they ask Joel DeNunzio of VDOT to address the question.

Joel DeNunzio, representative for VDOT, said they do need to meet warrants for a traffic signal. The request would probably come from one of the Board members at their meeting to the VDOT representative. The VDOT representative would take the request to the traffic division to look at if it meets the warrants. If it did meet the warrants and a signal was needed, then they need to identify funding for it. That could be the tricky issue there at this time. That would be the correct process to do.

Mr. Smith pointed out that traffic would be different in the summer because they don't have school buses or kids driving to school

Mr. Franco asked if there were any limitations on what it could be right now since it is a grandfathered use. If they decided to have 500 members, is that regulated.

Ms. McCulley replied that was a very difficult question and not black and white. It is very much debated throughout court cases as to what is the tipping point for a non conforming use. She could not really tell him. It is not just an increase in volume that takes it out of its nonconforming protection under the State Code. In other words, there could be some increase in membership. However, if it were significant such that the character or the nature of the use changes, that is the tipping point. She could not tell him what that number is.

Mr. Kamptner noted that the law for nonconforming uses for commercial use, they will assume that the swim club is a commercial use, allows some gradual changes in intensity. It is a little different than residential uses under the law. Ms. McCulley is right in that they would have to look at a snapshot of the use at a particular time and determine whether or not the character is changed. Certainly if there were structural changes to the pool or additions to buildings the nonconforming status could even be lost.

Mr. Zobrist asked Ms. McDowell if she was putting these limits on with the special use permit and the limits that don't exist today will be on this in terms of limiting the membership. He asked if staff was limiting it to 200.

Ms. McDowell said that she used a report received by Gooch Engineering that was based on their analysis of what the size of the new septic system would be. It is 250 total members and not family members but people using the septic system.

Mr. Zobrist asked if it was a limitation being put on the special use permit that currently does not exist.
Ms. McDowell replied that was exactly right.

Mr. Loach asked if that would change if the septic system changed. Would it have to come back for another special permit.

Ms. McDowell replied that she talked with a representative from the Health Department and he said stick with Gooch Engineering data, but they can resize it later and then up the membership. Therefore, that is the condition.

Mr. Zobrist noted that they would have to come back for an amendment.

Ms. McDowell noted that there was an upper limit.

Mr. Zobrist noted it was 250 unless they upsize it, then they could go to 350.

Ms. McDowell said that was what the applicant asked for.

Mr. Zobrist asked if that means people in attendance at any one time or that holds a certificate. It is fuzzy on what a member is. He noted as a member of Farmington he holds a certificate. He was the only member in his family, but could take his family. He asked Mr. Barnett if he had looked at the rules and regulations of this swim club he was going to inheriting and running.

Mr. Barnett said that his understanding was the same as his. A member is either a family or an individual. Right now, the ratio is that the typical member represents 1.8 people.

Mr. Zobrist asked to understand what the maximum number of members is.

Mr. Barnett said he would be happy to accept 350 total members, which means about 200 memberships and 350 total individuals.

Mr. Zobrist suggested that some work needs to be done on this.

Ms. Porterfield said it was how many people that the septic field can handle while they are on site.

Ms. McDowell noted that Gooch Engineering goes on to say it is design a septic system that would accommodate a daily flow of approximately 875 gallons per day. Then it say 109 people per day and 8 gallons per person per day and then storage capacity goes on to talk about 3,000 gallons to accommodate peak uses of the three summer holiday weekends would be provided by installing one large 3,000 gallon septic tank or two 1,500 gallon septic tanks.

Mr. Zobrist asked if they should be looking at a use limitation as opposed to a member limitation.

Ms. Porterfield said the question with the storage tank is if they were going to pump it out on a daily basis or use this system, how many individuals can it accommodate. If they can do 109 people with the septic system without using the storage tank, then what can they do when they put the storage tank into effect.

Mr. Franco questioned if that is really the Commission's problem. He thought they should have a number out there, but his point is that the health department regulates that and they don't need to.

Ms. Porterfield pointed out that there is probably a number that it can't function adequately past. Are they simply going to be asking the owner to be counting the number of people on site.

Mr. Zobrist felt the use factor was far more important than the sewage. The sewage was going to be worked out by the health department. The Commission needs to determine how many people they want to allow on the premises at any given time. It is only 13 acres.

Ms. Monteith agreed that the health department issue is not their purview.

Mr. Franco said he was not proposing that they go to a bigger number. He would look at condition #10 and if 350 is the number they were comfortable with, then they should say 350 is the maximum and let the health department figure out where they would be in the middle.

Mr. Zobrist noted he could care less how many members they have. They have to limit the number being present on the premises at any given time. That is where he thought the Commission ought to be going.

Mr. Kamptner said the health department number is not completely irrelevant because as part of the special use permit they can impose conditions that protect the health, safety, and welfare. Even though there is some overlap with the health department number, which is going to put the maximum load on the septic, a condition can be imposed as part of the special use permit to make sure that threshold is never exceeded

Mr. Zobrist noted they could have a condition that says there will never be more people on the premises than would be permitted under the health department regulations. They could have a second condition that said there would be no more than X number of people on the premises at any given time.

Mr. Kamptner said if the number of people on site is only to address the issue of the septic system, then something like that is fine.

Mr. Zobrist noted that there were broader issues. There are issues of noise and cars. One way to mitigate the objections is to limit the number of people that are allowed on the premises.

Mr. Kamptner agreed.

Mr. Loach noted that one of the neighbors noted that they were not talking about one but two commercial entities. That makes it more problematic to determine the number of people on site.

Mr. Cilimberg noted the camp number the applicant indicated they wanted was 100 campers. Therefore, that is a starting point that essentially had been addressed as a maximum. Whether the Commission is comfortable with that, he did not know. They have indicated 100 campers. The question really becomes how many non-campers they feel is appropriate to be at the pool on any given day.

Mr. Zobrist questioned at any given time how many people can they have on site during the hours of operation. He asked what that number would be. He asked what was going to mitigate the impact on the neighbors.

Mr. Franco noted that it sounds like both uses are good uses. It is just how to mitigate the impacts to the traffic and to the neighborhood.

Mr. Zobrist noted that he would like to limit the number of bodies on the property at any given time. That can be controlled very easily by Mr. Barnett.

Mr. Kamptner suggested as an enforcement issue that a condition that is just tied to the number of people on site at any given time could be difficult to enforce. That is one problem. There are special use permits that have those conditions. Zoning will say those kinds of conditions are difficult to enforce.

Mr. Morris asked if the wineries are capped at 200 at any one time.

Ms. Monteith asked Mr. Kamptner how he would advise that they go about it.

Mr. Kamptner corrected that the problem has been with the number of people per day. If the inspector shows up at any given time, there is a problem. He suggested that if they say at any given time, then that can be enforced.

Mr. Zobrist asked Mr. Barnett if he had a recommendation of a given number of people at any one time.

Mr. Barnett noted that he confirmed to Peter Thompson to a maximum number of 250 people on site at any one time.

Mr. Zobrist questioned if that would be handled by his current septic system.

Mr. Barnett replied that he was happy with 250 people on site at any one time. He wanted to make sure that all of the commitments he made to the neighbors gets into the conditions.

Mr. Zobrist suggested that he do that later. He asked if the neighbors opposing this have any suggestion in this regard.

Mr. Morris noted that at any one time it would be 250 people that includes campers, staffers, swimmers, those walking on the property, etc. or whatever it is.

One adjacent property owner suggested the number of 125 people.

Chris Georges said that he speaks for many neighbors that the number attends the pool now is the number that they would like to see there. If for some reason this camp enterprise or pool does not succeed, they are placing a broad approval of uses on the property that the next owner of the land or camp business could expand on.

Mr. Zobrist noted that they might limit it to Mr. Barnett if they decide that is an issue for the Commission. They have not gotten to that question yet.

Mr. Cilimberg suggested they speak to Mr. Kamptner about that issue.

Mr. Zobrist noted that they could put a time limit on the permit. He noted that Mr. George was not in agreement with any increased use over what currently exists.

Mr. Georges agreed that was exactly right.

Ms Porterfield suggested they ask Mr. Barnett how many people are there to camp overnight.

Mr. Barnett replied that on an overnight about two-thirds of the children stay. On an average night, there would be 40 kids there and 6 or 7 counselors. It would be something like that.

Ms. Porterfield noted if they were allowed to go up to 100, then it would be about two-thirds of that number. It would be two-thirds of the number in the camp for that week.

Mr. Barnett replied that was correct.

Ms. McCulley noted that it is also important to consider the total number of members and not just the total number at any one time that are on site. There is more to the equation in terms of land use impact and traffic impact than the peak number of people who may be on site for just a few minutes. Whereas throughout the day there may be many people that are there. The higher the numbers in the membership if there is no limit the more impractical it becomes for them to limit the number of people on site at any given time. She would ask if they were going that way to do both – a total number of members and campers plus a number on site at any one time. It needs to be a total number of members and not memberships because there is not a direct relationship between numbers of people and members.

Mr. Franco noted that it could be members on site and not members within the club.

Ms. McCulley felt that membership in the club is still relevant since it is relevant to the land use impact and to how practical it is for them to keep the limits of numbers of people on site at any given time. Members would be individual people who have a membership either as a group or as an individual to the pool.

Mr. Kamptner suggested for the purposes of counting numbers here of the 60 and 250, that they just think of individual people and not memberships.

Ms. McCulley agreed.

Mr. Cilimberg noted that they have two figures being given that have been based on septic of 60 with the possibility of going to 100 for the camp and 250 with a possibility of going to 350 for members at the club.

If they have a daily maximum number at any one time that they also want to condition, the Commission needs to let staff know what that number is and put it in a condition.

Ms. Porterfield asked if they should go back and consider a condition to set a time limit at which the special use permit has to come back to review that the conditions have been met.

Mr. Cilimberg noted that they just had a type of special use permit like that for the music festival at Misty Mountain. The Commission can have a condition to have it come back for reapproval within so many years or by a certain date.

Mr. Zobrist noted that was a good idea to measure what is happening out there. They are treading on something they have not dealt with.

Ms. Porterfield asked to follow up on that. She believed they had one in the past where they also did condition that if there is a change in ownership, the new owner has to come back in again.

Mr. Kamptner strongly discouraged that. One is because the special use permits run with the land. One case involved a religious organization and all they did was change their entity structure from a corporation to something else with no other changes, and they had to go through the process. There was a short period about 20 some years ago where they had special use permits approved that were tied to the particular owner, but he strongly discourage against that.

Mr. Zobrist recapped that everyone has some degree of comfort with moving forward with the two special use permits provided that certain conditions are met. He asked if that was correct.

Mr. Loach agreed. He noted he was more on the side of the neighbors in opposition because when they were going from approximately 5 cars and 20 people a day to this number.

Mr. Zobrist noted that Mr. Loach was opposed. He asked if everybody else agreed. Secondly, the applicant has asked to be permitted to have 100 campers. He asked if they were okay with up to 100 campers.

Ms. Porterfield supported setting a lower number. The applicant then would be able to come back and ask to raise the number based on experience. She made that suggestion because the Commission had done that before. It gives them an idea to see if it was really working and whether there were any complaints.

Mr. Zobrist and Mr. Smith supported allowing 100 campers. He noted that might be something they might be able to do.

Mr. Smith asked how they would police something like that.

Mr. Zobrist replied that the neighbors would complain to zoning that he has more than 100 campers there and he will have to show his records.

Mr. Franco noted that at the winery zoning goes out and counts the number of people.

Mr. Zobrist noted he would not raise the number of members from 250 to 350. He suggested that only 250 be allowed on site at any given time.

Mr. Morris agreed to 250 at this time. The applicant could come back and ask for an increase.

Mr. Zobrist noted that they would limit it to 250 people on site at any one time. He asked if that was the consensus.

Mr. Franco asked what was the current membership.

Mr. Barnett replied it was 211 people and 116 members.

Ms. Monteith pointed out Mr. Barnett said 116 members and 211 people.

Mr. Franco said for the purposes of what they said a minute ago they would call them members as people. So 211 people or members.

Mr. Zobrist noted total membership would not exceed the number of individuals that are entitled to use the facilities as members.

Mr. Franco said he was on the side of being comfortable to allow it to go to another number if they have a cap on site that is reasonable. Personally, he did not care about the number of how many members of the club so long as there is no more than X number of people on site. If 350 is what they are asking for he is okay, but he is going to stick with what is going to happen on site at any one period of time.

Mr. Zobrist asked if he was comfortable with the staff recommendation of 250 going to 350, but they put an additional condition that there not be more than 250 persons on the premises at any given time.

Mr. Franco agreed because that was what he was hearing the applicant say he was willing to do. That seems to be the maximum that could be. It is higher than what could be on site right now with members except he did not know if they have employees for lifeguarding and other things. He was willing to give them 250 as a maximum.

Mr. Cilimberg noted that 250 would be inclusive of both the campers and the pool members.

Ms. Porterfield was concerned they need to get their terminology under control. Most swimming pools have memberships, and memberships are families or an individual.

Mr. Lafferty suggested they say just individual members.

Ms. Porterfield suggested not saying members, but individuals with the right of membership or something like that so it is clear they are counting individuals.

Mr. Zobrist said it would never be clear because they have their own by-laws of what constitutes memberships. They are telling the Commission they don't even know.

Ms. Porterfield noted her point was that somebody has to read this five years from now and needs to know what they are counting. She was really concerned that they are not going to understand and think it is 250 families. She agreed that the biggest problem is how many persons are on site at any one time.

Mr. Morris agreed it would be any individual, which was what he had heard said.

Mr. Kamptner said that would include campers, employees, and anyone else.

Mr. Zobrist said it would be no more than 250 human bodies on the premises at any one time.

Mr. Morris agreed that was correct. That would get them away from the confusion of members.

Mr. Zobrist asked what was used at the wineries.

Mr. Kamptner replied it was 200.

Mr. Zobrist suggested they have to stick to the 200 to match what is allowed at the wineries.

Mr. Cilimberg noted that 200 is the point of which a special use permit is required of the wineries.

Mr. Zobrist agreed that was a good idea and asked if everyone was comfortable putting a time limit on this. If so, what would they want it to be?

Mr. Smith suggested ten years.

Mr. Franco noted they have two different special use permits they are reacting to. From his personal perspective, he was comfortable as zoning suggested to break it up as areas and keeping the pool area to 200 people and to sort of vest the swim club, since it has been there 105 or 106 years. He was comfortable with it continuing. He did not need a 5 year limit on that. He would suggest placing the limit on the camp itself. He would be in favor of a 200 person cap at the pool area with no time limit and the conditions listed in the staff report. There is one condition he wanted to talk about. He would also be comfortable setting a 250 total limit on site so that covers the campers and making that special use permit time limited.

Mr. Loach asked what are the noise regulations as far as the levels at the property line for the neighbors for an operation like this.

Ms. McCulley replied 60 decibels daytime and 55 decibels during the night time, which 10 p.m. to 7 a.m. at the property line.

Mr. Kamptner said the camp condition modifies the night time standard to expand the hours to 9:30 p.m. to 8:30 a.m.

Mr. Zobrist asked that the Commission consider SP-2010-00035 first.

Mr. Franco asked to go back to condition 8 regarding the amplification and the mega phone. He asked if there is already regulation in place why do they want to reiterate it.

Mr. Kamptner said this sound would be associated with the camp use and it is more restrictive than the 4.18 standard.

Ms. McCulley pointed out they could use a mega phone and meet the sound regulation. However, this limits the number of occasions on which they can use a mega phone.

Mr. Zobrist noted the limitation was Memorial Day through Labor Day.

Mr. Franco said he was comfortable with no amplification because what happens if there is a radio in the concession stand area that is turned on so the workers in the concession can listen to music. That is amplified music. That seems ridiculous that zoning could come in and give a zoning ticket.

Ms. McCulley noted that was a good point. She suggested there might be a way to rewrite that to be more limiting and not intended to apply to that.

Mr. Franco said he would like to see that. He thought they were all in agreement on the intent being that they were not disturbing the neighborhood with the noise. He thought there ought to be a better way to write the condition. He was happy to let staff amend that condition before the special use permit goes to the Board for approval. He asked if staff had enough direction if everybody else was comfortable with that.

Ms. Porterfield suggested that the Commission do the swimming pool request first.

Mr. Zobrist agreed that the Commission consider SP-2010-00041 Blue Ridge Swim Club first for the swimming pool. He asked if there was a motion.

Motion: Mr. Morris moved and Mr. Franco seconded to recommend approval of SP-2010-00041 Blue Ridge Swim Club with conditions and taking a look at modifying one condition.

Mr. Kamptner asked if he was referring to the conditions on the monitor screen right now.

Mr. Morris agreed it was the conditions on the monitor screen with the future modification of condition 8 to be tweaked to eliminate a radio that is in the snack shack for personal radio use prior to going to the Board of Supervisors.

Mr. Franco asked if he would also accept a condition limiting that area to no more than 200 people.

Mr. Morris amended the motion to add the condition limiting that area to no more than 200 people.

Mr. Zobrist suggesting adding the word individual members.

Mr. Morris amended the motion to add the word "individuals" and not members.

Mr. Kamptner noted this would be the condition that puts the cap on the number of people allowed on site at any time.

Mr. Zobrist noted that was condition 11.

Mr. Franco pointed out that condition 11 would be 200 people in the pool area.

Mr. Zobrist noted that it said 200 members, but members was a fuzzy term here, which was what the Commission was concerned about. He suggested that they just limit the maximum number of members to the people that are members today and if they want to increase that, then they have to come back. He asked if they would be able to grow since they have 211 people that could go there right now.

Mr. Morris noted it was 116 memberships.

Mr. Franco said if the family that is already a member has a child does that mean they have to come back for a provision of the special use permit.

Mr. Zobrist noted that was the problem they had with the word "member" here.

Mr. Franco pointed out he was trying to say individuals by saying not more than 200 people in this space and stay out of the membership thing.

Mr. Zobrist said Ms. McCulley was suggesting that they would need to have the limitation on the members also or it creates a problem for them.

Mr. Franco asked Ms. McCulley to tell the Commission how she wanted to do the membership.

Ms. McCulley noted as mentioned she would prefer for the Commission to include a limit to membership for several reasons. One is that it is very common for staff to do that to limit a use in terms of membership. The other is that if there is no limit on membership and they have 500 or 600 memberships it becomes more impractical to meet the condition that limits the number of people on the site at any given time. The third reason is that part of the impact of the use is the traffic, noise and all of that. It relates to more than just the peak, which is the maximum number of people on site at any one time. It relates to the daily use, which is directly tied to membership.

Mr. Zobrist noted a suggestion that might work, which at least would get them closer to what they were trying to say. The maximum number of individuals entitled to use of the facility, as members shall be limited to 250 unless or until the health department approves a septic system that allows that to go to 350. He assumed that is how they would count members. He asked if people are entitled to come there without being a guest.

Mr. Franco invited the applicant to respond to the question.

Todd Barnett, applicant, replied that there seemed to be a good deal of concern in the room that he would be able to run this business and not go under. When he did the business model, he did want to sell more memberships. As a matter of fact, he had reached out to many people saying he would like for them to be a part of this pool. If he could only sell another 20 new memberships, he was going to be telling many people no. He was not crazy about raising the price a great deal. It is a pretty cheap pool membership. He did not like the idea of creating an exclusive club where it is so expensive that it is not going to be reasonable for families. For many families he works with it will already be a big commitment on their part to do this. He heard that there were no more than 50 members on a typical days out there. He was guessing that was on July 4th, which was probably the biggest day of the summer. He was guessing that there would be three days in the summer where there are many people there. He would be willing to say no more than 350 people adding up all of the kids in every family. He would be okay with that.

Mr. Zobrist noted that they were not going to 350. They were talking about the number of members and not about how many people were on site. The Commission had concluded that they were going to limit the number of people on site to 200.

Mr. Barnett said that memberships were going to pay the bills and he had to make a new septic system.

Mr. Zobrist replied that he understood that, which was why he was trying to understand what his plan is so that the Commission can deal with it. He was not bothered by the number of members. He was only bothered by the number of people. He understood Ms. McCulley's position that he needs to limit the number of memberships also.

Mr. Barnett noted he heard 250 on site and no more than 200 at the pool. That sound fine. There would be no more than 100 campers.

Mr. Zobrist noted the problem they have is they have only been approving these types of events at the winery for 200 at any one time. He asked if any Commissioners were inclined to change the 200 limit at any one time. That means he would have a lot of different people there all day long.

Mr. Barnett noted he would commit to 200 at one time. He was worried about standing out there at the end of the driveway and turning people away. He did not think that was going to happen. If there are 50 people coming to events right now and there are 211 members and if there were 350 members total it seems like it would be unrealistic that they would get to that point. He supposed 200 would be fine.

Mr. Zobrist said he was trying to listen to what staff has to say and alter it. Personally, he has no problem with the number of members. He was more concerned about the number of people. It is only 13.2 acres.

Ms. Porterfield felt part of their problem was they were talking about apples and oranges. They need to talk about memberships in the pool, which can be an individual or family. It is X number of memberships. She suggested they allow him 250 memberships so he does not have to count the number of people in the family or worry if they have another baby or a child moves away. It will be that number of memberships period. Then it is how many individuals can be on site at any one time. She believed that a winery can have an event up to 200, but they can still have people coming and going for their tastings and things like that. Therefore, to be consistent if he is going to have an event, and she would assume campers would be an event, they already have 100 people accounted for there, and if he wants to have some big swim meet with the campers he would be limited to the 200. Otherwise, he can have more than the 200 coming and going because that will be his business each day of people coming to the pool and leaving.

Ms. Zobrist thanked Mr. Barnett for his comments. The Commission does not know his business as well as he did. Right now, he had 116 memberships. He questioned if the Commission limits it to 250 memberships with no more than 250 people on the premises at any time if that would be sufficient,.

Mr. Barnett said that 250 memberships would be fine the way they define it.

Mr. Franco noted he was saying 200 at the pool. He was comfortable with 250 over the whole site. He understands that is the threshold for needing a special use permit for a winery. However, this is a special use permit process. If this were a winery, they would be talking more about the 200, too, because of the special use permit process. The 200 is the threshold by right.

Mr. Zobrist noted if he wanted to have a big event the applicant could come back and ask for it if they limit it to 200. He really thought they have to give the neighbors some limitations here on the use since 200 people on 13.2 acres is many people.

Ms. Porterfield said the logical part of it is that some of those people are going to leave at 5:00 p.m. and some will come. If they are sitting with 200, it is probably going to work out pretty well. She suggested they start with 200. She understands the applicant's request for ten years, but would really like it to be shorter. She suggested making it two or five years until he comes back. Then they can ask whether they need to moderate these things.

Ms. Monteith suggested including conditions 1 through 10 as noted, except that the maximum of number of members (that would be membership rather than members) and add condition 11 that limits it to the 200 people on site at one time. She thought that addresses everything. The last thing is whether they are putting a time limit on it. If they were putting a time limit on it, she would suggest going towards the 10 year limitation.

Mr. Morris agreed.

Ms. Porterfield asked if the septic system has anything to do with the memberships.

Mr. Zobrist replied no.

Mr. Lafferty noted the health department would determine that.

Mr. Zobrist suggested they drop the last sentence that starts with unless. The maximum number of memberships shall be limited to 250. Then drop the rest of the sentence. There are two votes on ten years.

Ms. Porterfield suggested five years.

Mr. Franco noted this is the swim club, which is currently a grandfathered use. His proposal was to limit the camp, but not limit the swim club.

Mr. Zobrist said they were going to determine what goes on there since they are both together.

Mr. Franco pointed out he did not know what happened to a grandfathered use that then has a special use permit.

Mr. Zobrist replied that the grandfathered use was gone. He asked Mr. Kamptner that once they grant a special use permit that the grandfathered use was gone.

Mr. Kamptner replied yes, that once it becomes a legal use it does not revert back to nonconforming status if the special use permit goes away.

Mr. Zobrist noted that this would be the permit now and the grandfathered use would be irrelevant at this point, if it were approved by the Board of Supervisors.

Mr. Franco said his point is that at the end of five years should they chose not to renew, then the grandfathered use is gone forever. He asked why after 105 years would they create the scenario that the use could go away. He did not agree with that.

Ms. Monteith agreed with that. The time limit she was talking about was the new use that they don't know yet. Therefore, that would be the second item.

Mr. Zobrist restated that Mr. Morris had amended the motion for approval subject to the conditions with the exception that they change condition 10 to put a period after the word 250 and they add condition 11 that says there will be no more than 200 persons on the premises at any given period of time.

Ms. Porterfield noted that it was memberships and not members in condition 10.

Mr. Zobrist noted the word "members" becomes "membership" and there will be no more than 200 people on the property at any given time.

Mr. Franco asked to simply that by inserting the words "individual and family memberships" to clarify.

Mr. Zobrist felt it was clarified just by "memberships." It would be how they define them. If they want to have 80 people on the membership, he would guess that would be what they would put on there. They still have to comply with the health provisions.

Ms. Porterfield noted he was talking about there could be a membership that has one person or a family of two people or 12 people.

Mr. Morris noted it was covered under "memberships."

Mr. Franco said it was clearer for the future intent because of the 30 minutes or 2 hours they have had a discussion tonight on what a membership is to say individual or family memberships.

Mr. Zobrist noted that at Farmington they have about five classes of members. He was not sure how many different type of family memberships they have. At Farmington, they issue one certificate, and then they have the right to bring a bunch of people in. He asked Mr. Barnett if he was going to sell memberships and would get money for them. He asked if he was happy with 250 memberships.

Mr. Barnett replied that was fine.

Mr. Zobrist said his expectations is that there is a limit to how many he can sell because of the size of the pool.

Mr. Franco agreed that was a fair statement. In the end, the size of the facility is going to limit it more than anything else.

Mr. Smith asked if he had seen them kick someone out of the pool at Farmington because of too many people there, and Mr. Zobrist replied no.

Mr. Smith said that he had seen it so crowded that one could not even walk.

Mr. Zobrist replied that he did not know the answer. He thought that the limitation of 200 people on the premises is going to be self limiting because people won't come if they can't get in.

Mr. Franco asked if the applicant is comfortable with 200 on site.

Mr. Barnett asked if they said 200 for the pool and 50 for the campers.

Mr. Franco noted that right now what was before them was 200 people total for both at any time.

Mr. Barnett agreed that was fine.

Mr. Zobrist asked Mr. Morris to restate the motion.

Motion: Mr. Morris moved to recommend approval of SP-2010-00041 Blue Ridge Swim Club with the conditions as stated and amended. Conditions 1 through 9 remain as stated. Condition 10 will read, "A maximum number of memberships shall be limited to 250." Condition 11 will read, "no more than 200 people will be on the property at any one time."

Mr. Kamptner noted one possible correction was to clean up the language in condition 8 regarding the amplified sound.

Mr. Morris agreed to include in the motion that the language in condition 8 be cleaned up regarding amplified sound.

Mr. Franco seconded the motion.

Mr. Zobrist invited discussion.

Mr. Smith invited the applicant to address the Commission.

Mr. Barnett asked that an item be added that there be no after dark pool events.

Mr. Zobrist noted there was a motion to amend the motion to add the words there will be no pool events after dark.

Mr. Morris and Mr. Franco said they were comfortable with that.

Mr. Kamptner asked the Zoning Administrator if for after dark she would want a specific time such as 8:30 p.m.

Ms. McCulley replied that it would certainly be easier to enforce.

Mr. Franco suggested using 8:00 p.m., which was in the hours of operation.

Mr. Kamptner questioned if this would be a camp condition.

Mr. Zobrist noted that they were not discussing the camp, but the swim club condition right now. Right now, the pool was only opened until 8:00 p.m. The pool hours are limited.

Mr. Cilimberg questioned whether that was a necessary condition since it was only open until 8:00 p.m.

Mr. Barnett noted that was just something he wanted to make sure got noted because he had agreed to get that in.

Mr. Smith asked if the campers would have radios with them.

Mr. Barnett replied that the campers were not allowed to have any electronics.

Mr. Zobrist asked if there was further discussion.

Mr. Cilimberg noted that the motion does not include any after dark condition, and Mr. Morris replied no.

Mr. Zobrist asked that the roll be called first on SP-2010-00041 Blue Ridge Swim Club.

The motion passed by a vote of 6:1. (Mr. Loach voted nay.)

Mr. Zobrist noted that SP-2001-00041 Blue Ridge Swim Club would be forwarded to the Board of Supervisors on a date to be determined with a recommendation for approval with the following conditions:

1. Development of the SP-2010-00041 uses use shall be in general accord with the conceptual plan titled "Blue Ridge Swim Club " prepared by Kelly Strickland and dated December 20, 2010 and revised February 2, 2011 (Attachment A) (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

   - *Limits of disturbance*
   - *Location and size of pavilion building*
   - *Location of parking areas*
   - *Minimum clearing possible may be allowed to locate well, septic line and drainfields, parking and pavilion*

   as shown on the Blue Ridge Swim Club concept plan.
   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The hours of operation for SP-2010-00041 Blue Ridge Swim Club shall not begin earlier than 12:00 PM (noon) and shall end not later than 8:00 P.M., each day, seven days per week, Memorial Day weekend through Labor Day weekend.

3. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.

4. Food prepared off-site may be sold from a concession stand that is depicted on the Conceptual Plan.

5. Approval of the Health Department for the well, septic and food concession shall be required prior to approval of a site plan.

6. Approval by the Virginia Department of Transportation for the entrance shall be required prior to approval of site plan.

7. Prior approval by the Fire Department shall be required prior to all outdoor cooking and/or campfires.

8. No amplification of sound shall be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day weekend through Labor Day weekend) during field games, radios, and electronic sound producing or reproducing devices, provided that any such amplified sound shall comply with the applicable noise regulations.

9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp shall not be permitted.

10. No more than 200 people shall be on the property for any purpose at any time.

Mr. Zobrist asked that they go to SP-2010-00035 Blue Ridge Swim Club – Day Camp, Boarding Camp.

Motion: Mr. Morris moved and Mr. Smith seconded to recommend approval of SP-2010-00035 Blue Ridge Swim Club – Day Camp, Boarding Camp subject to the conditions as recommended by staff as modified to add the time limit shall be five years and that at no time any more than 200 people are on the grounds to include the campers and swimmers.

Mr. Cilimberg noted that it would be the same condition used in the other special use permit.

Mr. Morris agreed.

Mr. Cilimberg noted that condition #8 would be modified as discussed, and Mr. Morris agreed.

Mr. Smith asked if five years was reasonable as a business model for this gentleman to be investing his money.

Mr. Zobrist invited Mr. Barnett to come forward to address the Commission.

Mr. Barnett questioned if that was before the special use permit had to come back, and Mr. Zobrist replied that was correct.

Mr. Barnett replied that he was intending to get a 15 year loan on this since he has to put a substantial amount of money into it to do some of the things he has committed to. He suggested that ten years would make him more comfortable about the commitment he was making.

Mr. Franco noted he would like to see ten years.

Mr. Smith suggested that five years was unreasonable.

Mr. Morris amended the motion to change the time limit to ten years.

Mr. Zobrist noted that the motion was for 10 years and no more than 200 people on the premises.

Mr. Smith seconded the motion.

The motion passed by a vote of 7:0, for a recommendation of approval with the following conditions:

1. Development of the SP-2010-00035 uses use shall be in general accord with the conceptual plan titled "Blue Ridge Swim Club " prepared by Kelly Strickland and dated December 20, 2010 and revised February 2, 2011 (Attachment A) (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

   - *Limits of disturbance*
   - *Location and size of pavilion building*
   - *Location of parking areas*
   - *Minimum clearing possible may be allowed to locate well, septic line and drainfields, parking and pavilion*

   as shown on the Blue Ridge Swim Club concept plan.
   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The hours of operation for SP-2010-00035 Blue Ridge Swim Club Camp: five days per week, Memorial Day weekend through Labor Day weekend and shall not begin earlier than 8:30 AM and shall not end later than 5:00 PM Monday, Tuesday, Wednesday, and Friday. On Thursdays, 8:30 AM through overnight stays shall be permitted. The nighttime maximum sound level of 55 decibels shall be imposed from 9:30 PM to 8:30 AM.

3. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.

4. Food prepared off-site may be sold from a concession stand that is depicted on the Conceptual Plan.

5. Approval of the Health Department for the well, septic and food concession shall be required prior to approval of a site plan.

6. Approval by the Virginia Department of Transportation for the entrance shall be required prior to approval of site plan.

7. Prior approval by the Fire Department shall be required prior to all outdoor cooking and/or campfires.

8. No amplification of sound shall be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day weekend through Labor Day weekend) during field games, radios, and electronic sound producing or reproducing devices, provided that any such amplified sound shall comply with the applicable noise regulations.

9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp shall not be permitted.

10. No more than 200 people shall be on the property for any purpose at any time.

11. SP-2010-00035 shall be valid until (date 10 years after Board approval).

Mr. Zobrist noted SP-2010-00035 Blue Ridge Swim Club – Day Camp, Boarding Camp would go to the Board of Supervisors on a date to be determined with a recommendation for approval. The Commission hopes this would work out well and there would not be any enforcement issues.

The Planning Commission took a break at 8:25 p.m.

The meeting reconvened at 8:33 p.m.

ZTA-2009-00016 Monticello Historic District
Amend Secs. 11.1, Intent and purpose, where permitted, 11.3.1, By right uses, 11.3.2, By special use permit, and add Sec. 11.5, Standards of operation, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 11.1 to add support activities such as fundraising as a use consistent with the purpose and intent of the district; amend Sec. 11.3.1 by add fundraising activities, festivals, community events, concerts and farm winery uses allowed under County Code § 18-5.1.25(a) and (b) as by right uses, delete tourist lodging as a by right use, and delete the restriction on the number of persons who may be temporarily lodged in the district; amend Sec. 11.3.2 to delete farmers' markets and concerts and similar outdoor events and add farm winery uses allowed under County Code § 18-5.1.25(c) as special uses; and add Sec. 11.5, which would impose standards of operation that would apply to any by right use added by this ordinance. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia.
(Joan McDowell)

Joan McDowell presented a PowerPoint presentation and summarized the staff report for ZTA-2009-16, Monticello Historic District.

Monticello Historic District (MHD) created in 2005
Montalto added to District in 2007
Proposal
Amend MHD to expand the allowed uses including fundraising activities, special events, such as weddings, parties, and meetings. The number of events and the attendance would not be regulated. These changes are related to the Planning Commission work session last year and the recommendations for these changes that are related to the operation of the historic house. Further amendments would be

changes within the ordinances. Staff reviewed the proposed changes, as noted below.

Proposed Changes to the Ordinance:

- **Sec. 11.1 Intent and purpose, where permitted**

- The intent and purpose of the Monticello Historic District (hereinafter referred to as "MHD") is to create a planned historic district:

- - To permit restoration, preservation, conservation, education, programs, research, and business and support activities, including fundraising activities for the public and/or contributors, all of which are related to the operation of a historic house museum and historic site at Monticello;

- - To promote the preservation, interpretation and enhancement of a unique historical site;

- **Sec. 11.3.1 By right uses**

The following uses shall be permitted by right in the MHD:

- Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
- 2. Fundraising activities and cultivation and stewardship events for the public and/or contributors, subject to section 11.5.
- Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, the Heritage Harvest Festival, wine festivals, community hiking and racing events, musical performances and concerts, and commemorative events similar to the Lewis and Clark bicentennial, subject to section 11.5.
- 17. Tourist lodging (reference 5.1.17).
- 19. Farm winery uses, events and activities authorized by section 5.1.25(a) and (b) (reference 5.1.25).
- 24. Monticello scholar residences, which shall be private lodging accommodations **in multiple-family dwellings** for educators, academic fellows or scholars working on Jefferson related research and/or programs, Montalto Thomas Jefferson Foundation program and event participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker**, provided that not more than three dwelling units shall be occupied at any one time by persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site except during the semi-annual meetings of the owner's governing board**

- Events that are typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation including, but not limited to, meetings, conferences, banquets, dinners, weddings, wedding receptions, and private parties, subject to section 11.5.

- **11.3.2 BY SPECIAL USE PERMIT**
- The following uses shall be permitted by special use permit in the MHD:
- 1. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
- 5. Concerts (such as performances by the Charlottesville Symphony Orchestra and the Charlottesville Municipal Band), theater, and outdoor drama events open to the general public, not otherwise permitted by right under section 11.3.1(2).
- 8. Farm winery uses, events and activities authorized by section 5.1.25(c).
-
- **Sec. 11.5 Standards of operation**
- All uses authorized by section 11.3.1(1)(e), 11.3.1(2), or 11.3.1(27), shall be conducted in accordance with the requirements of an approved traffic management plan on file with the Community Development Department, which may be reviewed on an annual basis at the discretion of the zoning administrator or county engineer, or at the request of the owner. In

addition, all public access must meet minimum VDOT safety standards. Private road and travelway access must meet standards as approved by the Planning Commission at the recommendation of the County Engineer.

Staff Recommended Changes that were not in the staff report:

- **1. In section 11.5, Standards of Operation**: delete the sentence "In addition, all public access must meet the minimum safety standards of the Virginia Department of Transportation."
- Staff believes that the last sentence in that section ("Private road and travelway access must meet standards approved by the planning commission upon the recommendation of the county engineer.") will also cover any standards approved by the PC regarding the closure of the exit where the sight distance is not met, since that ramp (the area to be closed off) is a private road.

Staff noted that the changes would be made on the bottom portion of this page. In addition, staff is recommending that no special use permits shall be required for any use that is otherwise permitted to Section 3.1.1. as shown in #8.

When staff reviewed this application and the Planning Commission reviewed the application in January, 2010 some of the issues were a potential that the additional use adding public/private events would cause additional traffic. Some changes to the Monticello road may be considered. There was a traffic plan that was done. Glen Brooks will address that.

There was a concern mainly for the additional traffic regarding the uses. Because Monticello and Montalto were fairly isolated and don't have the neighbors they were less concerned about the events and the number of people. However, they were certainly concerned about traffic impacts and safety impacts. The applicant was given a temporary access plan through the Monticello parking lot. The ingress and egress would be changed at Route 53 and curb improvements on the loop road. A copy was included in the plans.

- **Sec. 11.5 Standards of operation**
- All uses authorized by section 11.3.1(1)(e), 11.3.1(2), or 11.3.1(27), shall be conducted in accordance with the requirements of an approved traffic management plan on file with the Community Development Department, which may be reviewed on an annual basis at the discretion of the zoning administrator or county engineer, or the request of the owner. Private road and travelway access must meet standards as approved by the Planning Commission at the recommendation of the County Engineer.

- **2. In section 11.3.2.8 By Special Use Permit: Add (for clarification):**
- **"...provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1." (the by-right uses).**
- **8. Farm winery uses, events and activities authorized by section 5.1.25(c) provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.**

Issues

- **Potential for additional use (adding public/private events) (Attachment E)**
- **Compatible with neighboring uses**
- **Additional traffic (public safety)**
- **Montalto Loop Road (curve improvements)**
- **Ingress and Egress (Route 53)**
- **Temporary access through Monticello parking lot**

Staff recommends approval of ZTA200900016, as amended.

Glenn Brooks, County Engineer, presented a PowerPoint presentation.

- Clearing and grading for sight distance at the main entrance.
  - interim solution of blocking this access and routing vehicles through the visitor's center can be part of the condition, as a temporary arrangement.
  - It is also possible VDOT may undertake spot improvements on Rt. 53, which would help the situation, but not necessarily fix it.

- Proposed safety improvements to the road
  - a range of options with competing interests of cost, and the visual impact on the mountainside, especially from Monticello. (Options; realignment and grading, guardrail or walls, limited geometric improvements in curves, warnings signs, and markings.)

- Traffic management plan for events.

He displayed a picture of the spot improvements that the applicant has proposed to address the safety impacts that were identified in the loop road and at the entrance. The plan the Commission received shows basically the curb improvements that he has highlighted in yellow with some signage highlighted in green. These are to improve the safety of the access road that goes up to the existing site on Montalto that recently has been improved.

A bizarre finding with this application was that the new entrance to the new bridge on Route 53 seemed to be overlooked in VDOT's design a few years ago. Most Commissioners will recall when this was built. They don't have adequate sight distance coming out of that entrance. They will have to grade down that hill to achieve sight distance in that direction. The applicant has proposed to limit that movement, which has been shown in yellow at the entrance itself. Basically, they could only come into that access point and can't come out of it. That would solve that safety concern. They would have to block off the road up at the green signs at the bridge top for Montalto's entrance road meets the ramp there. The proposal is to send the traffic into Monticello itself at the Visitor's Center parking area and then out Monticello's exit, which is on the opposite side of Route 53 at the curb. That has been deemed a safe entrance.

Right now, that does not have a specific timeline on it. VDOT has indicated that they are actually on their own accord going to fix these curbs in the road. That is supposed to happen soon. However, they don't have a specific time. That is not apparently happening with County funding, but with State funding as a spot safety improvement. That may solve Monticello's problem or it may partially solve their problem. The applicant has volunteered to give right-of-way to make that happen.

This is odd in that it is not a special use permit. It is still a legislative act being a zoning text amendment. Therefore, staff had difficulties in coming up with ways to address this. The applicant has volunteered to do almost everything, but procedurally it has been very difficult. If there were any questions, he would be happy to answer them.

Ms. Monteith said she had a quick question about what they are actually looking at in this drawing. She asked on the tight turns what is the extended piece there.

Mr. Brooks replied that they are widening the curves actually and fixing the grades. They will come in, make the grade easier, and widen the curve out so that two vehicles can pass in the curve. It will not be so steep on the inside of the curve. Then the little tails seen on the curve are actually gravel extensions so that one could pull a car over there if they were out of control.

Ms. Monteith asked if it was not a runaway car ramp.

Mr. Brooks replied that he did not think it was meant to be like an interstate truck stop, but something similar that allows someone to get off the curve if they need to. The one at the bottom of the screen actually accesses a well site. However, the applicant can speak to that more specifically.

Ms. Porterfield asked if there could be two-way traffic on that road including buses.

Mr. Brooks replied yes. In his drawing in the presentation, he noted that the diagonal as shown across the screen is the road itself. The picture is down towards the entrance ramp. Therefore, they are seeing the first leg of the road with the center stripe. Two vehicles can pass, but it is very narrow. They talked about this a lot because if this were a standard residential development or a commercial development with a private access road, they would impose a standard that would be something comparable to either the three to five lot standard or the VDOT standard. They don't want to do that. It can be argued either way. Some say improvements are necessary and others aren't. That is why he put it up to the Planning Commission's discretion in the ZTA. He feels there is some negotiating room not just for the usual concerns of cost, but they have many concerns for the historic and scenic view from Monticello itself and keeping that area pristine. If they were to do the blind engineering group force road renovation, they would put up guard rails and widen the road. They would adjust the alignment to get rid of the switchbacks. He thought everybody could see that would be extreme. Therefore, they are trying to meet somewhere in the middle and do some spot improvements in keeping it scenic.

Ms. Porterfield asked if two buses could pass at the curve.

Mr. Brooks replied probably not.

Ms. Porterfield questioned what is going to happen.

Mr. Brooks pointed out they have run fire engines up and down that road. They have approved it for their use.

Ms. Porterfield noted that they have sirens and someone knows they are coming.

Mr. Brooks said he thought that two shuttle buses could probably do it. For instance, the shuttle buses they use at Monticello. He suggested that the applicant could speak to that more specifically. He was sure that they have tried it.

Ms. Porterfield noted it would be the smaller buses that he was talking about.

Mr. Brooks replied that was correct.

Ms. Porterfield asked if there was a proffer for the right-of-way that is going to be needed for the VDOT improvements.

Mr. Brooks replied that this is the procedural difficulty he was talking about. They would often fall back into that sort of language. However, they can't make proffers with zoning text amendments, as he understands it.

Mr. Kamptner said this was not a zoning map amendment. Therefore, Section 11.5 is essentially a performance standard that tries to deal with the issue.

Mr. Brooks noted the way staff set it up is that this would come back to the Commission for approval of the private road section.

Ms. Porterfield asked how do they know that.

Mr. Brooks noted the paragraph at the bottom is what gets us there. The last sentence says private road and travel way access to meet standards as approved by the Planning Commission. That would be their opportunity to either ask for more safety improvements or tell them they have done a great job.

Ms. Porterfield said that he was talking specifically about the road up to Montalto.

Mr. Brooks replied that this would also encompass the ramp and the entrance onto Route 53.

Ms. Porterfield asked if it would encompass the land that is needed for the VDOT improvement.

Mr. Brooks replied certainly. He thought that it could. It is all part of the private property, and they could ask for an improvement.

Mr. Zobrist asked if there were any questions for staff.

Mr. Loach said in the report it says on the first page in the middle of the first paragraph where it says b. for as by right uses delete tourist lodging as a by-right use and delete the restriction on the number of persons who may be temporary lodged in the district. Then under the proposal it says allow expanded uses for fund raising activities, and then goes on as well to allow lodging at Montalto to be open to the public. Those seem to be contradictory. He asked what are they asking for.

Ms. McDowell replied that they are asking specifically for the lodging to be open to participants. That means it would be open for the public.

Mr. Loach asked why do they have to delete tourist lodging as a by-right use.

Ms. McDowell replied that was clean up language suggested by the zoning administrator.

Ms. McCulley pointed out that tourist lodging is a different use and one they agreed that they would not need. It is the typical B & B, Bed and Breakfast, where there is a home being used as a single family home and then rooms are used for transient lodging. They decided that their needs could be met with the scholar residences, which was a section being amended with this zoning text amendment. They did not need the general tourist lodging provision.

Mr. Lafferty said he was curious in the traffic management plan for the soft start events. It looked like it was calculated on 2.3 people per car. The hard start events is 2.46. He asked are those characteristic numbers that they would get. He got those form the figures that were given.

Mr. Brooks replied that he understood that their traffic engineer took those form numbers supplied by the Monticello folks on the events they have had in the past. Those are all part of traffic studies regarding the soft start and hard start events. They did not actually make it into the text amendment. The language regarding the soft start and hard soft terminology is not included. It would be a very hard thing to enforce or keep track of.

Mr. Lafferty noted that it had a lot to do with the design of the road. If it is a hard start, then they were going to have much more traffic condensed in a shorter period of time.

Mr. Brooks said certainly they would have a more intense peak, but the daily traffic would be similar. He was not sure that had much to do with the design of the road. The safety improvements are fairly independent in that geometrically per vehicle they would need to do safety improvements any way.

Ms. Monteith said she was also just a little bit confused. On page 4 in the staff report in the sentence that says the proposed rerouting of vehicles would be through the Monticello parking lot for an indefinite period. She thought it was supposed to say has not been recommended by the County Engineer due to public safety concerns. So if that is the way they are going to solve the problem until VDOT is able to solve it in a more mechanical manner, is it that people are going to be entering onto the road where a larger volume of cars are going to be entering on the road where they do not now. What is his concern with that.

Mr. Brooks replied that he did not believe currently they have any volume restrictions on Monticello. It was more of the temporary nature. There is the possibility that there will be an event and an active use of the parking area at Monticello Visitor Center at the same time. He thought that there is a lot of pedestrian activity in that parking lot. It might be a problem to have those two things coinciding. That is something that can be addressed in the traffic management plan, especially if there are problems with it. They have an annual review of that set in the text amendment. He did not feel it would be good for a permanent solution just because it is also an enforcement issue for us if there is a change in

management and they decide why aren't they using this ramp and they don't know the history. There are some possibilities that make it wiser from his perspective to make sure there is a permanent solution. He thought that the applicant wants to also. They want to make sure there is a permanent solution to use that new ramp like it is intended so there is no confusion for people traveling there saying they use to use the ramp and why can't they use it now.

Ms. Porterfield asked what is the timeline on the permanent solution.

Mr. Brooks replied that he has not specified a timeline. VDOT when they told staff they were going to fix these curves gave a quick timeline of a year or two. He understands their funding difficulties may set that back. He would expect at least in the next four to five years.

Mr. Zobrist opened the public hearing and invited the applicant to address the Planning Commission.

Valerie Long, representative for the applicant The Thomas Jefferson Foundation, said others present this evening are a number of representatives of the Foundation. She briefly introduced Ann Taylor, Executor Vice President of the Foundation; Tania Nedsky, Associate Director of Planning and Facilities; Ken Mitchell, Director of Buildings; and Mike Mathews, with Mathews Development Company. Mr. Mathews has been the project manager for the Montalto restoration and the Visitor's Center. She presented a PowerPoint presentation and summarized the request, as follows:

- She thanked staff because there are many unique issues with this application. They have all been challenged by some of the unique nature of the request. She thanked Ms. McDowell and Mr. Brooks and all the staff that has been working with them over the many months they have been working on this. They appreciate the opportunity to be here.
- As a reminder, the Foundation is a private nonprofit foundation. Monticello itself is the only privately owned residence on the United Nations World Heritage list. The Foundation is very proud of that. The Foundation itself receives no ongoing local, state, or federal funds. Its mission is simple, but it is broad. Their mission is preservation and education. They further that mission through their vision, which is to engage a global audience and a dialogue with Jefferson's ideals. This mission and vision involves carrying out a variety of educational and community programming bringing the community both local and beyond together with Jefferson's ideals. A few examples were displayed in the presentation, which includes bringing in school children from all around the country at discounted rates and having classrooms in the Visitor's Center, etc. The Visitor Center attracts noted historians. They also carry out a number of lectures and conferences at Monticello as well as the International Center for Jefferson Studies. Their mission also includes engaging the community in their mission and reaching out to new audiences. They are working to engage new audiences in Jefferson, his ideals, properties and their mission. These are just a few examples.
- The Heritage Harvest Festival is a wonderful example of engaging new audiences with Jefferson's legacy of gardening, healthy lifestyles, and sustainable living. The Foundation has unparalleled experience in managing large complex events. She displayed a slide of when President Bush was here on July 4th in 2008. For that event, the Foundation managed a crowd of over 4,000 guests. The event was opened to the public and involved significant security issues. In furtherance of their mission, the Foundation also carries out a number of stewardship and preservation projects. They have been recognized internationally for their stewardship of the world heritage site. In just the last 15 years alone, they have invested over $70 million dollars in publicly accessible amenities, recreational amenities, and infrastructure. They also have put conservation easements on over 1,400 acres of the 2,500 acre they own. So again, the mission is preservation and education. Again, they are furthering that vision by reaching out to new audiences all of the time and engaging the community in new ways. They wanted to make sure that all of these new uses are permitted by the zoning regulation.
- As a reminder, they established they created a special zoning district for Monticello back in 2005, the Monticello Historic District. It is unique. It recognizes the unique uses that take place at Monticello, the unique history of Monticello and the importance of Monticello to both the history and the economy of Albemarle County as well as the State.
- They worked with staff on the new text to expand the purpose and intent section of the ordinance to make it clear that things such as fundraising activities, whether they are for the public or for

contributors, are in fact related to the operation of an historic house museum. She pointed out the many parcels that are subject to the Monticello Historic Zoning District. Again, the MHD is a special zoning district and was not the rural area or commercial zoning. It is a special zoning district just for Monticello properties that will allow the Foundation to carry out their unique events, but not have the commercial uses that are typical in a commercial district.

- As was discussed, they did conduct a traffic study after the January 2010 work session. There were three recommendations. The first two involve creating a traffic management plan for various events, either soft start or hard start events. To answer Mr. Lafferty's question, it was her understanding that those calculations are estimates for numbers of vehicle trips are based on traffic engineering standards. They did not come up with those numbers, but their engineer did.
- The third recommendation was correcting the sight distance problem. Mr. Brooks helped her with his excellent visual graphics. Therefore, she did not need to explain too much. In an aerial photograph, she noted the current ingress where cars come in to Monticello in two different ways. The only vehicles that currently use the entrance where the sight distance is located are vehicles that come off Montalto. Right now, there are very few because there is not much going on up there since it is under construction. In the past staff has used this exit. Once they were made aware of the problem with the sight distance staff no longer uses that exit, but exit through the Monticello Visitor Center. She noted the same intersection from a different angle.
- She pointed out the location of the earth that they need to have pulled back to create the sight distance. She noted the view that is blocked. Instead of cars coming out of Montalto and exiting in that location, this ramp would be converted to only an ingress ramp. Any cars there would be stopped by a stop sign and routed across the bridge through Monticello Visitor's Center through the edge of the parking lot. The cars would come out at the existing exit where all the other vehicles from Monticello exit. The Foundation improved that exit fairly substantially a few years ago. They did prepare the traffic management plan. They have committed to improving the sight distance. VDOT estimates they might be able to get it completed within two years. The Foundation has committed that if they have not done it within that time for whatever reason they will complete it within five years.
- The driveway improvements plan have been submitted. Mr. Brooks has already gone over that. This was to show that the improvements to modify the entrance were included on that site plan application. This is a site plan application they actually submitted today. Ms. McDowell already covered the Commission the technical changes. They agreed with staff on the removal of the one sentence. There is one issue staff did not discuss that was more of a technicality. The definition of a scholar residence refers to a multiple family dwelling. There are a handful perhaps of existing single family dwellings on the Foundation property. Most of them are used for staff offices or storage. The Foundation are permitted pursuant to the existing zoning to build an administrative office building. The plan is that once the office building is built in conformance with the approved zoning plan they would like to convert some of those single family residences to additional scholar residences. They are asking to remove the limitation on multiple family so that any dwellings could be used there. Her understanding was that Ms. McDowell did not have a concern with that.
- On the final slide, she displayed a copy of the approved application plan for Montalto. It shows the existing structures that are permitted under the application plan. The main house is called Repose, which is about 11,000 square feet. The barns are just about 15,000 square feet total. There are three buildings here and the plan shows how those areas would be renovated. Right now, they don't look nearly this nice. The Foundation is focusing on Repose right now. This is just about complete. The barn areas are the next stage of the project. That is where the where scholar residences would be located. Those are not complete now. The old barns are essentially just shell buildings.
- All of these proposed uses are just the Foundation's efforts to further their mission and their vision of engaging their global audience with Jefferson's ideals. All of the proposed uses are ultimately for the public's benefits. They are to engage the community in education and preservation activities. They very much appreciate the staff's recommendation of support. They would be happy to address any questions from the Commission.

Mr. Zobrist invited questions for the applicant from the Commission. There being none, he invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Mr. Morris said this was consistent with what they have been pushing towards for quite some time. It is one more step in the right direction. He liked the plan and thanked them for the clarifications.

Ms. Porterfield asked staff to clarify that there were no caps on the number of events and attendance.

Ms. McDowell replied that was correct.

Ms. Porterfield noted that is different than what they are doing with the wineries.

Ms. McDowell replied yes.

Mr. Zobrist noted that this was a historic district and had its own zoning.

Ms. Porterfield said that it does have its own zoning, but until now everything they were planning on doing was education or preservation activities with relationship to Mr. Jefferson. At least that was her understanding. If there is no cap on the number of events or the attendance and Monticello starts having what are not educational or preservation activities in her mind, such as weddings included in discussions with the wineries, Monticello would be moving into an area that was not included in the original application.

Mr. Zobrist asked if they are planning to do weddings.

Ms. Long replied that it is one of the uses that is under consideration. There has been interest in hosting a number of private events and donor events at their facilities. Ever since the Visitor's Center was constructed in 2009, there has been interest. Originally, they did not have those facilities. They had no place to host events. Once the Visitor's Center was completed, there was some interest there. As stated, they conducted the traffic study to address whether the proposed uses based on vehicle trips at peak hours and so forth would create any adverse impacts. The traffic study said as long as they comply with the three recommendations there would be no adverse impact. Therefore, that is how they have lead to the traffic management plan. Therefore, they are comfortable that they can carry out the proposed events without limitations without having any adverse impacts on the traffic.

Ms. Porterfield said she did not realize that they were looking to convert other buildings within the district into areas where they could have housing.

Ms. Long replied that she thought there were only three. She would give an example. Where the Kenwood Library is between there and Montalto is a slim strip of land that the Foundation acquired about seven years ago from the Mark Wisk family. Before they bought Montalto, there was an application plan that covered essentially the top of the mountain, which included the main house and also the Mark Wisk property. That is where the approved application plan shows the administrative office building being able to be built at some point in the future. Right now, the old Mark Wisk family home is there. It is being used for storage or office space right now. They don't have office space, which is the whole reason they will eventually have an office building there. Until then they would like to be able to use that residence as a scholar residence for the Kenwood scholars. It is right next door to Kenwood. They only have three scholar residences right now. The ones at Montalto proposed are not yet under construction. They don't have the funding for those yet. They would like to be able to use the Mark Wisk house for a scholar residence in the interim. Another example, is there are two single family dwellings on the Monticello property. They would not know they are there because the residences are tucked away in the woods near the parking lot. They use them for offices right now. Eventually when the office building is completed, they would like to be able to convert those existing dwelling units to a scholar residence as well if they need them at the time. The thinking is that they just don't want to be limited. Those are the things that are driving the request.

Ms. Porterfield asked if they would be the scholar residences as proposed about three years ago when this came in, or are they also going to be used for housing of other ancillary events such as people from a wedding party

Ms. Long replied that the primary purpose of the scholar residences is the scholars. That is where they have the need. There is a great desire on the part of the Foundation to accommodate all of the visiting scholars that come to the Jefferson Center and Jefferson Library every year to study. It is also about the mission of preservation and education of Jefferson's ideas of an academic village and having people study and do research together just like they have it at the University on the lawn. That is the concept. It is to get all those people together congregating and sharing ideas in the whole educational experience. The definition they are proposing for Monticello scholars is broader than it was originally in response to some of the inquiries they have had. It is really about the prudent uses of the Foundation's resources. If and when these scholar residences are built, the primary purpose will be for scholars. However, if there is one that is not being used at the time and they have a visiting lecturer in town they would like to be able to use the space for the visiting lecturer.

Ms. Porterfield noted that the answer is that they will be used for housing people who might be involved in events that are not educational and preservation in nature.

Ms. Long said they actually think that all of the uses are educational and preservation in nature.

Ms. Porterfield noted she was having trouble with weddings.

Ms. Long said they are all about bringing more people to Monticello who might not otherwise come to Monticello. The two other ones, excluding the Mark Wisk one, are tucked away at the edge of the parking lot. Whether they would be suited for uses like that, she was not sure. They would probably be much better suited for a scholar since they are old, rustic, and pretty simple.

Mr. Franco said she was talking about reusing existing structures as opposed to building additional structures.

Ms. Long replied absolutely, which would all be limited by the application plan. She did not bring the application plan that covers Monticello.

Ms. Porterfield noted that it would not be limited anymore to what they talked about approximately three years ago, which were the scholars. They had to have something to do with coming to study in the buildings.

Ms. Long said that it was also members of the board of directors, the cabinet, and things like that.

Ms. Porterfield said that they were hooked into it because they were part of what was going on with relation to study and preservation.

Ms. Long said again it gets to the idea if they have a group of scholars come or people coming to have an event. People want to come and have their events at Monticello because of the educational environment and the experience involved. If they want to go have a corporate meeting somewhere, that is really nice there are plenty of places they can go and do that. The groups that want to come to Monticello want to come here because of the educational experience that it provides and the historical setting with the ability to immerse themselves in Jefferson's ideas and environment.

Mr. Lafferty realized that there is a lot of land. He asked if there is any sound ordinance that covers this. The second largest event is a school band competition. He would have an easier time with the wedding than that. He realized the neighbors were a long ways away. He assumed that the competition means they would play their instruments.

Ms. Long agreed that he was right that the neighbors were quite far away. The closest residence is at least ½ mile away. The most important thing is that Monticello has a 87 year history of being a very good

neighbor. They conduct meetings and in fact may have convened a group they call the 53/20 Group, which is all the neighbors in the area. They get together periodically and talk about issues of common interest. They communicate very well. They have handled very large events over the years with no incidents

Mr. Lafferty asked if there were an incident with unlimited use of the land how would they correct that.

Ms. Long replied that certainly the first thing they would do is probably work with whoever was being impacted. That is what they do whenever issues come up. There have been very few of them over the years. They work directly with their neighbors if there is an issue and communicate well with them. Therefore, that is the first thing they would do. The second thing they would do is get together with County staff and figure out a way to end the problem and work out a solution that would be workable for everyone. Certainly, they will continue to comply with all the noise ordinances and continue to be the good neighbor.

Ms. Porterfield asked to follow up on the traffic situation. If she understands correctly, Monticello is willing and it could be part of a motion, that if VDOT is unable to complete the sight area and fix that area within five years of adoption of this Monticello will step in and do it.

Ms. Long replied that was correct.

Mr. Franco agreed that is what they said. He noted what they are approving is a zoning text amendment. Their motion does not have any of the weight she was trying to put to it. What staff has tried to create via the traffic management plan is to give them the ability to bring some of those other things in to place so it is something they can review yearly. That is going to be their hook in case it does not happen.

Ms. Porterfield asked if that could be put into this motion.

Mr. Franco replied that it was in the proposal.

Ms. Porterfield said she understands it is in there, but it was hard for her to accept "just trust me" because that is not okay for Mr. Smith or Mr. Jones or whoever else stands in front of the Commission. It is a problem. She drove around the property and went through the plan. She was concerned about a great amount of traffic coming out of the current exit out of the parking lot. She believed it was said there would not be any events going up Montalto at night. People would travel by their small buses. Therefore, they don't have that problem with the night time traffic going up and down the mountain, which was a big concern three years ago.

In addition, Ms. Porterfield said she was concerned about the people on Route 53 because she drives Route 53 regularly and it is not an easy drive. For example, if they were unloading 500 cars from a wedding it would be tough. It is even hard to see to exit or get out at the current entrance. It is certainly hard for people turning left out of that. She did not want to have a situation five years from now that they have not solved the problems. There would be more traffic with the possibility of substantial accidents. Everyone is aware of the past dump truck accident, which was not caused by anyone coming out of their area. She understands why they can't put it in there, but she wanted everyone to understand what is being presented and what the obligations are to do it.

In addition, Ms. Porterfield voiced concern about the larger activities that others in the County are required to get a special use permit or at least a zoning clearance for when they go over a certain number of attendees. She was talking about Montalto and not Monticello. She wondered if the Commission was being fair to everybody else if they don't require at least something like that of Monticello at a certain level of attendance. If a winery can do 200 at this point for a wedding, Monticello could possibly do 1,000. It is reasonable to think that they might. If someone can afford it, they may be there. That was a concern she heard when she first came on this board with the previous application from Monticello. At that time they were assured they were not going to do any of those things such as weddings. She just wondered how they could solve the problem and make it work and be fair to everybody else in the community who has to deal with the County for similar kinds of events. She did not have a problem with activities connected to

Mr. Jefferson, but she did not think that weddings could be connected to Mr. Jefferson. She did not have a problem with Monticello doing weddings, but she just wanted to put them on the same basic plane that she was asking the wineries to do or some other entity coming into town that wanted to do something like that on 100 acres.

Ms. Long asked to respond, and Mr. Zobrist replied that the public hearing had been closed.

Ms. Porterfield asked the other Commissioners if they are okay that the number of events and the attendance will never be regulated under this application.

Mr. Zobrist said he was 100 percent okay with it.

Mr. Loach said that he heard what she was saying, but felt the difference is that it does not matter to him if it is Jefferson related or wedding related. The X number of cars and X number of people are the same. They can also look back at the history of Monticello for all of the events they have been running. He thought there is a degree of confidence that he has over the years with them running these large events and doing it well versus a new winery coming on and doing something like that who does not have that experience. He thought if they did not have the experience or the staffing to do these events he would be much more hesitant. With that said, they do have the ability to do that, which was the reason.

Ms. Porterfield asked if they had a large event requiring a hard exit with 500 cars leaving at basically the same time, would he expect Monticello to provide off duty Albemarle or Charlottesville Police on Route 53 and not come through their parking lot.

Mr. Loach said he would assume they would make that decision based on their experience.

Ms. Porterfield questioned if that should not be in their management plan.

Mr. Zobrist said the traffic management plan, which was reviewed yearly, was very different from what they are discussing. They are on the zoning text amendment.

Ms. Porterfield said the traffic plan is part of it.

Mr. Zobrist replied no, they have that traffic plan and update it every year.

Mr. Brooks noted the traffic plan would be part of it and it is something staff could send to the police department, for instance, to review. If they felt it might be good to have an off duty police officer, they could negotiate with Monticello.

Ms. Porterfield noted she would be very happy with that.

Mr. Morris assumed based upon their plan that they presented that the shuttle buses would be taking these people down in waves so they would not be having 500 at a time, but they might have 20 people at a time.

Mr. Zobrist noted that he had been up there when there has been 500 people there and he has never seen a problem getting out of there. They handle large crowds all the time. They are a rural heritage site. He thought they were far more responsible in managing their affairs than they are.

Ms. Porterfield replied that she never said that they were not. She asked if someone could follow up with Mr. Morris' comment if they are using shuttle buses at night for something like a wedding, or are they honestly having the cars up above.

Mr. Long replied that most likely they would. The traffic management plan specifically delineates for instance "soft" start events between daytime and nighttime activities. For a large event, literally it is limited by the practicalities of the number of parking spaces. They don't want to have more than 70 or so spaces on Montalto. Only about 14 parking spaces are paved. The rest are reinforced turf. Therefore,

they could not accommodate all of those cars. They would most likely shuffle bus those folks up. However, the traffic management plan would govern that.

Ms. Porterfield asked if she was speaking about night-time events, and Ms. Long replied yes.

Ms. Porterfield asked if for day-time events they anticipate using the back area to the south potentially like they did two years ago for exit from the Heritage Festival.

Ms. Long replied that the Heritage Harvest Festival is really the one example where that would likely occur. That was a daytime event. They had substantial management and support staff in place. They hired a professional parking company to assist them with those logistics, limited the ingress just to one-way, and worked with the orchard owners to use their roads. Those are just examples of the types of logistical issues and decisions that they make depending on the event and when it is held. That is a "soft" start and "soft" end event so they did not have everybody ending at one time. It all just depends on the nature and size of the event, the time, and the location. Those are factors that they weigh and consider when they are planning their events. They have amazingly detailed operational plans certainly for the large events and probably for all of them they take those factors into consideration.

Ms. Monteith asked to make one quick comment. At least in the meantime with all of the cars egressing from the Monticello exit that her experience a lot of times up there is that there is a large pedestrian group of people, whether they are people who have hiked up the trails and are in that area or whether they are people just visiting the site itself. The one concern she has is that this traffic management plan is very vehicular oriented and that they have their folks think about it from a pedestrian safety perspective also.

Ms. Long noted it was a very good point, and Mr. Zobrist agreed.

Ms. Porterfield asked if staff and VDOT were satisfied with removing the reference to the VDOT standard.

Mr. Brooks replied yes, that was specifically done because staff realized that ramp is actually private. It is not a VDOT ramp.

Ms. Porterfield asked if by removing that does that also remove it from potentially where they are exiting the parking lot at this point.

Mr. Brooks replied that those would be subject to the site plan provisions of the ordinance anyway. They all have to meet safety provisions.

Ms. Porterfield noted from having driven Rte. 53 and the parking lot, she would love to see them make a left turn and a right turn at the exit so they can get cars into the lanes and not have them sit in the middle. It is not really big, but she was sure it met all of the standards. If they have a lot of people going out, it is going to back up.

Motion: Mr. Morris moved and Mr. Smith seconded to recommend approval of ZTA-2009-00016, Monticello Historic District with conditions as amended by staff.

Ms. Long noted that staff did not raise the issue of the change to the multiple family in dwellings for the scholar residence. She wanted to make sure that was included in the intent of the motion.

Mr. Morris replied that was absolutely included.

The motion was passed by a vote of 7:0.

Mr. Zobrist noted ZTA-2009-00016 Monticello would go to the Board of Supervisors on a date to be determined with a recommendation for approval with staff's recommendation, as amended.

ZTA-2009-00016 Monticello - Proposed Changes to the Ordinance:

- **Sec. 11.1 Intent and purpose, where permitted**

- The intent and purpose of the Monticello Historic District (hereinafter referred to as "MHD") is to create a planned historic district:

- - To permit restoration, preservation, conservation, education, programs, research, and business and support activities, including fundraising activities for the public and/or contributors, all of which are related to the operation of a historic house museum and historic site at Monticello;

- - To promote the preservation, interpretation and enhancement of a unique historical site;

- **Sec. 11.3.1 By right uses**

The following uses shall be permitted by right in the MHD:

- Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
- 2. Fundraising activities and cultivation and stewardship events for the public and/or contributors, subject to section 11.5.
- Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, the Heritage Harvest Festival, wine festivals, community hiking and racing events, musical performances and concerts, and commemorative events similar to the Lewis and Clark bicentennial, subject to section 11.5.
- 17. Tourist lodging (reference 5.1.17).
- 19. Farm winery uses, events and activities authorized by section 5.1.25(a) and (b) (reference 5.1.25).
- 24. Monticello scholar residences, which shall be private lodging accommodations **in multiple-family dwellings** for educators, academic fellows or scholars working on Jefferson related research and/or programs, Montalto Thomas Jefferson Foundation program and event participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker**, provided that not more than three dwelling units shall be occupied at any one time by persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site except during the semi-annual meetings of the owner's governing board**

- Events that are typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation including, but not limited to, meetings, conferences, banquets, dinners, weddings, wedding receptions, and private parties, subject to section 11.5.

- **11.3.2 BY SPECIAL USE PERMIT**
- The following uses shall be permitted by special use permit in the MHD:
- 1. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
- 5. Concerts (such as performances by the Charlottesville Symphony Orchestra and the Charlottesville Municipal Band), theater, and outdoor drama events open to the general public, not otherwise permitted by right under section 11.3.1(2).
- 8. Farm winery uses, events and activities authorized by section 5.1.25(c).
-
- **Sec. 11.5 Standards of operation**
- All uses authorized by section 11.3.1(1)(e), 11.3.1(2), or 11.3.1(27), shall be conducted in accordance with the requirements of an approved traffic management plan on file with the Community Development Department, which may be reviewed on an annual basis at the discretion of the zoning administrator or county engineer, or the request of the owner. In addition, all public access must meet minimum VDOT safety standards. Private road and travelway access must meet standards as approved by the Planning Commission at the recommendation of the County Engineer.

Staff Recommended Changes:

- **1. In section 11.5, Standards of Operation**: delete the sentence "In addition, all public access must meet the minimum safety standards of the Virginia Department of Transportation."
- Staff believes that the last sentence in that section ("Private road and travelway access must meet standards approved by the planning commission upon the recommendation of the county engineer.") will also cover any standards approved by the PC regarding the closure of the exit where the sight distance is not met, since that ramp (the area to be closed off) is a private road.
- ***Sec. 11.5 Standards of operation***
- *All uses authorized by section 11.3.1(1)(e), 11.3.1(2), or 11.3.1(27), shall be conducted in accordance with the requirements of an approved traffic management plan on file with the Community Development Department, which may be reviewed on an annual basis at the discretion of the zoning administrator or county engineer, or the request of the owner. Private road and travelway access must meet standards as approved by the Planning Commission at the recommendation of the County Engineer.*

- **2. In section 11.3.2.8 By Special Use Permit: Add (for clarification):**
- **"...provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1." (the by-right uses).**
- ***8. Farm winery uses, events and activities authorized by section 5.1.25(c) provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.***

- **Include change to multiple family in dwelling for the scholar residences.**

Old Business

Mr. Zobrist asked if there was any old business.

- All Commissioners were asked to turn into Mr. Cilimberg the Planning Commissioners' Organizational Diagnostic that was due tonight.

There being no further old business, the meeting proceeded.

New Business

Mr. Zobrist asked if there was any new business.

- Planning Commission meeting on March 22 will be held in City Space at 6:00 p.m. with the City Planning Commission to get a presentation on the beginnings of the Comp Plans for the City and County and their relationship to the regional planning grant. There will also be one item of business following the joint meeting. Parking is validated for that location.
- The TJPDC Commissioner training on Thursday February 17th from 7 to 9 p.m. was noted as being well worth the time. All Commissioners were encouraged to attend future training sessions. Greg Kamptner was recognized for his presentation.
- NEXT MEETING ON MARCH 1, 2011

There being no further new business, the meeting moved to the next item.

Adjournment:

With no further items, the meeting adjourned at 9:34 p.m. to the Tuesday, March 1, 2011 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

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