Albemarle County Planning Commission
April 3, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, April 3, 2012, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Ed Smith, Thomas Loach, Richard Randolph, Don Franco, Calvin Morris, Chairman and Russell (Mac) Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Andy Sorrell, Senior Planner; Megan Yaniglos, Senior Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Morris invited committee reports.

- Mr. Lafferty reported the MPO is modeling 20 different transportation improvements as part of the development of the region's Long Range Transportation Plan.

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

Consent Agenda:

Approval of Minutes: August 9, 2011

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

Motion: Mr. Franco moved and Mr. Smith seconded for approval of the consent agenda.

The motion carried by a vote of 7:0.

Mr. Morris noted the consent agenda was approved as submitted.

Public Hearing Items:

CCP-2012-00001 Firearms Training Facility at Keene Landfill Site
PROPOSAL: Albemarle County Law enforcement firearms training facility on approx. 170 acres
ZONING: RA Rural Areas agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
ENTRANCE CORRIDOR: No
COMPREHENSIVE PLAN: Rural Areas, the goals of which are to preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
LOCATION: Southern terminus of Fortune Lane/Route 704, approx. 1.4 miles south of intersection of Route 704/Riding Club Rd.

TAX MAP/PARCEL: 129000000002A0
MAGISTERIAL DISTRICT: Samuel Miller
(Andy Sorrell)

Mr. Sorrell presented a PowerPoint presentation and summarized the staff report.

CCP-2012-00001 Law Enforcement Firing Range General Vicinity Map

- End of Fortune Lane
- 170 acres County –owned parcel
- Closed Keene Landfill site
- Zoned RA, Rural Area
- Comp. Plan designated Rural Area

Proposal

- County owned & operated firearms training facility - 100 yard outdoor firing range;
- Other facilities include a classroom building, toilet facilities, access road and parking area;
- Users: county and city law enforcement
- Frequency: 3-4 times/ week, 20 officers per use
  - Night training up to 4 times/quarter no later than 10 p.m.

No weekends except for special cases /events

General Area Proposed for Range

- Request to find general area compliant as shown on slide in green area on map
- Flexibility if other orientations and/or areas can address noise & safety concerns as well or better than current location (Staff report shows a particular location as shown on a 2008 Concept Study. If they were to find a location that was within that green area that was perhaps different than that, they would want that flexibility.)

Staff reviewed slides of photographs and drawings to review the following:

- Entrance to Landfill Property
- Entrance looking towards Fortune Lane
- Height of Pine Buffer
  (Loblolly Pines on either side of the road with six to eight years growth)
  The pine buffer would surround the proposed firing range. The County Forester is present tonight and could potentially answer any questions regarding the age and height of that particular buffer. He worked with the county when that was replanted six to eight years ago. The pine trees are about 15' tall.
- **Perspective View of Range**
  The range is proposed to be surrounded on three sides by a 20' tall earthen and berm. It would be proposed to have 12 shooting lanes to start out with the ability to potentially expand them in the future. However, for right now that is not proposed.

Noise Measures

The major concern with a facility of this nature is noise. Noise has been addressed, as follows:

- Noise addressed by location & design features
- Located at rear of property where the elevation is lower and the noise would have less of an impact than if it was at a higher location on that property. It is also not sited on the closed landfill. It would not be disturbing the disposal cells of that landfill.
- Firing range oriented south with 20' earthen berms on 3 sides surrounded by 15' loblolly pine buffer. If additional data can show that orienting it in another direction or something that could further lessen the noise impacts that is what they would like to do in that general area.
- 71 -86 dB at western property line (closest to the facility)
- 69 - 82 dB at eastern property line.
- ~ 52 dB at northern property line adj. to Fortune Lane

Examples of Noise Levels (approximate)

- Lawn mower (96 dB); motorcycle at 25 ft (90 dB) - 90-100 dB
- Food blender (88 dB); garbage disposal (80 dB) - 80-89 dB
- Passenger car at 65 mph at 25 ft (77 dB); radio or TV-audio, vacuum cleaner - (70 dB) - 70-79 dB
- Conversation in restaurant, office, Air conditioning unit at 100 ft - 60-69 dB
- Quiet suburb, conversation at home - 50-59 dB

What this is showing is that at the property lines the facility would be above what the Noise Ordinance does permit. However, it is something that the county is working very hard to locate the facility in a manner that would reduce the impacts from noise on adjacent property owners and adjacent users.

Easements in Vicinity –

Ag.- Forestal Committee Review

- Adjacent property to southeast (fronting on Rt. 6) within Totier Creek Agricultural Forestal District
- Agricultural and Forestal Committee made a finding that the firing range isn't consistent with agricultural or forestal uses (March, 2012)
- Suggested consideration be given to:
  - reorienting range north-facing inward to property
  - Maintaining and preserving the wooded buffer between the District property & the county property

Commission Action

- Review for Compliance with the Comprehensive Plan (Planning Commission finding) (April, 2012):
  - to make a finding on whether the general use and location are consistent with the Comp Plan ("substantial accord");
  - Review required by State Code (15.2-2232).
- Site Plan (including Erosion & Sediment Control Plan) approval for development of site.

Factors Favorable & Unfavorable

<u>Favorable</u>

- Site will utilize an under-used county-owned land;
- Site's size and remote nature isolates it from more densely populated areas;
- Location of range on site will further limit adverse impact on adjacent agricultural properties;
- Site's location limits the impacts to the natural, scenic, historic and cultural resources. This particular property is not one that is adjacent to a parcel that is on the National Registrar. There are some sites within proximity of a mile. It is not intermediately adjacent to any.

<u>Unfavorable</u>

- Use will produce noise at some property lines above the noise ordinance. This is a county facility and it is exempt from the noise ordinance. However, it is a benchmark for the county to use as to what the county sees acceptable for noise. That is why it is something that they are trying our best to locate the facility in the area that would reduce those noise impacts as best possible.

Consistency with Comprehensive Plan

Summary:

- Comprehensive Plan location standards allow facilities to be located outside Development Area to meet unique circumstances, in this case to meet both training standards and safety needs for the Development Area AND Rural Area;
- Facility location generally and on-site limit impacts to rural area resources;
- Character and extent of use is within the scale anticipated in the Community Facilities Plan/Comp. Plan for law enforcement training facilities. This is a permanent firing range that meet the County Police Department service standards for training as found in the Comprehensive Plan;

This would be serving a need for the whole county by being able to have a county owned and operated firearms training facility. Currently the county uses a private facility, which they do not have operational control over. This would allow for additional abilities to train and to make sure that those safety needs are being met for the county law enforcement.

Also, the location of the particular property and its location on site will limit its impact to the rural area resources that it is adjacent to. It definitely is something that is not intermediately visible from a scenic byway or Entrance Corridor. It is not intermediately adjacent to an historic resource.

The character and extend of this use is within the anticipated scale of what the Comprehensive Plan calls for. The Comprehensive Plan does speak to the need for a law enforcement firing range/training facility. This permanent range would meet the County Police Department's service standards for training as found in our Comprehensive Plan. This is something they have been planning for quite some time.

Recommendation

- The Commission finds that the location, character and extent of the proposed Law Enforcement Firing Range facility is in substantial accord with the County's adopted Comprehensive Plan.

Mr. Morris invited questions for staff.

Mr. Dotson questioned if the Planning Commission makes the final action since this is a finding and not to specify conditions or to make a recommendation to the Board like a special use permit.

Mr. Sorrell replied that is correct because it is a finding of consistency with the Comprehensive Plan. The finding of the Planning Commission would be provided to the Board of Supervisors as information.

Mr. Loach asked if the site itself is surrounded by an Agricultural Forestal District.

Mr. Sorrell replied the property is adjacent to an Agricultural Forestal District on one side. There is a conservation easement that is not intermediately adjacent.

Mr. Loach noted the staff report indicates that four homes are located on Fortune Lane with the closest approximately two-thirds of a mile to the north of the range site. In addition, it says approximately 15 homes are on Irish Road within a one mile radius. He asked did staff extrapolate out the noise values to see what they would be at those property lines.

Mr. Sorrell replied that was done in the 2008 study for the site they had chosen at that time. The map in the staff report basically shows what the noise levels would be at various ranges, which is where he pulled the information on the decibel readings at the property lines. On the left side of the aerial photo at the dotted white line is about 52 dB at that range. The Noise Ordinance establishes 55 dB for nighttime readings for rural areas and 60 dB for the day. Generally that would be where those readings would be that are compliant with the Noise Ordinance.

Ms. Monteith asked if the Commission were to find this in compliance what is the process about it going to the Board of Supervisors and what would happen after that.

Mr. Sorrell replied if the Commission was to find this to be in compliance with the Comp Plan, then the information would be provided to the Board of Supervisors as information and the applicant could submit a site plan to the county for review. The Planning Commission makes the finding. The Board of Supervisors does not take an official action on this particular activity since it is a public facility.

Mr. Kamptner asked to make one correction in that the Board of Supervisors does have the ability to overrule the decision of the Planning Commission.

Ms. Monteith asked if the Commission finds it in compliance and the Board of Supervisors did not overrule it, then the project would move forward.

Mr. Sorrell replied that was correct.

Mr. Morris asked if any discussion has taken place about additional ranges in the future at this location.

Mr. Sorrell replied the 2008 Study was done to determine if that particular property was large enough to accommodate a number of uses that could relate to a safety training facility for the county. At this time the applicant has requested this particular firing range be reviewed for compliance. If additional ranges or other components of a safety training facility would be required, then they would have to come back under a review just like this. They have prepared a concept plan for what could potentially or basically fit on a property of that size. However, at this time that has not been requested. It is just this particular firing range and other ancillary uses to that.

Ms. Monteith acknowledged that she had a lot of questions and asked if they were going to come back and discuss this more after hearing from the public.

Mr. Morris explained the public hearing process noting the hearing will be opened for applicant and general public input prior to further discussion by the Commission.

Mr. Smith asked how the estimated firing range noise levels are determined.

Mr. Sorrell replied the estimated firing range noise levels were determined by an engineer that was able to estimate it using methodologies for this type of facility. The 2008 study was done by an engineering firm who were able to provide that data. The applicant can also address that in more detail as to how that was determined.

Mr. Loach asked if the same parameters such as the height of the berms, the length of the range, etc. were used when they calculated the data.

Mr. Sorrell replied that was correct. The engineers calculated it using the 20' grassed berms with a wooded buffer behind them.

Ms. Monteith noted she had several questions for the applicant to address. In thinking about alternatives obviously one of the things presented in the staff report was there are certain conditions in the existing firing range that they are using that have to do with flexibility and choices that there are concerns around. She asked if there are options of scheduling; if access has been discussed with the existing use; are there any other methods of practice that could be applied; and are there any options where the existing use is occurring that have been addressed.

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

Rob Heide, a Police Officer serving as a project manager on this application, said they were not going to add anything to what Mr. Sorrell said since he did a very thorough job. There is representation here from the contract engineering firm, Keenly Horn; Travis Henry, with Facilities Development; and representatives of the Police Department should they have any questions or need clarification.

Mr. Morris invited questions for the applicant.

Ms. Monteith asked for responses to her previous questions.

Mr. Heide said the Police Department entered into a temporary agreement in 1995 with the private club facility. At that time they were the only department using the private facility. Other departments found out they had a good thing going and joined in. Between the number of law enforcement personnel using the facility and number of private members of the club it has well exceeded its capacity. To that end in a recent action the club's board limited all law enforcement agencies to two days a month. Therefore, that is over 400 people trying to use 8 hours a month for training. There was no statement in the contract about extending or reevaluating it. The contract just ends in two years on a certain date. The answer to the question is there have been limitations put on this so that they can better manage the capacity for

their membership at large.

Ms. Monteith said it was suggested that if no new location can be found that officers or people within Albemarle County, which is what they are specifically addressing, might have to go outside of the county to practice. What would be the closest location?

Mr. Heide replied it would be Augusta County, which is about 15 to 20 miles outside of Albemarle County.

Mr. Randolph commended Mr. Heide and his team for their effort to invite all of the Commissioners down to look at the site. It was very valuable to see the site and to have a discussion about what their plans were. He had two questions. The first is about the design to reassure the public about the noise level. In his Army experience he was well aware that the higher the caliper the louder the noise. He asked what the highest caliper round was anticipated to be fired at this facility.

Mr. Heide replied that it would be a 308 caliper rifle, which is a specialty weapon used by their SWAT Team. The tradeoff with that is they don't shoot them as frequently as hand guns per say just because there is not a need to. While there might be a slight increase in decibel at the source it is far less frequent.

Mr. Randolph asked would the department be prepared if there was an email list put together of the contiguous property owners to let them know night firing was occurring or on weekends when firing was occurring just as a courtesy. Those neighbors could possibly make plans to go to the movies and not have to deal with the stress of listening to the rounds from the firing range.

Mr. Heide replied absolutely. They are already looking at different software opportunities out there that allow people to opt in for a type of update as he described. They are talking about that now, but have not really gotten into that detail because they are still far from that. However, it is something on the table as they speak.

Mr. Loach noted the range as proposed is an outdoor range. He asked if there are any future plans for an indoor component.

Mr. Heide replied no.

Mr. Smith asked how many round would typically be fired in a day.

Mr. Heide replied that was dictated on what they were trying to accomplish in that training evolution. The annual qualification is their heaviest round of usage, which is state mandated. They have to shoot X amount of rounds to show proficiency once a year per person, which is several hundred rounds per person on a given day. All of the other training would be a lesser round count than that. They don't equate number of rounds fired with quality of training. They try to find a balance between what they are budgeted for every year and still maintain quality training.

Ms. Monteith asked if there is a cost estimate on this project. If so, what are the costs?

Mr. Heide replied the cost estimate is 1.153 million.

Mr. Dotson said the noise estimates have been made on the basis of four rifles and 12 pistols firing at once. He asked if that is normal or an unusual case.

Mr. Heide replied that would be unusually high. If they have ten hand guns firing at once it does not mean the sound is ten times what one is. To answer the question, that is not realistic and is a very high number with a worst case scenario. It would not be a realistic training environment to do that.

Mr. Dotson said if he was on property nearby and could hear the sounds of this what he would likely hear. Would he hear something with a one hour duration or just one hour during the day? Would he be able to detect the individual rounds being fired, or would it be sort of a blur of sounds? What would it be like?

Mr. Heide replied that it depends on the training. During qualification training where they have a line of six or eight people shooting within a two or three second period of time it might sound like a little bit of a longer noise. In reality it is one or two rounds being fired by six or eight people in a very short period of time, which would be their heaviest use of the range. The duration of hours on that day would be an eight hour training day with breaks, lunch and pulling people off the range to revisit a training issue or what have you. Other types of training would potentially be more sporadic and with less volume. It would be involving hand guns, rifles, and shotguns. The majority of the time it is going to be sporadic through the day and won't be eight hours of constant percussive.

Mr. Dotson said the staff report mentions there could be occasional events such as competitions. He assumed that is amongst police forces not involving the public. It might be to test and sharpen your abilities with city, county, Augusta County, and others coming in.

Mr. Heide replied yes there is a potential for competitions. However, that is not something they have discussed to have in the near future such as the day it opens. Of course, there is always within the police culture the need to host events for a school or competition. They wanted to keep the possibility open to use it for community education as well. There is hunter safety classes offered through the county and perhaps that could be hosted at a range. When they say special events it is community based events and law enforcement based events. However, again it would not be something that goes beyond what Mr. Sorrell had in his staff report information regarding time frame of usage, days of usage and things like that.

Mr. Lafferty asked if this is the best design to minimize noise and could they have the range open at one end or closed off.

Mr. Heide said he did not know if their representative from Kimberly Horn wants to speak to that. Most ranges have a simple backstop and are open on the other three sides. This range is closing in three sides and only opens at the back. Therefore, from that perspective it is going to have a better impact at mitigating noise. He did not know if they closed off the back end since he had never seen a range built like that. Just coming from a range conference that talked about building and developing there was nothing mentioned regarding anything like that.

Brian Peters, with Kimberly Horn and Associates, said he was working on a term contract with the County of Albemarle to design this project pending the Commission's action. The sound waves when they bounce or project themselves off the back berm are not going to come back at you level. So having the berm behind you really would not do anything significant to noise. Most of the noise absorption after the firing is going to be that sound wave that comes out, hits the berm and is absorbed by the berm. Obviously, some of that sound is then redirected off the berm in a different direction. They will be looking at that in the design to be sure they are making decisions consistent with the design similar to what was done in the Tank Study from a noise level standpoint. They want to do what they can to resolve that noise challenge.

Ms. Monteith asked what kind of coordination or meetings have occurred with the adjacent neighbors of this site.

Mr. Heide replied that before they did anything internal on this project, like applying for this Comp Plan review, they sent letters to all abutting owners and then owners one-half a mile up Fortune Lane from the entrance to this county property. They let those owners know what they were doing and who to contact. They also let the owners know they would be in the area that coming week to go door to door and meet with folks. It was in late January, around the 25th and 26th, that they sent those letters out. People received the letters and they started to get phone calls. On January 31 most of the department heads from the Police Department and Sheriff's Office that will be using this facility went down and went door to door and met with folks. If they were not home or they got a delayed response they opened up the opportunity to meet with them one on one. Some folks took advantage of that. They were able to hear what some of their concerns were. Actually hearing some of those concerns moved them away from the concept plan being the absolute location of the range and opening up the rest of the property to reorient

the range and move it further away from those abutting owners. They have done quite a bit of outreach before they ever put the pen to paper in terms of applying for this project.

Ms. Monteith asked what other mitigations have been made regarding the impacts that people were concerned about.

Mr. Heide replied that it was not as much mitigation as it is not locking them in. The 2008 report has the range location at the very southern tip of the property. After listening to some of the property owners they looked at the opportunity to reorient it where the range is now facing the opposite direction from these properties and moving it upwards of a quarter of a mile further away. That is the reason in the staff report for the larger green area shown in terms of the affected part of this property. They did not go with what was recommended in 2008.

Mr. Smith pointed out that 20 participants times 200 rounds is about 4,000 rounds. He asked why they did not do any live fire testing for the sound.

Mr. Heide replied that he could not speak to that. It seems typical at this stage of a project that the sound studies are done through a model with existing data. Regarding the new location he just spoke about they are doing a line by line comparison to see if that location actually is better than the one proposed in 2008. It is a different engineering firm, a different sound engineering firm, and they are doing the same kind of modeling. It seems to be an industry standard to do it in this way. No one mentioned taking a noise generator out or anything like that.

Ms. Monteith noted there were many things in the staff report she had questions about. One of the things that stood out in the frequency of use was the use would conclude no later than 10 p.m. She wondered why people in this community need to have firing range impact noise going on until 10 p.m. at night.

Mr. Heide replied that two-thirds of law enforcement's job is to work at night. They would be doing officers a bit of an injustice if they had them shoot outside the scope of when they actually work. It is a totally different environment when out at pitch black and having to manipulate the fire arm that is issued to them, having to shoot it accurately, and to operate it correctly and safely. They would be doing officers a disservice. They don't need to do it that often, which is why they committed to no more than four times a quarter. The thing that is not in the staff report, which they debated about being in there, is they don't want to be at the range from 4 p.m. to 9 p.m. in July waiting for it to get dark. They intend to avoid the months where it does not get dark until later and use the months where it is darker earlier from 5:30 p.m. to 6:00 p.m.

Ms. Monteith suggested that mitigation should be looked at.

Mr. Smith asked how they see to shoot at night with no lights.

Mr. Heide replied they do it carefully and have techniques and strategies that are used. Typically there is always some form of ambient light available to be able to identify the location of the target. However, it is through muscle memory, which is accomplished through repetition in the environment you are working in.

Mr. Dotson said if not here are there other locations in the county that would have different impacts than this site. He offered that as a serious question. It seems that most parts of the county have some scattered rural residents. Most parts of the county are not too far from a conservation easement or an agricultural/forestal district. He asked if they have looked at other sites. The obvious thing about this site is that it is already county owned and sort of a previously abused property. It would be nice to have the property put to a beneficial use.

Mr. Heide replied that most of the study done was to pick the best property. They looked at three different properties. Because it was a landfill he did not think it bumped the site up to the top of the list. It was the property's size, the surrounding area in terms of how sparely populated it was, and perhaps the cost to develop it. Those other two county properties have gone away and are now being used for other things. He referred the question to Trevor Henry.

Trevor Henry, Director of Facilities Development, said Mr. Heide had accurately described what was done in 2008. A study was commissioned to look at the best location for the firing range. There were three sites, which included Preddy Creek, the Byron Park area and this site. The conclusion at the time was the site presented today was the best location. Since 2008 both of the other sites have actually been converted to parks.

Mr. Dotson asked if in each case the three sites were already publicly owned, and Mr. Henry replied that was correct.

Mr. Dotson asked if there has been a study that simply looked for remote locations not adjacent to any of the things that are concerning us. He was not suggesting that there should have been.

Mr. Henry replied that he would have to go back and look at the parameters of the study, but he did not think that was a criterion. He thought it was just for existing owned facilities.

Ms. Monteith pointed out Mr. Dotson was making a really good point. Of course, they were given in the staff report the other sites that had been studied. However, she would really like to know more broadly the criteria of that study because there are a lot of people who would be impacted by this.

There being no further questions, Mr. Morris invited public comment.

Mike Sheets, resident of 6783 Fortune Lane, said he owned two parcels located on Fortune Lane and had the following concerns.

- He was concerned about the notifications, but assumed he was outside of the one-half mile buffer as far as getting notice. He was disappointed because he was not aware of the proposal until his neighbors told him about it. He has lived on Fortune Lane for 40 to 50 years and had to put up with the landfill.
- The road has not been addressed. He had not heard anything about the road or road improvements to be put in to handle the traffic. This is a one-way road since people who go down the road have to come back, which means he has to look at the same car twice. He did not think it was fair in his history of living there for 50 years that he had to tolerate the traffic that is going to be created by the proposed firing range. He understands that VDOT is getting out of the picture and putting more of the financial burden on the county with the times and economy being what it is. VDOT is not currently supporting the dump road and comes down there once to possibly five times a year to scrap the road. They are the last ones to get their road scrapped with snow. He was concerned about that.
- As a member of Rivanna Rifle Club he feels their pain because the club has grown tremendously and has been limited. He thinks the facility is great, but thought the facility needs to be handled much more delicately. He hoped that the Commission and Board see this. These statistics are great; however, they are not actual conditions. He was a hunter and heard rifle firing hundreds of yards away or for miles. He has a bird shoot club called Church Hill who hunts on Saturdays when it sounds like a war zone. The decibels are measured sound and don't impact what the ear hears. He understands everybody here is addressing the noise.
- He thinks the facility is great, but should be put under a roof. He suggested that they spend another $250,000 and put the facility under a roof. It is not fair for the residents to have to listen to the gun fire.
- He was concerned about the impacts to his property. If the road was enlarged and paved would he lose a portion? He was concerned about the future because there is going to be more planning and things being done at the site. He understands there is going to be a fire tower for the fire department. That means he is going to have the long fire engine coming down the road. He has children and grandchildren playing out there. He did not think it was fair as a tax payer his entire life to have to be burdened with the Keene Landfill and now this.

Brian LaFontaine, resident of 1810 Irish Road in Esmont, said his property is intermediately adjacent just to the south. He thanked the Commission for the good questions they have posed tonight. His intent is not to prevent the establishment of this much needed training facility since it is recognized that public

safety employees do need it. However, they do need to bring forth the issues that will affect the market value of the adjacent property and the peaceful and serene lifestyle that they have enjoyed for many years. Although they do appreciate the relocation of the range, which they just heard tonight, this recommended location is still very close to their property line. This makes them the most affected by gunshot noise. He noted the following concerns.

- There are water ways that run from the vicinity of the landfill on to their land. There are numerous springs and shallow aquifers that populate these properties. Lead or other forms of contamination can easily be transferred to the water tables and potentially affect the adjacent property owner's drinking water.
- They are told that the range will be enclosed on three sides to reduce the noise. However, he was not aware before tonight of any documentation that those types of berms would be sufficient to keep the noise down to a nonintrusive level. They are told that the noise level from the firing range should be no more than 54 decibels at the location of their home. The level of a normal conversation is about 54 decibels, which is akin to a knock on a door. He did not know about anyone else, but it would drive him crazy to have somebody knocking at his door five to six hours a day.
- He asked how the noise would affect the wildlife habitat. It could potentially destroy hunting on their farm. He asked how the cows in their fields would be affected. Many dogs are scared to death of gun shots. Would his dog have to cower in the house? Why have more noise prevention options not been presented such as soundproofing baffles over the range or indoor facility possibilities? They are told indoor facilities are cost prohibited because of the regulations requiring lead dust collection and containment. But then they were told that lead ammo is not going to be used. He asked what the problem is.
- They also know that future plans call for a driving track, which is another issue for another time. It is a known fact that the market value of adjacent properties will plummet. No one wants to live next door to a firing range. They need proof that what they say the noise levels will be will actually be or lower and what recourse they have if they are not. They need to be assured that pollution to our springs and water aquifers do not happen and what can they do if it does. There are a lot of questions and few answers. If it means that this project be delayed until these questions can be answer then so be it. If a new firing range and training facility is in the future of Albemarle County, let's make sure it is done right.

Mr. Dotson asked if his property accessed from Fortune Lane or from Route 6.

Mr. LaFontaine replied it accessed from Route 6. The original firing range was slated to be down at the very bottom of the property. They had a very good meeting with Officer Heide and some other representatives. It was after that meeting that they took another look at the proposed location. Apparently what they learned tonight was they moved it a little more north, which they do appreciate that effort.

Mr. Lafferty asked how long have you been at that location.

Mr. LaFontaine replied that the property was in a family trust and purchased in 1973. His family has been living there since 1984.

Brenda Morris, resident of 7246 Fortune Lane, said her problem is they have not addressed the issue of safety at all. She asked if her children and grandchildren would not be allowed to go comfortably outside to play for stray bullets. They have not addressed that fact. She thought that it being an old landfill is a huge reason that it is being chosen. Moving the proposed location further north brings it closer to her house. However, there are houses all around that property. She did not know why it does not need to be considered more heavily to put it someplace else that does not have people living all around it and to look at the fact that the road issue is a problem.

In addition, Ms. Morris pointed out she drives a school bus on that road and lives there. Six school buses go in and out of that road twice a day. There is no passing zone for a school bus or car much less a school bus and a fire truck or anything else that is going to be traveling that road. Her biggest concern is the safety of stray bullets. She has a friend that used to live by the Rivanna Range and she actually has

had two stray bullets go through her home. She was not harmed, but are they going to wait until somebody is harmed by a stray bullet before saying that might have been a bad decision to put that there. She asked if they were going to wait until somebody got hurt before they say they need to raise it higher. They need to look at some place that is not as populated as this area is

Mr. Lafferty asked how long she has lived there.

Ms. Morris replied that she had lived in the area all her life. However, she has lived at this particular house for the last four years.

D. G. Van Clief said he did not live adjacent to the property, but did own property adjacent to it. He simply would like to voice a similar concern to the other speakers this evening. Obviously, staff had given a great deal of thought to this. He would add they are big supporters of law enforcement and delighted to see a range that will meet the needs of training proficiency that our law enforcement personnel need and deserve. Frankly, they would welcome added presence of law enforcement presence in our area. However, they do have the same concerns as the other two contiguous property owners. He owns the property to the southwest and wondered if the county has taken into consideration in its evaluation process what the impact would be beyond noise, and again to Ms. Morris' point regarding safety and in terms of future marketability. Obviously, this is a rural area now. That status quo may or may not be the same some years from now. He asked is there a source of information they can go to in terms of what it might mean to the value and marketability of the adjacent property in the future.

Mr. Morris pointed out those questions would be addressed once they close the public hearing.

Neil Williamson, with Free Enterprise Forum, said Free Enterprise Forum has no opinion about this application or any other application. In general, they have questions about the policy. What they have in front of them is a request regarding consistency with the Comp Plan. They have a general idea of where the range is going to be. If this were a private developer coming in with a private range would the Commission accept that level of detail? In addition, they find that the questions that the Commission has posed regarding intensity, caliper, noise, and hours of operation all fall within that clear determination. They are a bit unclear of the understanding of how, as they have spoken on other applications, other options that were considered really influence the decision whether this is consistent with the Comp Plan or not. That is interesting information. He just did not know if that was germane to their decision. In addition, the cost of the program or the cost of what they are going to go forward with – is that germane to determine if this is or is not a part of the Comp Plan compliance.

Mr. Randolph asked Mr. Williamson if he felt it was important for the Commission to consider the cost of the project.

Mr. Williamson replied that he considers that the county is the applicant in this presence. If the applicant were a private entity he would say absolutely not. He believes that the cost of the project falls under the preview of the Board of Supervisors in their CIP. The Commission has an opportunity to speak when the CIP is considered. He thinks this is an application in whether the proposal is compliant or not with the Comp Plan. Either decision is fine with the Free Enterprise Forum. The cost of the program really does not fall under the Commission's preview.

Ms. Monteith noted since she asked the question that this is tax dollars and not private dollars.

Jo Higgins pointed out in '89 when she was hired by the county one of her projects was the closure of the Keene landfill. She met a lot of the property owners at that time. Possibly between '92 and '95 there was much discussion about making this a training facility. It was on the CIP list for some time and has been bumped back many times in looking for other alternatives. The road issue was probably looked at, which was in that file. At the time this was operating there were 27 haulers in the county. About one-third of the haulers used the Keene landfill versus the Ivy landfill. The traffic then was quite brisk. It had daily traffic with dump trucks bringing stumps in and also with trash hauling trucks. The road was heavily traveled. The issue then was road width and that sort of thing. However, it was deemed to be adequate. It was suggested at that time if another use was going to occur it would be less disruptive to people to have it

basically continuous after the landfill was closed. Once it is closed everybody forgets about the traffic that existed. She was not suggesting that it was not important. She was just saying there was a lot of traffic on the road, which was established for a very long time. Then it was switched over to Ivy Landfill.

Ms. Higgins continued noting the other concern about the drawing was that a berm is a lot of dirt. Her first question is where the dirt is coming from and if there is adequate land. To get that dirt they are going to have to clear trees and where that tree clearing occurs could affect the sound. As far as the cost there is one other thing they talked about, which was the lead abatement. However, there was also discussion about a baffle wall to actually receive bullets. She recalled an old file that actually showed a covered line, like a 10' wide covering on top, where the shooters would stand. It was always assumed that it was going to be heavily insulated. Now standing in the rain and shooting is probably not what someone wants to do. Therefore, she was wondering where that went. She suggested that a cost comparison be done between the cost of moving all of that dirt with the price of fuel in doing some sort of baffled cover and guide walls. The interstate acoustical walls would be an example. It might be more cost effective than trying to clear trees, move dirt, and do an E & S to alter the site in that way.

In addition, Ms. Higgins noted there are two ranges that she was aware of. One is near her neighborhood in Augusta County. She had no idea it was even a shooting range. It was an old chicken building that had been insulated. While driving by there is not sound from the bullets being fired. There are a load of trucks there and they are all practicing their gun shots. There is also one in Fluvanna where the shooters are stationed it is an insulated building and they shoot out into a wall. Again, people drive by and don't even know it. She was not sure if it was permitted. She noted that there are options.

Hal West said he lived on Esmont Road just around the corner from the Keene Post Office. He did not hear about this until he caught it on the news this morning since he did not get anything in the mail. He was off yesterday and heard some rifles. There were some pistol shots just behind him over behind Riding Club Road. He thought the shots were in the direction of the landfill. He was not sure if the shots came from there, but sounded so close. It was just one individual firing for about an hour in the afternoon. They hear rifle shots and pistol shots quite often. He had to go back to the woods behind his home to make sure someone was not on the property. It sounded like someone was right there. It was about a quarter of a mile as a crow flies from the old landfill. He suggested if the Commission decided to do something like this that hopefully the range would be enclosed in preferably a sound proof area. He would think that using the landfill would be a good idea for the county. Also, the roads need to be kept up including Riding Club Road coming in from Route 20 as well as Fortune Lane. He lives on Esmont Road, which is paved. There is a lot of traffic on Esmont Road in front of his house as it is. However, with this proposal the traffic would increase. They would need to take care of Fortune Lane and Riding Club Road as well.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back to the Planning Commission for discussion.

Mr. Lafferty said it was stated in the report and presentation that noise is not a factor in making this decision. He asked if that was correct.

Mr. Kamptner replied the staff report said the use is not subject to the noise regulations. Noise may be a factor in their consideration. For example, the rural areas plan when they look at its impact on agriculture and things like that. However, the public use is not subject to the noise standards although the county is trying to adhere to those regulations.

Mr. Morris asked if staff wanted to address some of the questions that were raised before they go further.

Mr. Sorrell replied that he could answer some of the questions. The applicant can address the other questions. Regarding the road, Fortune Lane is scheduled to be hard surfaced by VDOT this year, which is under the Rural Rustic Road Program. As part of the review of this project VDOT did review this and determined that this proposal would not prevent the paving of that particular road. The road improvements for that will be made later this year.

Mr. Benish pointed out the work was going to advertisement this past March. He did not know what the status of the bid opening is. That improvement was actually approved and scheduled before this proposal was submitted. It has been scheduled for upgrade.

Mr. Smith asked staff to elaborate on road improvement.

Mr. Benish replied the Rural Rustic Road is a surface treatment used on low volume level roads out in the rural areas. It is a tar and gravel type treatment that is rolled and surfaced. It looks like a hard surface, but it is not a plant mix type high-level that you would see on a higher volume road way.

Mr. Smith asked if there would be no additional width or ditch line work.

Mr. Benish replied no, as he understands the paving work can be accommodated within the existing cross section to meet VDOT standards.

Mr. Sorrell said regarding the market value issue staff strictly stuck to the land use impacts that this might have on the surrounding area in terms of noise, safety and things of that nature. Staff did not look at the market value effects on adjacent property. The applicant might be better prepared to answer the questions regarding stray bullets and soundproofing.

Mr. Heide said the way they plan to address the question regarding safety in terms of stray rounds leaving the site is how they always do wherever they are training, which is through operating it safety. Our instructor/officer ratio is one instruction for every three officers. The target placement is key for keeping rounds within the range facility. When they are thinking of standing in the middle of this facility they are going to have 20' berms in every direction that the firearm is pointing. Targets are placed at the ground level up to a height of about 4'. There is roughly a 15' to 16' buffer above that, which allows for some judgment in the officer's aiming. They would need to be aiming very high when they are shooting 25 yards, 10 yards or 7 yards away from the back berm. Observation, the instructor ratio and the placement of the targets are the three key ways they are going to address keeping rounds within the range. The target is put against the berm on a 20' high impact area, which makes it even harder for a round to leave the range. Accidents can happen. However, through design they are trying to address that safety issue with the design and operation.

Mr. Sorrell noted the other question was for soundproofing and lead abatement.

Mr. Heide said what they were trying to do, since this is tax payer money being spent, is find out what type of base line they have as designed and if it is still unacceptable then they can look at methods to address it. Some of those methods have to do with plants, engineered noise mitigation systems, and walls that absorb noise or deflect it. When they see overhead baffles on an outdoor facility it is not because of noise, but to ensure that rounds don't leave the range where the height of the berm may only be 12' to 14' high. They are called no blue sky ranges. So as a shooter they are looking down the range and see no blue sky. That is what baffles are. They don't have anything to do with sound. Regarding lead abatement, they are looking at three different ways. This is a cost benefit analysis.

- The first way is to design the earthen berms in such a manner that it is easy for a lead reclaimer to come in and sort out the sand that will be on the face of the berm from the lead and then put all of the sand back and they haul the lead away.
- The second option, which has to do with the money that is available, is to purchase rubber bullet traps. It is a metal frame that has a bed of rubber beads and the bullets impact the rubber and they set there until it reaches a predetermined amount. Then they call the same lead reclaimer in to sort it all out and haul it away.
- The third way, which is the most expensive way because it is an annual expense, is lead free ammunition. With lead free ammunition obviously they don't have the lead, but they still have something that needs at some point in time to be extracted and hauled away. Those are the three ways they are looking at addressing that concern.

Ms. Monteith asked if they have done a cost estimate or a design for an indoor type facility.

Mr. Heide replied that indoor facilities are extremely expensive. A lot of this is actually OSHA driven. To exchange the air on an indoor range for the size they need the air conditioning system would be approximately one-half of this project. That is not the building, range, or equipment.

Mr. Randolph asked how many officers the county is currently down.

Mr. Heide replied it was six officers.

Mr. Randolph noted that building an indoor range when there is no money in the budget to actually ensure that they have a force that is appropriate to the needs within the community is a little bit of a pipe dream.

Mr. Heide said that they could use that terminology.

Mr. Franco asked if they can regulate this by limiting the number of officers by the number of shooting lanes. If they reduced the number down to 10 instead of 16 potential shooters would that cut the sound in half?

Mr. Heide referred the question to the Brian Peters with Kimberly Horn and Associates.

Brian Peters replied that they would have limited return from that restriction. If they had 8 officers firing that does not mean that particular weapon produced a certain number of decibels that they multiply by 8. That is because unlike other sound sources, such as a roadway, if they take 100 vehicles and add another 100 vehicles the sound doubles. That is because they have a continuous sound source that lasts over a period of time. Firing is a very instantaneous thing. It is not a boom, but a bang, bang, bang. With that it is not a cumulative sound effect like they would have with other sound sources. He thought they would have limited return on what the folks next door would hear by offering that restriction.

Mr. Franco said the sound levels they saw in the report are those booms. In other words, when the 16 shots are fired that would be the impact or is that a continuous noise effect of usage of the range.

Mr. Peters replied that he could not speak to the Tank Study in particular because he was not the engineering firm that completed that. All he has is the same information that the Commission has seen at this point in time. It would be very similar to the assessments are done as the design progresses. The assessment will develop those decibel ranges with the number of uses they would expect.

Mr. Franco said that would represent a 5 minutes average. In other words, the sound ordinance is based on a 5 minute average. If a shot is a boom and there is 59 more seconds that are there where they listen to the ambient, then it is going to kind of average out. Even at the qualification level that they were talking about earlier of 20 officers firing 200 shots or 4,000 shots it is working out to about 8 a minute if they do it over the 8 hours. He knows they are taking breaks and doing other things so maybe it is 16 shots a minute. He was trying to figure out if the numbers they are seeing represent an average of a 5 minute noise level or is it really just sort of the knock that he is hearing.

Mr. Peters replied that it would be the knock that he would be hearing. That would be the main problem. When they work with a locality that has a noise ordinance on a private range the biggest problem would be the noise ordinance is not really written to account for this type of noise producer. What he is saying he felt he was on track with that.

Mr. Franco said he assumes if the berms are raised in height that would be a potential mitigation.

Mr. Peters replied that he would offer that it could be. At some point they would have extremely limited return at some height.

Mr. Loach said on the outer limits they are showing 55 decibel at the outer radius. What is the standard deviation? Is there a wide deviation from that 55 decibel? He asked how accurate it is and how wide is the deviation from that 55 decibel. He asked if there are multiple factors that come into play that affect

that.

Mr. Peters replied that it is a model and a little bit of both. Therefore, it would not be unrealistic to expect that if this is actually what happened and this particular study or assessment took into effect all the factors. Our assessment will be more informed because they will be doing actual design versus the Tank Study. But any model they do whether it is a noise model for this or any other applicant or traffic model, at the end of the day it is not what he likes as an engineer typically being an answer and putting a box around it. There would be some deviation. He would not know in this particular model how it was done and what that deviation would be. It would be close to give them an idea that somewhere in the vicinity of that white circle based on the inputs put in they would be at 55 decibels. If they went out and did a noise meter what would you find. He would not be prepared at this time to say a number of what they could expect to deviate. It would not surprise him if that was 56, 57 or if 55 was even closer. It all depends on the inputs to the model and how it was done. He could tell them the assessment that the county has tasked them to do to evaluate their design. This was a high level assessment to develop a worst case scenario. They will refine that and move forward in their design. They are using a data base in their model that has been used in numerous ranges around the country that has weapons that the Police Department will be firing. Our model will in put sound levels from the actual weapon type that he is going to be using on his range. With all of that he can tell them they can feel reasonably comfortable that white circle is where the 55 decibel line will be in general.

Mr. Smith asked does their study take into effect topography, contours and tree cover.

Mr. Peters replied that it will be informed by them, but would not be a massively in depth 3-D model. It would be a model that was done very similar to this one. But, again they will know what elevation the range would set at whereas in the Tank Study they probably took an engineering judgment decision. They will know more based on the actual site plan than the folks did in the 2008 study. He replied yes to some degree they will take into effect the surrounding topography, the surrounding trees, and then whatever mitigation which obviously will be the 20' berm.

Mr. Randolph asked him to clarify if there would be any relationship actual or potential between atmospheric conditions- weather conditions, temperature and sound.

Mr. Peters replied yes.

Mr. Randolph noted what he was trying to get at is the question about the standard deviation here with the level of sound during the summer time when the air is actually thinner. He asked would one therefore be subject to louder sound because it was going to carry further than in the winter where there is more moisture in the air and therefore the sound will be deadened. In other words, for the contiguous neighbors is the noise going to be perhaps louder naturally because of weather conditions during the summer than it would be during the winter.

Mr. Peters said that was a good question. He thought that those type of sound anomalies he would hesitate to say that during the summer it will be worse and in the winter it will not. Some of that is driven purely by atmospheric conditions that may vary and you could have the same condition in the winter time as in the summer. Would those things affect it - yes it would affect it. Would they be able to say that in the summer time it will be worse - probably not. Obviously elevation plays into that more than anything else. If he fires a round off in a valley and compares that to where he would be if he was top of the ridge, the folks in the bottom of that valley are going to hear that from further away as opposed to if he was on top of the ridge. Hence the positive benefits that will be evaluated to potentially move the range away from the tank study location.

Mr. Randolph pointed out that a 20' berm with Loblolly pines growing behind on three sides would address a concern that has been voiced about stray rounds.

Mr. Heide pointed out they have no plans to plant on top of the berm.

Mr. Dotson noted that several times in his remarks he has talked about design studies that your firm will

now be doing and kind of updating the 2008 data. He was hearing that more data will be available at some stage in the future than is available now in looking at some of these alternatives. He asked if that is correct.

Mr. Peters replied that he would say yes. The purpose of that is making sure if the range was repositioned on the site they would not provide a design that did something significantly worse than is on the screen. There would be more information. The only thing they would be informing this kind of study with would be true elevations from our grading on the site. It would not be a 3-D model.

Mr. Lafferty said in general in the winter time when the air is cold it is denser. He asked if that was correct.

Mr. Peters replied that would depend on the humidity. On a real humid summer day that would not be entirely true. But, in general yes.

Mr. Lafferty asked if the sound would carry further in a denser medium. He said that night practices are going to be in the winter time when it is colder. He asked if he will be taking that into account in his studies.

Mr. Peters replied that they have not started the study yet and referred the question to Mr. Heide.

Mr. Heide said he would guess that it is a trade off. Is it better to try to get as much training done in a shorter period of time when folks are less likely to be at home because they are coming home from work; or, to shoot when sound does not carry as far or as fast, but they are doing it when folks are home. He did not know how to answer that other than it is a balancing act of sorts.

Mr. Peters offered in that scenario when the sound is transmitted like that from an atmospheric condition he would not want them to think that white line moves out. More than likely what happens is folks who may be below the 55 decibel line could hear that. He was a history buff – if they think about that from a civil war perspective there are plenty of senses of a civil war battle being heard hundreds of miles away purely from an atmospheric condition. But it was not like it was right out their window, but he just heard the sound. That is how that would be because 55 decibels would not be a super loud noise based on the numbers given earlier from the staff report.

Mr. Smith pointed out to answer the question it would be louder in the summertime because folks are outside when it is being used.

Mr. Franco noted they talked about qualifications being the most intense time. Do the qualifications require the night time use or will the night time be more limited. Will it be 20 officers firing several hundred rounds?

Mr. Heide replied no. Typically there might be 20 officers there. However, there may only be 8 to 10 officers shooting at only one time. They work in relay so to speak in rotation. Annual qualification is a daylight and test. So they want to give people the opportunity to perform their best. Night time fire is more job specific. They try to gauge those types of courses on what is realistic for an officer to shoot when they are actually involved in a gun fight on the street, which is a minimal number of rounds each time someone goes through the course.

Ms. Monteith asked what kind of traffic analysis has been done in terms of the potential traffic impacts.

Mr. Peters replied that the traffic analysis has not been done beyond the Police Department estimated number of people that was just given. It does not mean that there would be 6 vehicles if 6 officers were going down for certification. For this phase, which is before the Commission tonight, traffic would be going into the range, doing the certification and training and then going out. It would not be a generator of traffic at this time. Unfortunately that would be something that he could study as an engineer.

Mr. Sorrell pointed out that when VDOT reviewed this project they reviewed it at the 10 to 20 vehicles per

use. At that level they felt that the Rural Rustic Road Program would still permit that road to be paved. Their concern was if this was deemed a higher intense use that had a lot of traffic, then that would not be meeting the intent of paving a rural road because it would be used more frequently. They provided information that said this was not deemed development in their words. So the road could continue under the Rural Rustic Road Program to receive that hard surface.

Mr. Benish noted that Rural Rustic Roads are not anticipated to exceed 1,500 trips per day. When he mentions that it is within that standard that does not mean that it will have 1,500 trips per day, but it is just the limit of the category for the road.

Mr. Morris invited further questions for the applicant. There being none, Mr. Morris reminded the Commission that what they were really looking at on this is the use of this land as a firing range in compliance with the Comprehensive Plan.

Mr. Sorrell replied that was correct.

Mr. Benish said it was the scope, scale and intensity. It is a general location. The map provided the region by which they say that use is appropriate, which again allows for some flexibility in the site design to massage the specific location.

Mr. Kamptner asked to elaborate on the standard that the Commission will be applying. It is "substantially in accord", which is a standard the Commission does not see day to day. In this context substantially would mean largely but not wholly in accord. If they need another term for accord it was conformity. So the standard they are applying "substantially in accord" also translates to largely, but not wholly in conformity with the Comprehensive Plan. There are various elements of the Comprehensive Plan that the Commission has before them for consideration in making that determination.

Mr. Loach asked if the Board can ask for additional improvements and if there is going to be a different standard that the Board will use.

Mr. Kamptner replied what the 2232 says is simply that the Planning Commission makes their decision, they communicate their findings to the Board, and the Board may overrule the action of the Commission by a majority vote. Presumably the Board will be applying the same standard "substantially in accord" that the Commission is applying.

Mr. Benish suggested that they keep in mind too that this is an evaluation of whether this general location is in accord with the Comp Plan looking at the Communities Facilities Plan, and Land Use Environmental Goals and Objectives. Aside from this decision the Board controls essentially a department of the county in how that facility operates. So there are perspectives that the Board can have with the Police Department to address how this facility operates on a day to day basis. They understand the scope that is intended here. But this is a public facility and not a private facility. It is under the management that ultimately is under the control of the Board of Supervisors.

Mr. Loach agreed since that was the point he was trying to make.

Mr. Sorrell said he also wanted to add that when they mentioned the additional reviews that may be required for the site if they were to provide other things there. If the county was to designate in the Community Facilities portion of our Comprehensive Plan as they were updating it to say this is an area appropriate for this type of use and that was called out specifically in the Comprehensive Plan, then it might not be necessary to come back in to do the individual compliance with the Comprehensive Plan reviews for the other components.

Mr. Franco said based on what is front of the Commission tonight and what our responsibilities are he thought it was clear that there was some concern about the noise issue, but as staff said this is a county facility so the county really does have the ability to mitigate noise to a level that is acceptable to the adjacent neighbors and to the project itself. He would like to make the following motion based on that.

Motion: Mr. Franco moved and Mr. Lafferty seconded that the Commission finds that the location, character and extent of the proposed Firearms Training Facility at Keene Landfill Site is in substantial accord with the County's adopted Comprehensive Plan for the reasons identified as the favorable factors outlined in the staff report.

Mr. Morris invited further discussion.

Mr. Randolph asked to make the following comments:

- He was well aware of Fortune Road since his son is a property owner there and has been for about six or seven years. His son is a law enforcement official for the federal government and he know he supports a training facility for the county. He thought it was needed by the police. It is the time and budget responsive it is a better use of resources for the county. Police officers will not have to travel as far. Everyone is aware of from events in Sanford, Florida that better training results in increased weapon's proficiency and better public safety. That is a bottom line that the Police Department is out to achieve with this training facility. This is the best location currently available.
- In all likelihood if they don't utilize this location they will have a window of opportunity close on us. It will be irretrievable and therefore the Police Department will have to look to do their training in the county of Fluvanna, Nelson or Augusta and there are costs associated with that. If people in the audience want an indoor range then he certainly would urge them along with their neighbors to pressure the Supervisors to support a budget where those sums of money are going to be allocated for an indoor range. At this time the money is not there for an indoor range. All of us would be in agreement in an ideal world that an indoor range would be part of this proposal. However, they are not in an ideal world.
- Since he represents the Scottsville District he thinks it is important to be mindful that with this training range in Scottsville that the police presence in southern Albemarle County will be enhanced dramatically. Where currently there are about one-half hour response times that once officers are training at this facility the response time to any issue in Scottsville region should be ten minutes or less because officers will leave this training facility if they are called to respond.
- Finally about property values, property values on Fortune Lane with a paved road with increased police presence may in fact be enhanced. For contiguous property in the future in 20 to 30 years if this facility is to grow and there is support within the community for it to grow then government might be interested in purchasing increased property in the region. As the Police Department has bent over backwards to try to address the noise issue and staff will continue to work with the Police Department on that just in good faith moving forward he would dispute with Mr. Williamson that he thinks this is an issue for us to address at this time because it is a question of trust. The Police Department is also part of the public trust as are we and he was comfortable that they will do everything possible within the budget constraints that they live by to try to mitigate as much noise as possible He would be supportive of the motion and just wanted to make those remarks.

Mr. Dotson commented that there are some land uses that nobody ever wants to be near, but they are needed since they provide a needed function. He asked himself the question is it conceivable that there would be a better location in the county even if they looked beyond publicly owned land. He would be doubtful because there are no places where they can get completely away. He just did not think they were there. If a facility is needed he thought ethically they should provide it for ourselves and not go to some other jurisdictions and impact those neighbors and citizens. They should have to "bite the bullet" and have it ourselves. Having said that, he was not comfortable with what they have heard about the sounds. The sort of analogy Mr. LaFontaine used of a "knock at the door" would drive him crazy if he heard six hours, one hour, thirty minutes of knocking on the door every day. He thought that would drive somebody nuts and would bother them. He was just wondering if now that they have got some new engineers on board looking at design options if it might not be possible to mitigate some of the sound. He was not so much concerned with the volume of sound as simply the attention getting nature of the sound like the knock on the door and whether that might not be avoidable. He was really not convinced that they know as much right now as they could know about this that would make it a lot easier to agree with the motion.

Mr. Loach agreed with Mr. Randolph that this is a clear need. Even the neighbors who spoke saw the need for the firing range. Like the gentleman that spoke he also belongs to the gun shop. On the other side of the coin he served as a reserve deputy with the Sheriff's Department. One of the reasons he joined the gun club was so he could practice more. As Mr. Heide said one of the things that they have to develop is muscle memory with their weapon. That is only a component of practice. As Mr. Dotson just said they are going to get more data from the engineers that he thinks is important in making the final decision for the Board. His vote is based on compliance with the Comp Plan, which is what he is judging and making his vote on. That is why he asked the question about when this gets to the Board because he thought the Board has a wider jurisdiction to look at other factors. As stated this will be a function of county government and it has to be compliant to the people of the county. He was hoping as they work through this things will get better. His vote will be based on the issue at hand, which is the Comp Plan.

Ms. Monteith commented that there are four areas in the staff report that have to do with the Comp Plan that she has concerns about. She realizes that these are concerns and not necessarily regulations. However, in the report the consensus of the Agricultural/Forestal Committee was that the proposed firing range was not a use that complimented or was otherwise conducive to agricultural or forestal issues. Two, is the sound issue where she did not believe that they were in compliance with our own regulations. Three, is that the location of this new public facility should be within the county's development area, which is not. It is in the rural area. Four, was where they were talking about issues around this being a watershed and they are not completely sure about what the impacts to the watershed will be with this use. If this is voted in compliance tonight she would like to see additional mitigation measures designed as part of this project before it goes to the Board to be under consideration.

Mr. Morris asked Mr. Kamptner if this body was at liberty to add conditions at this time.

Mr. Kamptner replied that the practice of the Commission over the years has been to occasionally impose a condition if it deemed that the condition was needed in order make the finding of substantial accord. It certainly does not have to. However, that has been the practice of the Commission. Typically those have been on applications for privately owned facilities that were subject to the 2232 review.

Mr. Benish clarified that the Commission's action will go to the Board of Supervisors for information. There is no mandated action by the Board of Supervisors. He wanted to make sure there is no confusion with the public. There is not a next step of the Board other than they are informed of the Commission's decision. They have an option to pick it up.

Mr. Dotson asked to clarify that. The Board would receive the Commission's minutes and that is as much notification that they would have.

Mr. Benish replied that there would an action letter notifying the Commission's action with any conditions with that action and the minutes.

Mr. Franco noted the Board would also get the information from staff when the project began to move forward. A lot of the questions they have right now are due to a lack of information. What they are doing with this action is saying go ahead start to better design the facility and look at what mitigation measures can be done to bring it closer to the rural noise regulations. Then the Board as part of their expenditure of the funds can make a decision if it requires additional funding whether they want to pay those additional funds.

Mr. Dotson asked is that a part of the motion and a part of what will be in the action letter.

Mr. Franco replied no. He thought they were just getting the Commission's minutes and their recommendation that the use is appropriate in this location and that sound is of concern and it needs to be looked at more closely as the project develops.

Mr. Smith said this is a situation where you are dammed if you do and dammed if you don't. He thinks the concept and idea is great and they need it. However, he does not like it.

Mr. Morris agreed with Mr. Franco and the motion that this is a facility that is desperately needed. He was sorry that it cannot be an indoor facility that is totally soundproof. However, that is not the reality of the environment that the Police Department works in. It would seem that everything that they can do to provide them realistic training is to the betterment of everyone in the county. He asked for a roll call.

The motion passed by a vote of 5:2. (Dotson and Smith voted no)

Mr. Morris noted staff would forward the Planning Commission's finding and other information to the Board of Supervisors, as follows:

The Planning Commission finds that the location, character and extent of the proposed Law Enforcement Firing Range Facility (Firearms Training Facility at Keene Landfill Site) is in substantial accord with the County's adopted Comprehensive Plan for the reasons identified as the favorable factors in the staff report, as follows:

1. Site will utilize an under-used county-owned land;
2. Site's size and remote nature isolates it from more densely populated areas;
3. Location of range on site will further limit adverse impact on adjacent agricultural properties;
4. Site's location limits impacts to natural, scenic, historic and cultural resources.

The Planning Commission took a break at 7:48 p.m. The meeting reconvened at 7:56 p.m.

Public Hearing Items:

SP-2012-00001 Ivy Forum
PROPOSAL: Special use Permit request for Indoor Athletic Facility on 0.9370 acres. No dwellings proposed.
ZONING: CO Commercial Office – offices, supporting commercial and service; residential uses by special use permit at a density of 15 units/acre. Section 23.2.2 (14) Indoor Athletic Facility.
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Office Service – office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood 7.
LOCATION: 2200 Old Ivy Road
TAX MAP/PARCEL: 06000-00-00-046C0
MAGISTERIAL DISTRICT: Jack Jouett
(Claudette Grant)

Mr. Benish presented a Power-Point presentation and summarized the staff report.

The applicant requests a special use permit to allow an indoor athletic facility in a building zoned for Commercial Office use. The location map was reviewed. The property is surrounded primarily by office uses, a restaurant, several apartment complexes, and some University of Virginia buildings including the baseball diamond across the street. The property is zoned CO and currently is being used as an office building. The proposed use will take up approximately 1,700 square feet within a building that is 12,000 square feet. The use will be located on the lower floor.

Favorable Factors:
- The use is consistent with the Land Use Plan.
- Provides an additional athletic facility option for people who live and work in the area.

Unfavorable Factors:
None

Recommendation:
Staff recommends approval of SP-2012-00001, Ivy Forum with the following condition:
The indoor athletic facility use shall not exceed 2,000 square feet.

The purpose for the limit on the condition is just that use would run with the building so they want to make sure the building by right could not convert to a 12,000 square foot gym, which may have different traffic impacts. Additional square footage is a little arbitrary, but it is to provide for some flexibility based on the size proposed.

Mr. Morris invited questions for staff.

Mr. Randolph asked if a special use permit was applicable only for the life of the permitted business or does the special use permit once it is applied to a space carry with the space in perpetuity.

Mr. Benish replied that it runs with the land.

Mr. Randolph asked if there was any allowance under our guidelines to do a special use permit for the life of the business only.

Mr. Benish replied that they have done that for special events for the first event for that one time subject to reapproval. He would ask Mr. Kamptner to answer as a general rule.

Mr. Kamptner said the Commission and ultimately the Board has occasionally imposed time limitations on special use permits. There was a brief period in the late 1980's when the Board was imposing a limitation on the life of the special use permit and tying that to a particular owner. That practice ended shortly thereafter and staff does not recommend any kind of condition that ties it to a particular owner.

Mr. Morris opened the public hearing for public comment and invited the applicant to address the Planning Commission. Since the applicant chose not to make a presentation and there were no questions for the applicant, he invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Motion: Mr. Dotson moved and Mr. Smith seconded to recommend approval of SP-2012-00001 Ivy Forum with staff's recommended condition.

1. The indoor athletic facility use shall not exceed 2,000 square feet.

The motion passed by a vote of 7:0.

Mr. Morris noted that SP-2012-00001 Ivy Forum would be forwarded to the Board of Supervisors with a recommendation for approval at a time to be determined.

ZMA-2011-00008 Three Notch'd Center

PROPOSAL: Request to amend the application plan to include an automobile laundry use on property zoned PD-SC- Planned Development Shopping Center which allows large-scale commercial uses and residential by special use permit at 15 units/acre. No residential is proposed.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Light Industrial- manufacturing, storage, distribution, with supporting office, retail, R&D, flex and commercial uses within the Crozet Master Plan.
ENTRANCE CORRIDOR: Yes
LOCATION: 5368, 5374, and 5382 Three Notch'd Road, located on the north side of Three Notch'd Road approx 500 feet west of its intersection with Parkview Drive.
TAX MAP/PARCEL: Tax Map 56A3 Parcel 9
MAGISTERIAL DISTRICT: White Hall
(Megan Yaniglos)

Ms. Yaniglos presented a Power-Point presentation and summarized the staff report.

- This is a proposal to amend the approved rezoning application plan to include an automobile laundry use on property zoned Planned Development Shopping Center in Crozet.

Proposal:

- The applicant is requesting a modification to the approved application plan to add a car wash or auto laundry on the site.
- Auto laundries are a by-right use in the PD-SC zoning.
- The applicant is proposing to reduce the square footage in the other buildings in order to meet the parking requirements for the spaces that were eliminated with the addition of the car wash.
- The applicant states that due to the state of the economy it is not feasible for the owner to build office/retail space at this time.
- The auto laundry will be located in the northwest corner of the property, and will reduce the number of parking spaces on site.

Favorable Factor:

1. The proposed amendment and use is a by-right use within the PD-SC zoning district

Unfavorable Factors: None Identified

Recommendation:
Based on the Board of Supervisors prior approval and the nature of this request, staff recommends approval of ZMA2011-008 Three Notch'd Center - to amend the application plan and proffers.

Mr. Morris invited questions for staff.

Mr. Dotson noted the staff report says this is a by right use within PD-SC yet they are considering it. He asked staff to explain that again.

Ms. Yaniglos replied that the application plan runs with the rezoning plan. The change is in the actual plan. So they added a building in the site development area on the plan. The plan differs from what was approved.

Mr. Morris opened the public hearing for public comment and invited the applicant to address the Planning Commission.

Jo Higgins, representative for the applicant, made the following comments.

- They were troubled with having to go through this process to add a by-right use. It again to they had always intended to have an automobile laundry if the prediction of the economy occurred this way. They were not aware until the pre-app that they would actually have to go through rezoning. They thought they could amend the site plan. However, they do have a fully approved site plan that is in place. Also, the staff report has been sent to the adjacent property owner. Ms. Yaniglos forwarded the email from the property owner to the east side that is in support of the request. The property owner on the other side, which she is a member of, has actually cooperated and there is shared storm water detention facility. There are shared easements between both properties. Everybody is supportive of each other's success for the industry in Crozet.
- They have been before the Architectural Review Board with this as a work session. The ARB actually approved the request with conditions about lighting and adjusting landscaping and such things. Basically the building as proposed was approved. The materials were already on record with the approval of the front buildings. The rendering from the architect on the front buildings that they submitted earlier in 2007 was shown to the ARB. The car wash would go in as a phase one. Therefore, it could be in there for a period of time where it is not totally blocked from the Entrance Corridor. So they wanted to make it a really attractive building so it is basically asphalt metal roof with brick and block. If there are not issues she would wait until they discuss.
- They submitted a traffic analysis. There is full frontage improvements proposed on this. They have met with VDOT about their concerns with the entrances. They already have approved entrances. It might require some modification. The total control will be played out through the minor site plan amendment that they will have to do and that will be addressed on all the details and how the parking, the internal circulation, and that sort of thing. It was done to a great amount of detail because they wanted to get through the rezoning action and the details after they met

with the ARB. The ARB wants them to put the equipment, like the vacuum cleaners, and things like that behind the building. So they wanted that input before they did the more detailed plan, which will be done as a site plan. They ask for the Commission's favorable approval and a date for the Board as soon as possible.

Mr. Morris invited questions for the applicant.

Mr. Loach asked if this was in the 25 mile an hour zone, and Ms. Higgins replied yes it is.

Mr. Loach asked difference between a car wash and car laundry.

Ms. Higgins replied that in the zoning ordinance it is called an automobile laundry. It is proposed with two automatic bays and two self serve bays. In real life it is called a car wash.

Mr. Randolph asked where currently in Crozet are vehicles commercially laundered.

Ms. Higgins replied there is one two-stall car wash that been there for a very long time if they pass the site and head into the heart of Crozet it is on the right hand side before Great Value. It is just a metal structure with very low water pressure. This is proposed to be state of the art. It will meet the Albemarle County Service Authority water reuse regulations. They use 20 percent. However during a watch it can go to 80 percent and actually the only thing they would use fresh water for is the final rinse. There are processes in the mechanical room, which is between the bays. At any point where it goes into drought conditions the Service Authority has total control to tell them when they can operate and when they have to go on water reuse. The newer ones have converted. However, older car washes have to shut down when they go into a drought watch.

Mr. Randolph noted attachment F, #3 indicates that the storm water basin on the Albemarle Storage site may require modifications to serve this site as proposed. What kinds of modifications are proposed and who would pay for those.

Ms. Higgins replied this site when approved in 2007 the property owner, which is the Charlottesville Self Storage at Crozet, and the owner of Three Notch'd Center LLC entered into a share agreement to use the basin on the mini storage site. The modification has already been designed. They are not going to modify the impervious area although there will be an interim if they do the car wash and then later on do the full impervious area. There might be a two step that has to be built into it. But ultimately they are about at the same impervious area. That modification would have to be done by this property owner because it was already built as part of the mini storage. Using shared detention is always beneficial because they have one pond and they actually have a maintenance agreement. They are also required to do a maintenance agreement that is required by county engineering to sign and record that runs with the land and has to be part of the responsibilities of each property owner. They actually have a separate agreement that tells them which percentage they share. It is actually shared between three properties – this property, the mini storage and 25 percent goes to the property owner on the other side, which is the same owner as Con Agra. They actually share in that if they should ever use it if that property develops. It is all kind of built into the process with the agreements that are recorded documents that run with the land.

Mr. Randolph said in #4 it is recommended that additional water quality measures be proffered. He asked what that included.

Ms. Higgins replied she believed the county engineer generally makes that statement with most rezonings. This particular water quality and storm water management plan is already an approved plan and they did not expect a minor site plan amendment because they were not changing their impervious area. If county engineering has a perception or a will to change or increase water quality requirements, then she thinks the regulations need to be changed. She was frustrated to actually receive that comment and some of the others because they did not seem cognitive of what already has been designed and approved. This site has filterras, which are water quality filter devices at the collection points around the parking lot with removal rates that will meet the county requirements. Mr. Brooks never spoke with her,

but generally makes that as a blanket comment. They did not proffer anything because they did not intend a whole redesign since they are doing a by-right use on an existing area. They will meet the requirements and did not intend to exceed them.

Mr. Randolph asked for reassurance on the left turn requirements on Route 240 after this facility is constructed.

Ms. Higgins replied that a traffic analysis was done specifically to change with a reduction in the square footage on the buildings because they cannot build the ultimate buildings and take away the parking spaces. Ultimately, the west building will probably not have a third floor. It won't change the architecture. Across the full frontage they are adding an additional lane. It was initially approved to add that lane for a right turn. When looking at this VDOT had mixed feelings maybe a partial left and a right. If that were to be imposed the western entrance would become a right in right out only. Then the lane would be split and part of it would become left and then from a point over a right in. In other words it would be at the mid-point. That is usually always covered under the site plan amendment. VDOT has ultimate control because they are involved in the review and approval of the site plan amendment. What they did get VDOT to confirm in their comments is that they felt like it would work. In other words, they have enough information physically and then design to know that it is just a matter of do they want it to be one-half the distance or one-third and they know that the improvements are available. There are five entrances currently and very likely when car wash is done they are going to require us to physically block four of them and use the center one. If they do that, then they will have to put a taper in that will allow people to as they are turning leave the right-of-way a little quicker. It looks like a taper. They have to meet that at site plan approval. They just confirm at this point that it is physically possible to meet that.

Mr. Morris invited further questions.

Ms. Monteith said following on the same line of question that item 6, attachment F says the response to that is this comment remains. She thinks the concern is not just that there would be a more legible plan provided, but there is a concern about the circulation patterns as they have been designed. She asked how that will be addressed.

Ms. Higgins replied at site plan the DWG file will be modified. The concept plan currently is done with arrows to show how the theory of the building fits and which parking spaces would be eliminated with the addition of the car wash. The level of detail, which is fairly typical of application plans, was not of the scale and type that it was as easy to measure each parking space. They actually know after having met with the ARB that there are probably two more parking spaces that will be removed in order to put in some plantings, as an example. They did not go to that level of detail because this is a concept plan that goes with the application. Actually if they look back to the concept plan that was approved in the rezoning in 2007 it is not exactly like the site plan. There is actually parking on this side that was not built into the site plan. She pointed out that there is some variation between the levels of detail on the application plan versus the final site plan.

Ms. Monteith noted her question was how the concerns will be addressed. From her perspective the concerns are not necessarily the level of detail since she understands the difference between a concept plan and a site plan. Her question is how the concerns that are expressed will be addressed.

Ms. Higgins replied the concept plan that actually went to the first application did not even have like the arrows or the angled parking that they put on the ARB plan. They did not go to the level of detail to stripe this area. They know there is adequate area there to meet it. Also, the vacuum devices that they had shown at the end are now being moved to the back. The area is adequate. They did not show the lane splits. The sizing of the plan was not enough to really scale and see that. They know they can and have to meet it in site plan. It just was not shown maybe to the level of detail that the reviewer was looking for. At the point where the building starts it is one way circulation. Do not enter signs have also been added in their concept so that no one would turn left there. The drive through has now been indicated in how people would access. That was not clear on that plan. She submitted a later plan. When those comments were first generated they did not have the arrows, the signage and that sort of thing to show the circulation. They know they have to satisfy it to get the site plan approved.

Mr. Cilimberg pointed out the reality is that the reviewer will many times comment from the ideal maximum amount of information that they could get to render an opinion sometimes that amounts to a site plan level. That is not really what has to be done in a rezoning. Rezonings are more conceptual and try to identify the major elements that need to be addressed at that time so they make sure when a site plan comes in those elements are addressed. In this case there are elements that were identifying that ideally this reviewer would have liked to have seen in the application plan that are in fact items they would address at the site plan level. That is what is happening.

Mr. Franco said the way the comment is written what it is really saying is that the concept plan, which may show arrows and things like that, is not vested so be aware that you have to address these concerns.

Mr. Cilimberg pointed out they were just talking about there were things that may have to change in terms of the site plan to make sure the circulation is working correctly at that time.

Ms. Higgins said the couple of parking spaces they are talking about that there is an island that is going to have to put in there, they know they have to meet certain lane widths which will potentially modify those details, the landscaping has to be adjusted, and the light poles actually have to be adjusted thru the ARB. The ARB gave them a list of things they have to adjust on the site plan that staff can administratively handle.

Mr. Franco asked staff as a follow up to the question raised with item #4 about wanting to see a proffer above and beyond the water protection ordinance.

Mr. Cilimberg replied that is because this drains directly to Beaver Creek Reservoir. That is why the comment was made. It actually was made in the first rezoning and the Commission and Board decided not to require the proffer. So staff did not see this as instigating a change that they made that recommendation that a proffer be provided at this time.

Ms. Higgins noted it was a carryover from the last time.

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

Mr. Loach pointed out that this land was previously zoned LI.

Motion: Mr. Loach moved for approval
Mr. Morris invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Motion: Mr. Loach moved and Mr. Franco seconded to recommend approval of ZMA-2011-00008 Three Notch'd Center as recommended by staff.

Mr. Franco noted that it was a 2.32 acre parcel. While he understands what Mr. Loach was saying about losing it from LI there is still a question since they have not seen all of the other information yet whether that is a practical size parcel or not.

The motion passed by a vote of 7:0.

Mr. Morris noted that ZMA-2011-00008 Three Notch'd Center will go to the Board of Supervisors on a date to be determined with a recommendation for approval.

Old Business

Mr. Morris invited old business.

Planning Commissioner Survey Follow-Up - Mr. Morris reviewed the results of the survey with input from the Commission. It was the consensus of the Commission that Mr. Morris and Mr. Lafferty would identify topics for future discussion/training and work with staff to schedule.

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

New Business

Mr. Morris invited new business.

- There will be no Planning Commission Meeting on Tuesday, April 10, 2012.
- The next Planning Commission meeting will be a joint meeting with the City Planning Commission on Tuesday, April 17, 2012. The location is yet to be determined.
- Ms. Monteith will be absent at the April 17 meeting.

- Staff to notify Commission of the location of the April 17 meeting. ***(It was later confirmed that this meeting will be held at City Space on the Downtown Mall).***

With no further items, the meeting adjourned at 8:55 p.m. to the Joint Meeting with the City Planning Commission on Tuesday, April 17, 2012, at 6:00 p.m., in a location to be determined.

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V. Wayne Cilimberg, Secretary

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