Albemarle County Planning Commission
May 8, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, May 8, 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 Megan Yaniglos, Senior Planner; Scott Clark, Senior Planner; Ron Higgins, Chief of Zoning; David Benish, Chief of Zoning 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.

Doug Arrington, resident of Fiddlestick Lane one lot removed from Whittington Development, noted the only reference in Sunday's Progress towards highway infrastructure was they don't have the money – but they can't let that get in the way. He disagrees with that. Virginia Code Section 15-2-2200, declaration of legislation of intent, states that the comprehensive plan should establish for orderly and efficient development. Due to the fact that there isn't money now or in the foreseeable future for infrastructure improvements to achieve an orderly and efficient development he would argue that they indeed need to place limits on the comprehensive plan. Once again he would like to bring into the conversation the creation of an escrow account dedicated to infrastructure in the southern urban development area, which he refers to as the north end of Biscuit Run Valley. It could be funded with proffers through the ZMA process, creation of a special tax district, sales and property taxes, and/or some other means deemed appropriate. Due to the traffic overload on the 5th Street bridge he would ask the Commission in consideration with the Board to seriously look at the infrastructure in the Southern Urban Development Area since it is not fair to the people who live along the Southern Parkway for proposed routes.

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

Committee Reports

Mr. Morris asked for committee reports from the Commissioners.

- Mr. Lafferty reported the PACC Tech Committee did not meet. The MPO Policy Committee meets on May 23rd at 4:00 p.m. in the Water Street Office of the TJPDC. The Charlottesville Albemarle Regional Transportation Advisory Committee (CHART) met last week and reviewed next year's draft Charlottesville-Albemarle MPO Unified Planning and Work Program. The MPO's Transportation Improvement Program and the Long Range Transportation Plan were also discussed.
  - The Long Range Transportation Plan looked at the 2040 modeling of transportation needs. They did 20 different traffic models, of which he had copies. The MPO estimates they will get 500 million dollars from VDOT between now and 2040. In the next 6 years we will spend half of that on the Western Bypass. So they will basically have 250 million dollars if it does not go over budget for the next 22 years to do road projects. In the analysis the major problems were Route 250 East and Free Bridge; Rio Road; Route 20 and Monticello Avenue; and Route 29 at the 64 interchange and all of these roads will have a level of service of F minus. That is with all of the improvements that they have on schedule right now.
- Mr. Lafferty also noted May is Bike Awareness Month and next week is Bike Awareness Week. He described a number of next week's activities.

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

Public Hearings:

SP-2012-00003 Congregation Beth Israel Cemetery in Ivy
PROPOSAL: Special Use Permit to allow a cemetery on a rural area residential property which allows a cemetery under Section 10.2.2 (32) of the Zoning Ordinance.
ZONING: RA- Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Rural Areas- preserve and protect agricultural, forestall, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots)
LOCATION: 4460 Ivy Road
TAX MAP/PARCEL: 058000000064NN
MAGISTERIAL DISTRICT: Samuel Miller
(Megan Yaniglos)

Megan Yaniglos presented a PowerPoint presentation and summarized the staff report.

Proposal:
- Request for approval of a cemetery on a rural area residential property
- Located in the southeast portion of the five acre property, and will consist of approximately three quarters of an acre.
- Owners will remain in existing residence on the property.

Staff reviewed the concept plan noting the location of the small parking area and septic fields.

Staff's Recommendation:

Favorable Factors:
1. No impacts on adjacent property resulting from the proposed cemetery.

Unfavorable Factors: None Identified

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2012-003 Congregation Beth Israel Cemetery with the conditions listed in the staff report.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if this is setting any type of precedent, and Mr. Yaniglos replied no.

Mr. Benish said there was no precedent setting here. He did not know of a cemetery that has a life rights situation to it. However, he did not think that was unusual.

Mr. Lafferty pointed out that there was enough land so it would not affect the neighbors. If there were neighbors close he wondered what the effect would be.

There being no further questions, Mr. Morris opened the public hearing and invited the applicant to address the Commission.

Bryan Smith, engineer representing the owners, noted that with him tonight was Mr. and Mrs. Mayo, the owners of the property, and Rob Kapond, a member of the congregation. Staff has done a good job of presenting the request. If there are any questions, he would be glad to answer them. He had nothing further to add.

Mr. Morris asked the applicant to answer Mr. Lafferty's question. Have the neighbors been contacted.

Bryan Smith replied that the county has sent out letters to all the adjoining neighbors. He contacted Ms. Yaniglos a few days ago and asked if there was anybody that contacted her. He believed there was one, which he asked for her response.

Ms. Yaniglos noted that one person just wanted to know what was going on. She explained the proposal and the conditions and she seemed to think that it was a good use on the property.

Mr. Randolph congratulated Bryan Smith and the congregation for receiving this gift of over a million dollar piece of property. It really addresses an acute need within the congregation. He asked if he had an estimated number of burials that will be possible in the designated area that they set aside currently for burial. He knew that question was posed earlier, but wanted to figure out by the numbers how many years this site is going to serve the congregation with that designated cemetery area.

Bryant Smith replied that they have not gone that far. It will depend on a variety of things such as the topo and how steep the area is in the corners. They have a ¾ of an acre to work with. He does have some general dimensions of plots that he was able to gather from information from Hill and Wood Funeral Home. However, they have not made the layout as of yet. He was envisioning it to be similar in size to the existing cemetery on Fourth Street and Elliot. This land has more slope and he would guess it would probably be less plots

Mr. Randolph asked how many years the cemetery in the City has served the congregation.

Mr. Kapond, a member of the congregation, said that cemetery dates from about 1869. It has lasted the church about 140 years and it actually still has some life. That cemetery still has space available. Their burial needs are very modest with last year only 8 plots being used. He thought this could easily last over a cemetery.

Mr. Randolph asked following the demise of the Mayos how would their house be utilized by the congregation.

Bryan Smith replied that has not been discussed in detail with him. So he was not familiar with that so he could not answer that.

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Mr. Randolph asked if the congregation given any consideration to using the northwest corner of the property in the future also as a zone for a cemetery.

Bryan Smith replied that they have not considered that.

Mr. Morris invited further questions from the Commission.

Mr. Dotson noted from the staff report that they had about 8 funerals per year. He questioned if there was enough space on site for the cars to park. He asked if the six parking spaces he counted would be sufficient. His concern was that there was enough space on site for the cars to park so that 250 is not involved.

Bryan Smith pointed out that they were going to widen the entrance 30' back from the edge of pavement to create two-lane traffic to invite people in. Hopefully, they would do that. He thought if there were 20 people in attendance that they could find plenty of room for them along the side of the driveway and in the paved parking area.

Mr. Morris opened the public hearing and invited public comment.

Bryan Smith said he understood the special use permit is an approval process that lasts for 2 years. On some of the previous projects he has worked they have extended that to 4 years. They would like to do with this request as well.

Mr. Morris noted that the Commission would take that under advisement.

There being no public comment, the public hearing was closed to bring the matter before the Planning Commission.

Mr. Smith moved to recommend approval of SP-2012-00003 Congregation Beth Israel Cemetery in Ivy with the reasons and conditions stated in the staff report.

Mr. Morris asked if he would like to extend the deadline from two to four years.

Mr. Smith noted that once the cemetery has been used they would have hard time to stop it.

Mr. Kamptner clarified that what was being requested is extending the period by which construction has to commence. The regulations require the construction commence within 24 months. This is a routine request.

Mr. Smith agreed to add the condition to the motion requested by the applicant to extend the deadline for construction to commence from two to four years.

Mr. Morris noted that the condition would be changed from two to four years.

Motion: Mr. Smith moved and Mr. Loach seconded to recommend approval of SP-2012-00003 Congregation Beth Israel Cemetery in Ivy with the reasons and conditions stated in the staff report, as amended.

1. Development and use shall be in general accord with the conceptual plan titled "Concept Plan for Special Use Perm" prepared by Brian Smith and dated April 12, 2012 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

    a. *Location of proposed parking area*
    b. *location of buildings and structures*
    c. *location of proposed cemetery*

2. The maintenance and operation (digging of graves) of the cemetery shall be conducted during day light hours only.
3. No new buildings including maintenance buildings, mausoleums, columbarium or the like shall be constructed on the property.
4. The deadline for construction to commence for the special use permit extended from 24 months (2 years) to 48 months (4 years).

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

Mr. Morris noted that SP-2012-00003 Congregation Beth Israel Cemetery in Ivy would go to the Board of Supervisors on a date to be determined with a recommendation for approval.

Public Hearing Items:

SP-2010-00046 New Hope Community Church
PROPOSED: 400-seat church with offices and classrooms
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; AIA Airport Impact Area - Overlay to minimize adverse impacts to both the airport and the surrounding land
SECTION: 10.2.2.35, Church building and adjunct cemetery

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: Northwest side of intersection of Dickerson Road (Route 606) and Dickerson Lane (Route 763).
TAX MAP/PARCEL: 021000000012C1
MAGISTERIAL DISTRICT: White Hall

AND

SP-2010-00047 New Hope Community Church Soccer Field
PROPOSED: Soccer field for athletic events, on grounds of proposed new church
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; AIA Airport Impact Area - Overlay to minimize adverse impacts to both the airport and the surrounding land
SECTION: SP201000047: 10.2.2.4, Swim, golf, tennis or similar athletic facilities (reference 5.1.16)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: Northwest side of intersection of Dickerson Road (Route 606) and Dickerson Lane (Route 763).
TAX MAP/PARCEL: 021000000012C1
MAGISTERIAL DISTRICT: White Hall
(Scott Clark)

Mr. Morris noted the staff report states the church building and adjacent cemetery.

Mr. Clark replied that was the name of the use in the zoning ordinance. It has to be listed that way. However, in this case there is no cemetery proposed.

Scott Clark presented a Power-Point presentation and summarized the two staff reports for SP-2010-00046: 400-seat church with offices and classrooms; and SP-2010-00047: Soccer field for athletic events, on grounds of proposed new church for church and community use. Although the entire property slopes rather steadily to the northwest there is actually a fairly small number of 25 percent or greater critical slopes on the site. The critical slopes request would be for the .03 acre of critical slopes that are outside the undisturbed wooded area of the site. The critical slopes within the opening in the tree canopy where the development would happen is where they are requesting a critical slopes waiver.

The applicant is proposing to build a church with seating for 400 persons, offices, classrooms, and 150 parking spaces. The plan indicates that the church facility may be built in phases, but the request is for the entire 400-seat facility.

The proposed athletic facility is a single outdoor soccer field with no lighting or amplified sounds. The applicant estimates that a maximum of 50 people would attend for weekend games (fewer for weekday-afternoon practices), and has stated that no tournaments would be held on the site.

Staff reviewed the three requests separately, as follows:

SUMMARY AND ACTION (SP 2010-00046 New Hope Church):
Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. The proposed church use fits the area's established pattern of land uses, which includes other churches, residences, and light-industrial uses.
2. The Virginia Department of Transportation and the Virginia Department of Health have found that the proposed conceptual plan meets their standards for public health and safety.

3. The proposed design includes significant tree protection areas that will reduce water-quality impacts and visual impacts of the development.

Factors unfavorable to this request include:
1. Adjacent owners are concerned that the proposed design would bring people close enough to Piney Mountain Road that unauthorized access would become a problem.

Staff recommends approval of SP-2010-00046 New Hope Church with the conditions outlined in the staff report.

SUMMARY AND ACTION (SP-2010-00047 New Hope Church Soccer Field):

The soccer field is the 200' X 300' rectangle at the northern end of the developed area of the site.

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:
1. The community would gain an additional soccer field. It is not a full sized regulation field, but it would be useful for children's games and practices
2. No outdoor lighting or amplified sound system would be installed, which would prevent lighting impacts on neighboring properties, and keep noise impacts to a minimum
3. Prohibition on tournaments would reduce traffic and noise impacts.

Factors unfavorable to this request include:
1. Adjacent landowners are concerned that the field use will be visible and audible from their properties.

RECOMMENDATION:
Staff recommends approval of SP-2010-0047 based upon the analysis provided herein, with the following conditions:
1. Development and use shall be in general accord with the conceptual plan titled "Conceptual Plan: New Hope Community Church," prepared by Blackwell Engineering PLC, revision number 3 (dated 2-18-12), (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major element within the development essential to the design of the development, as shown on the Conceptual Plan:
    - location and size of the soccer field

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. No outdoor lighting shall be constructed or installed for this use.
3. No amplified sound system shall be used or installed for this use.
4. No tournaments shall be held on this soccer field.

SUMMARY AND ACTION (Critical Slopes Waiver):
Staff has reviewed this modification request and has identified the following favorable and unfavorable factors:

Favorable factors:
1. The disturbance does not impact significant resources in the Open Space Plan.
2. The critical slopes to be disturbed do not make up a larger system of slopes.

Unfavorable factors:
1. None found

Staff recommends approval of the modification request based upon the analysis provided herein.

RECOMMENDATION: Staff recommends approval of these Special Use Permits, with conditions. The proposal will also require a critical slopes waiver (under section 4.2.5(a) of the Zoning Ordinance) from the Board of Supervisors, and staff recommends approval of that request.

Mr. Kamptner asked to add one thing to the critical slopes waiver. As they know these are now processed as special exceptions. So the Commission's action on that would be a recommendation to the Board of Supervisors.

Mr. Morris invited questions for staff.

Ms. Monteith asked if the soccer field would have public use,

Mr. Clark replied that as he understood it would be both for church use and community use. It is intended to be for practice sessions and small games having two teams on the site at a time. There wasn't really room for more than that. There is only one field with parking next to it.

Ms. Monteith asked if that means that anyone could come in and use it at will.

Mr. Clark replied that it would have to be by the permission of the landowner, which is the church.

Mr. Loach asked if he said that it was not regulation size.

Mr. Clark replied that was correct that it was 200' X 300'. Regulation size is 300' X 350'.

Mr. Randolph said in reading the description he realized that staff is tasked with the challenge to describe the property. In visiting the site the take away was different from seeing Piney Mountain Road and the operation of that community given that it is a gated rural community. There was a code to get up the road. So the people in this area are use to very high level of privacy. They are used to being a really rural undisturbed area. None of that came through in the staff report description. It is not a criticism but just a recommendation if there is some way in the future when an application comes in like this it would be helpful to find a way to get that incorporated because he could not understand all of the concerns of the adjacent land owners until he went on site.

Mr. Smith said that it is a gated road with no public access.

Mr. Randolph pointed out it is public access. When he went out today there was a UPS truck coming out as he was coming in. The UPS driver does not have the code and dropped a package. The level of security on this road exceeds any gated road that he has seen before. The level of security is far beyond Farmington, Glenmore, etc. He was struck immediately by the level of privacy the people are use to as a result of having that gate there. They are concerned about trespassing and the change in the way their rural culture has operated until now. All of sudden it looked differently when he understood how they are living based on the gate.

Mr. Morris thanked him for his observations. There being no further questions, he opened the public hearing and invited the applicant to come forward.

Ed Blackwell, with Blackwell Engineering, represented the owner. Pastor Mike Henderson and the architect are present to answer questions. They started the project almost two years ago in July, 2010 when they first met with the Pastor. Plans were submitted to the county in the fall of 2010. They have worked back and forth with staff. One of the main issues was trying to get an entrance into the site that was safe. There was one thought of trying to use Piney Mountain Road, which did not work out.
The other was having access directly on Dickerson Lane right across from the substation. However, it required a VDOT access waiver. So they got with VDOT and the county engineer and worked out an access on Dickerson Road that has worked out for all parties. They have a safe access on Dickerson. Moving farther north on Dickerson Road the slope gets real steep. To get up into the site they kind of curve around the slope to get up onto the level plateau that is on the front half where they want to put the church. They have worked on several designs to make sure they stay out of the intermittent stream

buffers to come up with what they think is a good solution that will meet the county codes and meet the church's needs. They are trying to stay outside the 1,000' limit from Route 29 and keeping the tree buffer so the access corridor is maintained. They are trying to keep as many trees on the property as possible. . They are only grading the bare minimum to get those fields in. He liked the plan where the soccer field ends up in the upper part of the site. It would be a green soccer field, which would be smaller than regulation size. It would be more of a multi-purpose field. A regulation field is 300' X 360'. The proposal is 200' X 300'. It is for the church use and the church community outreach. It will only be open to the community if they come coordinate with the church pastor and work through the church office to get use to it. The church wants to be an outreach and be a place where the community can come and use the facilities, but it is controlled and not open to general use. The drain field is in the front with the church. The site layout is pretty tight. They have done a good faith effort to maintain as many of the trees and the rural setting as possible to fit the use that they would like to use it for.

Mr. Morris invited questions for the applicant.

Mr. Loach noted in the letter received tonight one of the neighbors noted that none of the neighbors were involved or consulted in the planning process for what is being presented. He asked if that is true.

Mr. Blackwell replied early in the process VDOT or the county preferred them to try to use Piney Mountain Road. They more or less hit a stone wall trying to contact there. But, they did not set up a community meeting.

Mr. Loach asked if the soccer field was the only proposed recreational facility. He asked if there is a tot lot.

Mr. Blackwell replied no tot lots would be near the soccer field. They did not talk about a tot lot. If they had anything it would be down by the church building near the nursery area. They have not planned for the tot lot at this time.

Mr. Randolph asked why the church wasn't to utilize a soccer program on the property.

Mike Henderson, Pastor of Church, said they felt they had the opportunity and had the land to put a soccer field if the kids want to come and play. He read an article this week where 42 percent of Americans are going to be obese by the year 2030. He would think everybody would want to promote kids getting involved or playing. They at least want to provide an opportunity for people to play a little bit if they want to. It is not a major thing, but the soccer field will be there if they want to play. It is part of his nature since he grew up playing sports. He coached soccer and played baseball and basketball. It would be good to have a place for the kids to play.

Mr. Randolph asked if it is correct that the church currently does not a soccer program built around any aspect.

Pastor Henderson said that the church does not have a program.

Mr. Randolph suggested that a basketball court could serve the same purpose and take up less space.

Pastor Henderson replied that some like gymnasiums, but that is a high expense they are not ready to look at right now.

Mr. Loach pointed out that most of the concern seems to be not with the church but with the soccer field and its use. Going to Mr. Randolph's position is there some way to mitigate the size of the soccer field. The question boils down to can it be mitigated so it starts to answer the questions of privacy of the neighbors but allows them some recreational use of the property. That is the question.

Pastor Henderson said they have about 20' or more of trees buffering and privacy was going to be different individually.

Mr. Loach noted the applicant said they wanted to keep as much wood as possible.

Mr. Blackwell said that when it first came up about a field the pastor asked how about a soccer field. It is a nice big field and could be used for multiple things. They could have church picnics up there. They do have a church pavilion. Early on they can get a full size field in with the grading. It is up there on the slope. It is more of a multi-purpose field at almost the half size of a normal field.

Mr. Loach asked if they would consider scaling it back so it was more consistent with the buffer the neighbors would like. Secondly, the letter said if the field was rotated 90 degrees along the same access the setback is increased to 50'. If they rotate and move off the center of the line the setback increases to 100'. His neighbors seem to have other suggestions in how they might change something.

Mr. Blackwell said they oriented the long access with the contour lines to help limit the grading. If they go the other direction it will require more grading and more removal of trees. He became aware of some of these concerns recently. They can take the field and slide it to the right to get it away from Piney Mountain Road. They have to maintain the stream buffer. He thought he could slide the field over 20' to 30' from where they have it shown. They are willing to do that.

Mr. Smith asked if there were two other churches in the area are they at odds with them.

Mr. Blackwell replied no.

Mr. Smith suggested the soccer field might be used by other churches.

Pastor Henderson said that they have not talked about it. Every church has different missions.

Mr. Randolph noted this is not a level site and they are talking about putting in a soccer field. They have not worked it out with the neighbors about coming in here.

Pastor Henderson noted that the Nazarene church had talked about putting a gym in behind their building.

Mr. Franco said what he heard was that the scale of the athletic field seems to be out of place for this site and this location. It sounds like they were trying to make it a little bit smaller. He suggested that they hear from the public.

Mr. Lafferty pointed out there was a 49 foot drop between the upper boundary property line and the soccer field by the topo. That is a fairly significant drop for site distance.

Mr. Morris invited public comment.

Barbara Rainey, A 25-year county resident, said that she resides in Barboursville in Albemarle County. She was present to express concerns regarding the crux of the New Hope Community Church to build a soccer field on their proposed location. She has not issue with construction of the church. There are two other churches currently at that location. So it is natural that a church would be given permission along with the other two. She was very concerned about creating a soccer field situation. It is a true that a portion of that road is paved. Don't deceive yourself because only 1/3 of the way is paved. The rest of it is a dirt road. She did not think it was in the alignment with the purpose of a church to have such a large soccer field. In the course of Sunday traffic there is naturally traffic on Sundays and maybe weekly meetings. But in the case of a soccer field in that area there will be lots of cars and traffic. It is very generous of the church to want to allow groups to come in and use the facility. At the same time she did not think it was appropriate. She had been teaching for 25 years in the county. She has taught in this area since 1988. She can tell them that soccer is the huge growth especially in the northern corridor. The county has worked hard to provide the facilities for students and people in the community to do that sport. However, it greatly concerns her that the character of this road will be affected in a negative manner if they allow a soccer field to be put in that location. Again, she does not live on the road and was four miles away, but it was a concern because she bikes and walks on that road.

Joyce Walker said she lived on Piney Mountain for 34 years. She was here simply because she loved Piney Mountain. It is near and dear to her hear. In 1977 she found land with her husband and built a cabin on top of the mountain. Their cabin was the only house there at the time. As neighbors came they shared the love of the mountain and helped to keep the wildlife, mountain streams and forest there. They want their mountain to keep the integrity that it has now. As a good citizen and resident of Albemarle County she really needs to voice strong opposition to the soccer field. Her front deck is less than 1,000 feet from the soccer field. She did not feel she should be subject to a lot of noise. Mr. Boldt has worked hundreds of hours to build and maintain their private road there and to keep the character of the community.

Myriam Pitts, resident of Piney Mountain, spoke for herself and husband, John Pitts. She pleaded for the Commission to protect the environment and wildlife at Piney Mountain. They oppose the soccer field construction. It is a quality of life issue for current and future citizens. They need to be good stewards of the land and protect the area, its wildlife, birds and native plants. It is like the song says you don't know what you've got until you put up a parking lot. They are concerned about the light, traffic and noise pollution associated with soccer daily practices and on game days. She asked the Commission to protect the area and deny the request.

Greg Quinn said he was a strong advocate of property rights. He made the following comments:

- He believes in freedom to use property, but that freedom requires a certain responsibility. His concern is that nobody from New Hope came to the community. The neighbors all get along well and feel the land use that they all employ is favorable to the mountain. He was not opposed to a church. However, he was opposed to the impact to Piney Mountain and the close proximity to the road. The way they have the design people will come in off of Piney Mountain through the church up the road and what that will increase on his property line is illegal trespassing. That is a very big concern because Dickerson Road late at night does have some activity on it. Unless the church is gated they could get closer to their property line and create a risk. He also worries about soccer kids wandering over onto his property. Every fall he has very prudent safe hunting with several friends on his property with muzzle loaders. He would be afraid to do that with a soccer field in place because of the liability there. He would probably have to end that.

- He has wanted to do a lot of things like have a big saw mill and a big stable. However, he chose not to do it because of the impact on the mountain. The proposal is for a shed metal type of building. He would love to see a country church with a steeple rather than a shed. He suggested if everything was moved south east as far as possible it would give them move privacy. If they were having a soccer game soccer enthusiasts may in a hurry get confused and pull up his private road, park, go through the woods and walk to the game. He asked what he would do – call a tow truck.

- He wished the church had gotten with the neighbors so they could all have walked the woods and planned this thing together as little better as a good neighbor. They have other churches there that have low impact. That road that follows Dickerson Road and comes up is just an invitation for illegal activity at night. At the other church in the area he has had to go down in the middle of the night and call the police. He would like this thing to be scaled down and maybe a little different design on the church building. A metal building is not very attractive. He wished they would get with the neighbors and talk about it.

Charles Boldt, resident of 5260 Piney Mountain Road, said his wife and he own 72 acres on Piney Mountain consisting of six parcels. He is the majority property owner. He made the following comments:

- They got 90 percent of the land in land use to preserve the character of the area. There is a character of Piney Mountain Road that the proposed plan does not respect. The proposed development is going to alter in a very negative way the physical and visual environment of the neighbors. All of the neighbors speaking today have the same theme. They respect their privacy and are very different from a lot of the neighborhoods in the county. They are different for a reason because there are things on the mountain that have a need to be protected. He noted that it is very easy to pull a pin on a gate and get in. It happens all the time. Since he maintains the road and gate he knows when somebody has accessed it illegally because they never put it back the same way.

- The plan before them is about making choices in an attempt to avoid even a minimum standard for what is acceptable development in Albemarle County as defined by the stated objectives of the rural development plan, the zoning code and the comprehensive plan in his opinion. As his letter stated that is an informed opinion because he was a registered engineer in Virginia. To further elaborate he did not think this plan is consistent with the character of the neighborhood. It intrudes on the privacy and security of those who live there. It creates traffic congestion at the intersection of Dickerson Road. The proposed entrance is 100' from the stop sign. That is four cars. He has some issues with the staff report. They see that this development is more of a clear cut pad site that they get with a strip mall. They see the woodlands being destroyed. They see a lot of things that could have been avoided, as Mr. Quinn pointed out, if some of their needs had been addressed in the beginning instead of learning that this plan existed from a sign and a letter. He would ask that they reject the soccer field as inappropriate and send the plan for the church back to be revised in a manner that is more appropriate with its setting and the setting of its neighbors. The other churches are good neighbors. They have done a thoughtful development and they do not impact their quality of life. This church as presented does and they ask that they reject it.

Mr. Loach pointed out that the applicant has offered to adjust the soccer field distance of 30'. He asked if that makes any difference.

Mr. Boldt replied no, because he thinks the soccer field in that location is inappropriate. That intermittent stream is a physical barrier they could maintain that physical barrier by eliminating the soccer field. He thinks they could find an area for a multi-purpose field, which is what the Church of the Nazarene has. He suggested that there was a different way to do the design. In his opinion, he did not agree with what the church's engineer said that they evaluated all possibilities. What he has drawn here encroaches on the road and 20' is nothing in those woods. When he drives up Piney Mountain Road he can see 50' to 60' into the woods and this development will change that. The proposed parking area will put people behind the gate. That is a real concern.

Mr. Morris invited questions.

Mr. Dotson asked where the gate was located.

Mr. Boldt replied that the gate is on this side of the intermittent stream. It is 450' up the road. The gate was paid for by a combination of the residents, the FAA, American Tower which has a cell tower site used by AT&T and Ntelos, Crown Castle which has Ntelos, T Mobile, US Cellular and Verizon, Albemarle County antennas for emergency vehicles, and the residents. He maintains it because Piney Mountain Road is owned by his wife and him. They grant an easement to the rest of the residents, the FAA, and the cell phone people. There is a fair amount of activity. Before the gate was put in there was a sufficient amount of vandalism and dumping. He has hauled 350 tires, car parts, engine blocks and a lot of trash off his property. The gate has minimized that.

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

Mr. Morris asked if the applicant wanted five minutes for a rebuttal.

Mr. Blackwell said hearing the concerns it was probably an error on his part for not getting with the neighbors. He would move that they table the soccer field. It is obviously a lot of concerns tonight. He will get with the neighbors on the soccer field for everything north of the hour glass bubble. However, they would like to move forward on the church parking lot and church. They would like to table the soccer field application to allow time for him to get with the neighbors and come up with something. He asked for a deferral on the soccer field request.

Mr. Kamptner said that was fine. He takes it that the applicant wants the Commission to take action on the church special use permit.

Mr. Blackwell said they would like to move forward on the church.

Mr. Morris noted that it involves a critical slopes recommendation.

Mr. Kamptner asked staff to clarify if the critical slopes affect both of the areas or just the soccer field.

Mr. Clark replied that there are small areas of critical slopes in the church area and in the soccer field area.

Mr. Kamptner said the Commission could make a recommendation on the special exception as well.

Mr. Blackwell said they want to be a good neighbor. Again, he would get with neighbors and he would like to get some names so they could set up a meeting time to coordinate whether they slide the field or make it smaller. There is an old saying that if they get ten engineers in a room you will have eleven opinions. They will get together and coordinate their opinions on how that field should be laid out and get with the county staff again on some of these issues with the soccer fields and the slopes and setbacks with Piney Mountain Road so people are not going around their gate coming up to the soccer field. They want to be a good neighbor on that issue.

Mr. Morris said in the interest of time he would entertain a motion to approve the applicant's request for deferral on the question of the soccer field so it removed it from the discussion.

Mr. Franco said he would like to ask the applicant another question. Thus far he felt that the use of the church is acceptable to the community. However, there has been some question about the scale of the soccer field. It has also raised the question about security and buffering to the adjacent road that could affect the design of the site. Is it enough to get an indication from the Commission that a support of a special use permit for the church is there, but wanting to send the applicant back to discuss the whole plan with the neighbors? He asked how that would impact the applicant.

Mr. Blackwell replied that they would like to move forward with the church. If they have seen the site, he pointed out they were trying to crab up that slope trying to keep the driveway at a steady grade. They have to crab along the slope to get up to that pad site. To switch the driveway to the east side of the site all he would have to do is slide the new church and the parking lot closer to Piney Mountain Road. The church drive and parking lot areas are on the outside of the gate. He thought they could do the church plan. The church would like to move forward to get the building going. Obviously, they are willing and want to work out the solution for the soccer field or multi-purpose field.

Motion for SP-2010-47 New Hope Church Soccer Field

Motion: Mr. Loach moved and Mr. Franco seconded for deferral of SP-2010-47 New Hope Church Soccer Field.

The motion passed by a vote of 7:0.

Mr. Morris asked if he could assume it was indefinite deferral.

Mr. Benish replied that was up to the applicant. He thought that was the safer approach to give the applicant time to schedule with the neighbors.

Mr. Morris said as soon as the applicant is ready they will try to get them back to hear the soccer field request. He noted the Commission would now consider the church and associated critical slopes.

Mr. Smith asked if the church sells the property could all of the trees be cut to build a house.

Mr. Clark replied that they certainly could put a house on the lot. However, he was not sure they could cut every single tree because there are stream buffers.

Mr. Franco noted they could cut every tree outside of the stream buffers.

Mr. Lafferty asked how many public soccer fields are within a 10 or 15 mile radius of this, or how many soccer fields do they know of in this area.

Mr. Clark replied that there are several on Polo Grounds Road with the soccer facility.

Mr. Benish noted that all the schools would have one or two soccer fields. He noted that Baker Butler School has one soccer field and the Hollymead/Sutherland complex has three.

Mr. Morris asked if there was any discussion for the church or critical slopes.

Mr. Kamptner suggested that condition one may need to be modified because it refers to the conceptual plan. He recognized that they have two uses shown there. But, it may be that they will want to perhaps draw a line across that identifies the area for the church use.

Mr. Benish noted the approach to take is to emphasize in their action that this approval is just for the church. One of the items staff will take care of with the applicant before it is scheduled with the Board is to ensure that the concept plan is consistent with just the approval of the church. Staff can make sure that adjustment is made.

Motion for SP-2010-46 New Hope Church

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP 2010-46 New Hope Church with the conditions as outlined by staff for approval of the church only.

1. Development and use shall be in general accord with the conceptual plan titled "Conceptual Plan: New Hope Community Church," prepared by Blackwell Engineering PLC, revision number 3 (dated 2-18-12), (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major element within the development essential to the design of the development, as shown on the Conceptual Plan **for the church only**:

    - location of buildings and structures, which may be built in phases
    - location and maximum number of parking spaces, which may be built in phases
    - location of the entrance
    - location of the "wooded area to remain," within which land clearing and development shall not occur, with the exception that the designated "Proposed Reserve Drainfield" site may be cleared and used only for that purpose

    Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

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

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

4. There shall be no day care center or private school on site without approval of a separate special use permit;

5. Entrance design and location must be approved by the Virginia Department of Transportation before construction of the access road for this use may commence.

6. Written approval of water-supply and septic facilities from the Virginia Department of Health must be submitted before this use may commence.

7. **Adjustments to be made to concept plan prior to scheduling with Board to ensure that the concept plan is consistent with just the approval of the church.**

The motion passed by a vote of 7:0.

Mr. Benish suggested that the motion for the critical slopes waiver be made just for the church area.

Motion for Critical Slopes Waiver:

Motion: Mr. Loach moved and Mr. Smith seconded to recommend approval of the critical slopes waiver for SP-2010-46 New Hope Church associated with the church only.

The motion passed by a vote of 7:0.

Mr. Benish clarified for the record that recommendation on the critical slopes was just for the church area.

Mr. Morris noted that SP-2010-46 New Hope Church and associated critical slopes waiver would be forwarded to the Board of Supervisors with a recommendation for approval at a time to be determined.

The Planning Commission took a break at 7:25 p.m. and the meeting reconvened at 7:32 p.m.

SP-2011-00027 Panorama Events
PROPOSED: Special events in existing barn
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.50, which allows for Special events (reference 5.1.43)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 1 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: Reas Ford Lane (Route 661), approximately 0.5 miles south of its intersection with Reas Ford Road (Route 660)
TAX MAP/PARCEL: 04500-00-00-00100
MAGISTERIAL DISTRICT: Rio
(Scott Clark)

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

This is a special use permit request for special events in an existing barn on Panorama Farm. Included in this request is a modification for Sections 5.1.43(e)(1) to permit a maximum attendance of 150 to 200.

The farm road comes in from the entrance at the corner of the farm. The parking area along the farm road is where the vehicles for the events would park. The restroom trailer would provide facilities for the attendees. Access is on Reas Ford Lane which is a narrow unpaved rural road. About one-half way along Reas Ford Lane from Reas Ford Road at the entrance at the Graymont Subdivision there is a road narrows sign. Beyond that point the road narrows somewhat and the majority of the traffic beyond that point is for the four houses at the far end of the road and the farm. The road to the farm has an improved graveled road for access to the site. It is gated when not being used for events or farm business.

PROPOSAL:
The applicant is requesting to hold up to 24 events per calendar year, with up to 200 attendees per event. The events will be held in an existing barn, with some wedding ceremonies to be held outdoors. However, there will be no outdoor amplified sound.

The site under discussion here is at the area in the northwest corner of Panorama Farm.

SUMMARY:
Staff has identified factors which are favorable and unfavorable to this proposal:
Factors favorable to this request include:

1. The events would be located 1,500 feet or more from any nearby dwelling, and would not involve outdoor amplified sound.
2. Income from this use would help to support agricultural land uses and land preservation in the Rural Areas, as recommended in the Comprehensive Plan.

Factors unfavorable to this request include:

1. Access to the site is via a narrow, unpaved rural road. However, the one-way nature of arriving and departing traffic for this kind of use would help to prevent opposing-traffic conflicts.

Staff received an email from the house that is 1,500 feet away. It is the only house that has a direct view of the barn and probably the parking area. The house is right on the boundary of the farm and there is essentially nothing in between. The other dwellings in the area are buffered by woods.

RECOMMENDATION: Staff recommends approval of SP-2011-00027 based upon the analysis provided herein, with the following conditions:

1. Development of the use shall be in general accord with the conceptual plan entitled "Concept Plan" and labeled "Attachment A: Aerial View," prepared by the applicant, and dated 10/17/2011 by staff. To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:
    - the structure used for the events
    - the location of the parking areas

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

1. The maximum number of events per calendar year shall not exceed 24.
2. The maximum number of event guests shall not exceed 200 persons.
3. Hours of operation for the events shall be no earlier than 11:30 a.m. and no later than 10:30 p.m.
4. No new permanent outdoor lighting shall be installed for this use.
5. There shall be no outdoor amplified sound permitted for this use.
6. The use shall not commence without approval from the Virginia Department of Transportation of sight distance from the entrance to the property.

Zoning Ordinance Modification:
The proposed modification, is to permit 200 attendees, rather than the maximum of 150 as required under 5.1.43(e)(1). Note that the number of events per year (24) would still be limited by the ordinance.

- The parking and barn are located sufficiently far into the site, and available space is large enough, that the increase from 150 to 200 attendees will not significantly increase impacts on the site or the immediate surroundings.
- The number of guest vehicles would increase from approximately 60 to approximately 80, meaning that the additional traffic impact would be limited.
- Farm-winery events are by right up to 200 attendees and are commonly held without significant problems. This proposal is substantially the same as the type of events held at farm wineries (weddings, meetings, reunions, etc.).

Staff recommends approval of this modification with the following condition:

1. The maximum number of event guests shall not exceed 200 persons.

Mr. Morris invited questions for staff. There being none, Mr. Morris opened the public hearing and invited the applicant to address the Planning Commission.

Margaret Bloom, representing the request, noted she was accompanied by her husband, Noah, and two uncles Steve and Drew. They all work together to run the farms existing businesses with other family members. They have had several other special use permits for the farm that have come and gone.

- Our intentions for this special use permit are mostly two-fold. One, they always like to look into alternative revenue sources for the farm in order to help sustain it as an as open space. Two, they like to create reversible ventures so that over time, even though they plan to maintain it as open space and keep in family, they don't necessarily know what the future holds. So they do want to make sure anything that they do on the farm is not going to provide any negative long term impacts to the land so that it can always be returned to true agricultural use.
- They feel this is a smart use of the resources that they have on hand to generate alternative revenue sources and to open up the beautiful property to the community. There are many folks that don't necessarily have access to green spaces and allowing them to attend an event on the farm does kind of cheer everybody up a little bit. They feel that is also in concurrent with a lot of the county's current policies.
- They are aware that traffic is the main concern for both the county and the residents in the neighborhood. They have been very open to addressing those concerns in a number of different ways whether that means increasing sight distances, providing different entrances for entering traffic versus exiting traffic so that they would be very welcome to those discussions and making sure that everybody is happy with those solutions. They will add that the nature of weddings and events like Mr. Clark discussed is that there is predictable one-way traffic during certain times of the day and during certain dates that they will know well in advance. This is something that they feel the neighborhood will be able to refer to so they will know very well in advance that perhaps at 4 p.m. on Saturday in the middle of April they might anticipate a little more traffic on that road than they would during other times of the week. Those are the main things and she welcomes comments and suggestions.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked what the existing uses are of the barn. They received a letter from Sharon Davis that talks about activity April through October of last year. It sounds like if this is not going on there then someplace else.

Ms. Bloom replied that the first thing that they have a special use permit for is a summer camp that is run during the month of June. It is very short and during the week. They did host a few weddings last year for family members and friends of the family, which might be what she is referring to. But other than that there is no full time activity in the barn.

Mr. Morris noted the first time he became aware of their lovely area they were watching a cross country meet on their property. It seemed to be a lot of people. He asked her to describe that and roughly how many people were there and any traffic problems.

Ms. Bloom replied that Panorama was for the most part divided in half. There is a creek that goes down the middle of the farm that keeps the two halves of the farm mostly separate. On what they call the front side of the farm, which is accessed by Panorama Road, that is where the Cross Country Meets happen. That is also where our main business Panorama Pay Dirt exists. The back side of the farm, which is where the barn is in existence, is completely separate from that. The two sides can only be accessed via a very rocky road with a tractor or 4-wheel drive vehicle. First of all they are almost completely separate as far as their entrances to the public. The front side of the farm is where the Cross Country Meet occurs. They are permitted to have 8 races per year. During those Saturdays when races occur the vehicle traffic increases substantially. It varies depending on the race itself. Some races are much smaller fundraising efforts that might be more like 100 cars and some are for the University of Virginia ACC final meets. So those are substantially larger. There is a big variation. She would have to refer to Steve on the exact numbers on that. However, that is a completely separate road that is paved.

Mr. Morris said the reason he asked was it was substantial traffic and it looked like it was managed very well.

Mr. Franco said that it is substantial traffic. When going in on the front side he was the last driveway on the left. They do manage it well. Typically he is notified by email ahead of time as well as the rest of the neighborhood that an event is coming. They know to get in and get out early on that Saturday. When they have been caught in traffic it is 10 to 15 cars that are sort of being held at the front of the driveway while others come from the other direction. It is managed fine and not a problem for the community.

Mr. Dotson said that he was going to follow up on Ms. Clark's letter. She is under the impression that it seems busy every weekend on the back side of the farm from April through October. He asked if that is not the case.

Ms. Bloom replied that she is referring to it has already been busy every weekend April through October. She said that is not true. They have said the months April to October because they do anticipate that if they do hold a full 24 events during the year it will be between those months because the barn does not have heat. It could be that is why she is referencing those months. They don't want to necessarily pigeon-hole themselves in saying there will never be an event in January. However, they are 99 percent sure that if they were to hold 24 events they would happen during the warmer months. That does make it a little bit more concentrated. It could mean that it is every weekend, but more than likely because this is a wedding business and July and August are very scaring months for brides to be married because of the heat, there certainly will be some off weekends during that time.

Mr. Smith how much of Reas Ford Lane is state maintained.

Ms. Bloom replied past our entrance.

Mr. Clark noted that it was almost all the way to the end.

Mr. Smith asked if there were any turn outs down to their property.

Ms. Bloom replied that there was one at the top corner where there was a driveway that could be used as a turn out. But the rest of it there was about a 6" to 12" embankment on each side.

Mr. Clark said back at the intersection with Graymont Lane it was a fairly sizeable intersection. Graymont Lane and Reas Ford Lane was a sizeable area for getting around something or turning around.

Mr. Smith asked if they do not own the property on Reas Ford Lane, then there is no possibility of adding some turnouts.

Ms. Bloom replied that was correct.

Mr. Randolph said if they were to exclude the months of July and August and then they take the months of November, December, January, and February out they drop 6 months off the schedule. Essentially they hope they would be planning every single weekend if business was such during the other months. He asked if their neighbors are fully aware that this would be almost every weekend during that season. Mr. Franco has said they do communicate with neighbors when there is a special event so they get prior notification from the farm ahead of time. So there is no misunderstanding and the neighbors are well aware of what is going to transpire. He asked if that is correct.

Mr. Franco replied yes, at least on our side.

Mr. Bloom agreed that was correct. They held sort of a town hall meeting last fall with all of the neighbors. They invited everyone who is on Reas Ford Lane and Graymont to come and discuss the potential of this venture. They laid it all on the table and told them what they were hoping to do. There were certainly some concerns brought up and they adjusted their plans accordingly. So they should be fairly clear that it is going to be very concentrated to the spring and the fall. At the same time they did not

want to provide any limitations more so than they needed to. That is why they just kept with the 24 number. More than likely it is going to be less than that because once again there are only so many Saturdays in the spring and fall during the more desirable months for events to occur. The neighborhood should be fairly aware that it is going to be pretty concentrated.

Mr. Randolph said he would assume given the fact that they are an operating farm they probably have the equipment on site that if they did have extremely dry dusty conditions they would be able to put water down on part of that road to mitigate dust that could be produced with high level traffic.

Ms. Bloom said they technically do have that equipment, but like she referenced earlier since the farm is so separate most of that equipment is located on the front side of the farm and they can't get it at a moment's notice. They currently do not have any plans to be able to address that issue unless they were in future to be able to come up with the funds to actually truly pave that driveway that is on their property. They have no plans to do that at this time. The dust is a major concern of the neighbors and that is unfortunately anything they can guarantee a solution for at this time.

Mr. Smith noted that they don't need to know at a moment's notice about whether it is dry or not. She will have plenty of warning.

Mr. Lafferty said it is a beautiful piece of property and he compliments them for trying different things to keep it together.

Ms. Bloom asked to address the request for the addition they wanted from 150 to 200 guests permitted for a wedding. It actually is because of the farm winery because they are allowed up to 200 guests. That is the reasoning behind that. They would like to stick with that since it is sort of uniform across the county with other event venues. In order to be competitive they would like to be able to up that number to 200.

Mr. Morris said that consistency is very appropriate personally.

Mr. Lafferty and Mr. Smith agreed.

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

Mr. Kamptner said for the Commission's information the modification that is requested to allow the increase in the attendees that will also be a recommendation of the Commission as a special exception.

Mr. Lafferty said that should be uniform county-wide. If they are going to do it for wineries, they ought to do it for everybody. It seems inequitable to single out non wineries.

Mr. Kamptner said the special events regulations predate the newer farm winery regulations.

Mr. Lafferty said he hoped they look into it.

Mr. Benish noted that he thought staff would look into it.

Mr. Randolph echoed the same sentiment. There is no reason this applicant should be put at a competitive disadvantage in looking for wedding business and have to put in literature on a website a cap of 150. Brides are not going to know at the outset necessarily how many people are going to be there. He thought that 200 guests were monumental for the number of people at a wedding to begin with. Having it consistent across county there is a lot that speaks to that.

Mr. Dotson asked what the status is of our noise ordinance that would apply in this vicinity

Mr. Kamptner replied this would be subject to the standard rural area metered noise standards. So it is 65 decibels up until 10 p.m. and 55 decibels between 10 p.m. and 7 a.m.

Mr. Dotson said since that applies there is no need to have a condition saying that.

Mr. Kamptner agreed. The zoning administrator's strong desire is that she be allowed to enforce the noise standards as they are in 4.18 without specific modifications.

Mr. Dotson said another question about the definition of events if they are approving this to allow events but they have in mind weddings and things that have a set beginning time and a set ending time as opposed to fairs and festivals, as the staff report mentions if they are just approving events would that allow fairs, festivals and things that would have traffic coming and going throughout the day.

Mr. Kamptner replied that events like fairs and festivals, which extend more than one day, require separate approval as a special event.

Mr. Dotson said their assumption is that it is weddings and sort of things that have a beginning and an end. Events are potentially a wide open term.

Mr. Franco noted that it does have hours of operation. It does have a start and an end on a daily basis. Even if it was a fair it would have to start no earlier than 11:30 a.m. and end by 10:30 p.m. each day.

Mr. Loach asked about condition 5 if no outdoor lighting would be installed for this use. He asked if that is too restrictive for the applicant. He thought that they might need more lighting at the barn.

Mr. Lafferty said he would assume they could use temporary lighting with generators and things like that. He asked if they are going to need some kind of lighting.

Mr. Morris said they don't want to tie their hands is what he was hearing him say.

Mr. Kamptner asked to answer Mr. Dotson's question more specifically. He noted a special event is defined to be a single day occurrence. If there was a busy weekend with events Saturday and Sunday those would count as two special events. He clarified that a special event may be conducted for up to three consecutive days for which attendance is permitted only by invitation or reservation. He noted that separate actions need to be taken on the modification and special use permit.

Motion on Special Use Permit:

Motion: Mr. Randolph moved and Mr. Smith seconded to recommend approval of SP-2011-00027 Panorama Events with the staff's recommended conditions.

1. Development of the use shall be in conformity with the conceptual plan entitled "Concept Plan" and labeled "Attachment A: Aerial View.", prepared by the applicant,

   To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

   - the structure used for the events
   - location of the entrance and parking areas

   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The maximum number of events per calendar year shall not exceed 24.
3. The maximum number of event guests shall not exceed 200 persons.
4. Hours of operation for the events shall be no earlier than 11:30 a.m. and no later than 10:30 p.m.
5. No new permanent outdoor lighting shall be installed for this use.
6. There shall be no outdoor amplified sound permitted for this use.

7. The use shall not commence without approval from the Virginia Department of Transportation of sight distance from the entrance to the property.

The motion passed by a vote of 7:0.

Motion on Modifications:

Motion: Mr. Lafferty moved and Mr. Randolph seconded to recommend approval of the modifications of Sections 5.1.43(e)(1) for SP-2011-00027 Panorama Events with the following condition for reasons outlined in the staff report.

1. The maximum number of event guests shall not exceed 200 persons.

The motion passed by a vote of 7:0.

Note: The proposed modification, as discussed above, is to permit 200 attendees rather than the maximum of 150 as required under 5.1.43(e)(1).

Mr. Morris noted that SP-2011-00027 Panorama Events and the modification request 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.

- An abridged Land Use Law Handbook and a cheat sheet (quick reference), would be worked on by Mr. Kamptner and made available in several weeks.
- Bruce Dotson brought up an excellent point that various professional organizations, state as well as national, select certain comp plans and other planning documents that judges feel are deserving of special merit. He suggested possibly getting some of these and passing out copies to the Planning Commission and sitting down to determine what makes them so special.
- Additional information on the transportation models passed around by Mr. Lafferty can be obtained from the MPO web site.
- Request for status of request for joint meeting with Board about expansion of the Development Area. The majority of the Commission felt that it was not appropriate at this time.

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

New Business

Mr. Morris invited new business.

- Request to possibly adjust PC meeting dates in summer to accommodate absences. Commissioners should forward dates they will be away to staff for consideration of schedule change.
- Julia Monteith will be absent at next week's meeting on May 15.
- Commissioners want to discuss the characteristics and character of rural area and what it means to live in the rural areas. When the Commission discusses the rural area section in the comp plan there are issues that the Commission wants to rediscuss based on the vision of the rural areas. Several Commissioners missed the rural area discussion. It may be helpful to have a higher level view to make sure they are on the same page for the current comp plan. It would be helpful to discuss the changes and the cumulative effect of that.

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

Review of Board of Supervisors Meeting – May 2, 2012

Mr. Benish summarized the actions taken by the Board of Supervisors at its meeting on May 2, 2012.

Adjournment

With no further items, the meeting adjourned at 8:21 p.m. to Tuesday, May 15, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

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