Albemarle County Planning Commission
September 11, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, September 11, 2012, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Joanne Tu Purtsezova, Planner; Scott Clark, Senior Planner; Christopher Perez, Senior Planner; Elaine Echols, Principal Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission; Lee Catlin, Assistant to the County Executive for Community and Business Partnerships**,** Andy Sorrell, Senior Planner; Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish

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

Other Matters Not Listed on the Agenda from the Public:

Mr. 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. Lafferty asked to bring attention to a meeting on September 27th from 6 to 8 p.m. about VDOT's report on the environmental impact of the Western Bypass at Jack Jouett Middle School behind Albemarle High School. The impact statements are roughly 67 pages long. It was done on the original design and not the current design. So it appears to be somewhat inadequate. However, it is an important meeting for people to attend. It is open the whole time so someone can go in and they will informally answer questions.

Review of Board of Supervisors Meeting – September 5, 2012.

Mr. Cilimberg reviewed the Board actions taken on September 5, 2012.

In addition, Mr. Cilimberg made the Commission aware of some discussion that took place at the Board's request regarding wireless policy and regulations. The Board had asked for consultant assistance and outreach to the providers in making some recommendations regarding possible changes to policy and regulations. The Board received a report last week from staff which included the consultant's report. Now they have asked that staff hold some input meetings with the public to discuss the wireless policy and perspectives from those in and outside of the industry regarding that. Those meetings have not been scheduled but will be held in the coming months.

The Commissioners expressed an interest to receive an update on the Wireless Policy.

Mr. Cilimberg pointed out the report is online from last week's meeting. However, staff will provide an update to the Commission.

Public Hearing Items:

SP-2012-00008 Daylily Preschool
PROPOSED: Request for special use permit amendment to increase maximum number of children from 10 to 20 in private preschool located within existing Mountain Plain Baptist Church, but not affiliated with Church

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.7 Day care, child care or nursery facility
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: 4281 Old Three Notch'd Road, at intersection of Brown's Gap Road (Rt. 680) and Seven Hills Lane
TAX MAP/PARCEL: 05700-00-00-02600
MAGISTERIAL DISTRICT: White Hall
(Joanne Tu Purtsezova)

Joanne Tu Purtsezova presented a PowerPoint presentation

The request is for a special use permit amendment to increase the maximum number of children from 10 to 20 in a private preschool located within existing Mountain Plain Baptist Church, but not affiliated with Church

The applicant has requested an initial lower floor or basement occupancy as well as a second phase of upper floor occupancy, which is the first floor. At this time the State cap from Social Services is 17 children on the lower floor due to square footage. The Building Official is requiring additional improvements be made in order for them to use the upper or first floor. Specifically, they are requesting to have 17 children on the lower floor to meet the State cap and then 3 children on the upper floor. However, once they do make the improvements they would like for that number to be flexible within the bounds of 20 children. A recommended condition will be 20 children, but the actual number between the lower and upper floor is not something of substantial issue.

Staff explained the improvements proposed. The Sunday school is to the right of the main building of the Mountain Plain Baptist Church, which is where the Daylily Preschool is located. Specifically, the improvements that will be required by the Building Official are stair enclosure improvements to the fire shaft and a smoke detector installation. The conceptual plan is otherwise the same as from SP-2009-22 with the exception of the change in the enrollment. There is still a playground or tot lot right behind with grassy area. Parking is currently sufficient and additional gravel parking supplements the paved parking. Nearby is adjacent rural residential and just past the juncture with Seven Hills Lane is Mountain Plain Cemetery.

Staff finds the following factors favorable to this request:
1. The use is consistent with the Comprehensive Plan/Rural Area Plan.
2. The proposal provides a day care option for people who live and work in the area.
3. No detrimental impacts to adjoining properties are anticipated.
4. The renovations to the building, which are required for upper floor daycare occupancy, will enhance the site.

Staff finds the following factor(s) unfavorable to this request:
1. The Building Official can only recommend approval with the new conditions attached, as outlined below.
2. The Health Department can only recommend approval with the new conditions attached, as outlined.

The Health Department is primarily interested in having no more than 20 students and 3 staff (teachers are teaching assistants) due to concerns with water use, septic capacity as well as the level of water use recommended to be regulated using a condition of no clothes washing and no food preparation, which have been standard with some of the other similar requests from this year.

Staff reviewed the proposed conditions, as follows.

- The maximum enrollment shall not exceed 20 children. The number of staff shall not exceed 3. As mentioned that is primarily a Health Department requirement.

- The hours of operation shall not begin earlier than 8:30 a.m. to 12:30 p.m. each day, Monday through Friday. Please note that previously the condition was for 8:00 a.m. to 1:00 p.m. However, the Health Department says now they can only operate for four hours each day due to the concerns with water use. The standard Social Services condition will still need to apply. The improvements as stated in the Building Official letter will need to be completed in order to occupy the upper floor or first floor. Fire and Rescue shares the same concern as the Building Official, which is the upper floor needs to be inspected before it can be used. Condition 8 is a Building Code limitation. Conditions 9 and 10 are Health Department recommendations.

Staff recommends approval of SP-2012-008, Daylily Preschool with conditions listed in the staff report with the one minor change to condition #6 and the development needs to be in general accord with the revised conceptual plan. The revised motion should be to recommend approval of SP-2012-00008 with conditions as revised by the County Attorney's Office.

Mr. Morris invited questions for staff.

Mr. Loach asked if the 20 children and 3 staff was the maximum the Health Department will allow. In the condition it says limit staff to 3. He was thinking down the road that adding another staff person would be advantageous if they go from 10 to 20 students. If it would be allowable under the capacity of the system he wouldn't want to not allow it.

Ms. Purtsezova replied that would probably be allowable based on her conversations with Josh Kirtley at the health department. What he has said is they would need to upgrade their septic system then further review of water use would be required. At this time based on their current request 20 students and 3 teachers would need to be the maximum. However, the health department has also said that 21 students and 2 teachers would be okay, but not in the other direction.

Mr. Benish pointed out it sounds like there is a cap of 23 people on the site, which is the answer to the question.

Mr. Loach asked if conditions 6 and 7 are together since condition 7 is contingent on 6. In other words, to get approval of Fire and Rescue they have to make the changes in condition 6.

Ms. Purtsezova replied the two conditions are close to one another but not quite the same. The reason is because revised condition 6 is a Building Code limitation that has to do with them needing to do the smoke detector installation and the Building Code changes to the current building. However, the Fire & Rescue comments were actually a little bit more precise. They needed to have an inspection by the Fire Marshall's office for approval of the upper floor.

Mr. Dotson noted several questions on condition 4. He asked if hours of operation mean when students are there. In other words, teachers may come in early and stay late. That would be fine. Hours of operation would be when the students are there.

Ms. Purtsezova replied that was something that she never was able to vet out. The reason is because the health department explicitly stated that the use would be limited to 4 hours per day. However, they are aware that parent drop off and would require 15 minutes plus or minus on either end and also as he was saying employees staying longer hours. That she was not sure about. But to her knowledge the health department has said specifically four hours per day.

Mr. Benish asked that to be clarified before the Board meeting.

Mr. Benish noted that staff will make sure that is clarified. He thought it was when school starts. That is when they have the full enrollment and the potential impact to the septic system.

Mr. Loach noted his interpretation would be that it was four hours at capacity.

Mr. Dotson said related to that is there anything magic about 8:30 a.m. to 12:30 p.m. because in the explanation it says four hours. He wondered if the applicant wanted to change it to 8:15 a.m. to 12:15

p.m. or something else. While minor modifications are allowed that is just a hassle if what they are really after is four hours.

Ms. Purtsezova replied sure, since the health department did say four hours specifically. Staff put in that time because the original request was for 8:30 a.m. to 12:30 p.m. To her knowledge there is no specific magic to that number. It could change feasibly.

Mr. Benish noted they could adjust the condition.

Mr. Dotson said that it would seem to avoid unnecessary precision.

Mr. Randolph asked if this building is used as a parish hall by the church.

Ms. Purtsezova replied no, there are two separate buildings. One is the main building that the Mountain Plain Baptist Church uses and then this is the Sunday school building. So they also use this. But the Daylily Preschool currently only uses the basement or the lower floor.

Mr. Randolph asked if they have an idea of the size of the Sunday school program and whether that exceeds 23 people on Sundays.

Ms. Purtsezova replied that she really did not know.

Mr. Benish noted that would be likely a one- time event per week as opposed to a five day event per week, which might plug into that capacity issue.

Mr. Randolph said he understood that. However, as an example if hypothetically there were 40 children with adults using it on Sunday any loading of the septic system would actually come as a result of first day activities and not activities on days two through six in the week.

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

Elizabeth Claman, the director and teacher at Daylily Preschool located in Mountain Plain Baptist Church in Charlottesville, Virginia, said as stated the hours of operation are currently 8:30 a.m. to 12:30 p.m. Currently she has 10 children per day. Seventeen families are enrolled at the preschool. The teacher/child ratio is now 5 children to one teacher. Her hope is to expand the preschool's capacity to 20 children per day with 2 teachers and 1 teacher assistant. The teacher/child ration would then just go up a little bit with 6 children to 1 teacher. The ages of children will remain the same of around 16 months to 5 years of age. Daylily Preschool will continue to play an essential role in the community because it will prepare children socially, cognitively and physically for kindergarten. The children still learn reading, art, math, science and social skills in a nurturing environment. They will be actively involved in small group learning centers and instruction on a daily basis. As a reading specialist she will continue to individualize instruction and implement the children's lessons on a daily basis. Her intention is to continue to serve the children in the western Albemarle community. The school will still operate from an existing building with no exterior building or parking lot changes planned. Our preschool in western Albemarle helps reduce the traffic from the Crozet area to the Charlottesville city area. An expansion of the preschool would also help meet the daycare needs of our growing community in Crozet.

Mr. Morris invited questions for the applicant.

Mr. Loach said they have a condition that states no more than 5 children under the age of 2 ½ are permitted. He asked if that is acceptable under these conditions.

Ms. Claman replied yes.

Mr. Morris asked if she had discussed this with the neighbors in close proximity.

Mr. Claman replied there was not a whole lot of neighbors close by. There is a farm behind us, a farm across the road, and a cemetery. Honestly, they don't have a lot of neighbors. They are in the country.

She asked to address the Sunday school question. The Sunday school on Sunday is very small. There may be 5 or 6 children enrolled. It is a real small church and Sunday school.

Mr. Randolph noted that she indicated that the area is growing. If she had the capacity and the septic system was not an issue how many students did she think she could potentially serve in this location?

Ms. Claman replied in this location she believed it would need to be expanded. She thought the Sunday school building the way it is now is reaching its capacity. It would need to be renovated.

Mr. Randolph noted they were here today dealing with this current situation. He asked is their school in terms of a long range plan developing a vision for down the line when in fact if there is continued growth and they have enrollment pressure that they will be able to find a way along with the church to expand on this facility. That is really what he was aiming to find out as more of a concern for her than really a governmental responsibility for her to answer any question to satisfy the need for him.

Ms. Claman replied that she did believe that the Crozet area is growing enough that it could stand to have a larger preschool. She did not have that currently as a plan. However, five or ten years down the road that could certainly change.

Mr. Morris invited public comment.

Jeff Claman, Elizabeth's husband, pointed out what she means is the capacity right now she wants to get to is 20. Then her future growth may be in a different location. The church's constraints are going to be where they are. She just wants to add for that right now. They have a vision together where Daylily Preschool is going to go. That may be another location down the road in certain areas. He did not think she wants to go beyond the 20 that is in that building even with an expansion.

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

Mr. Loach asked to change condition #3, the number of staff, teachers, and supervisors shall not exceed 3, that they remove that and just say that maximum enrollment not to exceed the capacity recommended under the health department. That way if they wanted to change the capacity of student enrollment within the confines they could under the conditions. He asked if that would be acceptable.

Mr. Benish said that would probably work. However, it would have to be put in a way that they were clear as to how to measure that condition.

Motion: Mr. Loach moved and Mr. Lafferty seconded for approval of SP-2012-00008, Daylily Preschool with conditions, as amended, including the condition from Mr. Dotson that said it would be changed to four hours at capacity rather than specific times. They can word their language around that to their needs.

Mr. Kamptner suggested one additional change to condition 7 just so the special use permit condition matches the language in the zoning ordinance as supplemental regulations. The reference to the fire and rescue department should be to the Albemarle County Fire Official. That appears to be the standard terminology that is used in the zoning ordinance.

Mr. Loach agreed to the suggested amendment and that the condition language is worked out by the time of the Board of Supervisors meeting.

Mr. Lafferty seconded the motion.

Mr. Morris invited further discussion.

Mr. Randolph asked to go on the record to commend the staff especially the Fire Marshall for the thoroughness of his recommendation. He thought they were excellent.

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

Mr. Morris noted that a recommendation for approval of SP-2012-00008, Daylily Preschool will be forwarded to the Board of Supervisors to a date to be determined with the following conditions, as amended.

1. Development of the use shall be in general accord with the conceptual plan titled "Special Use Permit 200900022 Daylily Preschool," prepared by the County of Albemarle, signed by the applicant and dated December 4, 2009, and amended by the applicant and re-submitted on July 2, 2012 under SP201200008 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
    - Location of buildings and preschool
    - Location of parking area and entrance to be used for the preschool
    - Relation of buildings and parking to the street
    - Site access including pick-up and drop-off locations and circulation

    as shown on the plan.

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

2. The maximum enrollment shall not exceed 20 children.
3. The maximum number of children and staff shall not exceed the capacity determined by the Health Department.
4. The hours of operation for the preschool shall be limited to 4 hours each day, Monday through Friday.
5. The use shall not operate without the required licensure by the Virginia Department of Social Services, as required by Section 5.1.06 of the Zoning Ordinance.
6. The stairway enclosure and smoke detector installation improvements noted in the Building Official's letter of July 19, 2012 shall be completed, inspected, and approved by the Building Official, prior to the use occupying the upper floor.
7. No portion of the building shall be used without Albemarle County Fire Official approval.
8. No more than five children under the age of 2-1/2 years are permitted.
9. No food preparation is permitted on-site.
10. No washing of clothes is permitted on-site.

SP-2012-00014 Free Union Baptist Church Extension
PROPOSAL: Expansion of a fellowship hall for an existing church on 2 acres. No dwellings proposed.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.35 Church building and adjunct cemetery
ENTRANCE CORRIDOR: No
COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
LOCATION: 3608 Brook Mill Lane
TAX MAP/PARCEL: 04800-00-00-00400
MAGISTERIAL DISTRICT: Rivanna
(Scott Clark)

Mr. Morris noted that the proposal should be Free Union Baptist Church Extension.

Mr. Clark presented a PowerPoint presentation to summarize the request.

This is a special use permit request for a church in the rural areas. This is for an expansion for an existing nonconforming church. An existing nonconforming use can continue as is but if there is an expansion then it has to get a special use permit and come into conformity with the ordinance. That is the situation here. The church is proposing to build an addition for meetings and similar purposes on the back of the church building.

Summary of Proposal:

- The dimensions of the existing church building are 70 feet by 24 feet.
- The proposal is to add an extension of 24 feet by 24 feet.
- This addition would not increase the area of assembly, and would be used to accommodate meetings and special events that current have to be held in the area of assembly or outdoors in tents.

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

Factors favorable to this request include:

1. An existing, nonconforming use would be brought into conformity with the Zoning Ordinance
2. No significant impacts would be created by the proposed addition

No unfavorable factors were found.

RECOMMENDATION: Staff recommends approval of SP2012-00014 Free Union Baptist Church based upon the analysis provided herein, with the following conditions:

1. No new construction shall occur on the site except for the proposed addition to the church building.
2. The floor area of the addition to the existing church building shall not exceed 600 square feet. (The proposal is for 576 square feet. This allows a little extra space without the need for another special use permit in case of a small overrun.)
3. Construction of the addition shall not commence until the Virginia Department of Transportation has approved the location of the church sign on Route 784. (The VDOT reviewer noted that sign might be too close to the road and might need to be moved back. As long as that is taken care of, then that would clear that issue up and the construction could go forward.)

Mr. Morris invited questions for staff.

Mr. Dotson said the sense in which the church is being brought into conformity is because now it will have a special use permit whereas before it did not.

Mr. Clark replied that was correct. It has existed since before the zoning ordinance requiring that special use permit came into effect.

Mr. Morris opened the public hearing for the applicant and to the public. He invited the applicant to come forward and address the Commission.

Reverent Louie Ecar, Associate Minister of Free Union Baptist Church, said it was good to be here among the Planning Commission. Staff did a very good job of laying out the application. As far as the new addition it is not really going to change the capacity of anything. It will not have any effect on the adjacent properties. It will not affect the character of the district and the surrounding properties will not be changed. There will be an addition to the current church as shown on the slide. Most of the church is surrounded by trees as shown on the slide. The use would be in harmony with the purpose and intent of the zoning ordinance and with the use of the area. Everything would be in compliance with what has been shown. The purpose of the addition is to accommodate our special guests on certain days, such as revivals, pastor's anniversary, funerals, etc. There will be no change in the amount of members. Everything is going to remain the same.

Mr. Morris invited questions for the applicant.

Mr. Smith asked the size of the congregation.

Mr. Escar replied the congregation at times is 40 people. However, most of the time it is 15 to 25 people who normally attend on Sunday.

Mr. Morris asked if the church received a copy of the letter that was sent to the Commission. (Attachment 1 – Letter from Paula Brown-Steedly received August 31, 2012 regarding Free Union Baptist Church Expansion)

Mr. Escar replied yes, the church received a copy of the letter today from an adjacent property owner.

Mr. Clark noted that staff emailed him a copy of the letter.

Mr. Morris asked if those items were going to be taken care of such as the clearing so they would have good visibility coming out of the driveway.

Mr. Escar replied that anything that involved safety that may or may not affect individuals going in and out they will work along with the property owners and VDOT.

Mr. Franco said one of the issues raised in the letter was the road maintenance agreement sharing the responsibility of taking care of the road. He asked if that was something they were open to.

Mr. Escar replied no sir, they were not aware of it. As far as the individuals coming to the church talking to members and our pastor about that no one is aware of anything.

Mr. Franco noted that the neighbors indicated that there is an agreement in place on how to maintain the road. He asked if they would be willing to participate in the maintenance of that road.

Mr. Escar replied that at this time he would like for the pastor to answer that question. They just got the letter today.

Mr. Morris invited the pastor to come forward and address the Commission. He pointed out this is not mandatory and not part of the application. However, it was a good neighbor policy.

Reverend Mary Cary, Pastor of the Free Union Baptist Church of Stony Point, Virginia, said she received the letter that is under discussion as of today from her IPAD. She read it very thoroughly. They were not aware of a lot of the situations addressed in the letter. They are a very neighborly and friendly church and very happy to work with any persons that have an issue or complaint. However, in her 15 years of pasturing at the Free Union Baptist Church this is the first time that she has been made of aware of any of the situation. As she was saying they will work with the neighbors. That is what a religious organization should be all about and even this country should be about in helping one another. Certainly in this capacity they will do what is best for the neighbors as well as the church. She also would hope this would not have any reflection upon them not receiving the special use permit for the church. They have been there for quite some time. At this point they really see the need for extending the fellowship hall.

Mr. Benish pointed out one of the conditions does address the sign, which already addresses one of the concerns in the letter.

Mr. Morris invited other public comment.

Ben Carr, a member at Free Union Baptist Church, noted he had been a member there for 25 or more years. He was very surprised to read the letter because no one has approached the church as he knows of unless they approached an individual at the church and maybe that individual made those statements. As far as he knows as long as he has been there no one has approached the church for any kind of statement of asking to maintain the road, cutting any trees or anything related to a sign. It has never been brought to his attention. He definitely would have agreed to help. If they want to cut trees, he has a chain saw and would help them cut trees. If

they need some money for the road, he would give them some money. As far as he knows it has not been addressed to the church. He thanked everyone that has been involved in this special use permit for the church. As had been stated they are praying that the special use permit will be approved.

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

Mr. Franco said that he did not know where everybody stands about the issues raised in the letter. He asked if anyone has any concerns about that.

Mr. Morris noted that he tried to find the Free Union Baptist Church today. It is well camouflaged. He could see this is the first time they have heard about it. He was amazed when he heard about it because the churches he knows in that area are extremely neighbor friendly.

Mr. Franco agreed that he was surprised by the letter as well.

Mr. Loach asked if this goes to the Board.

Mr. Morris replied yes that the item would go to the Board at a time to be announced.

Mr. Loach said he would hope as the pastor said between now and the Board meeting that they would have some time to react and have some more sufficient response at the time of the Board meeting.

Mr. Franco said he was comfortable with that.

Motion: Mr. Loach moved and Mr. Morris seconded to recommend approval of SP-2012-00014 Free Union Baptist Church Expansion with staff's recommended conditions:

1. No new construction shall occur on the site except for the proposed addition to the church building.
2. The floor area of the addition to the existing church building shall not exceed 600 square feet.
3. Construction of the addition shall not commence until the Virginia Department of Transportation has approved the location of the church sign on Route 784.

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

Mr. Morris noted a recommendation for approval of SP-2012-00014, Free Union Baptist Church Expansion will be forwarded to the Board of Supervisors to a date to be determined.

SP-2012-00011 Four Seasons Learning Center
PROPOSAL: Amend Special Use Permit to increase maximum enrollment for a Child Care Facility from 54 children to 60 children (6 additional students). No residential units proposed.
ZONING CATEGORY/GENERAL USAGE: PUD Planned Unit Development – residential (3-34 units per acre), mixed with commercial, service and industrial uses.
SECTION: Chapter 18 Section 20.3.2.1 of the Albemarle County Code, which allows for child care facilities.
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential – residential (6.01 - 34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 1 – Places 29.
DEVELOPMENT AREA: Yes
ENTRANCE CORRIDOR: No
AIRPORT IMPACT AREA: Yes
LOCATION: 254 Lakeview Drive Charlottesville VA
TAX MAP/PARCEL: 061X1-00-00-00500
MAGISTERIAL DISTRICT: Rio
(Christopher Perez)

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

- The proposal is to amend the special use permit to expand enrollment of the Child Care Facility. Increase maximum number of children in facility from 54 to 60. The current proposal is to amend Conditions of SP-2010-33 to allow for six (6) additional students to be siblings of existing students.
- The applicant has requested an increase in students to help meet the demand of working families who already have children enrolled in the facility. No building additions are proposed, the licensing agent with the Virginia Department of Social Services has stated that physically the facility can accommodate the additional children.

- **1974 - SP-412 Day Care approved for 32 children**
- **SP-02-06 - Amendment to allow for 40 children (Approved)**
- **SP-07- 01 - Amendment for increase to 64 children (Denied)**
  Aug 2008 – PC Recommends approval of 10 additional children, total of 50
  Oct. 2008 – BOS denied request
- **SP-10-33 – Amendment to increase to 64 children**
  (Approved at 54 Children)
  Feb. 2011 - Applicant altered request from 64 to 54 children per neighborhood concerns, PC Recommended approval
  Mar. 2011 - BOS approved 14 additional children, a total of 54 children

Brief history of the facility:

* In 1974 the daycare was approved for 32 children

* In 2002 the daycare was approved for 40 children (increase of 8)

* In 2007 the daycare applied for 64 children (increase of 24)
The proposal was denied.

* In 2010 the daycare re-applied for 24 additional children a total of 64, but during public hearing revised the request for 54 addition children instead. The board approved the 14 child increase, for a total of 54 children.

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Throughout the last two requests to allow for 64 children, staff has consistently had concerns with increasing enrollment at the facility due to issues with traffic (traffic volumes in excess of an acceptable limit on a residential street, as well as traffic patterns) in addition to a use that is out of scale with the neighborhood.

Proposal:

- Amend Special Use Permit to expand enrollment of Child Care Facility. Increase maximum number of children in facility from 54 to 60.

  *(6 additional children **to be siblings of existing students).***

As proposed staff questions whether such restrictions on **sibling connection** can effectively be enforced, thus it is essentially a Zoning enforcement issue and thus staff must consider the impacts of 6 additional children and how it affects the neighborhood.

Staff Concerns:
The two largest impacts from additional students are:

- Traffic volumes and patterns in excess of an acceptable limit
- Scale of the use in relation to the residential neighborhood

During the last two SP applications to increase enrollment at this facility, neighborhood members have spoken in concern of increased traffic on the residential street as well as traffic patterns.

During the review of this proposal staff considered the 6 criteria outlined in section 31.6.1 of the ordinance, which the board must consider when approving special use permits.

As described in the staff report, staff is concerned that the increase from the additional students will have an effect on 5 of the 6 criteria that the board must considerer.

Also please note that during the last two SP applications to increase enrollment at this facility, numerous neighborhood members have spoken out in concern of increased enrollment and the affect it will have on traffic on the residential street as well as traffic patterns.

Chapter 18 Section 31.6.1…Special use permits for uses as provided in this ordinance may be issued upon a finding by the board of supervisors that such use will:

- ***not be of substantial detriment to adjacent property,***
- ***that the character of the district will not be changed thereby***
- ***and that such use will be in harmony with the purpose and intent of this ordinance,***
- ***with the uses permitted by right in the district,***
- *with additional regulations provided in section 5,*
- ***and with the public health, safety and general welfare.***

Staff has identified the following factors, which are favorable to this request:

1. There is a need for child care facilities in Albemarle County.
2. The six (6) additional students (to be siblings of existing students) as described by the applicant will not require any additional parking than what is already provided nor cause an increase in traffic.

Staff has identified the following factors which are unfavorable to this request:

1. The proposed restriction for six (6) additional students limited to sibling of existing students cannot be affectively enforced.
2. Continued enlargement of the day care enrollment will create a use that is out of scale with this part of the Four Seasons development.

RECOMMENDED ACTION

As previously mentioned throughout this report this facility has the physical capability to accommodate six (6) additional children without any need to modify the facility. The area of main concern as noted throughout this staff report is increased traffic (and traffic related impacts) on a residential street which affects the scale of the use with relation to the residential neighborhood.

While the proposed restrictions placed on the requested enrollment would effectively limit any new/ additional impacts from traffic, staff is concerned that these restrictions cannot be effectively enforced and could result in an increase in total daily enrollment which may affect the scale of the use. **Therefore, staff recommends denial of the request.**

Should the Commission choose to recommend approval and condition the enrollment increase to the description offered by the applicant, (six (6) additional students to be siblings of existing students), staff offers the following conditions be approved which attempt to best address the intent of the proposal:

1. This permit is approved for an office or nursery school and day-care center. The concurrent use of the property for a nursery school/day care center and an office use is prohibited;

2. The site shall be in general conformity with the Minor Site Plan Amendment dated June 26, 2000 prepared by Aubrey Huffman, approved July 18, 2000 by the Department of Planning and Community Development and later approved by Letter of Revision dated December 5, 2000 with the exception that thirteen (13) parking spaces are required and are provided on-site and on the allowable street frontage of

the site. There shall be one (1) business sign located as shown on the Minor Site Plan Amendment which shall not exceed eight (8) square feet in size;

Conditions #3 – #7 below apply to the nursery school and day-care center:

~~3. The number of children occupying the nursery school and day care center shall not exceed fifty-four (54) or the number approved by the Department of Social Services, whichever is less, at any time;~~
3. On days when any school in Albemarle County or the City of Charlottesville is closed to pupils, the number of children occupying the nursery school and day care center shall not exceed sixty (60) or the number approved by the Department of Social Services, whichever is less, at any time; on all other days the permitted number of children occupying the nursery school and day care center shall not exceed fifty four (54) or the number approved by the Department of Social Services, whichever is less, at any time;

4. A minimum twenty (20) foot separation between the **main** building and the property line of TMP 61X1-AA-8 shall be maintained;

5. The concurrent use of the property for a nursery/day care center and a residential use is prohibited;

6. All employees of the day care center, including owners and directors, shall park on-site or in other off-street spaces approved by the Zoning Administrator;

7. The maximum number of employees, including owners and directors, on-site during hours of operation shall be limited to eight (8);

Conditions #8 - #10 below apply to use of facility as offices:

8. The maximum number of employees shall be ten (10);

9. A minimum twenty (20) foot separation between the **main** building and the property line of TMP 61X1-AA-8 shall be maintained;

10. The concurrent use of the property for an office and a residential use is prohibited;

Condition #11 below applies to any use of the property:

11. The small evergreen tree on the Four Seasons Drive frontage at the corner of the parking shall be relocated toward the building, as recommended by VDOT, a sufficient distance to prevent future line-of-sight problems.

Mr. Perez noted the conditions exist on the current special use permit. He blanked out some of the changes to try to address this proposal with specific attention to #3, which is proposed. The applicant has also spoken to him since the staff report went out wishing to correct the restriction of the schools being closed in Albemarle County as well as the City of Charlottesville. Their current student population comes from outside areas of those two to include Nelson County as well as other surrounding counties. That is an issue that has been brought up and condition #3 depending on which way the Commission goes may need to be addressed differently. In addition, after speaking with the zoning Department he has been informed that condition #11 has already been addressed. It was a carryover from previous conditions. That tree has been removed so is no longer an applicable condition.

Mr. Morris invited questions for staff.

Mr. Loach noted that staff indicated the county attorney's office and zoning had worked on condition language. He asked if they were satisfied as far as enforcement that they could do this not based on capacity but now on siblings. He asked how they are going to do that.

Mr. Perez replied if they note the language in #3 as proposed there is no mention to a sibling connection as that seemed to be the linchpin of being able to enforce it or not. This has been crafted to kind of help

enforce the general proposal as in helping parents that have kids in this facility already have their brothers and sisters there when school is not in service.

Mr. Morris said he was a little confused with the wording on the daycare center shall not exceed 54 or the number approved by the Department of Social Service whichever is less at any time. He asked how they shift from 60 to 50 back down to 54.

Mr. Perez replied if they look at the proposal at the portion at the top where it is separated and they speak to 60 students they are distinguishing based on when school is closed. That is where they are getting the 6 additional students siblings of those existing students as in trying to accompany that. When they drop down to the 54 they are going back to this is not a permanent increase of 6. That is why the difference is there. It is so that this is not just a blanket increase of 6.

Mr. Morris said they are assuming that the 6 siblings are already in a public or private school.

Mr. Benish agreed that they were in another school system. He pointed out that a representative from zoning was present. There is a difficulty in enforcing any conditions since they are complaint driven. This is a rather precise condition that just causes greater conflict in trying to enforce over time. He thought zoning would say that it would be more difficult to enforce, but it is theoretically the way written the most enforceable language they could come up with.

Mr. Randolph thought everyone was having difficulty with the language because it is expressed in negative rather than affirmatives. What #3 is actually saying is in normal operating days of the school it shall have more than 54 and if and when any school in Albemarle County or the City of Charlottesville is closed to pupils, then those days and those days alone the nursery school/day care center shall not have more than 60. He asked if that was correct.

Mr. Perez replied that sounds correct.

Mr. Randolph noted that the way it was written made it very difficult to understand what he was trying to say. What is presented to us is really a very marginal increase under extraordinary circumstances of when Albemarle County and the City of Charlottesville close. In recent history not going back to 2009 when they had the snow storm what they are saying is under normal operating conditions it is status quo and only under unique weather related or emergency situations when the surrounding counties are closed to pupils will this facility be permitted to accommodate 6 more students reaching the cap threshold of 60 students.

Mr. Benish noted that it would be all closings.

Mr. Loach said essentially it would seem that they just say that they could go to 60 as long as the number of vehicle trips does not exceed the current number.

Mr. Benish pointed out the Commission has a fundamental decision if they are comfortable with an increase by 6. The cleanest way is to change the total enrollment by 6 to 60 students. Staff was uncomfortable with that. This is a condition that tried to meet the intent of that.

Mr. Loach said the caveat would be that the number of vehicle trips. That would let them know that the number of vehicle trips is per day and that is going to be watched.

Mr. Benish said that would be just as difficult to enforce.

Mr. Cilimberg pointed out they were talking about when school is closed. This also includes the summer. He believed that the applicant was also interested in being able to increase during the summer time. time. So it is not just when it is weather related. It is for all closings where they would be allowed to increase to 60 because they are trying to accomplish parent's interest. The vehicle trip type of condition limitation is not enforceable. There is not going to be anybody able to count trips to see if they are increasing. Therefore, they really have to tag it to a number and decide whether they want to make it only during those specific times when the city and county schools are closed or just make it a general increase

Ms. Monteith said she was just curious what the applicant's response to that would be because as she read the application that was not what they were asking for.

Mr. Randolph noted he was struggling with this because for a parent looking to put a child in daycare they could put the child in this facility and they would arrive in the county at the end of May they would have space available and then they would be told as of the end of August or start of September that the child could no longer be there because the cap is in operation. It puts the institution at a competitive disadvantage. It certainly puts the parents in a position of saying at the outset do they want a space for my child for 3 months because both parents are working and they have to find child care and this facility would not work for them. They are making it very difficult for the applicant to run a business under those circumstances. He would also like to hear from the applicant, but would like to flush this out among all of the Commissioners so they were really clear ahead of time what the implications are for this. It was his understanding from previous school experience that schools have to file something annually either with the county or state in terms of the number of students that are enrolled in a facility and potentially even a list of students in some states. So he would be interested in the applicants letting us know whether they are filing any information. Four times through this report what stood out is a statement that the enrollment increase could not be effectively enforced or verified. He wanted to see if in fact there is a way in which the applicant currently provides information to some authority where a number is provided on annual basis.

Mr. Morris said that was an excellent point. He commends staff for at least seeing is it enforceable because they have asked time and time again if it is going to require some enforcement that they talk about it.

Mr. Loach asked if zoning has had any complaints since the last increase in capacity that they issued.

Ron Higgins, Chief of Zoning, replied no.

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

Barbara Kalemba-Sliwinski said she was the Director and owner of Four Seasons Learning Center with her husband Krzysztof Sliwinski for the last 14 years. Both my husband and I have been Albemarle County residents and taxpayers for the 23 years. She made the following comments.

- The county staff has presented the 14 year history of Four Seasons Learning Center. She was here today with this petition to expand for an additional 6 children/siblings because Four Seasons Learning Center parents have asked for this.
- Actually last summer they had a very difficult situation because Four Seasons Learning Center was full. They very successfully have 54 children. A lot of parents already have children in the school and they know that the school is licensed from 6 weeks to 12 years old and they would like to bring in the second child because the price, location and the gas price so to make one trip to bring their children. It is hard to tell the parents that they are sorry and don't have a place for their child.
- She has had requests from some parents about what they are going to do next summer. They would like to just continue to bring in the children. The requests from the parents pushed her into making the application to help the parents in Albemarle County. There is no impact on the neighbors because they will not crease any additional traffic because it would be the same number of cars that are coming today.
- She would like to thank the staff and everyone involved for the time that has been spent on this matter. They are looking for positive results. Next time they would like to have the staff report material for the Albemarle County Planning Commission meeting a bit sooner.

Mr. Morris invited questions for the applicant. He asked the applicant to address the question that was raised about the reporting of students and if they have to make reports

Ms. Kalemba-Sliwinski replied that they have to report to the state.

Krzysztof Sliwinski said he would answer the question. The day care is licensed from the Virginia Department of Social Services. They have routine visitation from an inspector from Social Services once

a month and every 6 months depending on how she feels. A report has to be made and the license renewed every 2 years. The inspector comes and checks all of the requirements and papers and makes a recommendation.

Ms. Monteith asked as part of that process do they actually report to her the number of students they have when she comes and visits.

Mr. Sliwinski replied yes.

Ms. Monteith said in that case if there were siblings presumably but not always they would have the same last name.

Mr. Sliwinski noted that this is a problem. In their file they have to keep every child's birth certificate and all information required by the state such as the name of the parent and relationship to children of sibling. They have that information in their file, which is required by the state.

Mr. Lafferty asked of the 54 students that they presently have how many of them live in Four Seasons.

Ms. Kalemba-Sliwinski replied right it was about ten families because most families have two children.

Mr. Loach noted what they really are asking for is to allow an additional 6 students greater than 5 year olds. That means they are in the kindergarten and up category.

Ms. Kalemba-Sliwinski replied yes.

Mr. Sliwinski pointed out right now the rules are changing in Albemarle. The children from 3 years old go to the school from 8 a.m. to noon and sometimes from 6 a.m. to 3 p.m. The parents of two children with one baby and one 4 year old they want to bring both children when the school is closed to the daycare.

Mr. Randolph asked if they get a copy of the report from the Virginia Department of Social Services.

Ms. Kalemba-Sliwinski replied yes. The report is available on the website, too.

Mr. Randolph asked if the report verifies that they have met the approved standards in terms of the number of students. Therefore, if they approve the request hypothetically for 60 children year round, then the Department of Social Services will be evaluating the school for 60 students. In essence for a concern about the Community Development Department that they not exceed 60 students if they annually provided a copy of that report, then the county would know that they are meeting the standard under which they would hypothetically permit them to move from 54 to 60. He asked if they would be able to do that.

Ms. Kalemba-Sliwinski replied yes.

Ms. Monteith noted that they were missing the point, which was it would need to be a sibling. It is not just 60 students.

Ms. Kalemba-Sliwinski replied yes that is what she would like.

Mr. Morris noted that point was well taken. He invited public comment.

Martha Wood, resident of 264 Lakeview Drive, said she was coming before the Commission again to request that they uphold the staff's recommendation and deny any additional children coming to this business in our residential community. Mostly she opposes increasing the number because the size of the building and the fact that they keep putting more and more children in the same size. They have a situation with potential problems with class size, which is very near and dear to her heart. Also she was opposed to the principle, as noted on pages 2 and 3 and from the history presented by Mr. Perez, of continually returning to the various boards requesting increases in the number of children. In the case of an earlier one, which she was involved soon after she moved into the community, the Board of Zoning Appeals changed the number in the middle of the discussion, once the public hearing was closed. It

made it a little bit difficult to respond to on behalf of the public. It has been a consistent pattern. She was concerned about the increased traffic in the community. They have limited parking on our street by the residents and homeowners. So that becomes a problem if the persons who are using the daycare center don't comply with using their parking spaces. She reiterated once again that she hoped they would pay close attention to the careful work of staff and uphold their recommendation for denial.

Mr. Randolph asked Ms. Wood if she was a former teacher since she had raised a concern about the class size. He asked when she moved into 264 Lakeview Drive.

Ms. Wood replied that she was a former Albemarle County teacher. She moved to 264 Lakeview Drive in late 2007. This request came in soon after she came in. She had previous information from the owner from whom she bought the property and also from some of her neighbors about what had transpired before and what was happening again. She also lived in Albemarle County from 1979 to 1986. She has been a resident and a taxpayer in the county for some time. Even though she did not always live in the county she has always had an interest in the proceedings and the work of the county. She was a middle school teacher at Walton.

Mr. Randolph said on February 8, 2011 she had expressed concerns similar to those she shared today She brought up the issue of traffic, yet what is under discussion here would effectively not produce any net increase of traffic because these would be siblings assuming they would traffic in the same vehicle. He asked if she would still have that concern about traffic if in fact they are going to be in the same vehicles that are currently going to this facility.

Ms. Wood replied listening to the discussion which has transpired here this evening, she would have some concerns because some of those siblings the 3, 4, 5 and older are in school part of the day in public schools. When their part of the school day closes then they would be brought to the learning daycare center in another trip somehow. However that is arranged is another issue that she did not think they could deal with here. It is probably not germane to the request. However, there could be an increase in traffic. It seems that the principle is involved here more than the actual numbers, which is they keep increasing the size of the student body at this business without an increase in the size of the property.

Mr. Randolph asked if in her vision for the community she would be happier if there was no daycare center there. He asked if she would like it to be an office building.

Ms. Wood replied that she would prefer that.

Courtney Watson said she had been a parent at Four Seasons Learning Center for three years. Currently she has two children enrolled and one in public school that started this year. She supports the Four Seasons Learning Center gaining 6 additional children. Having these spaces will allow her to bring her public school child to the same center on school holidays, closings and vacations. She hoped this proposal is approved today to help her and other parents with similar situations. Other parents have chosen her to speak to the Commission today and present their petition with their signatures. Thank you for your consideration and time. **(Attachment 2: Letters of Support of Four Seasons Learning Center's Application to expand from ten individuals.)**

There being no further public comment, Mr. Morris asked invited the applicant to make a five minute rebuttal.

Barbara Kalemba-Sliwinski thanked the Commission for coming today. There were two things she would like to clarify. First, Social Services measured how many square feet is allowed per child, which actually allows Four Seasons Learning Center to have more children. Social Services approved 79 children for the building.

Mr. Morris closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Randolph said he was struggling because he finds some of the same issues that they dealt with earlier on Polo Grounds Road where they are judging the application. The merits of that application, which was an athletic social mission, initially was judged based on qualitative traffic issues where the applicant really had nothing to do with those issues. They are historical and hereditary. They inherited

them with the site. He thinks he hears echoes of the same thing. It courses through the traffic issues that were raised by staff and also by Ms. Wood. He also wonders should traffic issues such as stop signs and site lines, which he would refer to as the qualitative traffic issues, be separated from the quantitative issue which is traffic volume. They keep talking about flow, but really the issues that seem to be most potentially of concern are functional qualitative traffic issues of stop signs and site lines. He thinks those two items need to be separated out.

Mr. Lafferty said his main concern is the impact on the community. They are only serving 20 percent of their classes come from Four Seasons. They have heard this time and the time before that there are a number of people that feel like this is getting too big for the community it is serving. He did not think people would complain if they were in a business location. But, it is in the middle of a residential community. He agreed that it was unenforceable. However, that does not bother him as much as the impact on the community.

Mr. Morris noted that one thing they need to keep in mind that is just down the street is the old ACAC facility with a large parking lot and lots of traffic.

Mr. Franco disagreed with Mr. Randolph's analysis earlier regarding the comparison to the Polo Grounds Road. He thinks this is different. That one had an issue of traffic for sure and sort of what the road could and not handle. He thinks this is an issue of scale, which Mr. Lafferty was referring to. He did not know that they had a lot of standards or measuring tools here. If they look at the traffic that can be generated by the daycare they are talking about 267 trips. He thinks counting the number of residents that are on that street he believes there are 17. They are talking about 170 trips. So for what they are looking at it is now scaled at least traffic generation wise bigger than the cul-de-sac it is on. That gives him concern. It gave him concern last time. He did not have another tool to measure scale with or that he could think of. But it seems that it is becoming more of a neighborhood for the daycare than it is a neighborhood for the residents. That gives him great concern.

Ms. Monteith said she wondered whether they are talking about what the staff report recommended or that it would be 60 but that it would only be allowed to be 60 when school are otherwise closed. She was trying to understand whoever makes the motion what they would be making a motion for.

Mr. Lafferty said he believed the staff report recommends denial. They crafted the response so that it would fit into the legal terminology. But, the recommendation is for denial.

Mr. Perez said that is correct.

Mr. Benish said the alternative condition was just trying to address the concept of the sibling issue to minimize that traffic impact. They are not necessarily recommending that they approve that condition. It was provided as an alternative if they wanted to try to achieve that. This was staff's best shot at doing that.

Mr. Loach noted the problem that he sees is that they all understand the situation. As parents most of us have been through it. He agreed with Mrs. Brooks on the 3 and 4 year olds. Actually it would be two additional trips. That is why he was saying before if they changed the wording to allow up to 6 full time students during those off school hours it might suffice. That said he was not sure if they are not trying to craft a solution for the neighborhood, which is already up in arms, for a very small number of students meaning a very small circumstance at this time meaning the 6 siblings and children, that number will always be a moving target depending on the demographics of their classes are. He was not sure that they can answer the long term problem in the language that they would have to craft. That is his problem with this.

Mr. Morris asked if he was hearing him correctly that his problem is really taking a look at condition #3.

Mr. Loach said what he saying is he understands the problem. He understands that they are talking about siblings. But, they are also talking about 6 at this time and place in their business and that is going to shift and change depending on what the demographics of the rest of those students are and the number of siblings that they have in those school age years. He understands the problem, but was just not sure that they should craft a solution for 6 students.

Mr. Franco said it seems like it may lead to right now they are at 54 students. He asked why not say 54 families because that would be the same number of trips and they could have as many students as they wanted. He thinks that it starts to lead down a lot of different alternatives. Again, it is placing the scale of the use that is just out of place for that neighborhood. He was thinking of the neighborhood with a cul-de-sac there. He thinks that Four Seasons does have some other locations that are business locations. There is a pool and ACAC. If this entered out onto the main road he would have a different feeling. However, it is coming out into the neighborhood road. He finds it hard to support anything that would increase traffic or the size of the use there.

Mr. Randolph said if in fact the Board backs this up then what the Planning Commission and the Board of Supervisors would be saying is they can't grow at this site. He would be interested in hearing from the applicants if they have had a discussion as a couple about the fact that they can't grow at this site what they will do. He did not want to see a situation where they lose them from Albemarle County and they move to Fluvanna or Green County and open up a daycare. What is this going to mean to the applicants if they in fact say that today the cap is this and what are they going to do for the future?

Mr. Morris noted that is beyond what they are looking at now. If they look at the history of this they have been fairly consistent on what their goal is for quite some time. They are growing and the Commission is looking at the request for 6 additional students that would be siblings of current students.

Mr. Dotson said that Mr. Franco's metric is probably as good as they can do. He thinks it makes the point about scale maybe better than describing it in words. He thinks the other thing is that there was actually a phrase in the staff report at this particular site it is an unusual site. It is sort of a tip of a peninsula. There is not a lot of area where parents can pick up and drop off. He was not out there at the pick up or drop off time and would be very surprised if all of the cars could get on the site that would want to be there at any given point in time. So he would assume that the problem is a lot of confusion, potential path crossings and conflicts and therefore safety issues. It is not so much traffic volume by the houses because this is a cul-de-ac. It could be that people drive on down the cul-de-sac and stop at the curb and walk back with their kids. That should have good impacts. He probably is not going to vote favorably, but he thinks the applicants have a point that there is a terrible need in the community. They saw this when the schools last week closed with very short notice. What do parents do? He appreciates the problem and therefore the business opportunity. Maybe between now and the Board somebody can figure out how to make this work. But he thought there was a real problem and an opportunity because parents do have multiple kids, have jobs, and what do you do when the schools are closed.

Mr. Loach noted the answer may be the school bus. However, he was not sure. The neighbors have said this is about traffic for them and maybe there is a way to cut down the traffic if the school could provide its own transportation. That is the biggest thing. He was looking for ways around it so they could start to meet these needs. Again, he goes back and agrees with what Mr. Dotson said that there is not the need for this. They can understand the situation. He was just not sure they could craft the language or should craft the language for only 6 students. He looks for the applicant to come back with long term solutions to the capacity problems.

Motion: Mr. Franco moved and Mr. Smith seconded to recommend denial of SP-2012-00011 Four Seasons Learning Center based on the Commission's discussion and the findings of the staff report.

Mr. Lafferty voted yes to recommend denial because he believed that it was inappropriate for the neighborhood; that it is over a ten percent increase in their student population; and it would be awfully hard to enforce.

The motion for denial passed by a vote of 5:2. (Morris and Randolph voted nay.)

Mr. Morris noted a recommendation for denial of SP-2012-00011, Four Seasons Learning Center will be forwarded to the Board of Supervisors to a date to be determined.

The Planning Commission took a break at 7:28 p.m. and the meeting reconvened at 7:36 p.m.

Work Session

CPA-2013-00001 Comprehensive Plan Draft –Review of first section of draft plan. (Elaine Echols)

Ms. Echols reviewed the process noting there are a number of upcoming meetings. This meeting is the first of review of four sections of the plan. Next week the joint city/county planning commission meeting will held in room 241 of the Albemarle County Office Building. A week after that anything that they don't finish tonight they will be working on. Staff presented a PowerPoint summary, as follows.

Review of First Chapters of Draft Comprehensive Plan – Planning Commission 9-11-2012

The first chapter is missing, which would be the executive summary. However, that will not come until they are done with the whole document. The final document will be reformatted.

In Chapter 2 the following information is included:
Socio-economic and Housing Information

- *Add Water and Wastewater info to existing Community Facilities*
- *Add information on housing which indicates needs for affordable housing*

Overall
- *Is there other information needed?*
- *Has too much information been provided?*

The Planning Commission held a discussion with staff and provided the following comments and suggestions.

Existing Conditions – Socioeconomic

- Confusion about terminology of socioeconomic and what that includes.

- Focusing on content - Good data but could use a sentence declaring the planning issues/driving forces for the topic and why this is relevant for the county. Include in each section, which actually makes it seem shorter since it would be the key issues and say what they need to pay attention to. Additional backup information could be included. It would make it easier to do the executive summary by just collecting those one sentences. It is just an overall question relating to content. As an example under population something like by 2030 it is projected that the county may need to accommodate an additional 25,000 population. That would say that is the planning implication of this. Something like that could be put in each of those sections, which would actually make it seem shorter.

- The format was hard to read.

- On page 2 where it talks about race – the last sentence talks about a decrease in the number, but is really a decrease in the percentage.

- On page 4, under building permit data it talks about the average ratio of rural area permits to developmental area residential permits over the last 22 years has been 34.5 percent. It is kind of a percent, but usually the ratio referenced would be two numbers versus a percent.

- At the top of the housing chart on page 4 they have 19.4% values at a million bucks. It should be between 500,000 - 999,999.

- School capacity – teacher student ratio would be helpful

- Format – liked data charts embedded in text – in some cases it is a little bit jumpy the way that the column format works. Liked the integration of the images in the charts and the text all on one page.

- On page 1 – under age in the first sentence it should drop "age" and keep "largest" and call it an cohort and say "the largest age cohort of the population are 40-64".

- Commissioners will provide specific editing changes directly to staff and focus on substance in the comments.

- Income – On page 2 income is not the only measure of wealth and should include net worth figures. Federal statistics available. – Net worth will be a very important indicator for this county and provide a portrait of wealth for the county. (There was some disagreement with including this information in a comprehensive plan.)

- In terms of schools on page 5 – add names of private schools – should they be included as an overall part of the community

- Existing facilities – on rivers there is nothing mentioned about the total maximum daily loading (TMDL) or anything about the Chesapeake Bay non compliance or Air Quality. **(Staff noted the statistics on the water quality was not included since they are going to be coming out with our livability project. The Rivanna River Basin Committee has been putting together some hard facts on statistics on the water quality and the measurements. That will be in a separate place. The TMDL strategies are going to be state mandated and will be requirements. So they will be in our implementation strategy as well. The final report will come from the RRBC.)**

- Each time it talks about topic it needs to say what the planning implications are. What are the planning implications of great wealth? They may be expectations of a high level of public services. Need to point those things out each time.

- This is a county plan, but they should mention other jurisdictions in the region at appropriate places. As an example on the population section – include something to show the population projections for the county what are the population projections for the surrounding jurisdictions. Then the planning implication statement would be Albemarle County is expected to accommodate X% of the region's growth over the next 30 years. It would show what our role is relative to other people's roles as they are trying to talk about one community and the things they do to help each other. It would be a more regional view.

- Retirement communities and senior living showing the economic impact of these facilities

- Wealth doesn't have anything to do with the amount one has to spend.

- Focus on how data will be used in the future. Income relates to housing and a lot of things that the wealth is not the metric that is used. Not sure if additional metrics should be included if not going to be used anywhere else. Perhaps include sentence about the character of the community.

- In summary of context - TJPDC Include MPO jurisdiction and the five counties involved.

- Include Albemarle County's size compared to the other counties in VA which would be useful in setting the context in terms of the county.

- Include size of growth area and conservation easements to show how much of the area is protected since that is a big part of the picture of our community.

- Have an asterisk indicating expanding services. Include services for Fire station or library – Include goal of the time of the response for fire/rescue. Police jurisdictions updated. **(Staff noted the expectations will be included in the plan section later on. Here they are laying out where they are now. That report will come later this month that talks about police response time.)**

- **Cross reference will be done by hyperlinks. Add purpose of why this is important data and then make reference that will be addressed in a certain section that they identify in the front section. It will be the plan portion of what the data is all about.** Link to "the Plan" and Cross referencing existing conditions and "the Plan"

- Request for a statement about 95% rural and 5% development in the development area. That seems to be a driving goal of all of this. **(Staff noted that was something the Commission would have to take up in their discussion. Actually it has never been established as a specific goal. It has always been a result of a goal.)** A Commissioner asked that it be a goal. **(Staff noted essentially following the direction the Commission has given to this point it will be the resulted goal.)** A Commissioner asked that it be stated as a goal.

- The map on page 6 Charlottesville and Scottsville are both identified in gray. Use consistency with the maps; and don't use the black for Charlottesville. Treat Charlottesville, Scottsville, Crozet, and Village of Rivanna in the ways that reflect what they are, not just all blacked out. Gray could be used all the way through.

Ms. Echols asked to move on to the visions, values and commitments. They passed Natural and Cultural Resources and will come back to it. The values and commitments are on page 31. The commitments actually come from the 7 strategic plan goals. The values are something that staff put together for two reasons. They have been looking at a lot of Comprehensive Plans. If they want to know what is important to a community they will just say it right out there. Staff felt that it was important to just say these are the most important things to our community. They may or may not be, but it is at least a start on what is important to us. Then the plan is how they say they are going to make sure that they provide for these things in the future. The Commission may or may not agree. She asked for input from the Commission.

Values, Visions, and Commitments – Chapter 3
- *Board of Supervisors Vision*
- *Staff interpretation of what County residents value*
- *4 categories come from the 7 Strategic Plan Goals*

Board of Supervisors Strategic Plan Goals
Strategic Plan Goals
1. **Provide community facilities that meet existing and future needs**
2. **Encourage a diverse and vibrant local economy**
3. **Protect the County's natural, scenic and historic resources**
4. Promote citizen ownership of community challenges
5. **Ensure the health and safety of the community**
6. Provide excellent educational opportunities to all Albemarle County residents
7. Promote a valued and responsive County workforce that ensures excellent customer service

BOS Visions and Goals & Recommended & Staff Recommended Goals and Topics for Comprehensive Plan Update – February 14, 2012 (See Presentation)

Values, Visions, and Commitments
- ***Does this section sufficiently communicate the relationship between the Board's Vision and the sections of the Plan?***

Economic Development Goals and Text
- ***Does this section appropriately represent your recommendations?***

The Planning Commission discussed Values, Visions, and Commitments with staff and provided comments and questions to staff, as follows:

- Change icon language. Suggestion made that icon should appear almost even before the executive summary or somewhere they have the goals because it is so broad. To tuck it into section 3 seems like it is coming late in the game. The question was raised if this could be integrated into the executive summary or up front in the document.
- Commitment was a word that should probably be changed. Could it be just Vision and Values? Do not use the word "Commitments" since it may be the wrong word for this occasion. Can we really make commitments to do some of these things? Committed to values.
- Don't use Strategy as that is over used and would not be a good representation of these statements
- Several Commissioners liked the use of icons.

Natural and Cultural Resources

Staff returned to the Natural Resources section on pages 11 - 29, which had a lot of maps.

Ms. Echols noted one of the things the Commission already talked about is the possibility of adding more information on the quality of the streams. The Commission received a request for more information from the Southern Environmental Law Center. Tom Olivier will also be providing some of that request on behalf of the Sierra Club. She would let him speak for himself. However, they know that there are some pieces of this that they still need to include. Generally how does the Planning Commission feel about the amount of information and is it the right information so far with the caveat there will be a little more information on natural systems, biodiversity, land cover and aquatic life. This is the existing physical nature of our county under the natural systems.

- ***Add information on natural systems, biodiversity, land cover, and aquatic life.***

Overall:

- ***Is there additional background information needed? Has too much information been provided?***

Visions, Values and Commitments – Chapter 3

- Consider mapping in a landscape rather than portrait format.
- Put all facts together in Appendix. Draw from the most important ones that relate to our planning goals.
- Change icon language. Suggestion made that icon should appear at the beginning of the document before the executive summary or somewhere they have the goals because it is so broad. To tuck it into section 3 seems like it is coming late in the game. The question was raised if this could be integrated into the executive summary or up front in the document.
- Commitment was a word that should probably be changed. See if Vision and Values could work and possibly be placed earlier in the document. Can we really make commitments to do some of these things? Committed to values.
- Don't use Strategy as that is over used and would not be a good representation of these statements
- Liked the way it is tied to the Board's commitments
- Several Commissioners liked the use of icons.

Natural & Cultural Resources

- Seems disproportionate to the socioeconomic section (Beef up this section)
- Slide stating the overall layout of the comprehensive plan would be helpful
- Most important data is trending data
    - Allows for setting benchmarks
- Focusing on why it's important
- Tourism, view sheds, easements
- Separate document for natural resources
    - Really focus on what we are going to measure
    - And why we are going to measure it
- Seeing out of context so it is hard to decide if it is enough
- Compare easements with other counties in VA
- Small exec summary or paragraph for natural resources
    - Profound influences of county
- Big paragraph leading in
- Data about resources lost to development
    - Measurement of maintain the Rural Areas
- Acres in Conservation Easement – Include more information
- Acres lost in the Rural Areas
- Look at building permits for single family
- Include the single family comparison chart and numbers
- Include detail in index

Economic Development

- Put the purpose of the section at the beginning before the goals/objectives/strategies.
- Add something about BRAC and how it affects us
- Page 30 – 1.1 b – Neighborhood Model - mixture of uses, income, and housing type
- 1.3 – look at BRAC and the whole federal market
- Goals, Objectives, Strategies – 3 levels – all the tiers needed, no sub strategies
- How to even out the Goals, Objectives and Strategies
- May need a summary at beginning of the section for a mental picture of what is being covered
- Purpose statement would be good – (agreed by Mr. Franco, Mr. Dotson and Mr. Randolph)
- TJPDC database for Comp Plan goals – would be nice to have this maintained
- Three tiers is enough
- Metrics state to come in at that level
- Reduce the number of sub-strategies
- Measure to not the number of strategies that have been acted on
- Note equally important

Public Comment was taken from the following individuals:

Tom Olivier, speaking for the Piedmont Group of the Sierra Club, said the Piedmont Group appreciates this opportunity to speak about the first draft of the comprehensive plan. He submitted information that included detailed comments on the draft plan. (Attachment 3 - entitled "Comments by the Piedmont Group of the Sierra Club To the Albemarle County Planning Commission Regarding the Initial Draft of the New Albemarle County Comprehensive Plan dated 9/11/2012 from Contact: Tom Olivier and June 14, 2011 "Proposed Comprehensive Plans Vision Statement For the City of Charlottesville and County of Albemarle From the Piedmont Group of Sierra Club) He reviewed a subset of the points that they have in the document before them.

- In chapter 2 under existing condition the Piedmont Group suggests an addition for inclusion of the recent study of the ecological footprint conducted by Advocates for Sustainable Albemarle Population (ASAP) which was funded in part by Albemarle County. It shows that our community already consumes more biological products than the Albemarle/Charlottesville landscape can sustainably produce. They are in a condition known as "ecological deficit". This deficit will grow worse as our population grows. This should be acknowledged in the initial condition section because of its great relevance this fact adds to the pursuit of sustainability.
- In Chapter 2, "Natural, Scenic & Historic Resources of Albemarle County", they note that the section on biodiversity has not yet been discussed or incorporated. It is about 12 pages in the existing plan. The Biodiversity Work Group Report should be incorporated in the comprehensive plan. It summarizes a lot of the key findings about the state of our resources and recommends strategies for their protection. A lot of the text in this document would lend itself very well to the update.
- In Chapter 3, 'Vision Values and Commitment', they suggest the one sentence vision adopted by the Board of Supervisors in their strategic plan is far too brief to be useful. They believe a vision should broadly put pointedly describe the elements of the society they wish to become and the relationships of our envisioned society to our environment. A vision of that level of specificity generates criteria by which policy proposals can be evaluated. They believe the one page vision statement proposed by the Sierra Club in 2011 is more along the lines of what they should have in the plan. A copy of that is attached to this document.
- The Chapter 4 "Economic Development" they support a focus not on high tech but jobs for individuals or the working poor which has already been pointed out. They think the plan should support a full review of both the economic and environmental impacts of economic development proposals. They look forward to participating in the future.

Travis Pietila, Land and Community Associate with Southern Environmental Law Center, thanked staff for their work on the comprehensive plan update. He hoped the Commission received the written comments submitted earlier today. **(Attachment 4 – Comments from Southern Environmental Center in email dated 9-11-2012)** He briefly recapped their comments and asked for the Commission's consideration.

1. It is important to include a discussion of stream health in the existing condition chapter including impairments to local water bodies. The plan should include discussion of the types and causes of these impairments and where each stands in the TMDL process although they understand that some of the detailed information may be more appropriate in the natural resources section.
2. Additional existing conditions that should be addressed in this chapter are the Chesapeake Bay TMDL and air quality again with appropriate detail for this section.
3. In the Rural Albemarle section the plan should ensure that the cumulative impacts of recent and potential future commercial activities are fully considered in balance against other rural area priorities. They also stress caution in defining the appropriate scale of commercial activities based on established uses which often represent a best case example of their type.
4. The Economic Development Section should include a clear discussion of the potential impacts that additional rural business and industry may have on the rural character and natural resources that attract business and tourists to the area in the first place as noted in recent staff reports.

Jack Marshall said he would send his notes and comments in tomorrow to staff.

Ms. Echols noted there will be an opportunity for the Commission to discuss the points raised tonight at the meeting on September 25th. The Commissioners should be ready to discuss the remaining sections at that time because that is when they are going to get into the meat of the policy.

In summary (action memo):

Commissioners reviewed the general format of the document, the existing conditions portions including socioeconomic and housing information as well as natural and cultural resources. The Commission also looked at the section on Values, Visions, and Commitments and the Economic Development goals and text.

The Commission made approximately fifty suggestions for the draft. The detailed list will be found in the Minutes.

The major requests from the Commission were to:

- Continue working on format to make it easier to read including moving the County's vision statement to the beginning of the document.
- Provide additional demographic information in relation to the state and region.
- Be consistent with mapping and don't "black-out" any areas.
- Explain how specific facts that have been provided are important to planning for the future.
- Provide additional information on the senior population – where are they living, what do they need and what is their economic impact to the community.
- Discuss the size of the growth areas and how much land has been protected in conservation easements as well. Provide more information on the 95% to 5% RA to DA ratio.
- Change the word, "commitments" to something that is more reflective of what the County wants to do rather than what it is committing to do. The County may not be able to ultimately achieve what it wants to do because of resource limitations, property rights, etc.
- Try to make achieve balance in bulk and information of the various sections of the plan.
- Consider using an appendix or other reference document for background data as well as information on natural resources.
- Provide data on resources lost to development – are their trends showing that we are losing rural land to development? Such as land subdivided (in acres) in the rural area compared to land conserved (in acres) there?
- Include information on BRAC and its relationship to the northern development areas.

Public Comments:

1. Tom Olivier – representing the Piedmont Group of the Sierra Club: distributed a detailed comment list to the Commission – Stated there should be a discussion of the ecological footprint for the county in the existing conditions section – right now we have an ecological deficit. Referenced the biodiversity workgroup report and the need to us the one page vision statement the Sierra Club prepared last year.

2. Travis Pietela - Southern Environmental Law Center: Referenced more detailed comments submitted to the Commission earlier in the day. Stated the need to address TMDLs and where the county stands on their implementation as well as information on air quality. Remember the cumulative impact of economic development in the RA and its scale in relation to impact on rural character.

Old Business

Mr. Morris asked if there was any old business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Staff reviewed the topic of next week's joint meeting with the City Planning Commission. TJPDC will present the questionnaire results and how it may be incorporated into proposed regional goals.
- NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, SEPTEMBER 18, 2012 in Conference Room 241 with City Planning Commission starting at 5:30 p.m.

There being no new business, the meeting proceeded.

Mr. Franco moved and Mr. Morris seconded to adjourn to Joint City/County Planning Commission meeting at 5:30 p.m. on September 18, 2012 in Room 241. The motion was unanimously approved.

Adjournment

With no further items, the meeting adjourned at 8:41 p.m. to Tuesday, September 18, 2012 at 5:30 p.m. at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

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

Attachment List:

(Attachment 1 – Letter from Paula Brown-Steedly received August 31, 2012 regarding Free Union Baptist Church Expansion)

(Attachment 2: Letters of Support of Four Seasons Learning Center's Application to expand.)

(Attachment 3 - entitled "Comments by the Piedmont Group of the Sierra Club To the Albemarle County Planning Commission Regarding the Initial Draft of the New Albemarle County Comprehensive Plan dated 9/11/2012 from Contact: Tom Olivier and June 14, 2011 "Proposed Comprehensive Plans Vision Statement For the City of Charlottesville and County of Albemarle From the Piedmont Group of Sierra Club)

(Attachment 4 – Comments from Southern Environmental Center dated 9-11-2012)

PC Minute 9-11-12
Attachment #1
SP-2012-14

#39 CHURCH ADDITION 22911

PLEASE NOTE: WE OWN PROPERTY off of BROOKMILL LN IN STONY POINT. BROOKMILL LN IS A PRIVATE RD. It is currently MAINTAINED by: MR. CLEM, JOHN STEEDLY & PAULA BROOM-STEEDLY & MARGARET STEEDLY Hemingway. ALL THESE PEOPLE AGREED & MAINTAIN & SIGNED AN AGREEMENT.

① THE CHURCH CHOSE NOT TO SIGN & AGREE TO MAINTAIN BROOKMILL RD. ALL OTHER SIGNERS AGREED TO "Let it go" AS the traffic DOES NOT EXCESSIVE — for the church.

② THE BANK AT THE INTERSECTION OF DR CROSSING & Brookmill LN WAS VISUALLY DANGEROUS. WE ASKED THE CHURCH if WE COULD take the sign DOWN & RESET IT THE SAME DAY to MAKE THE INTERSECTION SAFE. THE CHURCH SAID NO. VDOT CAME & took the SIGN DOWN & put it BACK AS VDOT STATED SAFETY WAS ESSENTIAL. THE LAND where the SIGN IS PLACED WAS NOT church property WE HAD PERMISSION from the LANDOWNER TO CUT THE BANK BACK.

③ AT THIS SAME TIME WE CUT TREES & BRUSH BACK on the Brookmill LN. WE ASKED THE CHURCH if WE could cut back TREES & BRUSH on the BANKS of CHURCH LAND. WE ALSO put CULVERT PIPES IN TO MAKE the ROAD SAFER, REGRADED & GRAVELED THE CHURCH WOULD NOT ALLOW US TO REMOVE TREES & BRUSH ON THE BANKS ALONG the ROAD —

OVER

4) Signers of the Road Maintenance Agreement have continued to "allow use without assistance or help."

5) When an addition occurs — it is apparent traffic conditions will change.

6) Brookmill Rd is one vehicle wide.

Lack of road & support should be noted —

7) The Road Maintenance members do not intend to stop the Church → road conditions & lack of support by the Church → Bring in to question the safety & commitment for the road of this Church for its neighbors

and signing of maintenance agreement

973-3700 —

Paula Brown-Steedley
3884 Jessies Ln
Charlie VA. 22911

THIS STATEMENT SHOULD GO ON RECORD maybe
SPOKE BY PHONE + SENT A NOTE — TIME 8-10 ago —

RECEIVED
AUG 31 2012
COMMUNITY DEVELOPMENT

Attachment A

PC Minutes 9-11-12

Received 9-11-2012

Board of Supervisors of Albemarle County
401 McIntire Road
Charlottesville, VA 22902

To Whom It May Concern:

I support Four Seasons Learning Center's Application to expand.
More space would allow me to Drop-off my older child when the Schools are closed and /or Vacation (Spring, Summer).

Thank you Great idea!

Danielle Simpson
Heather Moody
Kyra Fuller
Jason Roop
Jan Damon
Sara
Stacy Kendrick
Marina 257 Lakeview Dr, Charlottesville VA, 22901

Board of Supervisors of Albemarle County
401 McIntire Road
Charlottesville, VA 22902

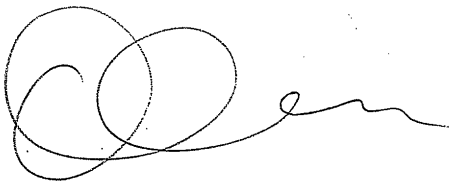
To Whom It May Concern:

I support Four Seasons Learning Center's Application to expand.
More space would allow me to Drop-off my older child when the Schools are closed and /or Vacation (Spring, Summer).

Thank you

I look forward to this happening. Four Seasons Learning Center has been like a second home to my childred!

Thank you.
Obah Walker



Attachment B
PC Minutes
9-11-12

Comments by the Piedmont Group of the Sierra Club
To the Albemarle County Planning Commission
Regarding the Initial Draft of the New Albemarle County Comprehensive Plan

Contact: Tom Olivier (tel. 434-831-2408; email cruz.olivier@gmail.com)

9/11/2012

The Piedmont Group of the Sierra Club appreciates this opportunity to comment on the initial draft of the new Albemarle County comprehensive plan.

This first draft plan is greatly reduced in size from the previous plan. This makes the guiding principles of the plan clearer and more accessible, particularly to first time readers. We commend staff for all their work. However, we still must make certain that valued elements of the last plan are not omitted in the much slimmer new one.

We ask that the next draft be made available to the public in a text document format. The web-posted version of the document appears to be scanned images of printed pages. This precludes text searches for key words.

Chapter 2, 'Existing Conditions', discusses the size and makeup of our population at length, along with many aspects of infrastructure. It does not talk about the state of our ecosystems or whether our population size is sustainable. This section should include some statement about the reduced and damaged condition of our natural resources. A recent study of the ecological footprint of Albemarle County and the City of Charlottesville, conducted by Advocates for a Sustainable Albemarle Population (ASAP), and funded in part by Albemarle County, showed that our community already consumes more biological products than the Albemarle\Charlottesville landscape can sustainably produce. We are in a condition known as "ecological deficit". This deficit will grow worse as our population grows. This condition of already existing ecological deficit should be acknowledged in the Initial Conditions section because of the great relevance this fact has to the pursuit of sustainability.

In Chapter 2, "Natural, Scenic & Historic Resources of Albemarle County", the section on biodiversity has not yet been incorporated. Findings on County biodiversity resources in the Work Group (BWG) report should be incorporated in the comprehensive plan. Somewhere in the plan, Conservation strategies proposed by the BWG should be presented. Priority conservation areas proposed by the Albemarle County Natural Heritage Committee in its 2007 annual report should be recognized. The map of water resources on page 15 lacks a title.

In Chapter 3, 'Vision, Values and Commitments' , the one sentence vision adopted by the Board of Supervisors in their strategic plan is far too brief to be useful. We believe a vision should broadly but pointedly describe the elements of the society we wish to become and the relationships of our envisioned society to our environment. A vision of that level of specificity generates criteria by which policy proposals can be evaluated. We believe the one page vision statement the Piedmont Group proposed in

June 14 2011

Proposed Comprehensive Plans Vision Statement
For the City of Charlottesville and County of Albemarle
From the Piedmont Group of the Sierra Club

A SUMMARY OF OUR VISION

Underlying Values

We value a community of diverse individuals and groups who adhere to principles of sustainability, justice, equity and respect for free speech. We cherish individuals, our cultural environment and our natural environment. We recognize our obligation to live within limits of the natural environment. We believe governments, businesses and voluntary organizations should promote access to the necessities of life for all residents. We regard the values and elements of this vision as interconnected and necessary.

Our Envisioned Community

We envision our community as one in which the values above are realized in:

1) The lives of individuals with:
   a) Respect for residents of all races, nationalities, religions and sexual orientations.
   b) Safety and equal justice for all residents.
   c) Equal opportunity for all residents to help plan and implement this vision.
   d) Promotion of healthy communities by minimizing the use of toxins.
   e) Availability of safe, healthy food for all residents.

2) The cultural environment with:
   a) Open and accountable governments.
   b) Recognition by all of obligations to the common good.
   c) Quality educational opportunities for students of all vocations and ages.
   d) Good health care for all residents.
   e) Provisions for ample affordable housing for low-income residents.
   f) An economy that provides meaningful and rewarding jobs for all workers.
   g) Provisions for efficient public transportation and alternatives to the automobile (including bicycles).
   h) Diverse recreational opportunities for all.

3) The natural environment with:
   a) Active protection of essential natural resources (including air, water, natural areas).
   b) Maintenance of stable or near-stable human population size.
   c) Commitment to reduction of per capita energy consumption.
   d) Strong reliance on renewable energy resources.
   e) Promotion of sustainable agriculture.

(Attachment 4 – Comments from Southern Environmental Center in Email dated 9/11/2012)

Dear Planning Commission members and staff:

On behalf of SELC, we would like to thank you for your continuing hard work on the Comprehensive Plan update, and offer the following initial comments on the draft chapters released on August 28. Understanding that these draft chapters are very preliminary in nature and that important sections of some of these chapters still need to be drafted, these comments include recommendations on the existing draft text as well as overarching suggestions for a few of the sections of these chapters that remain to be drafted.

Existing Conditions

In the Existing Conditions chapter, given the County's commitment to watershed protection, it is important that the Natural Resources section include not only a general description of the County's watersheds (which is in the current draft), but also information on existing stream health, including impaired waters. Development of the Chesapeake Bay TMDL should also be included as an important existing condition. Air quality is another area of public concern that should be discussed in this chapter, especially given recent exceedences of air quality standards.

Rural Albemarle

Where the draft Rural Albemarle section discusses commercial activities in the Rural Areas (e.g., in Goals Six, Seven, and Eight), it is important that the Comprehensive Plan's language reflect the caution you have consistently expressed on this issue. For instance, the August 28 staff report on "Expanding Opportunities for Certain Commercial and Industrial Uses in the Rural Areas" noted that the County has already taken a number of big steps in recent years to promote business activity in the Rural Areas (e.g., significant loosening of zoning ordinance provisions regulating home occupations, farm wineries, and B&B's, among others). Staff noted that given the short time frame for these changes, the full extent of their impacts on the Rural Areas remains to be seen, and thus the County should be "cautious and careful" in deciding whether and which additional commercial uses are appropriate. The Comprehensive Plan should ensure that the cumulative impacts of any potential commercial activities are fully considered and balanced with other key Rural Area priorities, such as land preservation, rural tourism, and natural resource protection.

Another concern relevant to the Rural Albemarle section that was discussed in the August 28 staff report and the Planning Commission work session that evening is the difficulty of ensuring that new uses allowed in the Rural Areas would retain a "traditional rural scale." For example, it is risky to point to existing examples of commercial uses in the Rural Area and suggest that these establish the right standard for appropriate size and scale. Keswick provides a good example. While few would object to the fit of *this particular* 50-room lodging within the Rural Areas, if several 50-room hotels spring up—or even just a couple of chain hotels—this could seriously undermine the character of Rural Areas and crossroads communities. Please keep this important point in mind as you draft the forthcoming recommendations for the Rural Albemarle section.

Economic Development

Similar concerns arise in the Economic Development section. Draft Objective 1.4 seeks to "[e]nsure that there is sufficient land to accommodate future business and industrial growth and plan for infrastructure to serve employment areas." This language lacks an important connection to other key Comprehensive Plan goals and should be changed to bring this objective more in line with other County priorities. A more appropriate phrasing might be: "Ensure that the master plans for County Development Areas sufficiently accommodate reasonable projections of future business and industrial growth and plan for infrastructure to serve employment areas, within the context of the County's growth management goals."

Finally, the Economic Development section lacks a clear discussion of the potential negative economic impacts of additional business and industrial development in the Rural Areas. For example, the August 28 staff report noted that:

> "The existing character of the Rural Areas greatly contributes to tourism activity. Staff believes that characteristics such as mountain views are retained and quaint venues for events exist because new construction has been limited. Major changes to the Rural Areas will have the potential to damage the very reason that these areas are attractive to tourists."

Albemarle County's rural economy relies heavily on its existing rural character and natural resources, and the Economic Development section should clearly acknowledge the threat that additional Rural Area development poses to other goals and objectives of the Comprehensive Plan.

Thank you for your consideration of these comments, and please do not hesitate to contact us with any questions. We look forward to tonight's discussion and value the opportunity to participate in this important endeavor.

Sincerely,

Travis Pietila
Land and Community Associate

Morgan Butler
Director, Charlottesville-Albemarle Project

Southern Environmental Law Center
Charlottesville Office
Phone: (434) 977-4090