**Albemarle County Planning Commission**
**December 18, 2012**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 18, 2012, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Elaine Echols, Principal Planner; Andrew Sorrell, Senior Planner, Matt Weaver, Intern; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; Greg Kamptner, Deputy County Attorney; and Steve Williamson, Executive Director of TJPDC.

**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.

- Nancy Carpenter spoke on the need for more focus on affordable rental housing in Albemarle County during the Comp Plan review.
- Muriel Grim made suggestions for additions/changes to the Comprehensive Plan web pages to help citizens follow the update process more easily.
- Janet Eden spoke in opposition to the Somerset Farms property being included in the Development Area.

The following individuals spoke regarding the firing range at the Keene Landfill:

Douglas McAdams discussed his views concerning the proposed gun range on the old land range in Keene. First, when the firing range was first announced only property owners bordering the proposed site were notified directly even though this immense project's footprint will impact perhaps thousands of people and hundreds of home sites. The second issue is the site is an old land fill dump. Why would they want to make the potential pollution even greater in this area from alleged lead shots of thousands and thousands of rounds and all that entails? They are also looking at what may be a misappropriate amount of cancer cases in the area. He has not even touched on the sound pollution. It will have high power explosives reverberating across a once peaceful country side. They need to step back from this project and begin to understand the impact it will have on so many lives. Delay is preferable to error and this error would be huge.

Laurel Davis, resident of Esmont Road, said the firing range plan is a huge betrayal of public trust and misuse of taxpayer dollars. They apparently don't care about the history of the landfill that has been leaking toxics into our ground water for decades. The proposed site will add more poison to our land, water and air. If this plan goes forward whatever equity they might have in their homes will be destroyed. The people who live closest and therefore will be most sorely impacted by the firing range are largely working class with a high proportion of African Americans. She asked that they be allowed to keep the value of what they have.

Sophia Davis, resident of Esmont Road, asked why they are betraying us. They are supposed to be acting in our best interest and they are doing a stink of a job of it. She asked that they think of the kids at Scottsville and Yancey Elementary Schools and not let this thing go through. She loves her house and property and does not want it to be evaded by noise and possibly stray bullets. Her fear and anger is shared by many of the neighbors. She asked once again that they not allow the fire range.

Sarah Donnely said when the Keene Landfill opened in 1968 it was given a permit by the health department. Any sort of waste was allowed. Over the course of 20 years 40 acres of land were filled with unregulated waste in unlined trenches. The Department of Environmental Quality began regulating the landfill in 1988. Apparently the leakage, which is a toxic that is supposed to be contained, was leeching

out of the dump and contaminating ground water. A letter from the Department of Environmental Quality dated February 4, 1993 speaks about the extent of the plumes of contamination in groundwater. Ten years later a 2002 groundwater analysis revealed unacceptable levels of (to name a few) chlorobenzene, toluene, trichloroethene, ethylbenzene, diatholene chloride, cadmium, barium, and chromium. These toxins, cryongen, and many more have been leeching into our groundwater for nearly 50 years. Preliminary data indicates higher than average rates of cancer in the surrounding communities. Now they want to add lead on top of that and gun fire. The people of southern Albemarle should not be asked to absorb any more of the county's mess.

Daniel Bennett spoke in opposition to the construction of the police station on the Keene Landfill. He and his wife bought their first home on Porter's Road in Esmont. They looked at this area as a quiet rural community and thought it would be an ideal place to start a family. About six months after purchasing the property and moving in they found out about the proposed construction of an open air firing range that would be built within 1.5 miles of their house. If the project is allowed to be continued he was concerned with the loud noise associated with the firing of rounds, potential stray bullets, and the leeching of lead into the groundwater. The firing range will diminish their quality of life, lower the value of their first home, and make it almost impossible to resale. He strongly encouraged police training and did not want to hamper the training of local personal. However, he urged the reverse of the proposal for the county to look at alternatives to protect the environment of the people who the police are here to protect.

Jerome Beazley, spoke in support of the opposition of the Police firing range in Esmont. The county has ignored the opposition of the vast majority of residents in southern Albemarle and gone full steam ahead of approving the Keene site for the police firing range without thoroughly considering the minimum requirements for protection of health, the public, and safety of the range or even evaluating the range suitability. The only input the county has been willing to consider is that of the police or the consultants they have paid to reach the results that they want. He quoted from Action Target Incorporated who is one of the leaders in the world in the consulting and building of military and commercial firing ranges. Some things must be strongly considered before building a firing range. Building a firing range requires expensive earthwork and soil engineering, particularly a previously undesirable landfill in Esmont. Not all sites are immediately suitable for outdoor range and may require extensive earth moving work to ensure buffer containment. The less suitable the site the more money you will have to spend to make sure the backdrop and containment systems are effective in addition to just meeting applicable regulations. This expert states that surface danger zone containment for outdoor ranges is essential and that the most important factor is to locate that range away from homes. An outdoor range should be in a remote area far away from civilization, homes and communities, such as the Virginia state facility in Nottaway or Scottsville. In conclusion, the thousands of voices in the southern part of our county feel strongly that the county should stop with plans to put the shooting range in the middle of Keene and Esmont communities and begin to take a serious objective assessment of better alternatives. The people of our community say loudly and clearly no to the Keene Police Firing Range.

Paula Beazley said she was one of more than 500 persons organized to save rural Albemarle. They are comprised of intelligent contributing members of the county who have researched the facts. The issues they have raised are not fallacious. They are not just a handful of folks. They are here to talk about the lack of minimum requirements for protection of health and public safety if the range is located at the landfill. The EPA's Best Management Practices stated that berms are the least expensive form of catching bullets, but also the most likely due to fragmentation to cause ricocheting and errant bullets. This outdoor site is surrounded by multiple communities with thousands of residents within a mile from the site easily within a 3.5 mile range of their weapons. This shooting has been repositioned northward shooting directly towards these communities. The site plan shows only minimum infrastructure and three berms that can't be built within the cost allocated. Lots of promises have been made about eyebrows, baffles and so forth. However, not a single plan to this day reflects any of these protections because they now say they can't afford it. Who in the county cares about the people? The berms on the front side are proposed to the minimum possible with 1 to 1 slope. The 2 to 1 slope on the back side will not keep the berms from standing the shot into the wetlands. She questioned the EPA regulations of the Clean Water Act. Lead entering into the water through wetlands substantially increases the potential of contamination of surface and ground water, which in turn threatens human health and the environment. This is straight from the EPA's Manual. The police have stated they will be shooting on all three sides where there are

homes. She asked that they examine these issues. There are some sensible alternatives. She handed out eight simple requests to protect us asking that they address these concerns before it takes the loss of life. (Attachment – Handout from Paula Beazley)

D.G. Van Clief, resident of Esmont Road, spoke against the proposed firing range. Tonight he wanted to readdress and summarize what his neighbors have been saying. This is from persons who can't get into town. They are only seeing the surface of a large group of people. There are hundreds of people who have become aware in recent weeks of the threat that they feel is posed by this range as it is currently planned. They feel discriminated against, especially in view of the recent vote by the Board of Supervisors to subdue the sound of music from wineries in Keswick while approving an open firing range in their neighborhood. They have heard the concerns expressed tonight and they all share those. They feel that the treatment, whether intentional or not, has been discriminatory. It is a rural area, but not unpopulated. They know the Commission has voted and they will be forever grateful to the two votes they have had opposing this on this board. This includes both the April 3rd meeting to determine that it was part of the Comprehensive Plan, which they question, and again when they voted to send this plan forward when they approved the site plan. As was just pointed out he reiterated that this site plan despite a dialogue with Chief Sellers and his senior officers, despite lobbying with the Board of Supervisors, and despite any avenue they have had the plan sits today without any additional safety measures. They know there is earth and berms around it. They have talked about additional eyebrows or 8' wooded structures to capture rounds and muffle sound. They have talked about baffling to muffle sounds so they won't have massive devaluation of property. None of that is in the site plan. They ask the Commission to use what influence they can with our Board of Supervisors and county government generally to have this subject revisited. If it is going to be built please build it responsibly, muffle the sound, make it safe and save our neighborhoods.

Ruth Powell said she hoped the Commission was aware that they have a lot of returning soldiers from Iran and Iraq living in areas in Albemarle County that have dramatic brain injuries and she was sure they do not want to hear any more shooting. She works with them, which was why she knows that. She was born in Esmont in the 30's. She spoke on behalf of her family and the community. She has a sister 94 years old that lives in Keene. Her house is about 2.5 miles from the planned shooting range. She was concerned how she and other older people in the community will affected by the daily shooting. They have a small church 140 years old right above the shooting range. How will our services be affected on Sundays? These elderly people need to have some peace and contentment. She was concerned about the water and how it will affect them with their fragile bodies and the soldiers that need care. She suggested that they take a better look at this.

Ralph Agee, a resident of Esmont Road, said he moved back to the area to partake of the peace and quiet of the community. Unfortunately with this he was finding that his peace and quiet for his last days is going to be shattered by sounds of bullets. He was concerned with the dump site. Many deaths in the area were from some form of cancer. That tells him that there must be something unique about the environment. He can only contribute it to the dump. He was concerned for those that hunt because of what the firing range would do to the animals. He was also concerned with the stress it would have on farm animals, the noise, and the decline in property values. He questioned why the road, Fortune Lane, had already been paved under the VDOT Rural Roads Program. He hoped the county would revisit this.

Mr. Morris noted that ends the matters not listed on the agenda. Normally they are required to have not more than three people speak. However, there were a number of people who were concerned and they wanted to hear them. There is absolutely nothing the Planning Commission can do to bring this matter up again at this time. He asked Mr. Kamptner if that is correct at this time primarily about the shooting range.

Mr. Kamptner replied the Planning Commission has nothing on the agenda tonight pertaining to the firing range and he did not believe there was anything scheduled.

Mr. Morris pointed out part of the issue the Commission has had with this item has been that it is part of the Comprehensive Plan, which is something overall that they are redoing now. As it comes up the public should look at the web site because the Commission wants their voices heard.

Mr. Franco pointed out part of the issue the Commission has had with this item has been that it is part of the Comprehensive Plan, which is something they are redoing now. The Comprehensive Plan is the first thing that the public needs to be paying attention to. He brings this up because a couple of weeks ago they had a section of the Comp Plan come before the Commission for Community Facilities. There were additional community facilities proposed in that area. He thinks it is really important that the public was aware of that so when it comes before the Commission again in the January/February timeframe they will have an opportunity to provide input at that time. They should pay attention to the Public Facilities portion of the Comp Plan.

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

**Review of Board of Supervisors Meeting – December 12, 2012**

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on December 12, 2012.

**Consent Agenda**

**Approval of Minutes**: September 11, 2012, October 9, 2012, & October 23, 2012

**SUB-2012-00103 Old Trail, Block 14** – Preliminary Subdivision Plat
PROPOSED: Request for preliminary subdivision approval for 20 single family lots in the rezoned portion of Old Trail.
ZONING CATEGORY/GENERAL USAGE: Neighborhood Model District (NMD) - residential (3-34 units/acre) mixed with commercial, service, and industrial uses.
SECTION: Chapter 14 of Albemarle County Code
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential- 6-12 units/acre; supporting uses such as religious institutions, schools, commercial, office and service uses in the Crozet Master Plan
ENTRANCE CORRIDOR: Yes
LOCATION: At the corner of the intersection of Upland Drive and Claremont Lane. Approximately 400 feet from the intersection of Upland Drive with Old Trail Drive.
TAX MAP/PARCEL: 055E00100000A1; 055E0-01-00-000G0
MAGISTERIAL DISTRICT: White Hall

Mr. Morris asked if any Commissioner wanted to pull an item from the consent agenda.

**Motion**: Mr. Loach moved and Mr. Lafferty seconded for acceptance of the consent agenda.

The motion carried by a vote of 7:0.

Mr. Morris noted the consent agenda items were approved.

The preliminary subdivision plat and waiver requests for SUB-2012-00103 Old Trail, Block 14 were approved with staff's recommended conditions, as follows.

The Planning Commission approved the four (4) requests as outlined below with staff's recommended conditions:

1. Section 14-233 and 14-434- Authorization of two Private Streets within the Development Areas (Meadow Valley Circle and Claire Mill Circle)

2. Section 14-422 (E)(2)- Waiver of the sidewalk requirement with conditions
   Conditions of approval for the sidewalk waiver include:
   1. No sidewalk will be required for Meadow Valley Circle and Claire Mill Circle private streets as shown on the preliminary subdivision plat for Block 14 dated 12/5/12.
   2. Planting strips are required for all other roads within and adjacent to Block 14.
3. Section 14-422 (F)(2)- Waiver of the planting strip requirement with conditions
   Conditions of approval for the planting strip waiver include:

1. No planting strip will be required for Meadow Valley Circle and Claire Mill Circle private streets as shown on the preliminary subdivision plat for Block 14 dated 12/5/12.
2. Planting strips are required for all other roads within and adjacent to Block 14.

4. Section 14-218(B)- Preliminary Subdivision Plat approval with conditions
Conditions of approval for the Subdivision Plat include:

Planning approval to include:

- ❑ The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available from the Community Development Department;
- ❑ The final plat shall address all minimum requirements from Sections 14-410 (Standards for all street and alleys) and 14-412 (Standards for private streets only).
- ❑ Virginia Department of Transportation approval

Engineering approval to include:

- ❑ The plan must meet all engineering requirements of the Water Protection, Subdivision, and Zoning Ordinances in addition to all engineering standards detailed in the County's Design Manual.

Albemarle County Service Authority approval to include:

- ❑ Final water and sewer construction plans will be required for review for final. The plat must match the final plans.

Fire & Rescue approval to include:

- ❑ Hydrant at the corner of Fielding Run Drive and Glen Valley Drive needs to be located on the northwest corner of the street.
- ❑ Minimum Curb Radii shall be 25 ft.
- ❑ Fielding Run Drive and Glen Valley Drive will need to be 36 ft FC/FC to allow parking on two sides and maintain a 20 foot wide unobstructed travelway for fire access.
- ❑ Claire Mill Circle and Meadow Valley Circle needs to be marked as fire lane/No Parking on both sides.

E911 approval to include:

- ❑ The applicant should contact this office with a list of three (3) potential road names to replace 'Meadow Valley Circle'. This road name is not available for use. 'Claire Mill Circle' will be added to the reserved road name list for this project.

**Work Session**

**CPA-2013-00001 Comprehensive Plan**
**Neighborhoods 4 – 7 – the Southern and Western Neighborhoods**

Elaine Echols and Andy Sorrell presented information and recommendations for the Southern and Western Neighborhoods in a PowerPoint Presentation. Recommendations were made for transportation changes, land use, and parks and green systems. Initial comments and questions from the Planning Commission were as follows:

- Could sports fields be considered for the county-owned property near Galaxy Farm Lane location? *Staff responded that they would check on this. However, it is possible since the property might be used for a middle school and not a library.*
- It is a good idea to build bike and pedestrian facilities on the connectors until the roads are built out.
- What will the bike/pedestrian surfaces be on the connectors? *Staff responded that this topic has not yet been explored.*
- The Three Notch Trail being shown on the maps to create connections across the County is a good idea.
- Can you use the recent Streamwatch data for streams in the southern and western neighborhoods? *Staff responded that they will check on this.*

Mr. Morris invited public comment.

The following individuals spoke:

Nancy Carpenter spoke in support of the Sunset-Fontaine Connector. She is concerned about public safety in the 5th Street and Willoughby area as transit is expanded to the southern neighborhoods. Sidewalks and other infrastructure are needed to allow people to access the transit stops safely.

Roger Schickedantz, resident of 1858 Scottsville Road, opposed the Parham site being re-designated as light industrial as he believes it would be detrimental to the neighborhood. He referenced a written letter e-mailed to the Planning Commission previously.

Presley Thatch, owner of the Woolen Mills industrial building, disagreed that the building and any of his property should be shown as greenspace and would like to leave open the opportunity for redevelopment in the Woolen Mills area by mitigating the flood plains.

Kathleen Galvin said she served on the DISC Committee and was part of the consultant group which worked on the Southern Urban Area B Study. She disagrees with the recommendation since there is a need for the Sunset-Fontaine Connector before 2040 and the road has always been a part of the Area B plans. The County should make sure the road is built before the residential development because it's nearly impossible to build it afterward.

William (Bill) Jones, a Redfields resident, supported having the Sunset-Fontaine connector built sooner than 2040. He asked the Commission not to lose sight of the need for this road by delaying it or taking it off the books. More development is coming in this area and the road infrastructure can't wait.

Frank Freeman, President of Piedmont Community College, explained future plans for the college in particular to have a student campus center on site.

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

The Planning Commission continued their discussion on staff's recommendations and asked the following questions or provided the following comments:

Sunset – Fontaine Connector

- If this road is used as a bike/pedestrian Corridor before built as a road, could it be eligible for federal funding? *Steve Williamson, Executive Director of the TJPDC, said he believed it could.*

- It is difficult to plan for a road now if it is not to be built for years. *Staff responded that the proposed text states something like "Roads may not be completed by 2040 but portions will be built" and referenced the wording in Places 29 for Free State Road as an example.*

- What does the modeling mean? *Steve Williamson responded by providing a general explanation of how the modeling was done and its conclusions.*

- Address light rail in the Comprehensive Plan - Look at the possibility of light rail if the CSX rail line is abandoned

- Make sure the roads/connectors are not being stated as lesser priorities; use words like "possible" or "feasible" "Building in stages" Possibly drop out the reference to "2040".

- Note that opportunities may be pursued for interconnections – the Sunset-Fontaine connector road should get built in the right of way locations, even though the County may not have the full connections for some time (i.e. the improvements to the railroad under/overpass).

- The time to work out road details may be during the Master Plan which will be a follow-up to the framework plan for the Southern and Western Neighborhoods.

- Is the Sunset-Fontaine connector through the Granger property going to be a "Main Street" type of road, with buildings fronting the street? If Granger is a Center, then the connector road should be a main street type street and the character of the street should be described.

- Incorporate the expectation for bike lanes into the language if the expectation is for a two (2) lane road with bike facilities on both sides

Center on Barracks Road near the Colonnades

- Does the Center designation along Barracks Road now mean that we should include the Development Area expansion request? *Staff stated it did not.*

Green Systems shown on the Plan

- The Plan should state what the intention of the green systems are in the text (i.e. this is green because it is floodplain or steep slope or stream buffer, a greenway connection etc.)

  *Staff noted that the area in Woolen Mills shown as part of Parks and Green Systems was in floodplain, including this building. Staff noted that their recommendation would be to follow the floodplain line.*

Parham Site

- The Parham site could be more palatable for citizens in that area with performance parameters to help define uses and what can or cannot be done on site
- Consider what kinds of uses next to the Parham site to the south (currently shown as Urban Density Residential) would be compatible. Should the Urban Density area south of the Parham site be redesignated as Neighborhood Density?
- It could be possible to have light industrial uses that would not affect adjacent residential property. Text could be added to the Plan that provides additional guidance on this area.
- Review what kind of uses would be allowed under a light industrial designation
- See if there is any way to require a mix of uses and not allow all of the land to be developed as light industrial.
- Office/ R&R/Flex Light Industrial could be less intensive than a residential use with density up to 34 DU/ ac.

- *Staff noted that if the property was to be designated as Office/R&D/Flex/Light Industrial, it would likely be eligible for a future County-wide rezoning of industrially designated properties. If the desire is to put restrictions on uses or design of the site, then the property may not be a good candidate to be included in the County-wide rezoning.*

- *Before bringing back a recommendation to the Commission, staff said it would review the possible land use categories – mixed use, Office/R&D/Flex/Light Industrial, and Urban Density*

*residential - to see what non-residential uses, including business and industrial uses, might be appropriate for the site and the appropriate location for these uses as well as residential uses. Staff stated they would confer with the economic development staff on this property for additional guidance regarding business and industrial uses. Staff will also look at possible use restrictions and design restrictions which might make uses more compatible with the surrounding residential uses.*

**Old Business**

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

**New Business**:

Mr. Morris asked if there was any new business.

- There will be no Planning Commission meeting on Tuesday, December 25, 2012 or January 1, 2013.
- The next Planning Commission meeting will be held on Tuesday, January 8, 2013 at 6:00 p.m.

**Adjournment**:

With no further items, the meeting adjourned at 8:47 p.m. to the Tuesday, January 8, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilmberg, Secretary

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