Albemarle County Planning Commission
January 08, 2013

The Albemarle County Planning Commission held a regular meeting on Tuesday, January 08, 2013, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Trevor Henry, Director of Facilities Development; Lindsay Harris, Budget Analyst of Office of Management and Budget; Montie Breeden, Office of Facilities Development; Scott Clark, Senior Planner, Sharon Taylor, Clerk to Planning Commission & Planning Boards, Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Cilimberg, serving as temporary chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Election of Officers: Chairman and Vice-Chairman:

Mr. Cilimberg opened nominations for the election of Chair of the Planning Commission for the upcoming year.

Mr. Loach nominated and Mr. Dotson seconded that Cal Morris be Chair for 2013.

Mr. Cilimberg asked if there were any other nominations. There being none, he closed the nominations and called for the vote.

The nomination of Cal Morris as Chair of the Planning Commission for 2013 carried by a vote of (5:0:1). (Mr. Morris abstained)

Mr. Cilimberg turned the meeting over to Mr. Morris.

Mr. Morris asked for nominations for Vice Chair of the Planning Commission for 2013.

Mr. Loach nominated and Mr. Dotson seconded that Mac Lafferty be Vice Chair for 2013.

Mr. Morris asked if there were any other nominations. There being none, he closed the nominations and called for the vote.

The nomination of Mac Lafferty as Vice Chair of the Planning Commission for 2013 carried by a vote of (5:0:1). (Mr. Lafferty abstained.)

Set Meeting Time, Day, and Location for 2013

Mr. Morris asked for a motion to set the Commission's Meeting Time, Day, and Location for the upcoming year. The regular meeting time generally is 6:00 p.m. on Tuesdays in the Lane Auditorium. He asked if there were objections to the schedule as posted by staff.

Motion: Mr. Loach moved and Mr. Lafferty seconded for acceptance of the 2013 Planning Commission meeting schedule that will be held in the auditorium beginning, unless otherwise noted, at 6:00 p.m. on Tuesday.

The motion passed by a vote of 6:0.

Mr. Cilimberg noted they would follow the schedule distributed last month with the understanding that all of the no scheduled meeting dates are available in the event a meeting is necessary.

Adoption of Rules and Procedures:

Mr. Morris pointed out the Commission received copies of the rules and procedures. He asked if there are any concerns with the rules or procedures. He suggested one change regarding other matters not listed on the agenda, which he violated the last time. He thought the Commission needs the flexibility to do this. On matters not listed on the agenda where the public is invited to speak it clearly says in the rules that a maximum up to three people may speak. He thinks depending upon the subject and so on that can be modified. However, the Commissioners can decide if this is what they want.

Mr. Kamptner pointed out the rules allow the majority of the Commission to suspend the rule. The three person limit is to assure the Commission maintains control of the meeting. However, certainly the practice has been to be relaxed on the number. If the Commission wants they can extend that beyond three to six persons.

Mr. Morris noted it was on a case by case basis.

Mr. Loach said he had no problem with the three person limit if it was at the discretion of the Planning Commission.

Mr. Kamptner said one other thing the Commission could do rather than stop the meeting and require the vote was to leave the latitude to extend beyond three speakers to the discretion of the Chair.

Mr. Morris asked if the Commission was in agreement with the suggestion. The Planning Commission agreed to leave the latitude to extend beyond three speakers to the discretion of the Chair.

Motion: Mr. Loach moved and Mr. Smith seconded to move for adoption of the Rules of Procedure for 2013 as amended and outlined in the Planning Commission's packet.

The motion carried by a vote of 6:0.

Mr. Cilimberg said one other matter for consideration, which Mr. Kamptner had raised as a question, was whether to include a Code of Conduct. The Commission has had some discussion in the past regarding the possibility of including a Code of Conduct in the rules as well. That has not been included in these procedures; however, if the Commission would like an addendum that can be brought back for consideration.

Mr. Kamptner pointed out staff could bring it back not only for discussion but at the Commission's pleasure to add those to the Rules of Procedure.

Mr. Cilimberg pointed out that would be a follow up if the Commission is agreeable. The Commission would certainly see it before they act on it.

Mr. Dotson said he was curious what kinds of topics might be addressed in said Code.

Mr. Kamptner replied that a memo was circulated last summer regarding maintaining the quorum and dealing with disruptions at meetings. The substance is primarily there. It would be a turnaround of putting those into some general rules.

Mr. Morris asked about the possibility or need for Commissioners to take an "Oath of Office."

Mr. Cilimberg said he was not aware of any need, but staff can look into that.

In summary, the Commission approved the Rules of Procedure for 2013 as provided with the following changes:

- The addition of language in 3.C giving the Chairman the discretion to allow more than three speakers.
- Agreed to consider adding "Code of Conduct" language for Commission meetings, which would be brought back as an amendment to the Rules for Commission action at a future meeting.
- Asked about the possibility of/need for Commissioners to take an "Oath of Office"

Committee Assignments & Reports:

Mr. Morris asked if any Commissioner desired to shift from one committee to another. Since all Commissioners were satisfied with their current committee assignments the 2012 Committee Membership List remained the same for 2013

Mr. Morris invited committee reports.

- Mr. Lafferty noted that CHART meets tomorrow.
- Mr. Randolph noted that the CIP Report will be presented tonight.
- Mr. Morris noted the Town Hall Meeting will be held on January 14th in Room 241 at 6:30 p.m.

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

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 including consent agenda items. He would take the prerogative of changing the rules and extend an invitation for six people, not three, to address this body.

The following individuals spoke in opposition to the proposed firearms training facility:

Lawrence W. Barnett commented that he hoped that the Board of Supervisors in their wisdom refers the proposed firearms training facility back to the Commission for further study. He said he had a real estate license in the State of Virginia since 1977; a brokerage license since 1981; and a small firm, Barnett Real Estate, in the City of Scottsville for the last 13 years. He has sold a number of properties on Fortune Lane, Riding Club Road, and the Route 20 Corridor. He could tell the Commission that if that open range is built on the old land field he thinks the conservative estimate is the property values are going to drop from 20 to 40 percent depending on the proximity to that firing range. He provided two suggestions that he thinks is a win/win situation.

- The first suggestion would be to buy the old Michelin Tire Plant from Dr. Hurt for a minimum amount of money. He understands that money is a big issue. However, he thinks further study should be done. There is plenty of parking there and it would be an economic boom for the City of Scottsville since property values would go up.
- If that cannot be done, then do a closed facility on the Keene Landfill. Even though it is more expensive they should look at that. If they have a closed facility they would have law enforcement from Fluvanna, Buckingham, Nelson and Albemarle. That closed facility could be rented 24 hours a day. If they have an open facility there will be no law enforcement out there in sub degree weather or in snow, rain, or whatever. So they have a win/win situation with either one of those. He strongly encourages the Board of Supervisors to refer this back to the Planning Commission for further study.

Douglas K. McAdams, resident of Esmont, expressed his views on the police firing range.

- This morning he was standing by the kitchen door watching the sun rise come to another cold crisp morning in central Virginia. It was absolutely beautiful. Yet over this part of the county an incredibly dark and foreboding cloud hangs, which is the proposed police firing range. It is a project that will destroy that quiet sun rise that he watched this morning. In this day and age, especially in a County which is supposed to be so enlightened concerning environmental matters, how could this project have advanced so far?

- Outside these chambers framed and hanging on the wall are our vision and mission statements. Our vision is a thriving County anchored by a strong economy and excellent education system that honors its rural heritage, scenic beauty, natural resources and historic resources while fostering attractive communities and vibrant communities. Another section to that statement is our mission to enhance the well being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds. Our values are stated as integrity, innovation, stewardship and learning. Starting with learning he felt they have taken a wrong turn. As a law abiding and taxpaying citizen he is outraged as hundreds of others are and demands redress over this proposed project. Don't be intimated by the uniform where the temporary comraderie among those pushing hard for this huge mistake in planning. If Chief Seller's legacy, a term he used to describe this project, is allowed to continue as planned it will become the greatest infringement on personal public rights and personal health and safety for the citizens of southern Albemarle in almost 150 years. Let's remember our vision statement, a County that honors its rural heritage and scenic beauty while fostering attractive and vibrant communities and next to enhance the well being and quality of life of all citizens. This police firing range will not do this. Our quality of life and rural heritage will be destroyed by this project. The Planning Commission must find a right, decent and just way to find an alternative method to this outrageous plan.

Hal West asked to yield his time to Paula Beazley.

Paula Beazley said when the request for the firing range at Keene was brought to the Commission there were many unanswered questions that should have been answered and tests and studies, especially regarding the suitability of the landfill site and the probability of lead mitigation to the low water table, the wetlands, and the three perennial streams that feed the Totier Creek watershed. Those questions are still not answered by planning experts.

- The mitigation measures are not included anywhere and Chief Sellers made a statement on public radio last Wednesday that noise mitigation, if any at all is done, will be done in the future. Yet preliminary site plans with the western and eastern berms sitting on wetlands with 1 to 1 ratio on the face of the berm, no protections for errant bullets, which the EPA Manual says is the greatest danger from earth and berms, noise levels in their own tests which took into account the berms that would generate noise 100 times greater than the Noise Ordinance under the County's own ordinances, and no mitigation. Even Rivanna has a diverter and bullet traps. She would think that Albemarle County could do better. This is being built without noted technology. Even the marines and FBI are using simulators in order to do their training, and they are getting better results.
- The police are asking for more funds at Keene. However, none of those would be used to make the public in the 2 to 5 mile radius safe. Staff has reported they have no funds for necessary infrastructure and the Police Department is six officers short. She employs the County not to recommend this funding. They will support and raise private funds for an indoor facility in a development area where this should be where the town will benefit from the economic community activity and the County will increase tax revenues. The County does not need to lose $100,000 in tax revenues each year from this project due to reduced market values. Please do not recommend this funding and take the time to correct the mistakes that have been made to get it right for the citizens of Albemarle and for the police.

Barbara Lape, resident of Southern Albemarle for 35 years and registered nurse, read her statement since she was so emotional over this issue. How can you support a project that negatively affects the lives of residents in this 78 square mile area of this County? This is one of the most beautiful counties in the country they will be destroying if they go through with trying to facilitate this outdoor firing range. The noise generated, the pollution that will occur, the psychological damage of hearing the gun fire, plus the danger of stray bullets, and ultimately the possibility of lead poisoning our environment and the water, as well as the cost to the taxpayers for maintenance makes this a project that should be taken off the table. Why not utilize the state of the art facility that is being constructed right now at Nottoway next to Camp Picket that will be run by the State Police. She was sure they were aware of that facility. She suggested that they use the funds that they would be saving to hire the additional policemen that the County needs. That would allow officers to go in shifts to Nottoway. With more manpower it would enable officers to

respond to calls more rapidly than the 45 minutes it can now take for them to respond to a call in southern Albemarle. For a minimal charge they will have the best training available in Virginia. They want our policemen to have the best training, which can happen without destroying our County and the living conditions of our residents. She is sure the Commission has seen the letters in the Daily Progress on Sunday, December 23 and Sunday, January 6. They eloquently express and explain the need for your concern and action to stop this venture.

John Eichenberger, as a registered professional engineer and a certified industrial hygienist with over 20 years of experience in the field of environmental and civil engineering, said he is concerned that the current proposed police firing range does not adequately protect human health and the environment. Furthermore, the current budget proposals do not reflect the true cost to construct and operate a firing range in a manner that protects local residents specifically.

1. It is estimated that the sound levels of the range will be as high as 86 decimals, which is 100 times louder than the County Zoning Ordinances. The Albemarle Code declares, "Noise is a serious hazard to the public health, safety, welfare, and quality of life." The elderly, medical patients, infants, children, are particular vulnerable to excessive and unwanted noise. The current design does not incorporate adequate sound abatement measures to adequately safeguard the public.
2. The current design does not incorporate measures to protect the public and environment from lead exposure. The Keene site has acidic soils, steep slopes, and a high runoff potential. These conditions can cause significant lead leeching from the soil. This condition will be worsened by the fact that the Keene site will use low cost soil berms instead of more effective systems to collect spent bullets. The failure to prevent lead leeching will adversely the residents, perennial streams, wetlands, and groundwater downstream of the site.
3. Albemarle County has failed to consider the true costs to maintain the range into the future. The County is proposing to allocate $12,000 a year to maintain the site and $47,000 a year to mitigate lead. Based on his professional experience he is confident that the annual maintenance and lead mitigation costs will be significantly higher. For these reasons he urged the Planning Commission to either allocate sufficient funds to construct a safe indoor enclosed facility, relocate the firing range to a more appropriate location, or preferably use existing local facilities instead of building a poorly designed and inadequate facility.

Ms. Laurel Davis spoke on behalf of the people of Esmont who have humble home places and those who for the most part are the closest to the proposed site and will be most severely impacted by this plan if it goes forward. She questioned if the Commission really connects to what they are doing and who they are impacting since they don't know who they are. She thought that somehow that makes it easier for them to allow this use and subsequently destroy the quality of their lives and rob them of the value of the little they have. Of the 1,500 people in Esmont 9.1 percent are single women raising children; 15 percent are seniors; 31 percent are children; 26 percent earn less than $25,000 a year; and 37 percent are African American, which makes Esmont the poorest part of the County. This makes the decision of putting this firing range in our backyards even more horrifying. She introduced the Commission to several of her neighbors who live within a mile and a half of the site. Anna was 94 years old and had lived on her home place for her entire life. She has two sisters who live on the properties next door, one 78 and the other 86 years old. John and Brenda moved across the street for peace and quiet in the country side. Glenn is retired and lives with his ailing wife. Martha has a household of 5 with 2 children. Ben is retired with his wife and has lived there all his life. Belinda has a family of 5 with two small children. That is just a few of us. She implored the Commission to reconsider this plan since it impacts their lives in serious and severe ways.

Mr. Morris pointed out that the Commission had received an email from John Lowry who asked to speak tonight. However, the Commissioners already had his message.

John Lowry, Economic Development Authority for Albemarle County, read his statement sent by email about the Comp Plan Update noting concerns with ASAP's January 4th Summary statement release.

"Capital flows where it is treated the best.

These next several months you will be winding up your work on the Comprehensive Plan Update. When I last spoke to you, and thanks for your courtesy in hearing from me, I said I was less worried than I had been about ASAP – Advocates for Sustainable Albemarle Population. Because of ASAP's January 4th Summary statement release I believe I can see what is coming your way soon. My hope is that you will agree with me it is sadly unfair for a specific interest group to try to hijack a deliberative process at the last minute.

If you have any doubts about how this small group uses flawed logic to come up with fringe conclusions please go back to their August 2009 release of what population levels could be sustained in the county. Their own lady said 200,000 was a likely number to be reached with only minimal environmental degradation in Albemarle. Her conclusions were very close to what Weldon Cooper at UVA said in its own study released last November.

We all thought that controlling population growth was put to rest by some tragically sad examples in the 20th century. Now ASAP wants to have growth demonized for its own sake. Accepting that premise means limiting business and industry which means fewer jobs and *voila!* ASAP has population control. So, the Jan 4th release goes into vast detail by Craig Evans, Economics PhD. hired by ASAP, to show a 'fiscal drag' is created by allowing an increase in new homes and families in our county. Common sense economics tells any thoughtful person that homes built by young families today will be great investments for government tax revenues over the useful life of that land improvement. As homes values rise and families size shrink the demand for services by the county diminish and the crossover payoff in tax revenue received is manifold.

ASAP is going to come to you with many ill-founded conclusions. I for one am going to stand up to refute their poor advice. Mr. Evans baldly shows in his research how commerce and industry generate more than twice the revenue to the government than the demand for services paid by government. Yet he judges labor for business will come from outside the county to wash out the favorable ratio. He apparently didn't learn about multipliers in his economics degree. And Mr. Jack Marshall will be before you. He is quoted as saying new businesses will not hire the underemployed. He was sitting with me at PVCC last April when the Target Industry analyst said exactly the opposite. Don't believe these sirens of doom. When they speak to you next I will be here, too, to expose their biases and egregious motives."

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

Consent Agenda:

Approval of Minutes: December 4, 2012

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

Motion: Mr. Randolph moved and Mr. Lafferty seconded for approval of the consent agenda.

The motion carried by a vote of (6:0).

Mr. Morris noted the consent agenda was approved.

Presentation – Capital Improvement Program Update (CIP)

Trevor Henry, Director of Facilities Development presented a Power-Point presentation dated January 8, 2013 regarding the FY 14 Amendment of the FY13-17 CIP & FY18-22 CNA that included the Oversight's Committee recommendations. Others present to answer questions about specific projects from the Office of Facilities Development and Office of Management and Budget were Monte Breeden, Senior Project Manager and Lindsay Harris, Budget Analyst.

Mr. Henry pointed out the purpose of tonight's presentation was to review the results of the process from the submissions to where they are at now and talk about what the Board has given feedback on and what

to move forward with. It is an opportunity for the Commission to provide some feedback on the process and the submissions. Ultimately, it will be the feedback that Mr. Foley will then use as he finalizes the budget. He explained the Capital Improvements Program Update process in the PowerPoint presentation, as summarized below.

Agenda

- Introduction/Purpose
- Process Review
- Resource Assumptions
- Watch-List
- Summary of Oversight Committee's (OC) Recommendations
- Discussion/Questions

Purpose

- Review
  - Assumptions
  - OC Recommendations
  - Board Decisions
  - "Watch-List" items
- Provide feedback to staff

Process Review

- CIP Cycle Year 2 – Amendment
  - Project submittals for CIP
  - School Requests/Timing anomaly
- August - October
  - Requests Submitted
  - OMB/OFD Review
  - TRC review/Recommendation
- November – April
  - OC review/Recommendation
  - Joint Work Session (December)
  - Planning Commission Review (January)
  - County Executive's Finalized Recommendation (February)
  - CIP Work Session and Approval (March)
  - BOS Adopts Budget (April)

- Guidelines
  - Charters
  - Strategic Plan
  - Guiding Principles
  - Project Ranking Criteria
  - Financial Goals

Watch List

- Stormwater-related Total Minimum Daily Load (TMDL) mandate - $TBD Mil
- Funding Transportation needs - $TBD Mil
- Courts Plan - $40 - 50 Mil
- Unfunded Project Requests (examples from past two CIP cycles) – ~$118 Mil
  - Pantops Fire Station
  - Crozet Elementary School Addition/Renovation
  - Henley Middle School Phase 1-Addition
  - Henley Middle School Phase 2-Addition/Renovation
  - Red Hill Elementary School Modernization
  - Scottsville Elementary School Addition/Renovation
  - Stony Point Elementary School Addition/Renovation
  - Western Albemarle High School Phases 1-3 Addition/Renovation

- Yancey Elementary School Addition
- Yancey Elementary School Modernization
- Northern Library

OC Recommendation

- Recommends CIP Amendment as presented to OC from TRC with the following notes:
  - Pending decisions of Board regarding School's fund balance policy and moving school bus replacement program over to the CIP
  - If additional funding becomes available, then $1.5 Mil be provided annually as revenue sharing transportation (matching) funding and $500,000 be provided for ACE

BOS Direction (12/13/2012 meeting)

- Approved a 2% maximum School Fund Balance retained by the School Division, with remaining funds transferred to the CIP.
- Directed the inclusion of school buses in the CIP and the inclusion of State revenues received by the School Division for buses.
- Proceed with CIP as submitted

Suggested Process Recommendations

- Amend TRC's charter
  - Deliverable for TRC would be a ranked scoring (instead of a balance five-year plan)
  - Continued involvement through OC recommendation
- Establish a CIP Financial Review Team
  - Membership to include TRC Facilitator, representatives from OMB, Finance and School Division
  - Finance Review Team recommendation would be presented back to the full TRC as well as to the OC
- Update the two-year CIP cycle to allow new/updated request each year with CNA every two years
- Obligations to be automatically funded but will receive review for opportunities
- In progress multi-year projects to be presented directly to the Board

The Planning Commission held a discussion with staff and provided the following suggestions and action, as follows.

Mr. Morris invited questions and comments for staff.

Mr. Loach said there should be something there to offset the rural development as far as rural protection. He felt bad that there was no money for ACE. Secondly, as far as Parks and Rec he did not see the Crozet Park five years out seeing nothing there while Old Trail is going up.

Mr. Henry replied that he would expect Crozet Park to come back in next year's full submission cycle. However, based on prior reviews it will probably be prioritized at a level that will likely not be funded unless something dramatically changes.

Mr. Morris commented that the libraries are triggered by population increase. He asked if they work closely with them in looking at the process of when they are going to start to fund for a south side library. He asked how that is coordinated.

Mr. Henry replied speaking for staff they certainly work with us on the anticipation of when that will be needed. The southern library has been submitted previously. A few years ago it was kind of an out year project. Over the past several years our monies have gone down to kind of the bare bones. As a result that project has not materialized. They do work with us and he would expect it will come back in next year's full cycle. It will be one of the many projects they will be looking at.

Mr. Morris said he was just curious about the process on libraries.

Mr. Henry asked Mr. Cilimberg if he had any thoughts on looking at libraries and forecasting the needs.

Mr. Cilimberg replied that they did that with Crozet. There was that library needs assessment which was done 3 or 4 years ago. They have not done anything since. Of course, when they have been doing some of the master plan work they have been trying to determine if a library need would exist. However, he thought that most of what they have identified through that last assessment is shown in our plans as to potential locations where as an example a northern library could be located. It has been identified as a potential need. Beyond that they have not gotten into any new analysis of needs. The question would be when the legitimate point in time would be to do that again. It might be with the completion of the comprehensive plan that they would revisit the need.

Mr. Lafferty said following up on Mr. Loach's look at the ACE program what are the project management services associated with that. That is not zeroed out.

Ms. Lindsay Harris replied that was separate and listed under future projects.

Mr. Henry noted that several years ago in 2009 the Office of Facilities Development funding moved from the general fund into the capital fund. At the time the process was basically just applying 4.5 percent on all the projects, which funded the department. They have migrated over to a model now where OFD has an internal service fund. It is kind of like a private business in a sense. However, they track the time and estimate the hours as a project worked on by the department and actually fund and charge against it. The project detailed sheets submitted by our department looks at the work and if they do the project they have metrics and measurements that they can estimate their hours, which gets reflected in the budget. Once they are executing that project, they charge against that. What he was referring to is they work on projects 70 percent of the time that are identified and somewhere between 30 to 40 percent of the time they are dealing with projects that are warranted in the CIP or other requests that the Commission, Board, or citizens might have. So they needed a mechanism to basically fund that work, which is what that allocation is for. It may look like it is tied to ACE, but really it is a separate funding line.

Mr. Lafferty noted with storm water, #11, they have a project management service, too.

Mr. Henry replied that they have it broken down by functional areas. It helps track as a department where they are spending their time. So they have estimated time for local government, storm water, and schools. Local government would include libraries and public safety items.

Mr. Randolph asked to address Mr. Loach's point. He wanted to make them aware that the two members of the Board of Supervisors serving on the CIP and the member of the Planning Commission on the CIP were very strong in the support of ACE being included in this CIP to 2014 budget. Through those efforts they got it as a potential add on whereas before it had not been included. He hoped that next year they can take a look at the scoring system because he brought up the point in the CIP that he felt the scoring was bias against the value of open space and its meaning to the county. It is something that Don Franco has echoed in the past about the scoring in the CIP. There are two very strong verbal vocal advocates within the Board of Supervisors to have that $500,000 somehow or other appear this year for ACE.

Mr. Dotson said that he would like to climb on the ACE band wagon as well. He hoped there was a message here. He did not know if it was appropriate just to collect these individual opinions or whether the Commission should put into a motion something about ACE to make sure that it gets to the Board. That is something the Commission might think about. However, just as he looks at the data given, which is very complete, for instance in Attachment B he noticed the funding source for the ACE program was as listed as either C. or G. cash or grants. Of course, having no cash you tend not to get the grants because it is leveraged. So almost inherently it seems that it is a mistake not to have some money there in order to warrant those grants. He thinks that is a real problem. He thinks also if it ends up as zero, which he hopes Mr. Randolph is right that it is $500,000 or some portion of that, it would be inconsistent with the language that the Commission proposed last time they talked about this section of the Comprehensive Plan. They talked about funding sufficient to acquire easements on an additional 1,000 acres per year. Some of those would be donated like the PRFA and others would be ACE. They also talked about a million dollar funding as a target each year. Again, it would be for some unspecified combination of local

funding and the grants that he was talking about. So to say that it is zero since they are at the Planning Commission it is hard to find this consistent with that.

Mr. Dotson noted the process they use, which comes back to Mr. Randolph's point on the scoring system, is to give preference to existing programs and maintaining them. ACE is a little bit different from some of the other programs. He would argue that with zero funding they have not maintained or continued the program that they have in fact invested many number of years in building information in the land owning community about ACE that it is there and so forth. People tend to think about this on a long term basis. It is not a snap decision. So a land owner might have been considering this for two years and now all of a sudden there is no money at all. So he sees that as inconsistent with a notion of maintaining existing programs. They had a speaker earlier who was talking about economic development and they used to use some of their tourism money for ACE because of the very clear logic that when people come to this area to visit part of what they are looking at is the green country side and so forth. One of the target industries, again, is agri-business. So to not have any funding there seems consistent with our economic development objectives as well. Therefore, he was very troubled by this for all of those reasons. He did not know if it was simply sufficient to have the minutes reflect that four or five Commissioners each expressed concerns or whether it would be appropriate to adopt a motion expressing that concern. He was looking for guidance as to process.

Mr. Cilimberg noted that a motion would be fine. The Planning Commission plays a role in making recommendations to the Board regarding the CIP.

Mr. Morris said that it would be very appropriate. If there was room he wanted to be on the band wagon because it truly goes against everything that they have been working on for over a year and a half with the Comprehensive Plan where they were emphasizing the rural area. There is some disconnect because they are ignoring it.

Motion: Mr. Dotson moved and Mr. Lafferty seconded that the Planning Commission communicate to the Board of Supervisors the serious concern they have about the proposal that ACE only be funded if extra money is found. They hope it is, but the Commission would like to see ACE have some funding in the first instance. The reasons for this would be leveraging and matching funds so as to obtain the grants; to be consistent with the Comprehensive Plan where they have goals to protect additional acreage each year; to maintain a program in which they have already invested a great deal, and through ACE support tourism, economic development and the target business of agriculture.

Mr. Lafferty seconded the motion.

The motion passed by a vote of 6:0.

Mr. Dotson pointed out he had another question on the firearms range since the amount indicated only includes the first phase and does not include the driving track or the burn building.

Mr. Henry replied that it was not an approved use. Therefore, this is only on the firearms range.

Mr. Randolph asked at what point this would be referred to as a public safety training facility instead of a firing range.

Mr. Henry said that was a good question. He thinks when it comes back through for comprehensive plan review is when it would switch to public training. It has been in the public domain kind of as both, but he thinks it really should be treated separately. What is approved and what is being worked on currently is just the firing range piece.

Mr. Cilimberg noted later phases are subject to compliance with the comprehensive plan review. So it may very well be that would be the point in time where the title would change. However, the Commission would see it again. Of course, they also are going to address it in the comprehensive plan as to how they feel it should be worded as a facility.

Mr. Dotson said the other question related to whatever it is. It was in Attachment D operating impacts that he not sure exactly what the numbers were. He was taking these are operating budget impacts. That if they have the facility as envisioned in the CIP then these would be the annual operating costs.

Mr. Henry replied that is correct for that project as all the others.

Mr. Dotson said he was surprised at the numbers that he sees. He remembers it was said that whenever the facility was in use that there would be a site manager on the site. That sounds like a dedicated person and that is not $11,000.

Mr. Henry replied no it is not. As he understands from the Police Department that resource is already budgeted in their operating budget because they need that currently. When they go to Rivanna to train that supervisor/range officer is there. So it nets out to the same whether it is at the Rivanna or at the proposed location. So that component is not an additional cost since it is already programmed in to the operating budget.

Mr. Dotson asked are there revenues anticipated from having this facility. He has heard that Charlottesville has already bought in.

Mr. Henry replied the revenue is a 50 percent share. So, yes that is reflected. They are showing the cost. The revenue side actually is coming in from the City at 50 percent of our total cost. The 481 is the request and one-half of that would be county funding and the other one-half would be the City.

Mr. Dotson said he had the impression that other jurisdictions in the greater region, central Virginia, would probably see this is as a place they would want to use. Is there a sense that this could offset some of its cost?

Mr. Henry replied that he would defer to Colonel Sellers on that since he believes he is working through basically operating guidelines now. He is holding community meetings whether defining the use and part of that would be the regional training. As he described it the use would be for regional partners or those entities that they would need to do some integrated training with for a shooter incident or something like that. They are still flushing that piece out. He did not believe that there would be a big revenue item for outside agencies. Based on the feedback with the community they are really limiting it to the partners that they need to train with in order to execute their mission in kind of adverse conditions. He would like the Colonel to address that directly.

Mr. Dotson said on one hand it was great to serve the region and to have those revenues come in. On the other hand that is more use, more noise and more traffic.

Mr. Henry said it depends on what the guidelines will define to create a structured use and for regional training, which will be more the exception than the rule.

Mr. Morris thanked staff for the presentation.

Mr. Henry thanked the Commission for the input.

Regular Item

SDP-2012-00065 Verizon Wireless/Crossroads/Shifflett Property Tier II Personal Wireless Service Facility

Mr. Morris indicated this request was removed from the agenda because it does not require Planning Commission action.

The Planning Commission took a break at 7:29 p.m. and the meeting reconvened at 7:35 p.m.

Public Hearing Item

SP-2012-00023 Faith Christian Center International
PROPOSAL: Amendment of SP200700029 to increase day care attendance from 50 to 120
ZONING: RA – Rural Areas: agricultural, forestall, and fishery uses; residential density (0.5 unit/acre)
SECTION: 10.2.2.7, Day care, child care or nursery facility (reference 5.1.06).
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestall, open space, and natural, historic and scenic resources/ density (0.5 units/ acre)
LOCATION: 2184 Richmond Rd.
TAX MAP/PARCEL: 078000000047A0
MAGISTERIAL DISTRICT: Scottsville
(Scott Clark)

Mr. Clark summarized the staff report.

Proposal: This is a special use permit amendment request. The Board of Supervisors approved the original special use permit for daycare on this site in 2010 for 50 children. The current request is to expand that to 120 children. The site is located on US Route 250 in Shadwell across the road from the Shadwell Estates. It is close to the US 250/
I-64 Interchange. This property was the Sleepy Hill Trailer Park a few years ago and is in the process of being cleared out.

PLANNING AND ZONING HISTORY:

ZMA-338: This 1975 request to rezone the property from B-1 Commercial to A-1 Agricultural, in order to bring the then-extant mobile home park on the property into conformity, which was withdrawn. The property was subsequently rezoned to RA (Rural Areas) in the County's 1980 comprehensive rezoning.

SP-2007-00028: On September 1, 2010, the Board of Supervisors approved this request for a church with a 399-seat sanctuary, administrative offices, classrooms, and a playground.

SP-2007-00029: On September 1, 2010, the Board of Supervisors approved this request for daycare for up to 50 children in the church building approved under SP-2007-00028. This is the approval that would be amended by the current request.

CURRENT PROPOSAL:
- Increase daycare attendance from 50 to 120
- No physical site changes necessary
- No changes proposed to original conceptual plan that was approved in 2010 for the two uses.

Within the building, which has not been built yet, there would be a daycare facility. No site plan has been submitted. The amendment request has come along before the use has actually been started.

Traffic Impacts:
One of the significant issues that came up due to the change in numbers was the traffic impacts.

- Proposal would use traffic improvements already designed for approved church facility
- VDOT requested a turn-lane analysis for this proposed daycare expansion – concern over stacking in left-turn lane
- Analysis showed that stacking would be insignificant (<= 1 car waiting at morning peak). VDOT feels that the concern has been addressed.
- VDOT has recently improved traffic-light timing at the US250/I-64 intersection to reduce westbound congestion during morning peaks

Joe DeNunzio, VDOT representative, asked the applicants to provide an analysis of how the turn lanes and the traffic stacking up into the turn lanes would be affected by the increase in numbers. The applicants provided that study and Mr. DeNunzio approved its findings. Generally the study said the

already approved improvements, which are a 200' left turn lane, a 200' left turn taper and an extended right turn taper where the bridge is over Shadwell Creek, would be sufficient to accommodate the increased traffic. Mr. DeNunzio's main concern was about people coming east on 250 stacking up for left turns waiting to get into the site during the morning peak. The analysis showed there would be very little stacking going on due to the volume of the use not being high enough to create a back up. He also mentioned there have been some improvements to the traffic light timing at the intersection of the federal highway and the interstate to the west so that they were having fewer problems with traffic backing up this far. However, he was sure that it still does. Given all of that VDOT was happy with the already approved improvements for the site being sufficient for the increase to 120 children for daycare.

Favorable factors

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

1. The increased enrollment can be accommodated with no additional facilities on the site beyond what has already been approved.
2. The Virginia Department of Transportation has found that the proposed road improvements on the original conceptual plan are sufficient to accommodate the additional traffic generated by the increased enrollment.

No unfavorable factors were found.

RECOMMENDATION: Staff recommends approval of SP-2012-00023 Faith Christian Center International based upon the analysis provided herein, with the conditions, as amended and shown. Condition 1 was changed to state in general accord and condition 2 to increase the number of students to 120.

Note: One thing that has come up is that condition 8, which was approved in 2010, would have allowed a four-year period for construction to begin on the site. In an effort to give the applicants a bit more time since they still are at the site plan stage the simplest thing staff could recommend is to remove that condition from the recommendation to the Board. That would give the applicants two years from whatever day the Board approves this permit, presuming they do, to begin construction. It could gain them a few months that they might well need.

Mr. Morris invited questions for staff.

Mr. Smith asked if the word general accord is going to create a problem.

Mr. Clark replied that general accord is the standard language they apply to all special use permits. The idea is to give a reasonable amount of flexibility.

Mr. Cilimberg noted one of the things that they now do that pairs with the general accord is they specifically list the major elements that have to be reflected so they are focused on those elements and then giving some flexibility beyond.

Mr. Morris clarified what the Commission was being asked to do is really just increase the number of students that are allowed from 50 to 120 children.

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

Pastor Wayne Frye, founder and Pastor of Faith Christian Center International and the co-founder of Faith Christian Academy, said they are here to request an amendment to the special use permit to go from 50 to 120 students. Regarding background, the daycare has been going since August of 2005. They started with one student and have grown to a maximum student population of 86 students. Presently they have a student enrollment of 73 students and a waiting list for some of the classes. They have already outgrown the approved number on the approved special use permit. They don't want to downsize going to the new facility because they will have ample space and more opportunity to entertain and educate more children, which is the reason for the request to increase the attendance.

Mr. Frye said they believe their program is unique and useful to the community. They not only take care of children everyday but they also educate them. They have had a track record where their students come out of their facility sometimes one grade level ahead of their peers of the same age. Therefore, they take pride in what they do. So the facility they are building will give them an opportunity to minister and educate more children at a greater level. He would be happy to answer any questions. In addition, his engineer, Brian Smith, is here to answer technical questions.

Mr. Morris invited questions for the applicant.

Mr. Randolph asked where the church is currently situated.

Pastor Frye replied the church is currently in the City of Charlottesville on Carlton Road in Cathy's Shopping Center in the same facility as Charlottesville Market.

Mr. Smith asked that the two-year time limit be explained again.

Mr. Clark replied when there is no condition specifying a deadline for a special use permit the applicant has two years from the Board of Supervisors approval date to begin construction.

Mr. Smith asked the applicant if they had a problem with the two-year limit.

Pastor Frye replied no, sir.

Mr. Morris asked with the current enrollment population do they have any idea as to how many are coming west on Route 250 into the city to get to the location from eastern Albemarle, Louisa, etc. and how many are coming from the west to the east.

Pastor Frye replied that more would be coming from Charlottesville towards the property, which will be traveling east. Less would be coming from Keswick into Charlottesville. He did not know the exact numbers. However, that is the break down.

Mr. Randolph asked if he would say that was about a 50/50 balance that they would see down the line.

Pastor Frye replied no, he would see more of a 70/30 balance. That population will change because they only go up to a certain age level. Then they have younger children come in since they presently go from birth to third grade.

Mr. Morris invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission. Since he was on the Commission in 2010 when the original special use permit was heard he would feel more comfortable if they had some data related to the flow of traffic and so on of the 50 children approved in 2010. Of course, they can't do that because the building is not built. He has a hard time considering going from 50 to 120 children without any solid data.

Mr. Lafferty noted when considering this the Commission's real question was the traffic and the potential of getting blindsided there. If VDOT says it is okay he did not think they have a right to question that.

Mr. Morris noted the only concern he was thinking about when he says this is that he travels that road. His wife travels back and forth doing volunteer work at the women's prison and there is a line up and very hard to turn left. Mr. Randolph lives out there, but he did not know what he has seen in the past.

Mr. Randolph said that he has serious issues with increasing the number of students to 120 for the following reasons.

- Having lived out there for 7 years he knows in terms of traffic moving east at night that often times though the posted speed limit is 45 miles per hour that traffic especially in the left lane of 250 going underneath I-64 and heading east will be approaching that turn where the traffic then merges into one lane often times at close to 60 miles an hour. From the standpoint of public

safety for the children and their parishioners he has real concerns about anyone attempting to make a left hand turn.

- If they do a 30/70 split then out of 120 potential students 36 students would be exiting going east out of the facility at night. There is no problem coming east in the morning. He feels there is still a problem going east in the morning for people from Charlottesville in attempting to make a left hand turn into all of the traffic that is proceeding out of Louisa, Orange, Lake Monticello, Keswick and beyond coming down on Route 250.
- He loved the idea of the daycare and trying to meet the needs of the people in the community whether they live in Charlottesville or on the eastern part of the county. However, his primary concern is when people are dropping off and picking up children around rush hour. He sees a situation where this is going to be a prime accident zone. He would feel terrible about having any children injured as a result of this. He regrets that he cannot support this application to move from 50 to 120 at this site.
- If they were looking at a site further down 250 where there is a third lane that has been established at least to the turn for UPS that would address his concern. However, his concern representing the Scottsville District would be that they would be embracing a public safety hazard to allow 120 children to be dropped off and picked up. The reality is that 120 children would come down to approximately 100 cars, give or take 10 cars. That is a lot of traffic seeking to make a very dangerous ingress or egress out of this proposed location.
- He has looked at the site and drove by it repeatedly since he picked up the application. He has communicated his concern with Mr. Clark who communicated with Joel DeNunzio. Mr. DeNunzio addressed the concern with traffic coming east on 250. However, he did not address the speed issue especially at night, which is a primary issue. He did not address the issue thereby of traffic trying to leave at night and making a left hand turn out of this daycare facility into traffic onto 250. He just sees major problems with the location.

Mr. Clark noted a couple of comments not included in the staff report.

- From the applicant's turn lane analysis report, which was prepared by a traffic engineer, they show the typical trip generation during the morning and evening peak hours. The estimate in the morning would be that about 49 vehicles would arrive during that peak hour and 44 would depart. That is a total of 93 trips. Obviously, that is not the 100 vehicles that they would expect largely because as he understands the assumption is that unlike a regular school a daycare does not have everybody arrive at the same time. That may give some sense of the numbers of vehicles they would be seeing during that peak hour. Mr. DeNunzio pointed out the intense part of the peak on that road tends to last about 10 to 15 minutes rather than a full hour.
- The other concern he heard was about night time traffic. There is a condition on this permit that most of the daycare activity, except for occasional events, would have to end by 6 p.m. There are times of the year when it is dark at 6 p.m.

Mr. Kamptner asked if staff has a drawing that better shows the improvements that are going to be required for Route 250. There is a turn lane referenced in the staff report and the two tapers.

Mr. Clark presented an aerial view of the current situation and described the improvements. There is a lot of striping on the existing pavement where traffic at this point does not normally go. The majority of the work is actually just restriping the existing median area to have a 200' full width storage lane and beyond that a 200' taper for pulling into that. For the right turn side there would be improvements needed and to widen the bridge slightly to accommodate a taper from where the adjacent entrance starts up to where their entrance would be under the current plan. The taper was in the range of 175' to 200'. He would defer that question to their engineer, Brian Smith.

Mr. Ed Smith asked what the normal hours of operation are.

Pastor Frye replied that it would be 7 a.m. to 6 p.m. The drop off time would be from 7 a.m. to 10 a.m. Therefore, parents would have an option to drop off anytime during the first 3 hours.

Mr. Ed Smith asked if there would only be two lanes with one out and one in. He asked if they don't have a left turn lane since this plan did not show it.

Brian Smith, engineer for the applicant, replied there was only one lane in and one lane out.

Mr. Lafferty said there was the same concern last time with the 50 students as they now have with the 120 students. If they take a different approach with having 120 students and approximately 50 cars using Route 250 maybe they will be more used to seeing cars stopped there than they would if they just had 20 cars stop there. He felt they have to accept VDOT's recommendation that it should be okay.

Mr. Morris pointed out his problem goes along with Mr. Randolph in that is precisely the statement that was made almost 2 1/2 years ago that if VDOT recommends it, then it must be alright. He was sorry but he travels the road and he has a concern for the congregation and children.

Mr. Morris invited the applicant to use the rebuttal time.

Mr. Brian Smith, engineer for the applicant, said he did not have anything formal to present. He just wanted to add some additional items they were not aware of that may help them. He also lives east of town in Boyd Tavern and has since 1979. He comes to town on Interstate 64, but a lot of times he mixes it up and comes along Route 250. He sees the patterns as well. He remembers when that road was 55 miles an hour with just two lanes. First he would talk about the left turn lane. The report was done by the Timmons Group in Richmond. They gave a recommendation of a left turn and taper of 200'. When that was presented to Joel DeNunzio he increased that to 250' of storage and 200' of taper. That is what he has designed back in his office and waiting to finish and submit. There is plenty of room further on back if they wanted to make that 250', 300' or something like that. So they may not be aware of that. He wanted to make that point clear.

Mr. Brian Smith continued pointing out when he came in this morning to work the road was very busy with a lot of traffic. It was 8 a.m. when he was creeping along in front of where the church entrance is proposed, which is where the cars split into two lanes. Usually people at that speed are very kind and conscientious and kind of create a gap to let people in. He is a civil engineer doing the site plan process and not a traffic engineer. He thinks that is a safer time when the traffic is going slow rather than when they are coming into town at rush hour at 45 miles an hour. Fortunately, the traffic light down in Shadwell now creates sort of a gap. So if people are coming from town to drop off their children in the morning they have that gap. Hopefully, they are patient and everybody else is driving at the right speed and not tailgating and that sort of thing and allows them to turn in. He did not know what more he could add. However, he wanted to tell them that the storage lane is longer.

Mr. Morris invited questions for Mr. Brian Smith.

Mr. Ed Smith asked what the distance was on the westbound decal lane.

Mr. Brian Smith replied that Joel DeNunzio has allowed them not to extend that huge box culvert that is under Route 250 that takes the water. Therefore, they are going to start right at the edge of that and go quickly to a 12' lane and then have a radius going in.

Mr. Ed Smith asked how long it was.

Mr. Brian Smith replied he would guess it would be around 100' to 125'. It is not the 175'.

Mr. Ed Smith said it was a short taper and then 120' stack.

Mr. Brian Smith noted that there was no stacking.

Mr. Ed Smith asked if they would have a full lane.

Mr. Brian Smith pointed out there was no full lane. It is a taper that goes to 12' off the pavement and then the 45' radius begins right after that. So there is no 12' wide by 100' of turn lane for the right turn lane.

Mr. Ed Smith asked if there was no westbound acceleration lane exiting the church other than the taper.

Mr. Brian Smith replied that was correct since there is the middle turn lane that the people could turn on.

Mr. Ed Smith pointed out that was eastbound.

Mr. Brian Smith agreed that was eastbound.

Mr. Ed Smith asked if there was no thought of having three lanes coming down the hill.

Mr. Brian Smith replied there was some discussion the last time they were here for the special use permit about pulling out and it possibly being safer to have two lanes with one for the left and one for the right. However, he felt it was actually safer to go one car at a time. If someone is in the right lane and stopped at Route 250 looking to the left towards Shadwell they might be blocked out by the car sitting there waiting to go out. He liked the idea of one car at a time and being patient.

Mr. Ed Smith said that was a good argument.

Mr. Morris noted that this request was not an easy one. There being no further discussion he asked if there was a motion.

Motion: Mr. Smith moved and Mr. Lafferty seconded to recommend approval of SP-2012-00023 Faith Christian Center International with the conditions recommended by staff amended as shown tonight, as follows

1. Development of the use shall be in general accord with the conceptual plan titled "Faith Christian Center International Special Use Permit – Concept Plan" prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (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:
   • building orientation
   • building mass, shape, and height;
   • location of buildings and structures
   • turn lane design;
   • location of parking areas;
   • relation of buildings and parking to the street.
   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. The maximum number of children shall not exceed one hundred twenty (120) or the number of students as approved by the Health Department or the Department of Social Services, whichever is less;
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties;
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval shall be required prior to approval of the final site plan;
5. Health Department approval of well and/or septic systems shall be required prior to approval of the final site plan;
6. The area labeled "Re-planting Area" on the Conceptual Plan shall be replanted according to "Restoration/Establishment Table A" in Appendix D of the "Riparian Buffers Modification & Mitigation Manual," published by the Virginia Department of Conservation & Recreation's Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in

the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau," published by the Virginia Department of Conservation and Recreation;

7. The hours of operation for the day care shall not begin earlier than 7:00 A.M. and shall end not later than 6:00 P.M., each day, Monday through Friday, provided that occasional day care-related events may occur after 6:00 P.M.; and
8. ~~If the use, structure, or activity for which this special use permit is issued is not commenced by September 1, 2014, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.~~

The motion was approved by a vote of 4:2. (Morris & Randolph voted nay)

Mr. Morris noted for the record that the nays were in relation to public safety.

Mr. Morris noted SP-2012-00023 Faith Christian Center International would be forwarded to the Board of Supervisors with a recommendation for approval to a date to be determined.

Mr. Cilimberg said that they were looking at the first meeting in February, but it has not been confirmed.

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.

- Next meeting is Joint City/County Planning Commission meeting on Tuesday, January 15, 2013 at 5:30 p.m., in Room 241.

There being no further new business, the meeting proceeded.

Adjournment

Mr. Lafferty moved and Mr. Dotson seconded to adjourn to the Joint City/County Meeting/Work Session on January 15, 2012 at 5:30 p.m. at the McIntire County Office Building, Room #241.

The motion passed by a vote of 6:0.

With no further items, the meeting adjourned at 8:06 p.m. to the Tuesday, January 15, 2013 Joint City of Charlottesville and Albemarle County Planning Commission meeting at 5:30 p.m., Room #241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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