Albemarle County Planning Commission
July 16, 2013

The Albemarle County Planning Commission held a regular hearing on Tuesday, July 16, 2013, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Claudette Grant, Senior Planner; Scott Clark, Senior Planner; Chris Perez, Senior Planner; David Benish, Chief of Planning; Amelia McCulley, Director of Zoning/Zoning Administrator; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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.

The following individual spoke:

- Neil Williamson, Free Enterprise Forum, distributed an article from the Daily Progress and spoke to the Faulconer Construction Companies plans to move the vast majority of their operations to Louisa County. (Attachment A – available with written minutes in office of clerk)

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

Committee Reports

Mr. Morris invited committee reports.

The following committee reports were given:

Mr. Lafferty reported the CHART committee is in the process of revising their bylaws and as part of that changed the group name to the Citizen Transportation Advisory Committee.

Mr. Morris reported the Pantops Community Advisory Council met and are looking at beginning the revision of the Pantops Master Plan in the near future. Hopefully they will be working closely with the Crozet Advisory Council on that because they have done an excellent job.

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

Review of Board of Supervisors Meeting – June 12, 2013, July 3, 2013 & July 10, 2013

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on June 12, 2013, July 3, 2013 and July 10, 2013.

Consent Agenda:

Approval of Minutes: January 8, 2013, February 26, 2013, March 19, 2013 and June 4, 2013.

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

Motion: Mr. Smith moved and Mr. Lafferty seconded to approve the consent agenda.

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

Mr. Morris noted the consent agenda item was approved.

Item Requesting Deferral:

ZTA-2011-00006 Phase I Noise Amendments
Amend Secs. 4.18.01, Applicability, and Sec. 4.18.05, Exempt sounds, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 4.18.01 to clarify that the noise regulations in Sec. 4.18 apply to those uses and activities authorized by the Zoning Ordinance and do not apply to exempt sounds under Sec. 4.18.05 and sounds expressly regulated under County Code § 7-100 et seq.; and amend Sec. 4.18.05 to state the exemptions in a manner consistent with the exemptions in County Code § 7-106. The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia.
(Amelia McCulley)

Mr. Morris noted the first item is a request for deferral of ZTA-2011-00006 Phase I Noise Amendments. However, they will have comments by staff and then open it up for public comment simply because it has been advertised.

Ms. McCulley noted that Mr. Cilimberg said this best when he said it is a complex issue and they are trying to thread the needle. They have probably met on this just about every day since the Planning Commission discussed it previously. She pointed out Mr. Kamptner said he spent more time on it than the entire Site Plan Ordinance rewrite. So it is a very complex issue.

Ms. McCulley pointed out by Friday afternoon they had information that was leading them in a slightly different direction. They are focused on enforceability, treating similar activities similarly, and on not obstructing bona-fide agricultural operations. When they put all that together with having two different sets of noise ordinances and two different reviewing agencies with two different standards it gets a little bit difficult. The other thing that has made it more difficult is that in research they have contacted even more horse farm owners and the Farm Bureau since the last meeting and there is a pretty broad range in the use of amplified sound. However, nobody can image the need for loud or prolonged amplified sound so as to disturb others. So that is what they are focused on.

Continuing Ms. McCulley said they also spent time talking with police about how they enforce the audibility standard. So at this point they are working on language that will be different than what is in the packet. The Commission will have a new report and new language that would allow it as long as it is not a nuisance and will treat it the same whether it is based on an agricultural use or not. Therefore, staff requests the Commission to defer this until August 6 since more time is needed to address the enforceability of the proposed regulation.

Mr. Morris invited questions for staff from the Commission. There being none, he pointed out staff is requesting deferral to the August 6, 2013 meeting.

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

Mr. Kamptner suggested the motion be specific that the deferral would be to August 6.

Motion: Mr. Lafferty moved and Mr. Randolph seconded to defer ZTA-2011-6 Phase I Noise Amendments to August 6, 2013 as requested by staff.

The motion passed by a vote of 6:0. (Dotson absent)

Mr. Morris noted that ZTA-2011-6 was deferred to August 6, 2013.

Regular Items:

SP-2013-00010 Regents School of Charlottesville
PROPOSAL: Special Use Permit for School of Special Instruction. Utilize existing structure, no additional buildings proposed.
ZONING CATEGORY/GENERAL USAGE: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre)
SECTION: Chapter 18 Section 23.2.2(6) of the Albemarle County Code, which allows for School of Special Instruction
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: 3045 Ivy Road Charlottesville VA
TAX MAP/PARCEL: 05900-00-00-023G1
MAGISTERIAL DISTRICT: Samuel Miller
(Chris Perez)

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

Proposal: Amendment to Special Use Permit (SP-2012-12) for School of Special Instruction to increase the number of persons (students and teachers) permitted at the site from the current 69 allowed under the existing Special Use Permit to increase by 27 persons for a total of 96 persons permitted onsite. Utilize existing structure, no additional buildings proposed. School of Special Instruction (Chapter 18 Section 23.2.2(6))

The proposal is located on Ivy Road on Route 250 in the Christian Aid Mission Complex. The complex is comprised of four buildings. They have been using the administrative building and will continue to use that building with no proposed changes.

Site Conditions Favorable:
- The use is being located in an existing underutilized building.
- Adequate parking is available onsite for the amount of students and staff proposed for the use (Areas P6 & P7). They are not creating any new spaces, but just consuming more of the existing spaces onsite. They have asked for an additional ten spaces based on the increase in persons, which would bring them to a total of 25 parking spaces for this use.
- VDOT – entrance is adequate and the increase in enrollment will not significantly impact traffic on Ivy Road.
- The Health Department - reviewed the capacity analysis of the existing septic system and has approved the increase in persons at the facility to 96 persons *(teachers and students).* This was based on a septic system analysis that was provided by a third party agency.

There are only two minor changes to the concept plan approved during the last special use permit approval, as follows:
- With the use of P6 as additional parking which is already on site as well as portions of P7 for the parking and small fence area in the back to prevent balls from falling down the hill.

RECOMMENDED ACTION:
Staff recommends approval of SP-2013-00010, Regents School of Charlottesville with the following modifications to the existing conditions from SP-2012-00012:

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, **P6, and P7**. Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian

Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit.
2. Maximum enrollment shall be ~~60 students.~~ **96 persons** (students and teachers onsite).
3. All students shall be over the age of 2 ½ years old.
4. Hours of operation for the school shall be between 7:45 a.m. to 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
5. No food preparation is permitted onsite without an amendment to this Special Use Permit.

There is a change in the staff report with regards to condition #2. The County Attorney requested condition #2 be modified from the staff report because teachers are not "enrolled." Thus condition # 2 shall state: "The maximum number of students and school personnel shall not exceed 96."

Mr. Morris invited questions for staff.

Mr. Smith asked if 96 persons is the final number.

Mr. Perez replied that at this point 96 persons would be the cap based on the existing septic system. To go further the Health Department said that they would need to gain additional space or have an alternative study done, which would prove that it had more capacity.

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

Jared Christophel said the Board at Regents School appreciates the Commission taking the time to consider this proposal. They initially had submitted a special use permit application for 120 students, but due to the limitations of the drainfield they are limited to 96. They have been growing the school steadily each year in hopes of getting a sustainable growth. This is going to be our limitation for the foreseeable future. He appreciates the Commission's consideration.

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

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP-2013-00010, Regents School of Charlottesville with conditions as outlined by staff, as amended.

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, **P6, and P7.** Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit.
2. The maximum number of students and school personnel shall not exceed **96.**
3. All students shall be over the age of 2 ½ years old.
4. Hours of operation for the school shall be between 7:45 a.m. to 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
5. No food preparation is permitted onsite without an amendment to this Special Use permit.

The motion passed by a vote of 6:0. (Dotson absent)

Mr. Morris noted SP-2013-00010 Regents School of Charlottesville would go to the Board of Supervisors on a date to be determined with a recommendation for approval with staff's recommended conditions, as revised.

Mr. Benish pointed out SP-2013-00010 would be heard by the Board of Supervisors on August 7 because they were trying to get it approved in time for the school year.

ZMA-2013-00002 Pantops Corner

PROPOSAL: Rezone 2.246 acres from R-1 zoning district which allows residential uses at a density of 1 unit per acre to HC zoning district which allows commercial and service uses; residential by special use permit at a density of 15 units per acre. No dwellings proposed.
ENTRANCE CORRIDOR: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Density Residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses and Greenspace – undeveloped areas in Neighborhood 3 - Pantops.
LOCATION: Approximately 575 feet north from the intersection of Route 250 and Stony Point Road (Route 20) on the east side of Route 20. Back portion of 1248 Richmond Road, fronting Route 20.
TAX MAP/PARCEL: 078000000058G1
MAGISTERIAL DISTRICT: Rivanna
(Claudette Grant)

Ms. Grant presented a PowerPoint presentation and summarized the staff report.

The purpose of this request is to rezone 2.246 acres from R-1, Residential to HC, Highway Commercial. The plan for the site focuses on the proposed interconnected road. Important factors such as proposed uses, buildings and parking locations have not been provided because the applicant is unsure of these details at this time. While staff understands this situation it is difficult for staff to review a rezoning application that has limited information. One of the unique aspects regarding this particular request is the property to the north is zoned R-1 and properties to the south and the east are zoned HC, Highway Commercial. As stated in the staff report, this property can be suited for either zoning district that it is adjacent to. The adjacent residential property to the north has expressed support of this rezoning request. Rezoning to the Highway Commercial zoning district as proposed can provide an opportunity for a more cohesive development of this property with the adjacent Highway Commercial zoned properties. The proposed interconnection can also be a benefit for this property and the surrounding properties.

Staff received an email earlier today from the applicant that was emailed and distributed to the Commission this evening. The email describes some areas of clarification that the applicant and staff had from a productive meeting this morning regarding the outstanding issues described in the staff report.

Regarding proffers, the proffers need to be substantially and technically revised. The applicant has agreed to further revise the proffers. The applicant plans on revising the proffer related to allowed uses in the Highway Commercial District. The applicant has also agreed to limit the square footage of proposed buildings located north of road A, shown on the Exhibit C-1. The proffers will also be revised to describe that no development of the subject parcel shall occur without an interconnection to Route 250.

Regarding the protection of the designated green space, the applicant has agreed to provide a proffer to maintain the area within the floodplain or the 50' zoning buffer, whichever is greater, as a green space within the development. Disturbance to that area would be limited to only that necessary for road improvements required by VDOT.

In reference to the Neighborhood Model principles, staff understands the applicant's view regarding the location of this property in the Entrance Corridor with the ARB review over development in the Entrance Corridor. However, without a detailed plan commitment to the Neighborhood Model principles might be limited. They know that many Neighborhood Model aspects can be covered during the site plan review. However, the unknown remains a concern for staff.

The one remaining issue has to do with traffic. Staff agrees that the proposed interconnection has many positive aspects for this area. The traffic engineer is concerned with the already failing intersection of Routes 250 and 20. Not knowing what would go on the site leaves many unknowns. The primary concern is that no one knows how additional Highway Commercial uses will impact the intersection. It is possible they will see little effects from a potential use on this site or they could see effects that were not anticipated related to cueing issues as parcels try to access this site from Route 20 perhaps adding to the already failing intersection. Again, it is the unknown information that causes staff to be concerned.

In addition, there is a typo on page 6 of the staff report in the second paragraph, third sentence that should say with development of the adjacent Highway Commercial property VDOT would prohibit left turns into the property from Route 250. It says Route 20, but was meant to be Route 250.

The recommendation has been revised slightly from the staff report. The staff report acknowledges that the applicant agrees to address most of the outstanding issues. The unknowns are the Neighborhood Model and the traffic study. However, staff can recommend approval of ZMA-2013-2, Pantops Corner with revised proffers provided the unfavorable factors are addressed prior to the Board meeting.

Mr. Morris invited questions for staff. There being no questions for staff, Mr. Morris opened the public hearing for applicant and public comment. He invited the applicant to address the Planning Commission.

Michael McGowan, Albemarle County resident and managing member of the owners of the subject property, noted this application is somewhat unusual in that the staff does not have information on the proposed buildings. This is something they have talked about in considerable detail with staff. There is a reason why this is a condition of things as they exist right now. This property and the adjacent properties really started to develop over 15 years ago. In order to redevelop this site and to see a concerted integrated interrelated development take place over time on the 10 acres on the corner of Routes 20 and 250 it is best that there is an interconnection that goes from Stony Point's intersection up to the intersection on 250, which would allow a penetrating roadway. That would allow for development interior to the site in order not to have everything be separate parcels sitting along the two roadways.

Mr. McGowan noted there were five different acquisitions to get to this point. There are various property owners and tenants. Redeveloping a site like this is not a simple process. This particular piece is the only one zoned R-1. Everything else is zoned HC, Highway Commercial. It is a triangular site with about 40' of slope between the front and the back. When they put the roadway through the site there is not much land left. There is about a ½ an acre that the Highway Department owns that fronts the property on Route 20, which is about 50' deep. The Highway Department says they are likely to have that available when they finish all of their other plans on how they are going to deal with Route 20. However, they don't know at this time. So to develop a plan with specific buildings with an unknown VDOT decision about that ½ acre along with the roadway coming through, the topography changes and given that this is probably the last part of a redevelopment that would occur it would be fictitious to come in with a specific set of buildings and say this is what is going to be built there. It is better to have generic decisions that nothing is going to be above 12,000 square feet on the north side of Passage Road. The topography in putting that road in is going to dictate that they work with the topography. He thinks after talking with staff this morning in more detail that staff can understand they are not trying to pull a fast one here. They really are working slowly to get a redevelopment going in that part of Pantops.

Mr. Morris invited questions for the applicant.

Mr. Randolph asked if he knew what the reaction was of the Pantops Regional Advisory Council to the proposal.

Mr. McGowan replied that he did not.

Mr. Morris pointed out it was brought up at the Pantops Advisory Council, but not in detail because they did not have the staff's study. He asked with the road that is going in if he and his engineering staff have seen any particular problems with the crossing of the creek and the severe slopes in the area.

Mr. McGowan replied no, that the road actually creates some advantages out of the slope. As it slopes from the high ground at 250 down to 20 they start to have opportunities for putting in multi-story buildings that can orient on the upper level to 250 and on the lower level to 20. There are some issues to be addressed, which will be addressed in terms of having a roadway come through there. They have been told as they see in the plan to align the entrances with the roads across from them. Those are the two givens in terms of what they understand is going to be required by VDOT. The rest of it will work. However, they will need to have that long roadway coming up through this redevelopment parcel to climb the 30' some feet that you have to climb from Route 20 to get up to Route 250. So his answer is yes

since it will work from a grading and topographic standpoint to make this a site that can work for interconnected development.

There being no further questions, Mr. Morris invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and action

Mr. Dotson asked Mr. Morris to tell them about the Advisory Committee.

Mr. Morris replied that the Pantops Advisory Committee had nothing more than just a guess as to what the staff report was going to say. They took a look at what the master plan said. Although as the staff report very clearly says, it is not exact and could be fit in quite nicely. If they drive past that area most of the buildings that are there now are pretty run down once they get past the car dealership and the electrical shop. He noted it looked like those buildings are unoccupied. It is a section of an Entrance Corridor that is ripe for redevelopment, which is what they were discussing. He said their comment was contingent upon what the staff report actually said.

Mr. Lafferty said he did not understand what the proffers are.

Ms. Grant asked if it was the existing proffers or what the applicant was proposing to revise it to.

Mr. Lafferty replied that he did not understand either.

Ms. Grant noted the applicant was proposing to proffer out certain by right uses, but to allow them with a special use permit. Staff does not believe that can be done and suggested that the applicant revise the proffers to just proffer out the by right uses that don't make sense for this particular site. Therefore, that is what the applicant plans to do in terms of the uses. The existing proffer that talks about interconnection describes Road A in the proffer as being an interconnection for this particular site. Staff's concern with the proffer is that there is an interconnection with Road A and Road B. There was no mention in the proffer to Road B. Therefore, staff has asked the applicant to make some revisions that really talk about providing an interconnection from Route 20 to Route 250. The applicant plans to make those revisions. She hoped that clarified that issue.

Mr. Lafferty suggested this might be the start of the Eastern Connector. He noted some concern that they have gotten this information so late that they have not had a chance to study it. In looking at the maps it certainly makes sense to incorporate this piece of land. However, he was bothered that there are still lots and lots of questions.

Mr. Franco said at the beginning of the staff report it talked about the two big issues being the Neighborhood Model principles and traffic. He asked how they plan to address traffic before the Board meeting.

Ms. Grant replied that is a difficult question because the County Engineer really wants a traffic study, which would be difficult for the applicant to provide before a Board meeting.

Mr. Benish asked if the Commission thinks the traffic information is important to verify what impacts there might be in that section of the Corridor because they have a new intersection being created so near a failing intersection. He thinks there is a suspicion that the impact may not be significant or that it is not any more significant to an already failing system. However, they don't have the information to be assured of that. Therefore, he thinks it is up to the Planning Commission whether they feel it is important to see this information. The County Engineer and staff still feel that is important at least before it gets to the Board of Supervisors if not before the Planning Commission.

Mr. Randolph said he was really concerned about this application. The first point is in the first page. He commended staff for spelling out all of the aspects of the Neighborhood Model and indicating where there is conformity, commitment and the lack thereof. On the applicant's justification for the request he reads it that the rationale for the zoning change is to be in harmony with neighboring properties that are Highway Commercial. So it is a consistency argument. He noted there may be a basis for that. However, there is

also a counter argument that this application should be looked at from the standpoint of its compatibility with the Comprehensive Plan and with the natural resources that would be adversely affected because of the slopes and streams on the north end of the property. Secondly, he was struck that in the grid on pages 4 and 5 of the Neighborhood Model how many cases where there was no commitment to following the Neighborhood Model in this region. It was absence. He did not see a good faith bona fide effort to provide consistency with the Neighborhood Model. Thirdly, he was struck by the lack of traffic studies on as critical an intersection as this at Routes 20 and 250, which is an Entrance Corridor and two significant highways. It is a major gap in this application and creates a problem. Finally, in the communication they received this afternoon via email in the third criteria it basically reads that under the Neighborhood Model consideration where they are saying grant the zoning change and then leave it to them to then go to the ARB in the future and resolve this. They are being asked to trust in this application when there is no clear language that provides a verifiable commitment at this point that the traffic study is going to be done or that the Neighborhood Model criteria are going to be followed. He did not see how this application can proceed without there being greater clarity. In the past they have deferred to allow the applicant to have time to work out the needs where the Commission sees weaknesses within the application because a need for additional information. He did not see passing this off to the Board of Supervisors when there are just so many pieces in here that are absent.

Mr. Loach asked if there was another application the Commission heard in the recent past on Route 20 that they turned down because of the traffic.

Mr. Morris noted that was Riverside, which was right across Route 20 from this site.

Ms. Grant pointed out the Commission did not turn down the request, but it was deferred.

Mr. Franco asked to respond to a couple of points that had been made. He was concerned about the traffic study. The only way he can think of that the County has in the past moved something like this forward would be to limit the traffic to the existing condition. It sounds like there is a big plan for change in that area. So there may be roads or interconnections that will make it very complicated. However, if the parcel were limited to no more than 15 by-right residential units there would be 150 trips and he could see that move forward. However, without knowing what the generation is, it is really difficult to know how to move that forward. He was less concerned about the Neighborhood Model principles because not every project has to follow every principle of the Neighborhood Model. He thinks the important principles have been made requirements at the site plan level. Therefore, he feels more comfortable trusting in the Neighborhood Model and allowing that to go forward without a plan because as he understands zoning it to Highway Commercial does not require a master plan or a concept plan. He was comfortable allowing that to move forward, but remains concerned about the traffic study not being done.

Mr. Morris invited Joel DeNunzio to provide an overview as to what the plans are for this part of Route 20 and what he sees as the possible impact.

Joe DeNunzio, VDOT representative, said that section of Route 20 is a 5 lane section and then it tapers down to 2 lanes just north of the site. The County plan has identified the remainder north of this area to be a 4 lane divided section. That is the only plan that he knows of for Route 20 in this section up to Fontana Drive. They have seen some applications farther north on the other side of the road including Riverside. Those did identify some widening to Route 20. But, he did not know what the status of that is right now. The road connections here they have talked about with the applicant before and it has always been assumed that there will need to be a traffic signal at the Route 20 connection. The Route 250 connections would actually be limited to a right in and a right out. However, they do see that they intentionally lined it up directly from People's Place with the hope that someday there might be some improvements to the existing Route 250 and 20 intersections that would allow traffic to flow better through that intersection. They would not get the cueing backup as far as past the Goodwill and up where this location would be. At that time they might be able to consider full access. However, it is much too close to the existing intersection to consider a traffic signal at this time. Route 250 through this location is on the adaptive control system, which is a signal technology that definitely allows the side streets a little bit better access. However, that intersection still has problems because there is so much through flow on Route 250. In that case any signal on Route 20 would have to also be integrated into that system.

Mr. Morris invited questions.

Lafferty asked the present level of service at the intersection of Routes 250 and 20.

Mr. DeNunzio replied that he did not know. However, at times he was sure it was "F". The heaviest approaches are westbound 250. During the middle of the day they quite often cue up. They do clear fairly quickly with the new signal system. However, it could take a couple cycles. The Riverside Drive connection has a very heavy flow of dual left turns there. Those two approaches make it a very high volume intersection. He thinks it is one of the three highest volume intersections in the County.

Ms. Monteith asked if Road A would also be right in and right out only onto Route 20.

Mr. DeNunzio replied that they don't know all these details. However, the assumption would be the use would generate the warrant for a traffic signal at that location since it is fairly close to 250 and 20. However, with the adaptive control system out there it is very likely it could work fairly well. The impacts to Routes 250 and 20 would still be there. So that would be full access. The Route 250 connection would be right in and right out. They have a wide median on Route 250. So they might be able to consider a left in at 250 West at People Place if they channelized it properly.

Mr. Morris asked if there were any other questions. There being none, he thanked Mr. DeNunzio. He pointed out this was a big concern for the Pantops Advisory Council since there were too many questions about traffic that they did not know. He invited further discussion.

Mr. Lafferty agreed with Mr. Franco. This intersection is classed as a level "F" service. Any traffic study may make it go to a level "F minus". It is going to remain that way until 2040 at least.

Mr. Franco said he thinks the improvement of the through road could help that intersection. There is a lot of good with this. However, without knowing what the parcel will generate and add to that system makes it hard to move the rezoning request forward. Again, he has seen it done in the past if it were limited to the by-right level so it can develop by right now and then add that on to it. But, anything more intense is going to need the traffic study to demonstrate that it does not overwhelm things.

Mr. Benish clarified that the property was zoned R-1. Therefore, the property has very limited by right development. Staff's position is very similar to the Commission's position. Staff's point was with all the other issues they would be moving those forward. The major outstanding issue is traffic, which could be addressed at the next level. However, without knowing what the impacts are that has caused some concern with the review of the proposal.

Mr. Smith asked that Justin Shimp come forward to answer some questions.

Mr. Morris invited Justin Shimp to come forward.

Mr. Smith asked do they have a design for the interior roads, such as width, curb and gutter, sidewalks, etc.

Mr. Shimp replied no, they don't have a final engineer design. They have a grading concept to get from the level of Route 20 up to the level of the inter-parcel connection behind Brady Bushy and then up to the front as far as a grading configuration. All the things such as curb and gutter will be in conformance with the site plan regulations when they get that far. They have done enough engineering to know that it works. They can get up to that level to make the parcels more cohesive. However, as far as the curb, gutter and drainage design they have not finished that yet.

Mr. Franco asked how he would respond to their concern about the traffic generation. He was trying to figure out if there was a way to move this forward to the Board. He was not sure because there was no information about the traffic or any limitations that are on it. Therefore, he could end up proposing

something that would have impacts to that area. He thinks it is the Commission's responsibility to know what those are.

Mr. Shimp said it is tricky on this particular instance because they have no plan. They know they need to get a connection through to improve the access and the traffic in that area. They would ideally have access to the by-right parcels in the front off Route 20 rather than having to go down and make left turns onto Route 250. They think it is certainly an element of improvement to this area by making a connection through. As to what the trip generation will be that is sort of the question. It is a complicated deal because commercial properties are sort of hard to pin down. They can pick a number or make up some use that could be there and model the traffic. They do know from doing other traffic studies, such as the one at Riverside Village, the level of service at the intersection is failing at peak hours. He did not think that is going to change whether they put two houses on this site or a little retail type of operation. They could certainly conduct a study, which he thinks would show that they have a failing condition now and then. They might increase the traffic by 1 percent or 2 percent depending on the assumptions. The engineer on the traffic study will have to make an assumption on how people are going to cut through the site. What would the change in impact be from potentially closing entrances on Route 250 to other parcels that access this. There are so many assumptions to make that it will be a wild guess. However, it is something that could be done.

Mr. Shimp noted they could talk about some sort of restriction on the use. They have proffered out, for example, convenient stores and things that they know are a high traffic generator. Their intention is to leave some room for a small building, which may not even fit unless that VDOT right-of-way was acquired. That could be five or ten years down the road. So they just don't know. A study could be produced, but what it would say is what he just described. The intersection is failing during peak hours and it will continue to do so depending on what sort of decision they want to make about how to route traffic to the site. It may or may not make any impact whatsoever in delay. They could probably build a scenario that caused an improvement in the traffic signal at Routes 250 and 20 if they route enough trips through the pass through site. He would say that there is really not a great way to predict this. If they add 60 new residential units, then they have 60 additional trips because people are there and coming in and out. The commercial would be for people coming up and down Route 250. If someone was going to get coffee instead of going perhaps up to Starbucks they go to a new coffee shop here. It would still be a trip on Route 250, but it is just a different end location than perhaps it is now. That is their answer to it at the moment. He had no way to predict really what the impacts will be as it stands right now.

Mr. Franco asked regarding the uses that remain not proffered what is the most intense use by traffic generation standards. With the two acre site what is the highest generation it could create.

Mr. Shimp suggested they could ask Mr. DeNunzio to come up again. However, it is probably a retail type of use, such as the coffee shop scenario that would be a high generator. They don't have two acres because they have proffered a road through here. There is a lot of grading to be done. They may have a buildable acre. They also are going to proffer a 50' buffer on the side in the buildable area. It is getting down to a very small spot. He was not convinced they can put any building there at all without the land from VDOT, which they don't know about. In response to the question, he noted it would be a 3,000 or 4,000 square foot retail type coffee shop type of use that would probably be the most intensive.

Mr. Morris asked if there are other questions.

Mr. McGowan asked the Commission to consider one more point. He noted one of the goals here is the interconnection of these parcels. Without this being pulled into the same zoning and same characteristics they have a residential site that does not really fit. If they try to enter from Route 20 due to the topography the more reasonable thing to do is to start to grade the site down and terrace it off of Route 20. If they do that then the possibility for interconnections to the north to the Brady Bushy property and Route 250 disappears and that is a missed opportunity. Without the ability to do this and have the pieces fit together they lose that opportunity to interconnect and redevelop in the way that they would like to do it. He hears the Commission's concerns. However, there is limited additional development that goes on back there. What happens is it enables redevelopment and enables interconnection of parcels.

Mr. Franco pointed out they could they do that without rezoning. If it was all accumulated in a comprehensive plan and submitted for that corner it could still provide the interconnections. The question is there any remaining area on that parcel that is developable.

Mr. McGowan agreed and noted it was also what value is added in doing that. It is problematic at least in what he has seen in trying to do that and having it make sense as a residential site. It is an isolated piece sitting up there and it does not have much value as a back side of a commercial area with a couple of houses.

Mr. Franco said he just did not know how to protect the County for the potential of a 4,000 square foot Starbucks coming in there and generating a lot more traffic and that they did not have the opportunity via the rezoning now to address those impacts.

Mr. Morris said as a resident of that particular area in Key West and going by the site day after day, that having worked on the Pantops Master Plan what they see in front of them is literally almost the line that Mr. Benish drew about 5 ½ years ago. He understands everything that has been said about the traffic and he agrees with it. The traffic is just simply getting worse on Route 20 especially where it intersects with Route 250. However, he sees good coming out of the schematic because it adds another possible interconnection. Right now it seems to him they are not going to get much built on the property if they don't have the road. He was just saying as a resident of that area and as a Planning Commissioner he supports this rezoning request.

Mr. Franco said that is why he is torn. He thinks the interconnections will provide a lot more benefit to that area. He knows when residential projects in that area come forward they have a proffer system that is supposed to address those impacts. However, he was just not sure how to deal with the commercial.

Mr. Morris agreed that was a good point. He wished they had more information.

Mr. Franco agreed that the traffic study is just going to show that it continues to fail. Therefore, he was not sure how to put a reasonable limit on that.

Mr. Morris agreed.

Ms. Monteith commented from a context point of view that there is some information in this application that is incomplete. Therefore, they should take that into consideration.

Mr. Morris agreed.

Mr. Benish said he would answer some of Mr. Franco's questions about some of the higher volume uses. Financial institutions, food and grocery stores, hardware, hotels, and eating establishments are still permitted uses. Some of those can be higher traffic volume generators.

Mr. Kamptner asked what kind of number of vehicle trips per day are they talking about. The traffic impacts statement threshold is 5,000 vehicle trips per day under State regulations.

Mr. Franco asked if any of those uses generate 5,000 trips.

Mr. Benish replied that grocery stores probably could. However, there are site constraints here. Again, this is sort of the struggle with this site. They wind up with some pretty small pads. Therefore, they get smaller activities or buildings. While grocery stores are permitted they are probably going to get a convenience store. He was not sure what the thresholds are for traffic specifically from any of those uses individually. He thinks part of the engineer's concern really is what happens with the net result of that additional intersection and whether the traffic impact should be minimized such as they minimize the impacts at that new intersection. It could have an impact to the adjacent intersection along that roadway.

Mr. Franco said that is where he gets torn, again. He liked the idea of not having a concept plan submitted and values what they are showing at this point. He liked the interconnections. However, the

traffic study is going to have to include all the adjacent properties. It is a much bigger project. He thinks it is more appropriate to be done when the parcels come in for redevelopment. He is just trying to figure out how to limit if possible the new generation from this particular site. He would be more comfortable if they came back with some kind of limitation on it to address that concern.

Mr. Loach asked if that was something the ARB would take into consideration.

Mr. Benish replied the ARB did not take traffic into consideration.

Mr. Loach noted that normally, as he did last time, would have voted no. On the other side of the coin the Community Advisory Committee came out in support of it. If the committee feels that the additional connectivity is the positive offset to the traffic, knowing that they know what the traffic is, then if there is a motion he would support it.

Ms. Monteith asked did they really say the committee came out in support of it if they did not have the information.

Mr. Morris replied no, that she brings up an excellent point. They did not have all of the information and he cannot speak for the other 13 members. In addition, they don't have the information now. Personally he would like to see the request deferred to get a little more information. However, that is totally up to the applicant.

Mr. Franco said it was fair to say at this point that the rezoning to Highway Commercial is something that they are in favor of. The interconnections are something that they are in favor of. However, they need to be able to understand the benefit of the interconnections versus the new traffic generation.

Mr. Morris agreed that was where he was.

Mr. Randolph agreed that deferral is appropriate since he could not vote for this application under these circumstances.

Mr. Morris asked the applicant if he wanted to request deferral.

Mr. McGowan said hearing the sense of the group he would ask to defer and work on getting the best information about traffic effects from what could be built on this particular site and recognizing that not much traffic is likely to be generated by this. They will let the experts come to their conclusions and report them back.

Mr. Morris asked if there was a timeframe he was looking for as far as deferral.

Mr. Benish said it depends on the applicant's timing to get the information in. However, he thinks this really does boil down in getting with VDOT to figure out the best way to assess what the realistic traffic generation is. He thinks it is a matter of figuring out what the practical square footage is that can be built on the site and then using the IT Model to figure out what types of impact from that total square footage you get. He thinks they could get a picture for how much the threshold of additional development will occur. He thinks that is really the issue with this rezoning and staff is supportive of most of what is going on here.

Mr. Morris agreed. He would like to give as much time as the applicant and the staff needs to really get the answers to a lot of these things.

Mr. Franco said he was less worried about how the interconnection works and all of that because it is unknown. He would just like to understand what percentage of traffic this new use might contribute to Route 20 or to an interconnected road.

Mr. Benish said he would defer to the applicant about what time it would take them to do that.

Mr. McGowan said what they would like to try to do is get back to the Commission at the next meeting. If they find out that is not possible, then they could push it a little further back. However, the traffic study will be done, as he understands.

Mr. Benish pointed out staff needs time to assess it. He thinks VDOT, the County Engineer, and staff needs at least a couple of weeks. Then staff needs time to get the Commission a report. All of that takes at least a month.

Mr. Morris noted they could not get on the agenda at the next two meetings due to Comprehensive Plan work. That would move it into August, which is doable and would give a few weeks. Staff is going to need time to look at it, too.

Mr. Benish suggested an indefinite deferral to give the applicant at least a month, which may require another deferral at that point if the information is not available. Staff's work begins after the applicant provides the information, which is the part they can't predict.

Mr. Morris suggested deferring to the earliest point possible.

Mr. McGowan replied that would be great.

Mr. Morris said that is depending upon the applicant being able to do the work and staff getting together with VDOT so they have a full package.

Mr. Franco asked if all the Commissioners are in agreement about the Neighborhood Model principles and are comfortable with the request moving forward. He heard at least two opinions on this and it would help to give staff a majority vote.

Mr. Loach noted that the ARB is going to take care of some of the design concerns.

Mr. Morris agreed since meeting all the Neighborhood Model elements is not that important as long as it meets as many as possible.

Mr. Franco said they are comfortable without knowing, and Mr. Morris agreed.

Mr. Randolph said he would like to see a bona fide good faith effort to try to meet more of the Neighborhood Model principles.

Mr. Loach said even if there was some language that led in that direction that there should be as much compliance as possible.

Mr. Benish said that August 20 is the next practical available date and then September 10. So an option could be to defer to August 20. However, that is a fairly tight turnaround from today. It may require more discussion or a deferral at that point in time. They could defer to that date, but suggested the safer date is September 10.

Mr. Randolph agreed that September 10 makes great sense.

Mr. Franco said if they were to pursue the obvious August 20 date when would they need to have their traffic study turned into staff.

Mr. Benish said they usually give reviewers at least two weeks to review.

Mr. Morris said he was more comfortable with the September 10 date if they want a date or they could say at the earliest date possible.

Mr. Cilimberg pointed out they have to defer to a date certain or indefinitely.

Mr. McGowan agreed to a deferral to September 10.

MOTION: Mr. Franco moved and Mr. Loach seconded to defer ZMA-2013-00002, Pantops Corner, to September 10 as requested by the applicant.

The motion passed by a vote of 6:0. (Dotson absent)

Mr. Morris noted that ZMA-2013-00002, Pantops Center was deferred to the September 10 Planning Commission meeting per the applicant's request to allow the applicant time to submit additional information on traffic impacts for review by VDOT and County staff and consideration by the Planning Commission.

SP-2013-00005 Field School of Charlottesville
PROPOSAL: Private school on 62.1 acres
ZONING: RA Rural Area -- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); FH Flood Hazard – Overlay to provide safety and protection from flooding
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: 1717 Polo Grounds Road
TAX MAP/PARCELS: 04600-00-00-02200, 04600-00-00-022C0, and 04600-00-00-098A0
MAGISTERIAL DISTRICT: Rivanna
(Scott Clark)

Scott Clark presented a PowerPoint presentation and summarized the staff report.

This is a special use permit request for a private school on 62 acres in the rural areas. The site is located on Polo Grounds Road east of Route 29. The property next door is the existing SOCCA sports field facility. The aerials give an idea of the topography of the site. It is largely a peninsula or ridge running down from Polo Grounds Road towards the river. There is floodplain on either side and there is the ridge down the middle. The majority of the development will be in this area nearer to but not really adjacent to Polo Grounds Road.

DETAILS OF THE PROPOSAL:

The proposed school use would include:

- Buildings for instruction, offices, gymnasiums, etc. The applicants have proposed a total footprint of 30,000 square feet, with a per-building limit of 12,000 square feet. All new structures would be located within the building envelope titled "School Campus" on Sheet C3 of the conceptual plan.
- Two play fields
- Approximately 49 paved regular spaces, 5 paved bus/trailer spaces, and 76 pervious spaces for events.
- After-school and weekend sports events for the school's teams.
- Non-sports-related school events such as fundraisers, meetings, etc. The applicant has proposed to limit such events with more than 50 attendees to 12 times per year, but has not proposed a maximum attendance.
- The school does not have specific plans for summer-school activities, but may have school-related summer uses in the future.

Special Use Permit Review Criteria

***No substantial detriment.* The proposed use will not be a substantial detriment to adjacent lots.**

- Distance from play-field envelope to nearest dwelling: 330 feet
  - Some noise impacts possible, but no amplified sound
- Distance from school-campus envelope to nearest dwelling: 880 feet.
  - No outdoor lighting (other than full-cutoff building lighting)

- No outdoor amplification are proposed
- Limited impact from school-campus area

Character of district unchanged. **The character of the district will not be changed by the proposed special use.**
This portion of the RA zoning district is characterized by residential, agricultural, horticultural, and recreational uses. The proposed school use would be more intense than those rural uses, but more in harmony with the suburban residential uses of the Hollymead Community, which is located directly across Polo Grounds Road, and in the urban area, which is located just south of the river.

Harmony. **The proposed special use will be in harmony with the purpose and intent of this chapter,**
Schools do not directly support or conflict with the purposes of the Rural Areas zoning district, and are permitted by special use permit.

...with the uses permitted by right in the district
- The uses permitted by right in the RA zoning district support agriculture, forestry, and land conservation, or permit residential uses.
- This school use would be more intense than by-right uses, but would use a limited portion (approximately 10 acres) of the 62-acre site.
- Critical-slope impacts:
    - Site grading would impact some area of critical slopes
    - Exact area to be calculated during review of site plan
    - Most major slope areas, and those closest to the river or to Powell's Creek, would not be disturbed

Staff noted because the applicants are in the beginnings of their design process staff agreed that the building envelope approach was better than a specific plan that might change and have to be revised and amended later. So they don't know the exact area of critical slopes that will be disturbed at this point. It would be better dealt with during the site plan review once the building locations have been tied down and the area of disturbance has been tied down. In general the large areas of critical slopes and the large areas important to the water resources, such as stream buffers, are avoided by the conceptual plan as laid out.

- Open-space use of the remainder of the property would be in harmony with by-right uses in the district, and could limit land disturbance and vegetation changes compared to residential development of the entire property.

- Impacts on rivers and streams:
    - The site is bordered by the South Fork Rivanna River and Powell's Creek.
    - Developed portions of the site would be approximately 750 feet from the South Fork Rivanna and 300 feet from Powell's Creek
    - County's Water Protection Ordinance provides buffers
    - Water-quality impacts on the river are not considered to be a significant issue for this proposal.

- Archaeological impacts:
    - This area along the South Fork Rivanna is known to have been the location of Native American settlements (of the Monacan nation).
    - For previous approvals in this area, staff has typically recommended conditions of approval requiring an initial archaeological assessment of the site and appropriate mitigation measures.
    - In this case, given the relatively small area of the 62-acre parcel that is proposed for development, staff would recommend that condition apply only to the areas to be graded.

with the regulations provided in section 5 as applicable, and with the public health, safety and general welfare.

Traffic impacts on the existing levels of use of Polo Grounds Road have been a significant concern with past development proposals in this location and elsewhere along the road. The biggest issue with this proposal and with all other projects reviewed on Polo Grounds Road in the last several years has been traffic. It is the degree of the existing traffic and how a new use will affect that. The applicant has provided a traffic analysis and it has been reviewed by the Virginia Department of Transportation. Mr. DeNunzio is here if there are any questions.

The Virginia Department of Transportation has identified the following concerns with the proposal's potential traffic impacts and the applicants' traffic analysis:

- Traffic Generation:
  - Applicant's traffic estimate: ITE "Elementary School" category estimates increase of 194 vehicle trips per day (weekdays).
  - VDOT traffic estimate: ITE "Private School" category estimates increase of 372 vehicle trips per day. This has to be worked out between the applicant and VDOT as to what is the most appropriate number to use.
  - **Comparison to total traffic load: It is difficult to put either estimate in the context of the total traffic load on Polo Grounds Road, as the applicants' traffic study does not establish what that load is, and VDOT does not have sufficient traffic-count data to show when peak traffic occurs.**
- Impacts on US 29 Intersection:
  - VDOT states that the westbound delay "goes from 51.7 seconds in the future background case to 83.6 seconds under the future build scenario. This amounts to a 61.7% increase in delay, which is not acceptable."
- Traffic Analysis:
  - **VDOT has noted that the traffic analysis does not account for traffic before 8:30 a.m., which is expected to occur due to staff arrivals, etc. VDOT needs a more detailed and complete analysis of traffic impacts in order to completely assess the impacts of the proposal.**
- Railroad Underpass:
  - Existing underpass without sight lines require one-way traffic
  - No record of safety issues at underpass
  - VDOT and County Engineer concerned with cumulative impacts of development on Polo Grounds Road. Currently unclear what level of traffic would cause bottleneck
  - The applicants in this case expect a large majority of traffic generated by the proposal to come from US29 rather than through the underpass.

There are some potential mitigating factors related to the traffic impacts of this proposal:

- Traffic Signal Timing :
  - The applicants recently notified VDOT of signal-timing problems at US 29 and Polo Grounds Road
  - In response, VDOT increased the time available for left-turning vehicles during the following periods:
    - Weekdays from 9 a.m. to 9 p.m.
    - Weekends from 7 a.m.to 11 p.m.
  - The weekday portion of the timing change may in fact reduce the delays caused by the proposed use.
  - However, VDOT needs the traffic analysis to be revised to reflect this change before they can verify or quantify any reduction.
- School bus service:
  - Many student currently get to the school by bus, which significantly increases traffic generation
  - However, no minimum ridership is proposed with this request. Traffic reduction cannot be quantified.
- Signal upgrades on US 29
  - Funded upgrade to traffic signals on US29 could potentially improve traffic flow at the intersection of US 29 and Polo Grounds Road.

- However, no design specifics are available on this newly-approved project, and staff cannot estimate what (if any) impacts it will have on that intersection.

Consistency with the Comprehensive Plan. **The use will be consistent with the Comprehensive Plan.**
The Comprehensive Plan designates the property as Rural Areas-. preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)

- The proposed school does not actively support agricultural or forestal uses, and would require some impacts on natural and scenic resources.
- Similar impacts would be generated by residential development of the site or by other by-right uses
- The defined extent of development on the site would limit the area of land disturbance compared to some other uses,
  - Natural resources in the areas not designated for development would be protected from construction impacts
- The proposal is not directly supportive of Comprehensive Plan goals, but is no less consistent than some by-right uses in its zoning district.

SUMMARY:

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

Factors favorable:
1. The defined building envelopes restrict land disturbance on the site and leave the majority of the site undeveloped.
2. The proposal would provide an additional school option for County residents.

Factors unfavorable:
1. VDOT has significant concerns with the findings and completeness of the applicants' traffic analysis. Without a more complete study, the proposal's traffic impacts cannot be accurately assessed.
2. VDOT has described the increased delays that the proposal would cause at the US 29/Polo Grounds Roads intersection as "not acceptable."
3. Traffic generation would be significantly higher than that caused by residential development on the site.

RECOMMENDATION: Staff recommends denial of SP-2013-00005 the Field School due to the unfavorable factors listed above. Because they don't have a firm enough answer for the issues, staff is recommending denial. They are not recommending denial because they know that the traffic issue is unsolvable. They are recommending denial because they don't know enough about the situation to be able to quantify the impacts on the surroundings. However, if the Planning Commission chooses to recommend approval of this proposal, staff has provided the recommended conditions of approval as noted in the presentation. Condition 11, which is about the expiration, was not in the staff report. Staff has put in five years instead of the usual two years because the school needs to do fundraising and go through the design process. Therefore, they need some extra time to do that.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if this light is covered in the adaptive signaling system that they are going to be putting in from Charlottesville out 29 north.

Mr. Benish replied that Joel DeNunzio can probably best answer for that. The original proposal intended it to go through and past this intersection. That design is being done by VDOT.

Mr. Lafferty said if they get the same improvement by installing the adaptive system on Polo Grounds Road as they got on Route 20 and 250 would it make this more acceptable. Mr. DeNunzio can answer. He invited Joel DeNunzio to come forward and answer the questions.

Joel DeNunzio, VDOT representative, pointed out the adaptive control system on 29 so far as identified 27 intersections on 29 from the city up to the Hollymead area and 13 signals in the city. Those include side street signals also. It is proposed to be applied at Polo Grounds Road.

Mr. Lafferty said if they got the same improvement that they did on 250 and 20 would it make this intersection acceptable.

Mr. DeNunzio replied he did not really have any way of knowing that at this point. The idea is that the adaptive control system what it does is it platoons vehicles along the main line corridor. It is smart enough where a traditional signal system will go in phases of signal to allow a left turn here and through traffic from a side street, the adaptive is able to actually look at how many vehicles cue up on a side street and is able to know when the platoon is coming down and it can let any phase go at any time. Sometimes those types of systems work very well on corridors that have very unpredictable traffic. So it could make a big improvement when they have the SOCCA tryout let out. It could be an improvement there or it could overload the system there also. It might be some improvement, but not what they expect. They don't really know. They just completed the pilot system. Pantops was part of the pilot system. They did 13 in the state. The Pantops was the most successful. They did have some corridors that were as successful. They are trying to determine what properties or corridors make it more successful or less successful. That is hard to say now and that is why they did the pilot program. When they installed the adaptive control system on the 29 corridor what they will do is look at the traffic patterns, the travel times and the average number of stops on the 29 corridor before and after installation and measures its effectiveness at that point.

Ms. Monteith asked when the plan installation is.

Mr. DeNunzio replied they don't have a plan installation now. The County applied for revenue sharing money. For this year's allocation the Commonwealth Transportation Board in mid-June approved that allocation. They started the process with a scoping meeting. Our traffic engineers in Richmond are working on identifying the scope of the project and they do not have a schedule at this time.

Mr. Franco asked what his best guess is on the soonest that could occur assuming funding is available and everything else.

Mr. DeNunzio replied at first assuming funding is available the amount of funding that they have allocated right now and what the cost estimate is going to be, which will have to line up for us to move forward, construction, of course, they can start with the planning. If the amount of money they have is equivalent to what it will take, then it is not a long installation process. It will be a couple of month's installation. It is lining everything up and getting everything going. If it were to be started this fall it would be impressive.

Mr. Lafferty said he understands that the equipment fits in the existing travel signal boxes.

Mr. DeNunzio said part of the scoping of it really is the communication system between the signals. Between the signals they all need to communicate. One of the things they are identifying in the scoping in whether they use radio communications that are already installed or there is also a new fiber line that goes down 29. The hard wire fiber line is a better communication system and they get better results that way. It will be a little more expensive. So those are the kinds of things they need to weigh to figure out what the best way to get the communications in line is.

Ms. Monteith said it has not been clear whether this implementation would be a pilot or not.

Mr. DeNunzio replied that no, the 13 pilot programs are over. They are all continuing to operate, like the Pantops. This might be the first installation they do outside the pilot program. However, he was not sure. It is managed by their central office in Richmond.

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

Todd Barnett, Founding Head of School at Field School, said he assumed they know about their school since they have had about 100 letter writers in support of the application. He explained the proposal.

- He assumed they know about their school since they have had about 100 letter writers write in support of our application. Based on standardized tests they received back this week our six year old boy's school is the very best it can be. They are academically in the 99 percentile nationally in all four of our boy school classes according to the Iowa Test of Basic Skills. He frankly thought when he started the school that it would be impossible to do that as an all boy's school. Boys as a group are not particularly happy or successful in school these days. They have a great school and it is a fun place. They read good books and have interesting and engaging classes. They have highly motivated teachers who play lots of sports. They have great food.
- The deal at our school is that they are going to do the best we can to make our school a great school for the boys. They expect the boys to do the same thing in making our school an excellent place. Part of that is finding the right place for our school in the long run. They have learned a deal about what works for boys over the past six years. They plan to spend the next few years sharing what they have learned in making the case increasingly for paying attention to the boys in schools. If they think they are doing so well because they are so selective in admissions they are not. They take virtually everyone. Because they are so resource rich, they are not. They spend about 80 percent of what Albemarle County spends per student. About two years ago the earthquake leads the County to condemn a room in our 1924 County school building.
- He pointed out they rent the old Crozet High School from Albemarle County. It frightened him as a person who has about 80 families depending on him, because they don't have a fall back space plan. It would be kind of ridiculous to have one. They had to get a special use permit to be in our school building. They have to have a special use permit to operate anywhere. It is an eight month process or so. If it happened at the right time of year they would not have a school. That is if the County had to condemn that building. In fact, they really only have a year to year lease with the County in Crozet. The building is, as he is reminded when he talks to County officials it is seen as a long run community center. So they have been looking really since they started for a building or a piece of land to purchase.
- He said really building the excellent school has been easier part of this. They believe in regularly getting outside. Perhaps you have heard of this idea of nature deficit disorder. They really think boys need to get outdoors regularly in order to be happy and healthy. Since he knows from the experience of meetings like these that some neighbors do not like the sound of children playing. They have tried to find a place that is as far away from neighbors as they can. Here they plan to leave 50 acres of our property undeveloped between the school and all but one neighboring property. There is one that is close. Over the past four years with the help of primarily Kelly Strickland they have worked on about 20 pieces of property trying to find one that works for us. This one on Polo Grounds Road does work. It is a good size and not too far away from population. They don't want to put people on the road for too long. The price is realistic. It is not sitting by a highway. It has realistic space for playing fields relatively flat. It does not have a prohibitive easement or critical slopes or streams that are a problem. It is on a good sized road as the other side of Polo Grounds Road serves the growth area with much more development potential. It has an owner who was willing to wait to give us this option to buy. It is no small expense this option, but it is what they feel like they have to do. The previous piece of property they tried to buy they alerted the neighbors to the fact that they were doing that and one of them bought it.
- He said about traffic, they drive a bus to and from school every day and take about 60 percent of our students this way. They are not required to do so. They just do that because it is part of our school's culture. At both his camp and school they have always driven a daily shuttle bus. They expect that they will always do so. He did not know how many will be on it and neither does the County know how many are going to be riding on their school buses. But, he thinks they will always have at least 50 percent ridership per day and will be willing to commit to that. Vehicles trips per day used up there are still larger than they have because of the shuttle bus. He expects at capacity they will have about 118 cars every day and not 194 or 372 like was on one of the slides. Realistically what they will have is about 118. He founded this school and really cannot image doing anything else the rest of his life.

He thinks our school is a huge asset to the County now and in the future it will be to the community along Polo's Ground Road.

Kelly Strickland, with Shimp Engineering, presented a PowerPoint presentation. He noted he would talk them through the presentation since his text came in the wrong way.

- This is an image of the by right plan for the site of what it might look like showing the existing house and six additional parcels. Back in 1992 a special use permit was approved. He believed the water and sewer hookups are still available for this special use permit for an 800 seat church. It was not mentioned in the table of comparable land uses that are allowed on the site. But, this is one that was approved. When they were first looking at it our understanding was that it is still a potential use for the site as an 800 seat church. There is the church that was approved for the site.
- He pointed out a real quick idea of what the conceptual plan might allow for the school to be developed. Up in the front there are two ball fields. The area where the ball fields are shown was actually a waste area for some time. Fields up in the front makes a lot of since buildings cannot be put there. The conceptual plan is not what is going to be built. Todd Barnett is planning on having a five year process of fund raising and involving the students to try to come up for a plan for the school. But, this concept plan shows three buildings being an academic building, a gymnasium and a dining hall. Up in the front is the existing house that sits up on a knoll. As they are along Polo Grounds you would have to look up a slope to see the ball fields and up an additional slope is the knoll with the school on the far side. He did not think the school would be visible from Polo Grounds Road. Again, landscaping is shown as being installed in this particular plan, which is more attractive than the waste area there now.
- In a chart he pointed out where private schools and public schools are allowed. Public schools are allowed in a lot of districts throughout the County. Private schools are allowed in the Downtown Crozet District. Anyway else private schools would require either a special use permit or are not allowed. Downtown He tried to verify why this is the case. He was not sure why the Downtown Crozet District was established to allow it. By the way that is the only district where public schools are not allowed in the County. The Downtown Crozet District is approximately 52 acres. So it is about 80 percent of the site that Todd Barnett is looking at trying to put a school on. There are about 60 or 70 parcels in that Downtown Crozet District and they are all established already. He would reiterate what Todd Barnett said in it has just been a long process for him trying to figure how to find a site and how to get it established in whether or not he can get a special use permit to put a contract on the land. They have been through so many evaluations of so many sites.
- He pointed out in an image the traffic that they would be adding to the cue at 8:30 a.m. to 9:00 a.m. based on the traffic study they did. This is primarily the reason it is causing a problem for VDOT and staff to recommend approval. The existing traffic is shown in orange. In the year 2018 when they are looking at the study time without putting the school in there would be one less car than what is there now in that cue at 8:30 a.m. They are actually adding one car over what would be there in 2018 with the school traffic. They have met with VDOT on several occasions.
- It is important to note that when they sat down for their pre-application meeting in January with the County and VDOT staff that they were led to believe that the main issue with the neighbors, the County and not so much VDOT was the traffic from the SOCCA. The primary reason they did the traffic study was to show that they were not contributing any traffic during the time when SOCCA was going. They go at 5:00 p.m. The school is done and gone and out of there at 4:30 p.m. They showed that, but in doing so they showed that at 8:30 a.m. they are adding a couple of cars to the cue in the morning cycle. What they did find out when they were looking and evaluating the SOCCA was that they are adding during their soccer tryouts 100 cars into that cue. They think through that process that they just talked about, the adaptive cycles on the interchanges, as well as the Western Bypass is going to change a lot of things. Before they talked about how the traffic study is going to be hard to show what is going to happen in five years. It is very difficult to do a traffic study now and assume whether or not there is going to be a Western Bypass; whether or not there is going to be an extra lane between Polo Grounds Road and Ashwood Boulevard; and whether or not there is going to be the adaptive cycles and how well they are going to work. So they feel they have done everything they could in that regard.

Mr. Morris said the Commission would take a ten minute break and take public comment afterwards.

The Planning Commission took a ten minute break at 7:46 p.m. The meeting reconvened at 7:55 p.m.

Mr. Morris invited public comment.

D.J. Bickers said he has been a resident of Albemarle County for his whole life. A lot has changed when he grew up in the 70's when there was one stop light on 29. He was present tonight to address the potential traffic impact of Field School because it is a big concern. He has sat at that light after a SOCCA tryout and it was very frustrating. He cannot imagine being a resident on that road using it frequently and sitting at that light. So the good news is that the impact of Field School should be very negligible.

- First of all is the size of the school. They currently have 80 students and our goal is to have 150 students, which is much smaller than one of the smaller elementary schools that have 300.
- Second, is the fact that they do use a bus to get the children to and from school. They get there at 9 a.m. and leave at 4 p.m. That is a very big thing. He has personally sat at another school in a car line for 30 minutes and has been behind a County bus. He thinks that over 50 percent of the kids do ride the bus. This is a big thing. In one of the slides it talked about the delay of a typical private school. Well this is not a typical private school because they do bus and the kids use the bus. Right now there are about five big events mostly with family and friends usually after peak rush hour.
- He also wanted to touch on the improvements to 29 that are coming. He can testify that his office is at the corner of 20 and 250 and he makes a left turn there every day. He is so looking forward to getting on 250 because that adaptive control works. He has seen improvement. He really hopes it is implemented. It would put this whole issue to rest. In addition, Kelly Strickland who is the father of one of the students has worked with VDOT to help with the SOCCA try out timing of lights. He thought that was a nice thing to do. It has shown some improvement. In addition, with the implementation of the Western Bypass eventually and the continuing improvements of 29 would help our cause. His wife and he were blessed to have our boys at Field School.

Geral Long said he bought his property in 1999. While he thinks the Field School is a wonderful opportunity his concern is for the traffic. It is not just the traffic that they have been talking about tonight. But, if is for an apparent lack of a traffic management plan for maintaining and improving Polo Grounds Road. Having lived here since 1999 he has seen the traffic increase with W.A. Wells and his operation has expanded; Montgomery Ridge has gone in there; the SOCCA; the MONU; and the Field School. There is no telling what is going to happen on the north side of Polo Grounds Road at 29.

- His concern and even the concern of the staff report summary talking about VDOT and the County engineers is about the cumulative impacts of development along Polo Grounds Road could lead to this underpass being a bottle neck. The bottom line is the entire time they have been here they have not heard anything about what the County's plan is for the future of Polo Grounds Road. If there are improvement options they should be stated. If there are not and there are bottlenecks such as the underpass, then there needs to be the limit to the degree to which continued development of property along Polo Grounds is acceptable to the County. Certainly it is not acceptable to us as residents who have to put up with it day after day after day. He did not want to wake up 20 years from now and find that literally everything along Polo Grounds Road is developed and the traffic is just untenable.

Mark Cave, a Charlottesville City resident and a parent of a boy at Field School, noted that he was a small business owner and a former educator. He urged this body to think about what kind of applications they want before them. He feels that the application was already prejudiced and rejected by this traffic study. He thinks it is far from being objective and scientific. He suggested that they think about what they really want in a space along 29. Do they want another strip mall? Do they want a business that generates trash, gas, cars and smelly restaurant garbage? They are talking about kids here who Field School educates every day. They are talking about kids who will play baseball, play soccer, and go down to the creek and perform experiments. Is that the kind of development they want encourage or discourage?

- He knows how hard it is to start a school. He started a non-profit in DC many years ago. He knows how hard it is to fund raise and to site plan. It is not like just putting forth a business plan for a regular business. Not only do you have to have the vision you have to have the fund raising capacity and generate support from the student body and parent body. To do that over and over again and come before these Commissions to beg permission and ask forgiveness for sins that haven't even been

committed before he questions that strategy from a Planning Commission perspective. He urged them to think about what they want in this corridor and what kind of a mixed use asset this school could be to this particular corridor.

- Speaking to the economic impact of the Field School they feel that it is very solid for the County. They draw from public schools as well as private schools because of the unique nature of the education. It is 5th through 8th grade. They will be pulling from County schools and then spitting kids back into County schools. As such they will be taking kids off the County roll, which they estimate to be about 90 kids. They estimate that 90 out of the 150 students that will be attending Field School would have come from Albemarle County public schools. At $13,000 per student it works out to be over a million dollars that would be off the budgetary wells of the County. So they feel like not only aesthetically with the kids and what they are trying to create, but also economically they could be a great asset to the County.

David Schmitt, resident of Bentivar Complex off Polo Grounds Road, said a lot of the conversation this evening has focused on traffic.

- Traffic is a problem of time and congestion. It is also a matter of safety. The best point of view is to step back from Polo Grounds Road and look at what it actually services. It services all of the properties along Polo Grounds Road; the Bentivar group which is well over 100 homes and residences; the Montgomery Ridge development; the folks living up on Profit Ridge that are heading southbound use Polo Grounds Road to head west to join 29; and depending on the future development an uncertainty which has been addressed by previous speakers will likely bring people from the east to 29 to join the bypass if it is there. So they have an accumulation of traffic from the area converging on Polo Grounds Road.
- Polo Grounds Road is a very narrow road with no shoulder whatsoever. Joggers have caused accidents simply by jogging on the side of the road and causing traffic to swerve. The problem at 29 has been addressed. The adaptive system is something that people are talking about, which is really a matter of time and delay. The issue at the underpass is critical. In the past week that road has been closed twice because of accidents. Some of them he was not exactly sure of the cause. However, the road in a one week period on the 3rd and 10th was closed because of accidents there. They are talking about bringing in buses. But, they have no way of knowing whether those buses are going to reduce or add to the traffic.
- If they look at the topographic map they will see that the school's entrance is located at the apex of a sinuous road coming up from a one way spot underpass. In the winter and darkness under unfavorable conditions with kids on bicycles and jogging and other activities that is going to be extremely dangerous. If they talk about rights, the whole purpose for this meeting is because there is no entitlement to the school to this area. This is a residential area. The Commission's role in advising the board is to see whether it has merit over the detriment. They are talking about a handful of lucky privileged kids at the school affecting hundreds of homes who have the expectation of a residential safe relatively rural area. This school will impact them far greater than the absent of a location will affect them.

Lethe Bien, resident of Bentivar on Walnut Ridge, pointed out some of her issues had already been addressed. There are a few other items.

- Field School states that the majority of the people will be coming from 29 and the bus would take care of at least 50 percent. The school is now in Crozet. The question that has to be asked is where are the students that take that bus coming from because they have to go all the way out to Crozet. Do you think if the Field School is now closer into town that the students would be more inclined to be coming from places where they now don't have to take a bus? In fact, she knows a family along Stony Point Road who tells her that if the school moves in there they will now go to Field School. She thinks that means there will be more traffic coming from Profit and Stony Point across Polo Grounds Road under the one lane highway than is anticipated or spoken of tonight.
- Another big concern is enforceability. If the Commission recommends approval and it goes forward to the Board of Supervisors and they approve it with all of staff's conditions the question comes up about how is all of this to be enforced. What happens when the footprint of that school is 200 square feet bigger or the lights are one way? They have already seen a number of times where they have developments that have conditions where the conditions are exceeded and then what. Whose is

there to say hold on they were not supposed to do this or that. She asked what that would mean at the end of the day. The neighbors are the ones who are affected.

- Finally, just a point of order. Going down Polo Grounds Road she thinks the timing of the study was not exactly at the height since school was out as she could recall with the strip across the street. She questioned the traffic study. However, more importantly MONU, which was approved by the Board of Supervisors, have not yet engaged in their activities. They have no idea even with MONU coming on line pretty soon what that means with regards to the traffic. That would also include SOCCA and then adding in Field School and who knows what else. She urged the Commission to deny the special use permit as it goes forward to the Board of Supervisors.

Julia Kegley, resident of Bentivar, said she wrote an email to the Commission listing her concerns. Our major concern is noise, which has not been addressed. It seems to be more a traffic question. One of the map shows the school right backed up to Bentivar Subdivision. Mr. Barnett said himself that boys are noisy and there are going to be a lot of outside sports. She was worried about our peace and quiet. Also, will there be jogging and bikers on the road from the school sports team. It is already a dangerous road. She did not know what adaptive control is. But, it sounds like more cars can get out of Polo Grounds Road and less can proceed on 29. She questioned if that was correct. With more traffic on Polo Grounds Road from the SOCCA fields and who knows what future development that will back up and disrupt traffic on 29 because there are more cars. Lastly, the school states there is a limit of 150 students. She wonders if that is feasible because their goal is listed as 300 on their website. How will that be enforced? How can a school be built with just tuition of 150 students. It seems economically it would have to expand.

Nathaniel Howell said he had lived at 2248 Polo Grounds Road for over 20 years since that road was graveled. He agreed completely with the recommendation of staff to deny this permit. Their position is soundly based he thinks but very narrowly on adverse traffic conditions.

- He would remind them that for the people that live on that road it is not only a matter of convenience that is where our ambulances and fire trucks come in. He added that while traffic is important there are other serious grounds for opposing in terms of the ecology, quality of life, and the very idea of what a rural areas means. The traffic problem is not confined to the western end of Polo Grounds Road. He lived at the other end. The Profit neighborhood, which is completely dependent on two roads Polo Grounds Road and Profit Road, is already stressed by through traffic and other developments. For example, for the last several months there has been a crew camped along Profit Road putting in a fiber optic cable and periodically cutting the road. They would not allow our children, the elderly or anyone else to ride a bicycle in our area. In fact, it is not exaggeration to say that our children and elderly have less mobility on their feet or on their bicycles than they would in Downtown Charlottesville.
- The community first heard of Field School in January when the Head Master called for an informational meeting on February 7th. They were told at that meeting, which was well attended, that the school intends to reach 150 students in grades 5 through 8. Details of the proposal for building were vague then as they still are to some extent. The community expressed its views, concerns, and objection and was promised more detail later. A second meeting was called six days later on February 13 and a third on April 15 for reasons that should be obvious. The community attendance fell off significantly although they took the precaution of sending someone to take notes. On a Field School website they saw at the time, which he has copies of upon request, the goal was expressed of a student body of 300 persons in grades 5 to 12. That was double of what they were told in the information. Furthermore, in another school website the school presents its master plan. It says in addition to tuition facility rental for complimentary institution and artillery program will be provided for our revenue once our campus is established. So this is something more than a simple little boy's school on a hill. He urged the Commission to support the staff recommendation.

Lynne Reigel, resident of Bentivar, agreed with those that just voiced their concerns against the proposal to build the school. She thinks the traffic issues alone on Polo Grounds Road is just not the inconvenience of waiting several times for the light to change, but the safety. She has seen first-hand. She had a son that was forced off the road by a vehicle that came into his lane to avoid something else. The safety of that road is just very questionable. She did not think any more vehicles should be thrown on there without really considering what this is doing to the future of our area.

Jim Masloff, a nine-year resident of Bentivar, spoke in opposition to the request.

- He pointed out what he is about to say is not about the Field School request. He thinks Mr. Barnett is a very effective dedicated advocate for his organization. He congratulates him on his service to them. Six years ago they went through the same process with the SOCCA organization. That was ultimately denied by the Board on very solid grounds. He would like to say that his daughter attends a private school. He was a president of a five million dollar a year non-profit organization here locally for four years. He appreciates everything that the school is trying to do.
- Right now they have a new request on the same property similar to the last request by SOCCA. The facility itself in square footage is almost identical. There are a couple of differences that he would like to make sure that the Commission focuses on. His neighbors have done this already. Right away the traffic would be a daily difference all year round and not just when tryouts were going on or on weekends. There is no way to measure that and nobody has an answer. They are talking about 28 teams and they can't predict that. As the situation exists today he did not see how they can really predict what it would be with the Field School addition to Polo Grounds Road. There really is not a worse road where they could put an unknown but large entity. Regarding the one lane underpass if they have not been through there lately he would challenge them to take a couple of trips through there for a week He suggested that they make that their route. In addition, Route 29 at Forest Lakes South at least once a week stops dead typically for something such as a fender bender. When that happens everybody puts their traffic through Polo Grounds Road to get north of it when heading north and the same can be said if they are heading south. Then the one lane underpass and the one lane bridge on Profit gets backed up intermediately.
- Staff made a very appropriate recommendation. There just seems to be way too many unknown. The building facility, as was admitted by the folks from Field School, is not what would be built. They don't know what that will be. He agreed with Ambassador Howell on what they have seen in the past as far as their goals for growth. Private schools are busy and he can speak to that from experience. People are coming and going all day long. It is not just at 9 a.m. to 4 p.m. He would just ask the Commission to honor the request and the recommendation of staff to deny the request for the special use permit.

Michele Packard, a current parent of a Field School student and a community volunteer, asked to give some perspective on Field School. Field School is a socially economically diverse school. One of the speakers alluded to the fact that it was not that. But, it very much is. Field School has a clear mission to educate and develop well rounded boys of character and accomplishment. So what does that mean? She noted her son is a student at Field School. Field School prides itself on excellence in learning, character development, personal integrity, and in service not only to each other but to the community. Most of the activities that are driven by service are student lead. Doctor Barnett creates an environment where the students take the initiative to give back to the community through the Blue Food Bank, the Salvation Army Infantry as well as a pen pal program with one of our County elementary schools. Field School's education upholds the values of not only her family but the other families that attend the school. She thinks that their principle of excellence is what makes Albemarle County, the Commonwealth of Virginia, and our nation a great place to live. She asks the Commission to assist them in continuing our educational mission as they seek a permanent home for our school. She seeks their support in this application for the future support of Field School.

Fred Gercke said he lives in downtown Profit just off of Polo Grounds Road. He rarely goes across the bridge on Profit Road. However, twice a day he goes down Polo Grounds Road coming and going to work as many other people in this area. They need to keep in mind. In the years he had live out there he has seen Polo Grounds Road go from a gravel road to a paved road. The parts of the road that have been paved probably should have never been paved. He is sure Mr. DeNunzio would agree to that in the area around the underpass. He was glad to see Mr. Clark note the underpass. He was not as personally concerned about 29 as he is about the underpass there. The majority of the traffic from the school will be going to 29. But, the underpass there is just a disaster waiting to happen. With Powell Creek and the flooding that happens periodically and the railroad and sight distances it is just a no win situation. This is the fourth proposal he has seen for this parcel. This is a problematic parcel. It has been abused by its present owner. Field School seems like a good school. He wished it had been around when his son was going to school. Of the four proposals he remembers, with one predating the three that have been

mentioned in the staff report, this is the least objectionable probably as far as the community is concerned. However, it is just the wrong place at the wrong time. Therefore, he would recommend that the Commission deny the permit.

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

Mr. Morris asked if the applicant wanted to take advantage of the five minute rebuttal.

Kelly Strickland presented the following rebuttal.

- He noted in the last slide as a point of comparison the big problem with the traffic study, which was causing the problems on the traffic light on 29, was the trip generation they were used was from an elementary school. There is an elementary school across the road. He noted it was a typical day in the middle of the day and they could tell the intensity of use by the amount of cars that are parked. What they don't see is behind the cafeteria at Crozet Elementary School there is another parking lot back there. There are approximately three or maybe four times as many cars at Crozet Elementary School. You can ask anybody in Crozet about when you drive out in the morning at 8:45 a.m., turn and go to the four way stop sign underneath the railroad trestle, which is the direction of Field School, you don't go out to 250 because that is where the middle school and high school is. It takes 15 to 20 minutes to get through the traffic light on 250. He did not think there is a school in the County that does not have some kind of traffic delays. So they are talking about a 30 second delay at an intersection.
- He asked to go over a couple of other points that were made. The underpass at the railroad trestle is a bad problem. However, they are not aware of traffic accidents and things that have caused it. In meeting with the residents on three different occasions our general impression was that they liked the underpass the way it was because it actually deters people from cutting through to Profit Road. People know that railroad trestle is there and they have to come to a stop and go through. So they tend to go up to Profit Road intersection and turn and not come through. So it slows them down yes, but it is also a deterrent that keeps traffic off the road.
- Somebody talked about the dangers of walking and mobility. First of all Mr. Barnett can come up and say he is not going to have kids running up or down the road or bicycles. The second thing is that this site is in a critical location to connect a trail across the railroad trestle that would connect with the Rivanna Trail System all the way up to the Hollymead Town Center and Forest Lakes. There is the potential for this site to be able to provide this type of a trail connection right up into the Forest Lakes neighborhood. That is not going to be the case with a by right development. There are a lot of things with the school use that would be practical and work here. Finally, he pointed out that directly across from Polo Grounds Road from our site is a 28 acre Albemarle County elementary school site. That is what it was bought for and that is the intended use. To say that a school use is not practical on this road is not really logical. Also, this road does serve a growth area

Todd Barnett agreed that they did hold three public meetings. He wished that they had been useful in trying to persuade someone. He knows there are neighbors that wrote on their behalf that are not present. But, he feels as if things he said in those meetings were used against us. That is disappointing. The lucky privileged kid remark is not someone who understands our school. That is just not who they are. As he said they spend less per student than Albemarle County Schools. He saw in an Albemarle County School's presentation recently that they were making an argument for increasing their budget and they showed three levels. They showed Albemarle County, the City and a private school right up to $24,000. They spend about a third per student as those others. That is because they take everybody that comes to us whether they can afford it or not. They work it out with the parents. That is really troubling to hear. This is not a lucky privileged school. It is a school where they are trying to do the right thing. They have been doing that. If a person were interested in learning about the school they would know that comment is not one that has anything to do with us. They will not contribute to MONU or SOCCA practice. At Crozet School there are recreational activities that go on during the weekend evenings on their field. They share the field with Peachtree and SOCCA. They have never had a conflict because they are there 9 a.m. to 4:30 p.m. and none of their practices start until 5:00 or 5:30 p.m. Remember they are not going to do this for six years. So when they asked about adaptive controls being established he did not realistically think they would be able to raise money to do this for 5 or 6 years.

They were open to the 5 year vesting deadline because it is good to have deadlines because they tend to get people motivated. He has been trying to raise money without any deadlines the last couple of years with just a vague idea of a campus some day and they don't get very far that way. However, they have a deadline on this. Then they would have a deadline on raising money for the school. He did not see where that money was coming from. So he can't imagine that adaptive controls are not going to be in place by that time. They would be happy to submit an annual traffic management plan. He hoped that the record the school has had in other places shows that they are genuine about the things that they commit to.

Mr. Randolph asked Mr. Barnett if they have a board and long range planning committee.

Mr. Barnett replied that their board itself is only five people and they have done the long range planning.

Mr. Randolph said when someone does long range planning normally they project what they look upon as their future student population. He asked where the figure of 300 students came from because it had been cited by several individuals.

Mr. Barnett replied that in the year 2000 he tried to start the school. He met with a number of people, which included Lee Middleditch downtown at McGuire Woods. Mr. Middleditch said he should have a business plan. Therefore, on his Field Camp site he wrote out a business plan. He did not know that anyone could see it. It was a page that he was imagining putting up. He never started the school in 2000. He decided to do something else for five years since he felt like he needed to learn more. He came back and campaigned for it in 2006 and started it in 2007. The same one being referred to had it year by year. So in 2001 they were going to be at 30 students; 2002 they were going to be at 45 students and adding 15 students per year. It was kind of dreamed up because someone suggested he needed a business plan when he first started in 2000. It is tremendously difficult to do this. He was trying to put this together. They fight for every student they can get. They really don't want to go more than 120 students, but they are saying 150 because they would like to have some flexibility and not have to come back. He had been told it was a good thing to have some flexibility in your plan. However, it has just been quite different.

Mr. Randolph said again the question is there were two people who said there were some plans out there that said 300 students. He was just trying to clarify for the Commission where this figure came from because it is relevant as they look into the future if they permit the school here to be at 150 students and some plan out there within the Field School culture is to move to 300 students they don't need to come back to us to go from 150 to 300.

Mr. Barnett asked if his explanation was adequate that he was a little naïve in the year 2000, which was 7 years before he actually got around to starting it. It was 13 years ago. It was not on his current website. It was on his personal website. But, someone typed in Field School of Charlottesville. What they are not telling the Commission is that the dates were there with a whole explanation of this is school he was starting in the year 2000.

Mr. Franco asked if that was still his current plan.

Mr. Barnett replied that his current plan was to go to 120. However, they wanted some flexibility in the request to go to 150.

Mr. Morris invited further discussion by the Commission.

Mr. Smith said his only concern is the traffic.

Mr. Randolph agreed that his only concern is the traffic.

Mr. Franco commented that he thinks the school is a great use and it is a great school. He was not worried about the aesthetics. He was not worried about the use, except for the fact that again a special use permit would be granted for a private school on this property and the Field School could also become

some other school. It could become a St. Anne's Upper School and all of a sudden the traffic conditions change. He is concerned with the traffic as well.

Mr. Lafferty asked what the size of the school was that Albemarle County was thinking about putting on the purchased land.

Mr. Benish replied the school site they have in Hollymead is a proffered site in North Point. This land was bought to have as a potential for other public uses. To his knowledge it has not been determined.

Mr. Cilimberg noted that actually it was considered at the time that the Baker Butler School ended up decided upon and located on Profit Road. It is a site that existed in the County's ownership but it decided instead to go with the Profit Road site for Baker Butler. He was not aware of any plans for this particular site now.

Mr. Clark pointed out there was no specific designation for that property in the Places29 plan. It is shown as institutional.

Ms. Monteith said she had the same approach that others do. She thinks the use and what he is doing is excellent. She has some concerns about this particular site

Mr. Loach noted coming from Crozet he would say the Field School has been an excellent neighbor and has been a definite asset to the community during the time they have been there. As far as the school and its mission go in its impact on the community he can say nothing but good about them.

Mr. Morris commented that he had been impressed with the Field School ever since he heard about them and the way they have reached out to the community has been extremely gifted. This use is what we really want. However, traffic is a problem and is going to be a problem no matter what goes in that site. It seems that if anything is going into the site Field School is what he would like to see in there.

Motion: Mr. Smith moved and Mr. Loach seconded for approval of SP-2013-00005 Field School of Charlottesville with the conditions as stated in the staff report, as amended, for condition 11.

Mr. Morris invited discussion on the motion.

Mr. Kamptner noted that there were some conditions and modifications to the recommended conditions.

Mr. Morris pointed out that there were 11 conditions as opposed to 10.

Mr. Franco said he was trying to understand. They have expressed a concern about traffic. He asked how that is mitigated. He can kind of accept the argument that fund raising and this use might not be actually established for six years out. However, there is still no guarantee that the improvements to that intersection will take place during that period of time.

Mr. Loach pointed out the mitigation that he heard was the school bus and there would be bus service. They were going to comply with at least a 50 percent bus usage.

Mr. Morris agreed that was what he heard.

Mr. Cilimberg noted that was not a condition.

Mr. Loach said what he heard from the applicant as far as mitigating the traffic was the use of their school buses.

Mr. Franco said he could kind of accept that again for Field School. However, what they are approving is a private school at that facility. So it could be a different school that ends up moving in there eventually and so on. His long term concern remains. What they are responsible for is the land use. So despite the fact that he supports Field School he had the long term concern with the land use.

Mr. Loach noted the special use permit is only for five years. He asked wasn't there a limit.

Mr. Franco replied no, the use has to be established within five years. Once the use is established it is good forever.

Mr. Franco said if there was some kind of limitation. Again, it was not a condition of this that the bus service would serve the school.

Mr. Loach suggested adding a condition that any private school must have at least a 50 percent travel rate by school bus.

Mr. Franco said he was not sure. If they say 50 percent they have cut it half arguably. He questioned how that impacts the road. He still thinks there is an impact and without doing something to improve the traffic at that intersection he finds it difficult to support it.

Mr. Smith said he would like to ask the applicant about his comment about the bus.

Mr. Barnett said that he happened to have driven shuttle buses to Ivy, Crozet, and Free Union over the past 14 years with his camp and the school. When Mr. Clark brought this up he was hesitant to commit to a number because he did not know what the number would be. He went back and looked at our ridership year to year and it ranged between 55 and 70 percent. Right now in Ivy surprisingly it is 70 percent. They think that would be better than it would be in Crozet. But, it was not necessarily better. It occurs to him that the County does not commit to a certain ridership. However, the bus comes and people use the bus. In our case it seems that 50 percent is a level they could commit to. He did want to make some kind of clause so they could have school if bus did not come because it does break down from time to time.

Mr. Benish noted that he was not sure how enforceable that condition would be. It would be a difficult condition to enforce.

Mr. Morris agreed that it was not enforceable.

Mr. Franco said typically they would try to deal with this in his world by design. Again, as a conceptual drawing if there was limited parking then that would suggest that there would be limited ability to drive there. The bus would have to be the service. He thinks they can work out some kind of plan, but it is going to take a little bit of time to refine the details of what that is going to be. He needs to see something that addresses the traffic impact.

Mr. Loach asked do they have levels of service at that intersection. They know the one at Route 20 was a grade "F".

Mr. Clark suggested that the Commission ask Mr. DeNunzio.

Joel DeNunzio, with VDOT, said he believed that more importantly than the level of service it was "D" in both scenarios. It was the level of delay increase. He thinks Mr. Strickland had said 30 seconds. It does look like it is from 51.7 to 83.6 seconds of average delay at the intersection westbound Polo Grounds Road. They are both at the level of service "D".

Mr. Lafferty said they have heard about traffic on Polo Grounds Road many times at this committee. He asked if there are any plans for VDOT to upgrade it or put in a right turn lane.

Mr. DeNunzio replied that VDOT does not have any plans on Polo Grounds Road now. The closest project is the northern interchange of the Western Bypass that will take six lanes through and the adaptive control system has just gotten approval for funding.

Mr. Lafferty said having read up on the adaptive control system he thinks it probably will improve that intersection. He has sat here in these meetings and said look VDOT says that this intersection is okay

on these plans then said so why should we question it. Now VDOT is saying it is not okay on this intersection. That causes him to pause. However, he thinks that the prospect that they are going to put in the adaptive control system will improve the intersection there.

Mr. DeNunzio said he would like to address that he said that VDOT said. He thinks that VDOT agrees with Mr. Clark and the County staff. They reviewed the traffic study and provided comments. The applicant has provided follow up comments to that. Normally in this process they get a traffic study and they would work with the applicant to resolve those issues prior to coming to the Commission. They did not have time in this case. They did not revise the study. When he reads the concerns here normally it would have been and could have been addressed prior to coming to the Commission and presenting this information. What they want to see happen is that the applicant, VDOT, and the County staff come with agreement of what the impacts are going to be. It is not about what the mitigation to those impacts is. It is what the impacts are. They have to agree on that. Any development is going to have impacts to traffic signals. There is no doubt about that. They want to agree on the impacts and agree on what the solutions might be. They did not get to the point. So when they see these comments it is the unknown that is the concern.

Mr. Loach asked how long that will take.

Mr. DeNunzio said he could go through each one of them. However, they have already replied. He has spoken to the person who reviewed the site today and discussed all of these comments. It seems pretty simple. One is about the trip generation. They never agreed on the trip generation. They use ITE numbers for private or public school. There is a comment in here that he had suggested that they use public school because of the busing because they thought it might be more appropriate. However, they never agreed on those things necessarily. They went and counted their existing school, which was his understanding, and they presented the traffic. One of the issues they have is they are unsure if they agree with that data or not. They are not saying they don't agree with the data, but they have some concerns about how it was collected and want to verify that. They have not had an opportunity to verify that and agree with the applicant on the data. They are not hard things to address, but it is just that they have not been addressed yet.

Mr. Loach noted the reason he asked is that what they have done in the past at times is pass something knowing that there would have to be data by the time it got to the Board of Supervisors when that data would be resolved so the Board could look at it. So essentially it is kind of a recommendation for approval pending the data going there before the Board. That is why he is asking about the timing of it.

Ms. Monteith suggested also in that coordination, just following up on Mr. Franco's comment, she asked are you able to have discussions and look at the traffic counts, etc., but also have discussions around the actual design of the facility. So if there were a limited number of parking places that would help address the traffic count.

Mr. DeNunzio replied that VDOT would normally not get involved with the internal circulation or parking on the facility.

Mr. Benish said staff could take those into consideration as they look at conditions of approval that will address what impacts are agreed to. Again, he would reiterate what Mr. Clark said in his staff report that our recommendation for denial is because they have an unknown about what the impact is. Once that information is available the recommendation may change, but they do look at this as not just the Field School but as a private school. Therefore, that becomes the issue as to what assumptions to make. One assumption is more consistent for the Field School. But this use will be there in perpetuity once it is established and so that becomes a debate about what is the right assumption to make in perpetuity to assume what the impact is on this site.

Mr. Randolph said he thinks also to Mr. Loach's point those issues were at a lower thresh whole of implications to community and to traffic safety when they in the past had said let's wait for the additional information and then move it to the Board of Supervisors. This is a huge question mark that they don't have a resolution on and they don't have adequate information. So he could not in good conscious move

this on to the Board of Supervisors and say here get the information in the meantime and you all decide. He thinks they need to wait until they have an adequacy of information to make an informed decision.

Mr. Morris thanked Mr. DeNunzio for the information. The Commission has a motion on the table and a second.

Mr. Franco said the only other question he would have is there seems to be faith that the adaptive system will be in place. He asked if they would be comfortable making that a condition that the use could not be established until that was put into place. Again, he would if that went in he would feel comfortable that it will improve the traffic situation there. But, without some guarantee that will go into place he could not support it.

Mr. Loach said they could make a condition based on the acceptable level of service. He would suggest that there be some marker.

Mr. Franco said he could probably live with that. But, again he thinks that part of the challenge would be that they have not agreed on what the impacts are yet. He did not believe that there has been a study that tells us what the level of service is there now. They have not agreed upon the impacts yet. So there still are some question marks. Some of that he could move forward with a condition that it is addressed or that the adaptive system is in place before the use is established. However, he was not sure as an applicant that he would want that as a condition.

Mr. Lafferty said he believed that the control system will be going in pretty soon. They are talking about the design process and everything else having to do that. They are giving them five years to do that. It will certainly be in place before that time. Limiting the number of parking places he did not think will have an effect because not too many fifth graders or eight graders drive cars to school.

Mr. Franco pointed out however if it did go to an upper school there may be more. If they are comfortable that it is in place is that a reasonable condition to place on this.

Mr. Lafferty asked if the applicant would accept something like that.

Mr. Smith said he did not see how they could place that condition on the applicant because financially he has to make plans and everything else. He did not see how they could do that because he would be up in the air.

Mr. Loach noted that was what Mr. Franco said with the condition, but not one he would agree to.

Mr. Franco said it was not one he would agree to, but it protects that people on that road. If not, then he remains like staff in the unknown.

Mr. Morris asked Mr. Smith if he would accept that as a condition.

Mr. Smith said he would not accept that as a condition.

Mr. Morris called for a roll call.

The motion passed by a vote of 4:2. (Randolph, Franco voted nay)

Mr. Randolph voted nay because of the traffic impact.

Mr. Franco voted nay because he could not support this because of the traffic impacts.

Mr. Morris noted that a recommendation for approval of SP-2013-00005 Field School of Charlottesville would be forwarded to the Board of Supervisors at a time to be determined with the conditions, as amended.

CONDITIONS OF APPROVAL:

1. Development of the use shall be in general accord with sheet C3 of the Conceptual Plan entitled "Special Use Permit Application Plan for The Field School of Charlottesville" prepared by Shimp Engineering, P.C., revision #2, dated 6/20/13, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development and use shall reflect the following major elements as shown on the Conceptual Plan:

   - Locations of buildings and facilities within the indicated building envelopes
   - Total building footprint of 30,000 square feet
   - Maximum footprint of 12,000 square feet for any single building
   - Retention of the existing house on the property

   Minor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impacts on adjoining properties and roadways. Buildings and parking may be developed in phases

2. The maximum enrollment shall be 150 students.
3. Classroom instruction shall not begin before 8:00 a.m. and shall not continue later than 5:00 p.m. These hours shall not apply to sports events. Classes shall not be held on Saturday or Sunday.
4. Non-sporting school-related events shall with more than 50 attendees not occur more than 12 times per calendar year and attendance shall not exceed 200 persons. The facility shall not be used for events not related to the school use.
5. No construction for the use shall begin without written approval of the proposed entrance location and design from the Virginia Department of Transportation.
6. No construction for the use shall begin without written approval of the proposed water-supply well and septic facilities from the Virginia Department of Health.
7. Construction of the parking area shown as "Overflow Pervious Parking Area" shall not commence without written approval of the proposed surface materials from the County Engineer.
8. No outdoor lighting of sports fields shall be installed for this use.
9. Any new 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 her designee for approval
10. A Phase I archaeological survey and any appropriate mitigation measures as approved by the Planning Director shall be completed for areas to be graded for this use prior to issuance of a grading permit.
11. The use shall commence on or before [date five years from Board approval] or the permit shall expire and be of no effect.

Mr. Loach said as a follow up he would like to see the conclusion of the data Mr. DeNunzio talked about available for the Board of Supervisors if that is possible by the date.

Mr. Clark said staff will need to work with the applicant to get as much information as they can before it goes to the Board.

Old Business:

Mr. Morris asked if there was any old business. There being none, the meeting moved to the next item.

New Business:

Mr. Morris asked if there was any new business.

- Discussion held on setting policy/procedure for a time limit for accepting information to be received prior to PC meeting to be considered at hearing. Staff indicated that it had been discussed previously and agreement made on not accepting information to be considered at a meeting 24 hours before

meeting. However, staff cannot turn down or not accept information submitted by an applicant or member of the public on a request. Request that discussion be held again in future.

- THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, JULY 23, 2013 AT 6:00 p.m.

Adjournment:

With no further items, the meeting adjourned at 9:00 p.m. to the Tuesday, July 23, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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