Albemarle County Planning Commission
June 3, 2014

The Albemarle County Planning Commission held a public hearing on Tuesday, June 3, 2014, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Mac Lafferty, Vice Chair; Thomas Loach, Bruce Dotson, and Tim Keller. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was Scott Clark, Senior Planner; Christopher Perez, Senior Planner; David Benish, Chief of Zoning; Wayne Cilimberg, Director of Planning; Glenn Brooks, County Engineer; 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.

From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Morris invited comment from the public on other matters not listed on the agenda. There being none, 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 MPO Policy Board met and endorsed the Long Range Transportation Plan and new Rt. 29 projects, which go to the Commonwealth Transportation Board in June.

Ms. Firehock reported the Natural Heritage Committee discussed and provided additional comments on the comp plan for the Board of Supervisors work session this week.

Mr. Randolph reported the following:

- Meeting held on the proposed Rivanna Village at Glenmore east entrance from Rt. 250. Also, developer has decided because of traffic concerns to have a cul-de-sac at the end of Steamer Drive instead of a through street to Glenmore Way.
- The Rivanna Solid Waste Authority met and a set of goals, objectives and priorities will be forthcoming to the Board of Supervisors within a week.

Mr. Dotson reported the Places29 Committee considered the Carter Meyers proposal and there was no objection to going forward with it and considering the comprehensive plan amendment and the rezoning simultaneously.

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

Review of Board of Supervisors Meeting – May 14, 2014.

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on May 14, 2014.

Consent Agenda:

a. **Approval of minutes**: April 15, 2014 and May 15, 2014
b. **STA-2014-000XX Housekeeping**
Adoption of resolution of intent to consider amending Chapter 14, Subdivision of Land.
(Greg Kamptner)

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

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

The motion carried by a vote of (7:0).

Mr. Morris said the consent agenda was approved.

STA-2014-000XX Adopted Resolution of Intent for Housekeeping Subdivision Ordinance Amendment

RESOLUTION OF INTENT

WHEREAS, the Chapter 14, Subdivision of Land (the "Subdivision Ordinance"), was last comprehensively amended in 2005 and it has been amended several times since; and

WHEREAS, an amendment to the Subdivision Ordinance is needed to implement legislation adopted during the 2014 Session of the General Assembly and to clarify certain provisions, including the provision pertaining to the period of validity of a subdivision plat.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending the Subdivision Ordinance as described herein; and.

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the subdivision text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

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Items Requesting Deferral

a. **ZMA-2013-00004 Hollymead Town Center (Block VI)**
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 032000000041L0
LOCATION: West of Route 29 North at the intersection of Laurel Park Lane and Meeting Street.
PROPOSAL: Rezone 5.74 acres from PD-MC [Planned Development- Mixed Commercial] which allow for large-scale commercial uses; residential by special use permit (15 units/acre) to PD-MC [Planned Development- Mixed Commercial] which allows for large-scale commercial uses; residential by special use permit (15 units/acre) to construct 44 townhouse units for a density of 7.6 dwellings/acre.
ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT AREA: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Hollymead-Places 29-Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses.
(Claudette Grant)
STAFF REQUESTS DEFERRAL TO JULY 29, 2014 PLANNING COMMISSION MEETING.

Mr. Morris asked if any Commissioner had any questions. He noted staff was requesting deferral on ZMA-2013-00004 Hollymead Town Center. He asked if there are any questions to staff.

Mr. Kamptner suggested opening the public hearing.

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

Mr. Lafferty asked why staff asked for a deferral.

Mr. Benish replied that there was a late discovery that the applicant needs to address changes to the code of development not in the proposal that the applicant agreed should take place. He pointed out there was an error in the subdivision plat that also requires a deferral. The request was deferred to address both issues.

Motion: Mr. Dotson moved and Mr. Lafferty seconded for deferral of ZMA-2013-00004, Hollymead Town Center, to July 29, 2014 Planning Commission meeting.

The motion carried by a vote of (7:0).

Mr. Morris said the consent agenda was approved.

Public Hearing Items

a. **AFD-2014-00001 Eastham Review**
Periodic (10-year) review of the Eastham Agricultural and Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as tax map 46, parcels 91B, 91C, 91E; tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1 , 41A2. The district includes a total of 1,001 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

AND

b. **AFD-2014-00002 North Fork Moorman's River Review**
Periodic (10-year) review of the North Fork Moorman's River Agricultural and Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as tax map 4, parcels 1, 2, 3, 4. The district includes a total of 270.5 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

AND

c. **AFD-2014-00003 Pasture Fence Mountain Review**
Periodic (10-year) review of the Pasture Fence Mountain Agricultural and Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as tax map 13, parcels 1, 5, 8, 10, 12. The district includes a total of 1,247 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

Mr. Morris noted staff will review and the Planning Commission will take action on all three agenda items (7a through 7c) for Agricultural Forestal District Review at one time.

Scott Clark presented a PowerPoint presentation and summarized the staff reports for all three renewal requests for ten-years as noted above. All three Agricultural Forestal Districts had additions but no withdrawals as of this date. Withdrawals can be made up until the Board of Supervisors date.

AFD 2014-01 EASTHAM DISTRICT REVIEW

The Albemarle County Code currently contains this description of the Eastham District:

> **Sec. 3 - 212 Eastham Agricultural and Forestal District.**
> The district known as the "Eastham Agricultural and Forestal District" consists of the following described properties: Tax map 46, parcels 91B, 91C, 91E; tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1 , 41A2. This district, created on October 2, 1985 for not more than 10 years and last reviewed on April 14, 2004, shall next be reviewed prior to April 14, 2014.

The District is located along Route 20, just south of the intersection with Proffitt Road (see Attachment A), and includes 1,001 acres. No withdrawal requests have yet been received.

District History:

- The district was created in 1985 with a total of 17 parcels and 898 acres.
- One parcel of 2.092 acres was added in 1997.
- Three parcels totaling 101.5 acres were added in 2009.
- No parcels have been removed from the District since it was created in 1985.

Agricultural and Forestal District Significance: Of the 1,001 acres in the Eastham District, 790 acres have soils listed as particularly important for agriculture in the Comprehensive Plan.

Land Use other than Agriculture and Forestry: In addition to agricultural and forestal uses, the Eastham District includes approximately 26 dwellings. (This count includes all addressable structures in the District, and so may include any barns or other large structures with addresses.)

Local Development Patterns: The District primarily consists of forest and open pasture. There are seven parcels in the District, totaling 587 acres that are under conservation easements. A total of 938.8 acres in the District are in the County's use-value taxation program, indicating that they are in agricultural, forestal, or open-space use.

Comprehensive Plan Designation and Zoning Districts: The District is entirely designated as Rural Areas in the Comprehensive Plan, and the parcels included in the District are zoned RA Rural Areas

Environmental Benefits: Conservation of this area will help maintain the environmental integrity of the County and aids in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. Landowners were notified of the renewal by certified mail on March 21, 2014.

Staff Recommendation: On April 14, 2014, the Agricultural-Forestal Districts Advisory Committee recommended renewal of the Eastham District for another 10-year period. Staff requests that the Planning Commission make the same recommendation to the Board of Supervisors.

AFD 2014-02 NORTH FORK MOORMAN'S RIVER DISTRICT REVIEW

The Albemarle County Code currently contains this description of the North Fork Moorman's River District:

> **Sec. 3 - 223 North Fork Moorman's River Agricultural and Forestal District.**
> The district known as the "North Fork Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 4, parcels 1, 2, 3, 4. This district, created on November 17, 1993 for not more than 10 years and last reviewed on April 14, 2004, shall next be reviewed prior to April 14, 2014.

The District is located at the headwaters of the North Fork Moorman's River, adjacent to Shenandoah National Park (see Attachment A). The district includes 270.5 acres. No withdrawal requests have yet been received.

District History:
The district was created in November, 1993 with four parcels totaling 270.5 acres. The District has remained unchanged since that time.

Agricultural and Forestal District Significance: The entire 270.5 acres of the North Fork Moorman's River District have soils listed as particularly important for forestry in the Comprehensive Plan.

Land Use other than Agriculture and Forestry: There are no dwellings in the District.

Local Development Patterns: The District primarily consists of steep forest, with a few small open areas. There are no parcels in the District that are under conservation easements. The entire District is in the County's use-value taxation program, indicating agricultural, forestal, or open-space use.

Comprehensive Plan Designation and Zoning Districts: The District is entirely designated as Rural Areas in the Comprehensive Plan, and the parcels included in the District are zoned RA Rural Areas

Environmental Benefits: Conservation of this area will help maintain the environmental integrity of the County and aids in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. Landowners were notified of the renewal by certified mail on March 21, 2014.

Staff Recommendation: On April 14, 2014, the Agricultural-Forestal Districts Advisory Committee unanimously recommended renewal of the North Fork Moorman's River District for another 10-year period. Staff requests that the Planning Commission make the same recommendation to the Board of Supervisors.

AFD 2014-03 PASTURE FENCE MOUNTAIN DISTRICT REVIEW

The Albemarle County Code currently contains this description of the Pasture Fence Mountain District:

> **Sec. 3 - 225 Pasture Fence Mountain Agricultural and Forestal District.**
> The district known as the "Pasture Fence Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 13, parcels 1, 5, 8, 10, 12. This district, created on

November 17, 1993 for not more than 10 years and last reviewed on April 14, 2004, shall next be reviewed prior to April 14, 2014

The District is located on Pasture Fence Mountain in the northwestern portion of the County, just to the east of the North Fork Moorman's River (see Attachment A). The district currently includes 1,247 acres. No withdrawal requests have yet been received.

District History:

- The District was created in November, 1993, with five parcels totaling 870 acres.
- One parcel of 453.5 acres was added to the District in 1994.
- One parcel of 77 acres was removed from the District in 2004.

Agricultural and Forestal District Significance: Of the 1,247 acres in the Pasture Fence Mountain District, 1,171 acres have soils listed as particularly important for forestry in the Comprehene Plan.

Land Use other than Agriculture and Forestry: In addition to agricultural and forestal uses, the Pasture Fence Mountain District includes one dwelling.

Local Development Patterns: The District primarily consists of forest. There are no parcels in the District that are under conservation easement. A total of 1,131 acres in the District are in the County's use-value taxation program, indicating that they are in agricultural, forestal, or open-space use.

Comprehensive Plan Designation and Zoning Districts: The District is entirely designated as Rural Areas in the Comprehensive Plan, and the parcels included in the District are zoned RA Rural Areas

Environmental Benefits: Conservation of this area will help maintain the environmental integrity of the County and aids in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. Landowners were notified of the renewal by certified mail on March 21, 2014.

Staff Recommendation: On April 14, 2014, the Agricultural-Forestal Districts Advisory Committee recommended renewal of the Pasture Fence Mountain District for another 10-year period. Staff requests that the Planning Commission make the same recommendation to the Board of Supervisors.

There being no questions for staff, Mr. Morris opened the public hearing and invited applicants or members of the public to come forward and address the Planning Commission on any of the three items.

Joseph Jones, White Hall resident, said he was probably one-half owner of Moormans River District and Treasurer of the White Hall Hunt Club who was the other half owner. The White Hall Hunt Club has a 400 acre parcel in Pasture Fence Mountain. He pointed out this is the second renewal. These lands have already been in the agricultural forestal district for 20 years and it will be 30 years when they go another 10. The Agricultural Forestal Districts have been a good conservation tool for the county. He encouraged the Planning Commission to review these and pass them on for another ten years.

Neil Williamson, of Free Enterprise Forum, said he feels duty bound because he has often said the Agricultural Forestal District is much akin to renting land whereas conservation easement is forever and as such buying that land. He finds it very fascinating the idea that Albemarle County puts forward and the state requires every ten years a review to see if the land is still doing what the Agricultural District is requiring and every ten years there is a public hearing. No such public hearing process occurs with the conservation program. Conservation easements are a positive thing in general, but they do have impacts on neighboring parcels. He finds it amazing that the Virginia Code has it stipulated that if his neighbor has a conservation easement it impacts what he can do on his land yet he has no way of impacting whether they get a conservation easement. He finds it to be a disincentive for rural land owners that hold their land without it being in conservation easement as it limits their abilities. This board can do nothing about that. However, he thought it was worthwhile to mention it to them.

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

Mr. Kamptner said he assumed there was consensus to take one action for the three items.

Motion: Mr. Lafferty moved and Mr. Randolph seconded to recommend approval of all three (3) agenda items AFD-2014-00001 Eastham Review, AFD-2014-00002 North Fork Moorman's River Review and AFD-2014-00003 Pasture Fence Mountain Review for another ten year period.

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

Mr. Morris noted the three requests would go to the Board of Supervisors on a date to be determined with a recommendation for approval.

7d. SP-2013-00019 Tandem Friends School
PROPOSAL: Allow for an increase in enrollment and staff capacity from 260 to 300 people and the replacement of a gymnasium on 24.508 acres. No dwellings proposed.
ZONING: R-1 Residential – (1 unit/acre) under Section 18.13.2.2.5 of the Zoning Ordinance which allows for private schools
ENTRANCE CORRIDOR: No
COMPREHENSIVE PLAN: Institutional – schools, universities and colleges and ancillary facilities and public facilities and utilities; Urban Area 4.
LOCATION: 279, 285, 295 and 305 Tandem Lane
TAX MAP/PARCEL: 09100-00-00-002A0
MAGISTERIAL DISTRICT: Scottsville
(Scott Clark)

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

This is a special use permit amendment to replace the existing 8,000 square foot gym building with a new 18,400 square foot gym in the same location and increase the enrollment or total number of staff and students from 260 to 300. In this case the previous approval was for a total of students and staff for 260.

The conceptual plan for the special use permit amendment was reviewed. The main detail is the gym building which would be removed. The new gym would overlap the area and extend further back as indicated. That would be the physical change on the site. The conceptual plan shows some landscaping and design requirements for the parking lot. There was an earlier site plan in which these requirements were established and the parking did not quite come out as it was shown on the plan. Therefore, this requirement of the conceptual plan so when this use comes back for the next site plan to put the new building in place the parking lot will be fixed at the same time.

Mr. Morris invited questions for staff.

Mr. Randolph asked in terms of the VDOT traffic analysis and looking at the traffic impacts did VDOT look at the flow of traffic between 7:30 and 9:00 a.m. and between 2:30 p.m. and 4 p.m.

Troy Austin, VDOT representative, replied that VDOT just looked at the turn lane warrants that are out there already. What is out there satisfies what they would need. He did not think actually there was a formal traffic analysis done for that site.

Mr. Clark continued the review of the request.

- He noted the two main issues were public, health and safety, which includes the VDOT analysis. There were no changes found necessary given the increase of use of the site. There is no change in the character of land use. It is already designated as institutional in the comp plan and it remains consistent. The typical Neighborhood Model design analysis was not done because there is no change in use and very little change in the character of nature of the site. Based on the findings contained in this staff report, staff recommends approval of SP 2013-19 Tandem Friends School Field House with the conditions listed in the staff report.

- There have been some changes to the wording of the conditions mainly to make them consistent with current practice. The majority of the rewording in the old condition #1 is to move from conformity, which requires absolute faithfulness to the plan to the more typical general accord, which allows for site flexibility. The one additional requirement under condition #1 if for a parking lot layout and landscaping, which is to make sure that previous site plan standard is applied when this comes back in.

Condition #3 originally allowed total enrollment and staffing of 260. The applicants wanted to bring that up to 300. However, all other school approvals are phrased for the number of students and not students and staff. In this case their estimate was about 245 students, which moved up to 250 to make it consistent with our usual practice. That is why condition #3 says 250 students rather than 300 students and staff.

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

Andy Jones Wilkins, Head of Tandem Friends School and Charlottesville resident, said the purpose of this special use permit amendment is to expand the gym. After the economic downturn of 2008 they struggled as many schools did with enrollment. They have recovered nicely. Even in that economic downturn they had a gym that was insufficient. Right now the gymnasium is 75' wide and 150' long. What they need is a gymnasium that is 80'wide and 220' long. A reasonable person might ask why you need a gymnasium that big. They have fifth grade through eighth grade students at the school and they have a lot of untapped energy that needs to be run out. Basketball is a big part of our program.

Mr. Wilkins pointed out what they are asking the Commission to approve is an 80' X 220' gymnasium, which does not expand the footprint beyond the already established property. They are also prepared to create a project that is environmentally friendly that pays attention to our unique rural environment. If they have been to Tandem Friend School they know it is part of our culture that allows them to run an academic and athletic program that is in keeping with our mission. It was his feeling that Tandem Friends School has a unique place in Albemarle County. They are a school that provides opportunities for kids that is unique, friendly and open. He has not seen in the five other independent schools in which he has worked that go across the country. They have bold ideas at Tandem. But, for this project they would like the Commission to see that they are moving towards the future. Albemarle County is a place that is up and coming. It is a county on the move and this project helps make that happen.

Mr. Morris invited questions for the applicant. He asked what the grade levels at Tandem are at this time.

Mr. Wilkins replied right now the school is grades 5 through 12. The teams that practice in the gymnasium are two middle school teams and three high school teams. Today teams come in at 6:30 a.m. all the way through 8:00 p.m., which includes Reggie Steppes team whose uniform is retired on the wall of Virginia Tech who coaches our varsity team. So part of the project is to double our gymnasium footprint to allow practices that might be more conducive to the modern family system.

Mr. Randolph asked if the school has a strategic plan how many years does it determine the land needs out in the future.

Mr. Wilkins replied currently they are working with a plan that terminates in 2015. When he arrived at Tandem in 2012 at that point the board wonderfully said he needs to do a strategic plan right now. So they did a 3 year plan, which terminates in 2015. As part of that strategic plan there is a gymnasium and expanded instructional space. There is an aspirational goal to evolve our Friends identity. The Friends School has a long standing tradition in other parts of the country. They are the only Friends School in Charlottesville and the only Friends School that actually started as a non Friends School and became a Friends School. They have some bold visions for the school to the point of having 250 students. They are also committed to being a small intimate school in which the headmaster knows everybody. The overall vision of the school or the strategic plan, which they are likely to write another one, will be 2015 to 2010. He would guess that will include a whole lot more aspirational goals. However, the strategic plan at this point is to meet the needs of our kids now. They are not meeting the needs of the kids at least in terms of the athletic program with the facilities they have.

Mr. Randolph pointed out the reason why he asked the two questions is because he noted with interest that on the south side of where he proposed to put the new gymnasium there is parcel 090-01-01000 which happens to be owned by the County of Albemarle. He recommended knowing they are continuing to grow they can't grow to the west because of the fire station, which almost added a waste transfer space. They can't grow across the street because public schools preempted that space. So their only room really to grow is either to the east or the south. There lies county land anyway. The reason he asked was he found that of interest and did not know whether it was something the school had already explored.

Mr. Wilkins said he would like to comment on that. He noted the school is not a growth institution. Tandem Friends School is a place that prides itself in intimate close personal relationships. As the Head of the School he wants to know all the kids and their families. He wanted to know where they come from and where they are going. So they are not talking about growth in a macro way. But, Mr. Randolph was right on that they know what is around us. They also know that they are a special place. They have a market segment in Albemarle County. If it is another field down on parcel 91 -11 or 91-10 let's talk. He knows that is not what they are doing tonight. He believed they are a school that Albemarle County wants to pay attention to.

Ms. Firehock said she has two questions. First, she was wondering why the why the prior parking lot design was not adhered to. She asked if he knew the history on that. She was concerned about that and obviously would hope they would do it the second time. Secondly, he mentioned that the building would be environmentally friendly and she wondered if he would say a little bit more about that. She knew he was increasing the footprint of the building which

would increase the impact. She was wondering what he meant by that statement.

Mr. Wilkins replied that he would answer the questions in reverse order. What they anticipate with this gym since they were talking about an 80 X 220 foot metal butler building. This is not something they are going to put on your brochure if you are an architect. They would like to have solar panels on the roof, the southeast facing roof, all the way across. They would also like to fund it with either horizontal or vertical geo thermal energy sources to at least heat the water and provide electricity to the building. If not, maybe even could give back something to the grid. They would like to build this in an environmentally friendly way.

Ms. Firehock asked if he had thought about a cistern or other devices to take some of that extra roof water and put it to good use.

Mr. Wilkins replied yes. They have a team, the Tandem Earth Team. They have Patrick here advocating that. He noted Patrick Tenet, Bill Tucker and Paul Urb are here on his behalf in terms of water gathering and so forth. He asked Paul Urb to respond to the first question about the parking lot design.

Paul Urb, Director of Operations/Assistant Head of School, replied that he did not know the answer. Therefore, he asked Scott Clark the question who specified that this parking lot should be built with the landscaping to the1998 specifications. He asked how did this happen and Mr. Clark said they were asking the school. Therefore, no one knows. What they think happened was that the parking lot was specified that way. It was subsequently built and never inspected for the thumbs up at the end. Essentially, it is a hard surface parking lot, which had nice specified trees in islands and so forth. The landscaping was much more eloquent than it is now. It is now just an open lot. But, the intention and the promise are to build it back with trees.

Mr. Lafferty asked if the school is in the Monticello Viewshed.

Mr. Wilkins replied yes, the school is in the Monticello Viewshed.

Mr. Lafferty encouraged them to contact them in their design process.

Mr. Wilkins asked Mr. Urb if they had done that yet.

Paul Urb replied they anticipate getting together to talk about mutual interest that they share. They were thinking that this would take place at the next stage of this process when they are addressing design.

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

Motion: Mr. Randolph moved and Mr. Loach seconded to recommend approval of SP-2013-00019 Tandem Friends School Field House with the conditions outlined in the staff report.

1. The development of the use shall be in general accord with the concept plan entitled~~,~~ "Tandem Friends School Campus Plan Study Site Plan," prepared by VMDO Architects, and dated April 3, 2014 by staff, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plan, development and use shall reflect the following major elements as shown on the plan:

    - building orientation
    - building size
    - location of the buildings
    - limits of disturbance
    - parking-lot layout and landscaping

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

2. Additional buildings or increase in total enrollment/staffing may only be authorized by a new special use permit; ~~and~~

3. Total school enrollment ~~and on-site staffing~~ shall be limited to two hundred and fifty (250).

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

Mr. Morris noted SP-2013-00019 Tandem Friends School Field House would go to the Board of Supervisors on a date to be determined with a recommendation for approval.

7e. SP201400005 Regents School of Charlottesville
PROPOSED: To increase the student enrollment to 115 students for the 2014 - 2015 school year. To increase the student enrollment to 130 for the 2015 - 2016 school year. 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
(Christopher Perez)

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

Proposal: Amend Special Use Permit (SP-2013-10) for School of Special Instruction.
- Increase the number of persons (students and teachers) permitted at the site from the current 96 persons permitted onsite under the existing Special Use Permit to 115 students for the 2014 - 2015 school year and to 130 students for the 2015 - 2016 school year.
- Also, request to separate the number of students and staff from their maximum permitted persons onsite.

The 96 persons limit which is currently in effect is based on what had been understood as the capacity of the septic systems. That is why that condition is there. The site has been through three previous special use permits for this project.

Proposed amendment to the approved concept plan.
- Provides the required 30 spaces for the increase in (Areas P1, P2, P3, P6 & P7)
- Also, provides a traffic flow diagram to guide the flow of the traffic entering/exiting the site.

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 P1, P2, P3, P6 & P7 on concept plan).
- The Health Department - reviewed the capacity analysis of the existing septic system and has approved the increase in persons at the facility to 161 persons *(teachers and students)*.

Site Conditions Unfavorable
- Increased persons at the facility would create unsafe access conditions due to excessive delay times exiting the property in the morning hours.

In the staff report is a traffic analysis provided by the applicant's engineer, which went into exact delay times. If the Planning Commission would like to discuss the traffic analysis they can come back to it.

Discussion:
- Current delay for 83 students 252.2 second delay
  (4 min and 12 second)
- Projected delay for 115 students 489.2 second delay
  (8 minutes and 9 second)

- LOS F, for an unsignalized intersection, is anything over 50 second delay.

- This study as well as the county engineer felt that this was going to cause unsafe conditions as parents were exiting and leaving the property. This was based on delay times on site.

Notes:

* Increased persons at the facility would create unsafe access conditions due to excessive delay times exiting the property in the morning hours.

In exiting the majority of parents are leaving the site going towards Charlottesville. They would come out and cross one lane of Route 250. Based on the traffic study the cars would line up in a median. However, upon further analysis by VDOT that is not an adequate traffic movement based on width of Route 250 as well as the striping. The cars would be coming across the lane of traffic and jumping into the other lane in the morning hours.

As part of that request they were talking about separating the number of students out from the persons permitted on site. Based on the county engineer's position that the site is already over its acceptable limit, staff does not feel it is appropriate to split these numbers up at this time unless the alternate access strategy, which is mentioned in the staff report, is chosen and implemented.

Speaking of the access strategy in the staff report there was a lot of different strategies that were discussed. The fifth one was at the Broomley Road exit. It was suggested by the county engineer that the applicant look into an alternative entrance in order to increase the number of students. Staff pushed them towards the Broomley Road exit, but there are a lot of things they would need to overcome in order to actually do this.

Alternative Access Strategy: Develop a new entrance on Broomley Road
The Broomley Road strategy has not been studied or vetted by the applicant, staff, or VDOT, nor considered in the traffic study. Issues which will need to be addressed or considered:

- Potential Critical slope disturbance (Critical Slope Waiver – (Board Of Supervisors)
- VDOT spacing requirements for entrances (VDOT waiver required)
- VDOT road construction on Broomley Road.
- Additional traffic will be consolidated on Broomley Road.
- ARB review of the proposed entrance (potential retaining walls, tree cutting...etc)

One of the biggest concerns of staff is critical slopes onsite. At this point they don't really know where they are going to be entering onto Broomley Road. Staff has not seen a proposal. However, the entire swath of that section is critical slopes. Therefore, a critical slopes waiver would be required depending on if they actually broke into it or not. If they were permitted by VDOT to go closer to the Route 250 light then they might be able to avoid those. At this time staff does not have any proposal.

Another concern is the VDOT spacing requirements for the entrance. VDOT has a specific spacing requirement for a signalized intersection and the applicant might need to get a waiver. VDOT has been working with the applicant on that.

There is proposed to be road construction on Broomley Road within the next year, which the applicant should consider. As of last week VDOT is working with the applicant to try to avoid any conflict with the Broomley road construction by moving their entrance away from that construction. At this point staff does not know where the entrance is.

Some other things the Planning Commission and the Board of Supervisors should consider are additional traffic impacts to Broomley Road. Staff has not done an analysis of this. As part of the application if the applicant does chose to move forward with the Broomley Road access, this is an Entrance Corridor so the ARB would need to do a review of that entrance. Potentially there might be retaining walls for this road and trees will be cut. Therefore, the ARB would need to review the proposal since it would go through as a major site plan amendment. The applicant has about 55' in between their existing parking lot and the road.

Recommendation:
Staff does not recommend approval of the request as proposed. However, if the Planning Commission and the Board of Supervisors chose to move forward with this request staff only recommends approval of SP-2014-00005, Regents School of Charlottesville with the modifications to the existing conditions from SP-2013-00010 listed in the staff report which can help address some of the issues.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if staff felt the property was over utilized right now.

Mr. Perez replied the existing building is adequate to carry the requested number of students; the septic system is adequate; and the parking is adequate. However, based on delay times in the traffic study the entrance currently is in an unsafe condition exiting the site. To add further amounts of students would just increase the unsafe condition of the entrance. When VDOT reviewed the entrance for their specific concern regarding the flow of traffic on 250, they

did not have any concern with the increase in students. However, the county engineer reviewing the traffic impact study does have issues.

Mr. Lafferty asked if staff had said the septic system was upgraded. Mr. Perez replied the septic system has not been upgraded; however, a further study done by the applicant and the health department has verified the site can safely hold up to 161 persons.

Mr. Lafferty asked if they have an alternate site to put in a septic system if it fails, and Mr. Perez replied that he could not speak to that.

Mr. Benish pointed out typically an alternate septic site is a review requirement in the rural areas if there is a reserve field. Staff would have to look at the study to verify that. However, he assumed that was part of their assessment.

Mr. Lafferty said basically this comes down to a traffic safety problem, and Mr. Perez agreed.

Mr. Dotson noted staff had listed a number of alternatives that were considered. He asked if one was staggering the start time and therefore the exit time for different grades.

Mr. Perez replied that was discussed during the preliminary discussions with the applicant. However, it was determined that because most of these students are related to each other, such as a related younger and older student, the parents are not going to make two trips. In that situation the parents would drop both students off at one time. However, that condition would be really hard to follow through with the way their school is set up.

Mr. Dotson noted on the concept plan that he was trying to figure out how the traffic flow works onsite for the drop off area. He asked if someone would enter the site, go all the way around and then come back up to the point to drop off a student. It appears that the students would then walk across the lane where cars were entering.

Mr. Perez replied yes, once the kids are dropped off the parents would then move on out towards the exit of the site to prevent cueing into Route 250. Someone from the School's parking team, which consists of parent volunteers, would be out there for drop off to stop traffic and to assure that students could cross safely.

Mr. Dotson asked if the kids would then cross the lane of traffic coming in to get to that nearest building.

Mr. Perez replied yes, that is what they currently do now. They do have the parents who volunteer to be a parking guide.

Mr. Randolph asked the VDOT representative, Troy Austin, if VDOT has done any study to look at the traffic flow on this road between the hours proposed for the opening of 7:30 to 9:00 a.m. and between 3:30 and 5:00 p.m.

Troy Austin, VDOT representative, replied the study was privately done and not VDOT. They look at the peak hours for the trips, which is typically between 7:00 a.m. and 9:00 a.m. and 3:00 p.m. to 5:00 p.m. So they included that time frame, which was taken into account with their study.

Mr. Randolph confirmed that whatever has been asserted empirically he experienced the same thing in how difficult it was to access the site during late afternoon when pick up would normally occur and then also to exit. He visited the site and intentionally overshot the site and came back past Broomley Road heading thereby east on 250 and tried to make a left hand turn at about 4:30 p.m. If he had not accelerated his car he would not have been able to enter the site after about 4 or 5 minutes of sitting in the lane. When he came out, again, if he did not have the acceleration ability to get across the traffic, he would have been there for an extended period of time.

Mr. Loach asked if there was any accident data.

Mr. Austin replied he was sure they do, but they did not pull that for this project.

Ms. Firehock noted she had a question for staff. They just had a presentation about Tandem School in which Mr. Clark noted they separated the students and staff because that is the way it is usually done. However, he said they are not inclined to do that. She did not understand the difference.

Mr. Perez replied that currently 96 people are permitted on site, which was a limitation set by the septic system approval, and they only have 83 students currently enrolled. So if they split this up at this point the only recommendation he could say is they would have to drop it down to 83 just to keep what they already have for students. If they were to say 96 persons and turned it into 96 students it would increase the amount of use at the site. So that is why at this point, based on the county engineer saying it is already over the safety limit for the exit, staff suggested not to mess with it now until they do the Broomley Road proposal if it goes that way.

Ms. Firehock said after the traffic safety issue is addressed they would then go back to the more standard approach, and Mr. Perez replied yes, because that was all dictated by the septic system before.

Mr. Benish pointed out the proposed language is based on the maximum enrollment. What they did not do is go back and adjust the current limit. However, they could have pulled it back to 83 students because the original number was based on the health department limitation.

Ms. Firehock thanked staff for clarifying that. She suggested this may be a better question for the applicant. She was sure the parents and children love this school and that is why they make the extra effort to attend it. However, she was wondering if there is some other "out of the box" solution such as car pools, vans pools and other ways even through voluntary efforts that they could actually reduce the number of vehicle trips potentially. She did not know the degree to which that is currently being done, but it seems like it is not a huge increase in the number of people.

Mr. Benish pointed out car pooling and van pooling are good approaches to reduce traffic and impacts. However, it becomes difficult for staff to enforce that condition to limit it. They really have to rely on self enforcement because it is difficult to go out and monitor that on a regular basis. However, from a practical standard it is something the applicant can do to reduce an impact. It just gets difficult for staff to condition and monitor it.

Ms. Firehock noted the different options being proposed look fairly expensive, especially the Broomley Road alternative because of the slope and the huge cut and fill to make it work. Therefore, she was thinking it would be cheaper to buy a couple of 15 passenger vans. She was not sure that some of these alternatives actually were affordable because the school would have to be paying for them.

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, school board member and father of two students, noted Regents School is the only classical school in Charlottesville. The desire for that type of education is proven by the school starting with 7 students in 2010 and increasing to 83 students in 2013. He explained why they were back before the Commission for the third year in a row.

- In 2012, in the beginning of the school's third year, they moved into an essentially unused building on the old campus of Christian Aid Mission where they currently reside. At that point during the process for the special use permit there were essentially no limitations when it came from all the different reviewing entities. The given numbers at that time was 250 from the health department and the building inspector and 180 likely from VDOT. In the comments in the end they had no problem with the number they are applying for. At the direction of planning staff they applied for just over the number of students they had with the idea being that they would have to come back for another special use permit. So they applied for 60 and were granted it in 2012.
- Our numbers increased significantly the following year and so this past year they reapplied hoping to get that ceiling to be 130 or greater to avoid coming back again. However, they ran into the septic system capacity. The health department at that point said the septic system capacity is going to be limited. They hired an engineer and they used capacities of that septic system for theoretical limitations of 96. That is why they were limited to that last year. Traffic was not a problem in last year's application. Moving into this year they hired the same engineer and put a water meter on the intake to measure how much water they were actually using at the site hence the elevation and the number of people allowed to use the septic system. He hoped that answered his previous question. It has now become a traffic issue.
- He had two quick comments before he hands this over to the Head of School, Courtney Palumbo, who has been spear heading this year's application. First, our real traffic usage is in the morning when they coincide with other peak 250 traffic users. From about 7:30 a.m. up until 8:30 a.m., keep in mind that most of the traffic at that point is coming in eastward on the eastbound lane. There is not a use of the school between the hours of 4:00 p.m. and 5:00 p.m. when it is almost impossible to turn left as Mr. Randolph experienced because traffic is westbound. The reason it is slightly different, assuming a similar number of cars, is the stop light at Broomley Road that intermittently stops all of the eastbound traffic assists people to exit going back towards Charlottesville in the morning. So that makes the situation slightly different.
- The second point was in the initial concept plan analysis they saw the exit times were in excess of 4 minutes. An error was essentially made and our traffic engineer looked at that and measured the time the cars entered the property. Currently in the morning they just drop off on their way in, drive all the way around the rest of the property and then come back. During the drop off time driving around some moms stop and talk to each other and then come out. They had them redo that and asked to recalculate from the time you cue or from the time you come to that exit and try to leave in the morning. That new average was 30 seconds in terms of waiting and a maximum of 5 in the cue that ever occurred. So those are slightly different numbers.
- He asked the Commission to consider that in increasing the number of students to the number they are

asking for is a total of 10 extra cars each transition. Given the importance of trying to elevate this number and not being recommended for approval based on the current concept plan, they had a parent meeting two weeks ago, raised the money and have quotes for the Broomley Road entrance. He did not want to get into things that Courtney Palumbo has been working day and night on. In terms of the waiver on the slopes, the distance from the Broomley stop light is 80'. They probably should give those specifics. He would be happy to answer any other questions.

Courtney Palumbo, Head of Regents School, clarified in 2012 the issue was not the septic system. Bill Craun, who was head of the health department at the time, said 250 was fine for that septic system since there are two huge tanks. The issue they found out the second year, unbeknownst to the school, was that some other study had been done during the year they did not have anything to do with. She did not know if there was another person on the property who had an issue with the drain fields. So that is why they had to go back and hire an engineer to prove that it was sufficient drain fields for the number of students they had in the school. She hoped that clears up the discrepancy. In all our discussions they have come up with several different ways to try to alleviate these problems.

- One idea with Troy Austin was to right in and right out. So they batted that back and forth and offered to build a port chop and put up the little PVC pipes in the road. They were going to contract with an antique store down the road so you could right in and right out and go down the road, turn around and come back. But, staff said that was not a good idea because they did not have a good enough place to turn around. She assumed it was unenforceable even though the school and parents were willing to do it.
- The next idea, and Troy Austin is here to talk to this, was VDOT has told us they are not terribly worried about turning left. However, she did not think it is exactly accurate on the people holding in the center lane. She thinks that has something to do with the model that the traffic study guy had to use when they were saying people were holding in the center lane. That might happens every once in a while with one car. However, it is inaccurate to paint a picture that there are four cars holding in the center lane in the morning. It also depends on what is happening on I-64 or Route 250 and whether it is a good or bad day. There are no days that they are standing there watching cars for four minutes waiting to go out the driveway. Just to be clear the main time, which was one of Mr. Randolph's questions, that they are concerned about is 8:00 a.m. to 8:15 a.m. She did not think 7:45 a.m. is as much of a problem. After 8:15 a.m. is a problem. However, they start school at 8:15 a.m. So the main time they are talking about is 15 minutes in the morning. They have offered to hire a policeman to direct traffic. They have sent them a contract. However, she did not think staff likes that option. That would certainly help the delay problem.
- They have offered to now build an entrance on Broomley Road. As Dr. Christophel stated they did raise the money for that. It is very expensive and tricky for the school because they may only be there two more years since Christian Aid Mission would like to sell the property. So it is a very expensive endeavor for the school to be willing to do that. But, that is how important growth and enrollment is to a school like this. It would really kill the school not to be able to add more students. That is really important. So they have contracted with a road designer and that is due June 9th. So she does not have anything to show yet because this is happening so fast. She has met with Mr. Austin regarding where that road can go and what waivers VDOT is considering making. She was sure Mr. Austin can speak to that better. They have contracted with an excavator to build the road if the Commission and Board of Supervisors approve it before school starts August 25th. It would be nice just barring monsoon rains in August or something if there could be some minor two week grace period should something stumble. However, she did not know how these things work so maybe that is not possible. She asked the Commission to support the request.

Mr. Morris invited questions for the applicant.

Ms. Monteith said she had a couple of comments. One is when Jared Christophel said the time was reduced to 30 seconds. In the staff report it covers that, but it also says that is because the median island is being used and that's really not a safe condition. It is not just a matter of the cars stacking in the median island; it is the widths in the road. She just wanted to clarify that. The only other thing she wanted to mention is if you are looking at the Broomley option it might be appropriate to talk with some of the neighbors that are also using Broomley Road.

Mr. Randolph asked if the school has a strategic plan.

Ms. Palumbo replied yes, that since they were a much younger school they are into year 5. So she could say that eventually they will be a school of 250 to 300, but probably not on this site. They probably only have 2 more years on this site.

Mr. Randolph agreed unless they increase the septic capabilities the number will tap out at 161. However, their growth has been phenomenal since they have seen 35 percent growth in two years and over four years their school has grown 216 percent. He suggested their board would be well served to deal with the question is this a site where they can realistically continue to grow understanding the constraints. From a safety and cost standpoint to try to provide effective and safe ingress and egress from the site they are going to be capped out very shortly. It is just something to think about.

Ms. Palumbo said that was a great question. They have already begun a bunch of community meetings to figure out where their next site will be. So those things are all in progress. They have to begin fundraising. There is a lot to do to sustain the school the way they think it will go in the future. Right now one class a year and two classes per grade level are about what they need to do. So they are talking about a long term before they get to the size they are talking about. Next year will be our first year of adding a second first grade class. So that takes a long time. Our upper grades, 7th to 8th graders, are still very thin. She thinks they have twelve 7th and 8th graders total.

Mr. Randolph noted it has not taken long for the school to grow from 96 to 130 students. So within two years they could well be hitting the threshold of 160. However, it is just food for thought.

Ms. Palumbo agreed noting they were also limited by the building.

Mr. Morris invited public comment.

Neil Williamson, with the Free Enterprise Forum, said as this board knows they do not have a position on this or any specific proposal that comes before them. However, they felt the need to comment with regard to some of the commentary from planning commissioners over the last few applications. The strategic plan of any organization has nothing to do with the permit that is being reviewed and certainly is beyond what needs to be done. In addition, the demands of the septic systems are managed by the health department and impact the total occupancy of the special use permit, which make perfect sense. The existence or the non-existence of a reserve field is clearly in the purview of the health department. It might prove to be most helpful to focus on those things that are truly under the Planning Commission's purview on this and any other application. .

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

Mr. Morris invited discussion.

Mr. Loach said this is a tough one because he drives that road every morning at 7:30 a.m. to 10:35 a.m. and traffic is backed up past Broomley Road down the opposite hill and the site distances are not good. When you come up to the top he sees people turning left into that lane to get in. In addition, adding to that the traffic going west has gotten increased over the last couple of years. He tends to agree with staff's position regarding inadequately of the egress out especially going left into Charlottesville. The other side of that coin is they are talking about a two year period essentially and how much will they develop from this date up to through those two years. If it was going to be two years he could probably support it knowing that limitation.

Mr. Dotson noted in one of the slides staff shows at the bottom it was addressing the current 4 minute delay and then a projected 8 minute delay. Then they have heard from the applicant that was from their data which was based on an erroneous assumption. He asked staff to comment on what the accurate numbers should be that the Commission should be thinking about.

Mr. Perez replied initially there was a traffic impact or traffic delay study that was done by the traffic engineer. That predicated these numbers of the 83 was existing for 4 minutes and 12 seconds and they are projecting it at 115 for 8 minutes and 9 seconds. They provided a lot of other numbers playing with the amount of people on site dropping it down to 90 and jumping it up to 130. That information is all in the staff report. It starts talking about the requested addendum on page 4. The applicant had requested going back out to the site and checking it again because they disagreed with the findings from that traffic study. At that point the traffic analysis was not totally thrown out. Rather they did an addendum to go re-observe conditions on site. During that time they came back with an addendum that specified 30.1 seconds exiting the site per vehicle. However, that was predicated on using that middle lane, which was in the addendum that the county engineer and staff reviewed. That was where that number came from. The original numbers never went away rather the addendum focused on using that middle lane as a two tier entrance into 250. The county engineer was on board with that moving forward provided that VDOT would check off and say yes let's go ahead and make it permanent and use that as a true two-stage entrance. After further review VDOT went out there and noticed Route 250 is not wide enough to accommodate the true turn movement. While people come from 250 going east and they get into that turn lane it is an easier motion, whereas when coming from the site and going into the middle lane your vehicle needs more room to actually do a true turn. So VDOT determined that in order to use that middle lane as a true two-stage entrance they would need to widen that median and make it a true lane for them to come into. In order to do that they would need to add 2' to Route 250 and then restripe it. The applicant could do that, which gives these numbers that they are showing of 30 seconds. However, that was cost prohibited since it was around the same price as doing the Broomley exit.

Mr. Dotson commented that was a very clear explanation. At one point it seemed that VDOT was comfortable with a situation and the county engineer was not. He requested Glen Brooks, County Engineer, to provide an explanation.

Mr. Glen Brooks, County Engineer, explained when they started out with the initial application VDOT basically said they did not care if they delay vehicles onsite. It was not that VDOT agreed with their results, but it was a matter of jurisdiction. They were saying if the applicant was backing up vehicles on the site they were okay with it. If they were doing something on 250 then they care. He got together with Troy Austin after that and said wait they can't draw such a line because if they are delaying vehicles too much on the site they are going to have to take chances cutting through traffic to get out onto 250, which is dangerous. So he thinks Mr. Austin reconsidered, which he could express further.

Troy Austin, VDOT representative, commented that Mr. Brooks is correct in that when they were looking at the study they were looking at the impacts on Route 250. They recognize the fact that the delays onsite could pose potential safety issues. Typically they can get involved with modifications of entrances for a few reasons. One is if the use of the entrance changes they take a look at it. If the entrance becomes a maintenance problem they take a look at it if safety impacts start to change, if there would be an increase in accidents and it was prudent that people were taking unnecessary risks. They would come back and say obviously there is a problem with this entrance since they are taking unnecessary risks and they need to look at modifying it by making it right in and right out or doing something different. So that is when they would get involved. They were not disagreeing that it would happen. However, drivers could just as easily decide to turn right out of the site and go down on their own and make a u-turn and come back. It is our best guess at this point. Until it is proved to be a safety problem for this instance they likely would not get involved with it, which was what was going on with that.

Ms. Firehock commented she was confused on whether traffic accident data was sought for this site. She asked if there is no accident data for this intersection or it was not requested.

Mr. Austin replied it was not looked at since the study did not provide the data and they did not request any. However, they can certainly take a look at it and see what is happening in the area.

Ms. Firehock noted the site has been warranted to be unsafe from his perspective and she was just trying to understand what the data shows. She just wanted to know if there are accidents there.

Mr. Austin pointed out it was not strictly from VDOT's perspective it was warranted unsafe. The traffic study indicated that it worked, but there would be delays and it could become a problem. That is part of what the whole process with the entrance at Broomley Road. The unsafe maneuver would be the left turn out of the site going towards Charlottesville. What the thought is if you provide this other access it gives an opportunity to make a left towards Charlottesville at a stop light, which would be a safer maneuver for them. That is what the thought process of was of that.

Mr. Morris thanked Mr. Austin for his explanation.

Mr. Randolph said one of the issues they have not talked about is consistency with the comp plan in this location. This is a rural area. In the chapter it does say ensure that the scale and the scope of any new use is consistent with the existing infrastructure and character of a crossroads community with any requirement for upgrade or expansion of infrastructure enrollment on site. What they have seen here gradually on the site is an expansion of enrollment. The school should deserve rightly recognition for its growth. That is a positive. The negative is that each year to the additional growth there is additional traffic. The traffic problem is only becoming worse. So a bad situation is being made worse in time. His concern is that if they permit that they would find in two years a school requesting to expand the septic field and septic tanks and looking at 180 students on the site. He thinks they are really being asked to make a decision for the community and thereby also for the school about the future growth direction on the site.

Mr. Randolph commented it is important from a planning perspective to understand what the school's plans are for the intermediate two years and out to help evaluate what is going to be the best thing for our community and comprehensive plan. So he has problems with the fact that gradually they are changing the rural character here in this Entrance Corridor if they permit the school to continue to expand. He has problems with Broomley Road being an access point simply because of the slope that is involved and because of the shortness to the traffic light at Broomley Road and 250. There is a blind curve coming off of 250 heading west onto Broomley Road that could easily have a situation where a slow moving vehicle and a fast moving car would be meeting each other. Therefore, he really has some issues about this being a viable site for the kind of growth the school wants to see in the intermediate term on site.

Mr. Loach noted he would like to follow up on Mr. Randolph's question. If they approve the proposal do they set the precedent for the capacity on that property for the next person who rents the area since the school said they are potentially leaving the site in two years?

Mr. Benish replied that the approval runs with the land. So once approved it will be approved for a school at

whatever enrollment they approve it at. So the existing use could continue with the 96 and whatever they approve will carry forward.

Ms. Firehock asked if they could approve it temporarily for two years or three years.

Mr. Benish replied he always looks to the county attorney on time limits since staff does not like to do that. There could be some complications for the applicant, too, with the school because it takes time to find a site and get a site approved.

Ms. Firehock noted that was why she said two or three years.

Mr. Benish replied they have put time limits on some uses before. However, he would have a little bit of a concern about that timing issue and bumping up against it being there for a longer period of time.

Mr. Kamptner noted the Board has imposed durational limits on special use permits before. One thing that is a little bit different in this case is the school is already there and they are simply amending their permits. So if there was a durational limit to be recommended the Commission might consider that it apply to excess enrollment above what they are currently allowed to have.

Mr. Benish pointed out that is what the special use permit is about.

Ms. Monteith asked to go back to the slides with the timeframes on it. She was very sympathetic to the school. However, she notes the LOS for an unsignalized intersection is anything of a 50 second delay. If they look at the existing delays that they have and then they talk about adding more students in, she thinks they are creating a safety issue. However, she thinks they already have a safety issue.

Mr. Dotson said he has a process question for staff. The applicant clearly wants to get something approved in order to be able to increase enrollment in the fall. If the Commission felt like they could not approve this tonight, one option would be to recommend denial. Another option might be to continue it and bring it back after the designer has had a chance to look at Broomley Road. From the applicant's standpoint what is the path that might actually get them to the fall with some kind of acceptable entrance and exit.

Mr. Benish replied that one of the issues for them is to be assured of what their enrollment is for this upcoming school year. At the earliest it could go to the Board of Supervisors in July under a review of tonight. The Commission's recommendation goes to the Board and the Board could have a different opinion. Delaying it starts to bump up against the possibility of getting it scheduled for the Board of Supervisors prior to their beginning enrollment. So he thinks that is really up to the applicant whether they are willing to wait and sort of forestall their expansion into the next year or semester if that is possible. Practically a delay to get something back to review to cue it into other reviews that the county engineer and the staff might have could take some time. He was not sure if staff could turn it around very quickly in time to get it to the Board of Supervisors by an August decision.

Mr. Dotson commented that it sounds like from that perspective an up or down vote tonight would be in the applicant's interest.

Mr. Benish agreed noting the applicant can speak best for that. But, he thinks part of their approach and desire is to try to get some determination as soon as possible from the Board of where they stand on this proposal. However, the applicant would have to speak to that.

Ms. Firehock commented that one of the big challenges is that Broomley Road has not been studied, but applicant has said they have raised some funds potentially to do that. Therefore, even if they conditioned it on that she cannot sit here tonight and say that is a viable alternative that does not bring up its own host of problems.

Mr. Benish agreed noting that was what staff wanted to caution the Commission about. It is potentially doable. However, they do not have enough information to really say it is. There are issues with critical slopes and the waivers that are required from VDOT.

Mr. Morris noted they have lots of questions that do not have answers. However, the question that was posed to the applicant is do they want an up or down vote this evening. However, it can go forward to the board either way.

Mr. Christophel replied yes, they do want an up or down vote this evening. He asked for a minute to discuss the questions posed.

Mr. Morris invited the applicant to a five minute rebuttal time.

Mr. Christophel said they went through a strategic planning retreat. They met with all of the parents and now have a plan for action. Christian Aid Mission for the school is a stop gap measure. They are there at a significant under cost about one- tenth of what it would cost them to be elsewhere. So the majority of the tuition is very low and all goes directly towards teacher's salaries. Their next big mission is finding another location. They could not foresee being more than 160 students ever in that building. It just would not fit even though the building people say it could be up to 250. They do need the increased numbers just in order to maintain proper class sizes. Their mission is K through 8. One day if they ever reach the 180 mark they will start to potentially open up a high school. That would be when they reach the 250 to 300 mark. That is their hope for the school's ultimate size. Again, the Christian Aid Mission site is a stop gap measure. He knows that the focus has been on those moving topics. The focus has been on those numbers that were put up. He realized that in the planning report the addendum to that was 30.1 seconds and he was mistaken that was predicated upon exiting into the pork chop. Empirically speaking he has never waited more than one minute and generally much less than that. Although it is not a traffic study and only one person, again those numbers were from the time of entering the site, dropping off the child, and driving around and coming back. So they really don't have good empirical data this evening for the Commission to consider. He thinks that would be numbers that the Commission would need to really help them say they are in that zone F that is greater than 50 seconds.

Mr. Morris suggested if they go before the Board of Supervisors it is important they have that figure. Right now it is confusing to see what is before the Commission.

Mr. Keller reiterated the fact the special use permit approval runs with the land. They know they are increasing congestion in that area. They hear there may be plans for some alleviation of those in the future. He thinks they are all sympathetic to these educational institutions that are developing in our area that are really adding to the quality of life overall. However, the Commission does have a responsibility here.

Mr. Kamptner noted that Ms. Firehock had asked earlier if there were any other ideas and ways to deal with this. He noted they have had a couple of private schools where the Commission and the Board end up imposing conditions that required that a certain number of children be bused, such as Field School. There was one of two schools that have been approved in the ACAC Four Seasons Building. He did not know if that school ever came to be. However, requiring the busing of students, at least a certain percentage of them, has been considered in the past as a way to deal with impacts on traffic.

Mr. Randolph pointed out personally he would love to see them have some more time. However, he knows the applicant is looking for a decision this evening. He suggested rescheduling so they could came back with a proposal to use Broomley Road so that they have all options on the table. He was persuaded by Mr. Keller's logic and by his earlier statement about issues with the comp plan and the scale and safety issues notwithstanding. He agreed with Ms. Firehock that it is difficult to make a final decision when they know that Broomley Road may be a possibility, but is not adequately flushed out for the Commission to weigh into the calculation whether this application should proceed with a favorable recommendation from this body to the Board of Supervisors. He asked if there is willingness there by the applicant to look at a deferral for a period of time. .

Mr. Morris noted the applicant had already asked for a yes or no vote so the request can go the Board of Supervisors.

Mr. Benish noted there is potentially opportunity between the Commission and the Board meeting for further consideration.

Ms. Firehock pointed out some of the things the Commission has issues with are addressable potentially in the next 30 days.

Mr. Morris agreed that was exactly right, but they needed to be.

Motion: Mr. Dotson moved and Mr. Randolph seconded to recommend denial of SP-2014-00005 Regents School of Charlottesville for the reasons outlined in the staff report, principally concerning safety issues surrounding egress.

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

Mr. Morris noted SP-2014-00005 Regents School of Charlottesville would go to the Board of Supervisors on a date to be determined with a recommendation for denial for the reasons outlined in the staff report, principally concerning safety issues surrounding egress.

Unfavorable factors:

1. Increased persons at the facility would create unsafe access conditions due to excessive delay times exiting the property in the morning hours. An acceptable alternative access strategy is needed to remedy the safety concerns with ingress and egress to the site.

2. It is debatable as to whether the proposed increase in enrollment would constitute a small-scale use as recommended in the Rural Areas Chapter of the Comprehensive Plan.

Mr. Benish agreed the date was to be determined, but they are striving to get it before the Board in July so they can have a decision. Therefore, it would be in July or August.

Mr. Morris requested the school board and staff look at the issues that tied the Commission in knots and get the answers before the Board meeting.

Ms. Firehock asked if it is worth enumerating the issues.

Mr. Morris noted that it was in the traffic.

Mr. Benish pointed out the minutes will be forwarded to the Board of Supervisors.

Mr. Loach suggested it would be good to get some crash/accident data for that area.

The Planning Commission recessed at 7:37 p.m. and reconvened at 7:45 p.m.

Work Session

a. CPA-2013-00001 Prioritizing Priority Strategies

Ms. Echols presented a PowerPoint presentation regarding Prioritizing the Priorities in Albemarle County Comprehensive Plan Draft dated January 23, 2014 to come up with the top three.

Disclaimers:

- Did not include "rewrites" of strategies
- Staff from other departments haven't had time to review committee priorities – they may provide additional input to the Board of Supervisors

Prioritizing

- Natural Resources
- Historic Resources
- Cultural and Scenic Resources
- Economic Development
- Rural Area
- Development Areas
- Housing
- Transportation
- Parks, Recreation, Greenways, Blueways, and Green Systems
- Community Facilities

Staff wants to find out how the Commission wants to accommodate this particular activity. They have seen the committee reports. They can endorse what they have seen or pull ones they want to discuss or can discuss all of them. If they have particular issues they can talk about them, or they can go ahead and accept the committee reports.

Mr. Morris invited discussion.

Mr. Lafferty said it was interesting in the three meetings he was in they all were basically in agreement with the partner. He thought that was encouraging.

Mr. Morris pointed out another thing that was extremely encouraging in all of the three meetings he was involved in was they had at least one member of the public present. Looking over these he thinks a lot of work went into it and the agreement is there. The only problem he had was they could not stop at three. The Natural Resources section is such an important part of the comp plan that Ms. Firehock and he thinks they ought to have four.

Ms. Firehock pointed out the planner identified that they were breaking the rules and are not allowed to have 7a because it was not on the original list of priorities. Therefore, if they took 7a off, they would be back to three.

Mr. Dotson asked what kind of action the Commission needs to take.

Ms. Echols replied the Commission needs to affirm the committee reports or recommendations.

Mr. Morris opened the work session for public comment and invited public input. There being no one, the public comment period was closed and the matter before the Planning Commission.

Motion: Mr. Randolph moved and Mr. Lafferty seconded to affirm all the committee reports regarding CPA-2013-00001 Comprehensive Plan – Priority Strategies.

The motion passed by a vote of 7:0.

Mr. Morris noted the recommendations would go forward as presented, as follows:

Priority Strategies from Planning Commission to Board of Supervisors for New and Enhanced Programs* as Part of Implementation of the Comprehensive Plan (Draft 1-23-14)

Natural Resources

Priority #1 1d	Promote the concept of water conservation as a community-wide issue. Initiate proactive measures to encourage community-wide water conservation and use efficiency through multi-agency programs.
Priority #2 4b	Develop an Action Plan to protect significant areas of biological importance in the County.
Priority #3 7c	Increase awareness of areas which are prone to debris flow in the County.

Historic, Cultural, and Scenic Resources

Priority #1 for ongoing programs - 4a	Through rezonings and special use permits, continue to ensure a mixture of housing types are provided that also support all income levels of residents in Albemarle County.
Priority #1 for new or enhanced programs - 6e	Gather information on the location of affordable and proffered units in the County. Develop mechanisms to promote long term affordability and protect direct public resource investments.
Priority #2 for ongoing programs - 6b	Continue to ensure that at a minimum, 15% of all units developed under rezoning and special use permits be affordable, as defined by the County's Office of Housing, or a comparable contribution be made to achieve the affordable housing goals of the County.
Priority #2 for new or enhanced programs - 5a	Encourage developers to include housing for seniors and individuals with disabilities in new residential and mixed-use developments. Approve these proposals when they are in keeping with the Neighborhood Model.
Priority #3 for ongoing programs - 5b	Continue to require and provide sidewalks and pedestrian paths in the Development Areas and support expanded transit services.
Priority #3 for new or enhanced programs - 4b	Amend the Zoning Ordinance to provide for greater opportunities to construct accessory units to diversify the housing supply as well as meet a portion of the County's affordable housing needs.

*In two instances, committees made recommendations for priority strategies for existing programs.

Cultural and Scenic Resources

Priority #1 - 7c	Update EC Design Guidelines to better reflect expectations of the Neighborhood Model for the Development Areas, including but not limited to recommendations on ways to provide for relegated parking without buildings turning their backs to the Entrance Corridor, and on coordinating landscaping requirements with utility corridors.
Priority #2 - 7d	Develop corridor-specific guidelines for all Entrance Corridors to reflect the unique character of each corridor.
Priority #3 - 10d	Take a leadership role in protecting the Dark Skies by designing lighting in public building projects, including playing fields and parking lots, to serve as models of appropriate and efficient lighting; by adopting a resolution asking power companies to cease promotion of unshielded and inefficient outdoor lighting; and by exploring the feasibility of participating in the Environmental Protection Agency's Green Lights Program to promote energy efficiency in building design and maintenance.

Economic Development

Priority #1 - 5f	Explore opportunities to create appropriate incentives that address the needs of the County's target industries as well as emerging entrepreneurial enterprises.
Priority #2 - 2i	Establish a proactive rural support program that provides assistance to the local agricultural community and that includes an ongoing dialogue with farm industry stakeholders.
Priority #3 - 6a	Increase support for initiatives that foster career planning, decision making and workplace readiness skills for the K-12 population, as well as continuing education and training programs to prepare the local workforce for demands of current and future employers.

Rural Area

Priority #1 -2c	Establish active support of agricultural land uses through the creation of a Rural Support Program position that provides agricultural assistance, including community education, marketing strategies, the exploration of agricultural support businesses, and information about alternative agricultural uses.
Priority #2 -1g	Strengthen the Acquisition of Conservation Easements (ACE) Program by providing a stable dedicated funding source and staff resources for administering the program.

Priority #3 -1d	Consider modifying the zoning regulations to achieve Rural Area objectives without reducing development rights.

Development Areas

Priority #1 - 2a	Provide ongoing education to the public on the relationship of density in the Development Areas and efforts to prevent sprawl.
Priority #2 - 5a	Plan and provide for necessary infrastructure improvements that are currently impediments to developing vacant sites.
Priority #3 - 4k	Provide for multi-modal transportation opportunities in new development and encourage the building of complete streets.
Priority #4 - 8b	Update the capacity analysis every two years to ensure adequate residential land exists for new housing needs.

Housing

Priority #1 for ongoing programs - 4a	Through rezonings and special use permits, continue to ensure a mixture of housing types are provided that also support all income levels of residents in Albemarle County.
Priority #1 for new or enhanced programs - 6e	Gather information on the location of affordable and proffered units in the County. Develop mechanisms to promote long term affordability and protect direct public resource investments.
Priority #2 for ongoing programs - 6b	Continue to ensure that at a minimum, 15% of all units developed under rezoning and special use permits be affordable, as defined by the County's Office of Housing, or a comparable contribution be made to achieve the affordable housing goals of the County.
Priority #2 for new or enhanced programs - 5a	Encourage developers to include housing for seniors and individuals with disabilities in new residential and mixed-use developments. Approve these proposals when they are in keeping with the Neighborhood Model.
Priority #3 for ongoing programs - 5b	Continue to require and provide sidewalks and pedestrian paths in the Development Areas and support expanded transit services.
Priority #3 for new or enhanced programs - 4b	Amend the Zoning Ordinance to provide for greater opportunities to construct accessory units to diversify the housing supply as well as meet a portion of the County's affordable housing needs.

Transportation

Priority #1 2e	Reinstate the Transportation Planner position at the County to improve coordination with State, regional, and local transportation planning efforts.
Priority #2 4b	Improve funding for an ongoing walkway, bicycle, and greenway construction fund in the Capital Improvements Program (CIP). Utilize all possible funding sources for the construction of walkways and bicycle facilities.
Priority #3 3c	Create dedicated bicycle-pedestrian connections across physical barriers within the community.

Parks, Recreation, Greenways, Blueways, and Green Systems

Priority #1 - 2b	Continue to develop the County's greenway system as shown in the Master Plans and on the Greenway Plan.
Priority #2 - 2e	Set up a Greenway Trail Advisory Committee to assist the County in designing, implementing, promoting, and maintaining a greenway system.
Priority #3 - 2j	Coordinate adjacent land development with consideration of the greenway, so that existing and future development can be integrated and harmonious with the greenway system.

Community Facilities

Priority #1 - 9h	Continue to assess ways in which the costs of stormwater maintenance can be paid.
Priority #2 - 7b	Increase understanding of the need for solid waste management and increase the participation of individuals, businesses, and institutions in waste reduction.
Priority #2 - 7d	Analyze possible economic savings and other benefits for solid waste management by methods including City-County and private or regional funding to match public services to service gaps that are not addressed by the private sector.
Priority #3 - 3i	Promote walking and bicycling to school where schools are accessible from pedestrian and bicycle facilities.
Priority #3 - 3j	Program necessary funding in the Capital Improvements Program (CIP) to provide for bikeway and walkway linkages to schools.

Old Business

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

New Business

Mr. Morris asked if there was any new business.

- Planning Commissioner for the Water Resources Funding Advisory Committee – Planning Commission concurred that Karen Firehock serve as liaison.

- Joint Work Session with Board of Supervisors on July 8, 2014 at 5:00 p.m.

- No PC Meeting on June 10, 2014
- Next PC meeting on June 17, 2014
- Recognized attendance of William Rich, Planning Commissioner from Highland County.

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

Adjournment

With no further items, the meeting adjourned at 7:55 p.m. to the Tuesday, June 17, 2014 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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