Albemarle County Planning Commission
July 29, 2014

The Albemarle County Planning Commission held a regular meeting on Tuesday, July 29, 2014 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Scott Clark, Senior Planner; Claudette Grant, Senior Planner; David Benish, Chief of Zoning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order

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 including the consent agenda items.

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

Consent Agenda:

a. **Approval of Minutes:** May 6, 2014
b. **SUB-2013-00043 Briarwood Commercial Lot**
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 032G0-00-00-000B0 and 032G0-00-00-000A0
LOCATION: Vacant land on Route 29 N, flanked by Briarwood Drive
PROFFERS: no
ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
PROPOSAL: Request for preliminary subdivision plat of five commercial lots and a private road request on 22.59 acres.
SECTION: Chapter 14 Subdivision of Land and 14-233B1, Chapter 18 Section 22.2.1 of the Zoning Ordinance
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density-residential (3-6 units/acre)-supporting uses such as religious institutions, schools, and other small-scale non-residential uses. Piney Mountain – Places 29.
ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT AREA: Yes
(Chris Perez)

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

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

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

Mr. Morris said the consent agenda was approved.

Committee Reports

Mr. Morris invited committee reports.

The following committee reports were given:

Mr. Randolph reported on the following:

- Village of Rivanna Community Advisory Committee met with VDOT representatives.
- The Rivanna Solid Waste Authority Citizens Advisory Committee met, organizing into subcommittees and scheduled a site visit to Van der Linde recycling operation.
- A public meeting on the Southern and Western Urban Neighborhoods Master Plan was held at Monticello High School. He commended staff for their work in organizing the meeting and presenting information.

Mr. Lafferty reported that the MPO Policy Board met and endorsed the 29 Solutions projects.

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

Deferred Item

a. **ZMA-2013-00004 Hollymead Town Center – Block VI**
PROJECT: ZMA201300004 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: To amend proffers, code of development and application plan to allow construction of 44 townhouse units for a density of 7.6 dwellings/acre and to eliminate the requirement to construct 32,000 square feet of non-residential use.
ZONING: 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)
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)

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

The applicant requests a rezoning to amend the approved ZMA-2001-00020 Application Plan, Code of Development and proffers. This proposal requests to construct 44 townhouse units in Block VI, instead of an approved parking area. This is a reallocation of the approved maximum 120 units. No additional dwellings are proposed. There is a disbursement of green space in

Blocks IV and VI as shown in the presentation. Although the central plaza in Block IV is slightly smaller than originally shown the green space is disbursed throughout both blocks allowing more residential units to enjoy them. The proposal also eliminates the required minimum square footage of non residential uses in Block IV.

In the presentation she pointed out a general description of Area C and the surrounding area noting this proposal will provide a more cohesive residential area to this portion of Hollymead Town Center. There are several commercial uses that will be located in this area. She pointed out the area now proposed for residential uses. Area C along with other portions of Hollymead will provide plenty of potential for commercial uses. Therefore, the elimination of a minimum square footage of nonresidential uses in Block IV is not seen as problematic.

The applicant has been working with engineering staff over the last several months regarding road issues. From a recent discussion with the county engineer it is her understanding that in general enough information is provided with this rezoning regarding the roads. Any concerns regarding road design and details should be resolved during the site plan process. In general staff believes the rezoning is consistent with the comprehensive plan and no major changes to the uses are proposed. The main outstanding issues are technical in nature and can be addressed prior to the Board of Supervisors public hearing.

Factors Favorable:

1. The rezoning request remains consistent with the Comprehensive Plan and no changes to uses are proposed.
2. Proposed townhouse development in Blocks IV and VI are consistent with existing residential development adjacent to the site and will create a larger and more cohesive residential neighborhood that is close to a walkable center
3. The original maximum number of residential units is unchanged.
4. Sufficient non-residential land use capacity/ development potential remain within the Hollymead Town Center

Factors Unfavorable:

1. Loss of non-residential space/mix use form within these blocks
2. Technical revisions are needed to the proffers, code of development, and application plan.

RECOMMENDATION: Staff recommends approval of ZMA-2013-000004, Hollymead Town Center Block VI, provided technical revisions are made to the proffers and changes are made to the application plan, and code of development as described in the staff report prior to the Board of Supervisor meeting.

Mr. Morris invited questions for staff.

Mr. Loach noted on page 8 it says, "the county engineer does not recommend new developments that access Timberwood Boulevard be approved until the road is completed and accepted by VDOT." He asked if a condition should be added even though staff said it would be resolved in the site plan process.

Ms. Grant replied that staff did not think it was necessary at this time.

Mr. Loach noted on page 9 in the last paragraph it said consequently no additional proffers are anticipated since there is no additional impacts on public facilities. Likewise, no further

commitments on affordable housing are anticipated. He asked if they add 44 new townhouses is this not subject to the 15% affordable housing.

Ms. Grant replied that these are not new additional residential uses. It is the same number of units that was approved in 2001, and the affordable housing was dealt with at that time.

Mr. Dotson noted a minor technicality that the agenda refers only to Block VI, and they are also dealing with Block IV. He asked if that was correct.

Ms. Grant replied yes, that is correct.

Mr. Dotson noted the staff report indicates one thing that needs to be corrected in the application is referring to the roadways not as alleys but as private streets. He asked what is the difference and is there on-street parking.

Ms. Grant replied no.

Mr. Dotson asked do they have experience elsewhere that shows that no on-street parking works in developments of this type.

Ms. Grant replied that the difference between the alley and the road has to do with the standards the engineers look at. For example, it includes the dimensions of the road. In this case they have a road that is meeting the private road standards. However, it is just referred to as alley. It would be easier to call it a private road to make it not as confusing, which basically is what it is.

Mr. Benish noted the width for this section would not change whether it was an alley or a road. However, the base pavement and design might change somewhat.

Mr. Dotson asked if in neither case would there be on-street parking.

Mr. Benish replied that in neither case there is on-street parking. His understanding is they provided the minimum parking requirement for both that is required by the ordinance. Therefore, they have met that requirement. He noted in developments of this size from time to time they have had some issues with parking. However, they are meeting the minimum parking requirements. Those issues are not consistent amongst townhouse developments because some of smaller sizes have fewer issues than larger ones. He noted that was sort of a yes and no.

Mr. Dotson said it looked like two driveway spaces and two garage spaces per unit. He suggested the applicant might be able to clarify that.

Mr. Benish replied that was correct. He pointed out they have recently determined that if garage parking is meeting the minimum parking requirements they have to ensure that those dimensions actually contain adequate space for the automobiles. Therefore, they have to meet the same parking dimension requirement and be usable garages.

Mr. Randolph said he had a question on page 6 under mixture of housing types and affordability. He was very appreciative how staff has broken up the eight criteria for the Neighborhood Model. However, at the end of that paragraph staff said this principle is partially addressed, but he could not find any basis in the text.

Ms. Grant replied it was about the mixture of housing types, and in this particular block there is one housing type, townhouses.

Mr. Randolph asked on attachment E, page 3, number 4 it says, Upon request of the county the owner shall contribute $10,000 to the county or VDOT for the purposes of funding a regional transportation study for the Route 29 Corridor. The contribution shall be made within 30 days after requested by the county." He asked has the county so requested.

Mr. Benish replied yes, that has been done. He pointed out they funded a transportation study for Places29.

Mr. Keller suggested a clarification on page 7 in the third bullet. Since they had a discussion on it about the Barnes Lumber in Crozet he liked the idea about flexibility over time. He asked if staff is saying there is the possibility for an individual to elect to have a nonresidential use for one of these townhouses.

Ms. Grant replied that she was trying to say with the elimination of the minimum there is still a maximum square footage that is allowed in this block. At some point a nonresidential use could go in this block, but she was not necessarily saying that it could be in a townhouse. However, there is room for nonresidential use in this block.

Mr. Keller said that would be a new development and not within one of the townhouses called for here.

Mr. Benish said actually it was not inconceivable that the units could be converted since the underlying zoning allows a certain range of uses. There are some practical issues about whether the building can meet commercial standards as a residential unit to be convertible. However, the underlying zoning for the property would allow for those uses in that district in that block. If they could fit under the building permit process in those townhouses it is conceivable that they could be used for those purposes.

Mr. Keller said it seemed that was the kind of flexibility this zoning category was originally developed to provide.

Mr. Benish pointed out practically speaking if they built those residences there are some complications to it since there could be home owner covenants that could restrict it. However, theoretically under the zoning that potential is still there

Mr. Cilimberg asked briefly to go back to Mr. Dotson's question about the parking. If they look at the plan there is on-street parking on Grand Fork's Boulevard where some of the units front. But, the whole design of the project actually is to rear load the units. So although they are saying these streets need to be a private road they are going to function like alleys. They are private roads for the purpose of obtaining frontage. So it is a technicality. However, the internals will all function to rear load the units because all the units face onto an existing street or the green space in the middle of Block VI.

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

Katurah Roell, representative for the applicant, said he would touch on some of the things the Commission had been questioning. In talking about Grants Fork's Boulevard as the street between the existing townhouse project and the new one proposed on Block VI there is on-street parking on both sides of that street. There is actually on-street parking on Meeting Street all along that frontage as well. They are providing two-car garages and two parking spaces in the driveway. It is a 16' garage door like a typical residence so two cars can be pulled in. The driveway is actually only 18' wide because of some islands. It does not preclude putting two cars in there. However, it only qualifies technically as one space because they must be 10' wide. If he actually had two spaces and two spaces that is four spaces per unit, and exceeds the permissible parking permitted. They ran into a little bit of an issue like that on Block IV and had to make some amendments to fall within the requirements.

Mr. Roell pointed out the reason they are called alleys is because if they are private streets he has double frontage lots, which is also not permitted in the county. Therefore, technically they are called alleys so that the green space provides the frontage for the unit and then the private and public street surrounds the property. Grand Forks and Laurel Park Lane are private streets. Of course, Timberwood Boulevard and Meeting Street are the two public streets. Since they can't have double frontage lots that is, again, the technical difference. However, it is the same design and same pavement thickness and so forth. They did provide a tot lot and recreation area on this one and then more of an adult center over in Block IV where there is a gazebo, trellis and area for the people to gather. They have the two combinations of spaces for youngsters and adults. It does interconnect entirely with sidewalks that connect green spaces that link this whole entire group. After they got to working on this they actually realized that is a pretty good layout for that section. It lays in pretty nice and does create a concentration of residential very similar to what is on the other side of Rosewood, which was done by previous development where Ryan Homes is.

Mr. Roell pointed out that because they are alleys instead of having that sweeping curve he would ask the Commission and Board to consider and review something that would be more of a perpendicular right turn stop condition. For safety reasons the county engineer made them put in a 110' radius there to follow private street standards, which is actually VDOT's minimum radius for a narrow street. He had to design to the right purely because he wanted cars to go slow so when they came in they had to stop, turn left, look and go. His son lives in a townhouse project very similar in San Francisco where his kids were allowed on their bikes right on their driveway. Then someone driving into the community in a sweeping turn might or might not see them. But, it causes a faster movement of traffic. Truly his concern simple is to have a stop/turn safer condition. Other than that he thinks they are very pleased with the project and as Ms. Grant pointed out there was still quite a bit of area in the rest of Block C and the adjoining Area A for several 100,000 square feet of commercial and additional mixed uses. He would be happy to answer any additional questions.

Mr. Morris invited questions for the applicant.

Mr. Dotson said he had an area designation question. He asked if what they are looking at on the screen was essentially all of Block C.

Mr. Roell replied it was Blocks IV and VI. When someone raised the question it referred to Block VI, but actually the advertisement included Block IV in the overall gross acreage because that does address the minor change for the minimum nonresidential requirement for Block IV. So the red area actually has been known as Block IV and then Block VI. They have in front of that Blocks I, II and III on the left hand side coming up Timberwood Boulevard and then V is the

current constructed Block V. Block IV has started construction. Block VI is the current one under review. Blocks VII, VIII and IX are completely commercial in front of that. He noted the whole area shown in black is Area C.

Mr. Dotson asked if the areas shown in black and red are Area C.

Mr. Roell replied that was correct. He pointed out Rosewood Village was on the corner of Block III, and there was still a commercial section in front of Rosewood Village for some more additional 3-story office space and commercial use.

Mr. Randolph said he had two questions regarding the Neighborhood Model about interconnected streets, transportation networks, parks and open space. Regarding interconnected streets he asked how the conceptual plan demonstrates responsiveness to a cycling centric transportation system in this area.

Mr. Roell asked if he meant cycling in terms of bicycles, and Mr. Randolph replied yes.

Mr. Roell replied that all of Timberwood Boulevard has bicycle lanes as part of VDOT. Then anything that is private in there does not have bike lanes, again, because it is reduced pavement area. However, it is not the main thoroughfare. The main thoroughfare has bike lanes and the other side streets are just open for bicycle and pedestrian traffic.

Mr. Randolph said he had a question about parks and open space. The text indicates on page 5 under Parks and Open Space, "As a result the central amenity appears smaller in size" which is talking about the central plaza. He asked is the central amenity community space actually now smaller in size as a result of adding the 44 additional townhomes, and does it trump the central plaza.

Mr. Roell replied he did not think so because the only difference would be there is a defined area that is hardscape, surrounded by green area and planted, which would back up to the travelway that provides for the garages in Block IV. The original text in the code of development shows two different examples for less than what is the entire green space and then subsequent internal paved hardscape area with a gazebo. However, he was not sure that is actually correct.

Mr. Benish said he thinks you were going to tend to get that plaza established more with that commercial building and the total area would be in one larger area because the other block could have been parking. He pointed out under the code of development there is actually no minimum or maximum size for that plaza area. So there was no specific measure even applied to it as it is approved right now.

Mr. Roell said they were happy with how that center turned out. It is hardscape with a nice gazebo. Then there is a centered tree and 30 plus trees in the perimeter of mixed hardwoods, flowering trees and plantings. It will be a very inviting space. It does have a sidewalk that connects it right out to the corner to the main circle. So it is very accessible and creates a very complete walkable connected neighborhood.

Mr. Dotson said the proposal is eliminating the minimum commercial proposal, but they want to retain up to 80,000 square feet. He requested Mr. Roell to spell out a scenario where the additional commercial square footage might ever come into play. His question was about if they are building on Block VI since that was to be the parking for that 80,000 square feet,

Mr. Roell explained that Block IV when it was conceived was 3 or 4 multi-story buildings with a ground floor of retail and then upper floors of office and/or residential. On that block they have no parking. So in order to accommodate for up to 20 residential units, 30,000 square feet of commercial space and make it all strictly a pedestrian area, then it has to have some place close by to park so folks could walk over to it.

Mr. Dotson said the commercial and residential is on IV and the parking for IV was on VI.

Mr. Roell agreed that was correct.

Mr. Dotson said now that they were putting development on VI, where would the parking go if commercial was to go into IV.

Mr. Roell replied they would still park in those spaces because those buildings are only going to be so large anyway unless they demolished it all, and then somebody would be back here to sort that out at some point in time. The long and short of it is the parking that is needed for Block IV is literally at the maximum allowed and then some. Block VI also is in the same stroke. Once you go to the other blocks all of Block III parking will be all on its block along with its commercial for VI, VII, VIII and IX. Those have all been laid out for commercial uses. There just has not been the commercial demand, which is why a foundation has set there for a while. A hotel site sat there for ten years. There is a demand for residential. The residential that is now on Block VI, which is moving from Block III, is being shifted because Block III had Rosewood built on it and put in 60 to 80 senior living spaces. That was a different category entirely and is kind of a commercial use so to speak.

Mr. Dotson said to get at Commissioner Keller's question if townhouses were built and then later on somebody wanted to have a small commercial activity there that the only way that could happen is to meet the commercial parking requirements, which it might or might not be able to do.

Mr. Benish replied yes, again, that is the practical issue of building residential development and actually being able to utilize that use. However, what was done in the use table with this amendment was to take the minimum requirement out and leave the maximum as is. So that theoretically leaves that opportunity open. However, there are some real practical limitations to how well it could be used. An example might be a small attorney's office, which would only require a few parking spaces. So some uses might be able to fit theoretically. The notion of actually using up to 80,000 square feet would probably require redevelopment of the block.

Mr. Cilimberg pointed out since this is a planned community there is also the chance if there was a need for additional parking to do shared parking in another block. For example, it might be across from where new development of more parking is provided in the future.

Mr. Keller said as a follow up to that he asked will there be a homeowner's association covenant that does not allow that sort of small scaled business in one of those townhouses.

Mr. Roell said they reviewed and approved the homeowner covenant. However, he was not sure whether it prohibits the use of a home type business. That might be something they can consider if somebody wants to operate a home business so that it would be a possibility. Again, they would not want to look at an intense use such as a doctor or dentist office or a hair dresser. However, somebody who wants to operate a business out of their home he thinks they can

certainly incorporate that into the documents. The documents have been reviewed, but not yet signed and recorded.

Mr. Dotson noted that was a good suggestion.

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

Mr. Dotson said as a discussion point that as he looks at the site plan and the interior units, those that back up to the private street or alley and front on the open space, the tot lot and activity space which are intended to serve the whole development and perhaps also some of Block III is about as far off at the edge and to access it is very difficult. At this scale it looks like someone practically would have to walk across somebody's front steps. That strikes him as a less livable and usable arrangement than something that maybe eliminated a few of the lots and had a larger open space being visible and opening up more onto the alley way. His question would be does any other commissioner have a concern that seems to be packing things in like sardines. He asked if perhaps that could be opened up a bit to benefit both the marketability and the liveabililty for future residents. Again, he thinks of it in terms of this was to be parking. So even if they eliminate 5 units they still have 39 units they are able to locate here that they did not have that ability to do in the present term before this. He would just open that issue because it seems that area is very jam packed and not necessarily of a quality they would like to see.

Mr. Morris said at this particular point he thinks that issue would probably be addressed in the site plan portion, which would be coming up in the next stage.

Mr. Benish noted that type of issue is actually better addressed at this stage because what they approve as the application plan is going to guide us in the next stage. Radii of roadways can be dealt with at the site plan stage, but the locations of the roads have to be established. Likewise, the open space area and the buildable area are best determined at this stage. So if that is something that is guidance and a recommendation the full board wants to make, then it is best to do that now.

Mr. Keller said that Mr. Dotson makes a good point and he concurred.

Mr. Randolph noted he was trying to get at the same point, but felt there was potential shrinkage. They have an increase in the number of people with the addition of 44 townhomes, which is somewhere around 100 people, and yet they are not necessarily accommodating the recreational needs within the space allocated.

Mr. Loach said he would like to hear the applicant's response to that.

Mr. Morris noted the applicant has a five minute rebuttal and could respond at that time.

Mr. Lafferty asked Mr. Dotson if he was talking about eliminating some of the townhouses for access.

Mr. Dotson replied what he was visualizing is in Block VI eliminating lots 17 through 21. That would be eliminating 5 lots, which were the ones sort of right there at that choke point leading into the open space. It would be the left most 2 at the bottom and the 3 on the diagonal set of units. What it would do is effectively double the adjacent open space and make it visible to

people throughout this development. It would also make it a feature for those folks in lot 3, parcel 3 in block 3 and block 4 as well. So it would admittedly eliminate 5 lots and double the open space, which he feels would make the area much more livable.

Mr. Morris said he was just reflecting on what he sees at the Pavilions, which was similar to what he was seeing on this, and the residents seem extremely happy with that type of thing. He invited the applicant for the five minute rebuttal.

Mr. Roell said that he concurred. He would begin by saying that again with his drawing on the right hand side of the page showing a more perpendicular street there were 2 units that got squeezed out of that because of the radius. The county engineer suggested they have radial townhouse lots, which is impractical. So they had to make them vertical, and those would not fit. Therefore, they got shoved into that left side. Secondly, though that is a tot lot area that is up against a chain-link fence on the far side. So he has staggered trees as much as possible. The idea is to somewhat keep that as a contained area. Again, referring back to his son's townhouse project, they have a nice courtyard space that is fronted in there. There are over 6,500 or 7,000 square feet just in the internal green space tot lot area and then it is surrounded by a 30' wide green area. There are direct sidewalks that are 8' wide which lead to it. Then those do connect all the way through with neighborhood crosswalk safe zones. By incorporating the road design to the right he would move 2 lots out of that angled row on the face of the inside and put them back out on the Main Street and open that area up again creating more green space in that central court.

Mr. Dotson asked him to repeat what he just said because he was not sure what that was.

Mr. Roell said on the design where they see the 90 degree angle turn that allows 2 more of those residences that front on the main street it is more of a square turn side yard. That would then move 2 of those units from that center area on the angle opening up some more green space. However, they did intentionally try to neck it down because that is the children play area and they want to keep them confined and not just have it as a wide open space. Unlike block IV there are multiple ways in and out. There is traffic that wraps around that center area. This has strictly pedestrian traffic around it, again a substantial amount of trees, and walkable accessibility. He pointed out the right hand turn was to alleviate some of that pressure and put those lots back out on the main street and open that up.

Mr. Dotson asked if county engineering is saying that alternative is not acceptable.

Mr. Roell replied the county engineer did not like it because he wants to call it a private street. However, it is not a private street because he can't have a double frontage lot. He said it is an alley, which is literally just for cars to park in their driveways for through traffic. He does not want it to be conveyed as a throughway.

Mr. Benish pointed out double frontage can be waived by the Planning Commission, which is something that can be addressed a little bit easier than frontage requirements. If the Commission's directive is to reduce those lots, he thinks Mr. Roell is indicating that along with that reduction that encouraging the alternative access allows him to pick back up a couple of the lots that would be lost. That would be good direction to the county engineer.

Mr. Roell said that addresses their concern. However, he does agree that it is a little tight in there, and he thanks him.

Mr. Morris asked if Mr. Dotson wanted to add that to the Commission's comments.

Mr. Dotson noted he generally was in favor of this proposal with the amount of commercial they have vacant and undeveloped in the community. In this immediate vicinity it does not give him heart burn in this particular instance to eliminate the minimum for the commercial. He was relying on the technicality of parking to control future commercial use once it is developed as townhouses, which is what he believes will happen. They are almost setting up a strange situation, but he thinks the technicality will take care of it. He would be prepared to move for approval as recommended to the staff with the following amendment, which is to eliminate five (5) lots, 17 through 21, in order to accomplish a more effective open space system and to unpack what would be an otherwise crowded and congested development. If working with the county engineer further it is possible to have the alternate circulation and regain two (2) of those lots, then that would be just fine.

Motion: Mr. Dotson moved and Mr. Randolph seconded to recommend approval of ZMA-2013-00004 Hollymead Town Center – Block VI with the revised code of development, and provided technical revisions are made to the proffers, and changes are made to the application plan as recommended by staff, prior to the Board of Supervisor meeting with the following amendment.

1. Eliminate five (5) lots (17 through 21) in order to accomplish a more effective open space system and to unpack what would be an otherwise crowded and congested development. Working with the county engineer further, it is possible to have the alternate circulation and regain two (2) of those lots.

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

Mr. Morris noted that ZMA-2014-00004 Hollymead Town Center – Block VI would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Public Hearing Item

a. <u>SP-2014-00009 Castle Hill Cider</u>
MAGISTERIAL DISTRICT: Rivanna Magisterial District
TAX MAP/PARCEL: 04900-00-00-018B1, 04900-00-00-018B2
LOCATION: 6055 Turkey Sag Rd
PROPOSAL: Special use permit amendment to remove expiration date for farm winery events on 310.47 acres. No dwellings proposed.
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
ENTRANCE CORRIDOR: Yes
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)
(Scott Clark)

Mr. Clark presented a PowerPoint presentation on SP-2014-00009 Castle Hill Cider.

Proposal: The applicants are requesting to amend the special use permit to modify a condition of approval to remove the expiration date for farm winery events at a cidery on 310.47 acres. No dwellings are proposed.

Location: The property is located on Gordonsville Road and Turkey Sag Road with the Southwest Mountains between the property and Route 20.

Background:
In February, 2013, the Board of Supervisors approved a special use permit for:

- eight events per year for 200 up to 350 persons, and
- one event per year for 350 up to 1,000 persons.

These events are in addition to the unlimited number of events for up to 200 persons that are permitted by right.

The approval included conditions requiring noise control and monitoring, traffic control, and other requirements to reduce the impacts of the use. Due to concerns over noise and traffic the Board imposed an expiration date of 12/31/2014 so that the use could not continue indefinitely if there were unmanageable impacts.

Staff reviewed the conceptual plan for the events use. The events largely occur inside the event barn building. All the parking spaces are not actual spaces, but are just being measured out in the grassed area. There is adequate surface parking closer to the building. Since the February approval the facility has had over 40 events, the majority of which were by right events. One condition of the approval, as changed by the Board, was the applicants would need to notify the neighbors of every event, including the by right events, before they were going to happen. In addition, the applicant would need to notify the Zoning Department. The condition was to let people be aware of what is going on, know what to expect as far as traffic and be ready to check if there were impacts. In that time there actually have been four (4) events governed by the special use permit. Three events were in the 201 to 350 class in which they were allowed 8 per year. One event was the one annual event for up to 1,000 people, which is their Cider Festival. During that time no complaints have been received about noise impacts or traffic from the uses at Castle Hill. In June, the applicants held their required community meeting. Of the people who actually attended the meeting there were none who had objections to the use or had experienced significant negative impacts from the events.

Factors Favorable:

1. No zoning complaints about this use have been received since the original special use permit approval.

Factors Unfavorable: None found.

RECOMMENDATION: Given that during the test period, as established by the Board's approval, they have had no complaints and received fairly positive comments at the community meeting, staff is recommending approval of the amendment to remove the expiration date.

Staff summarized the recommended conditions of approval, as follows:

- Condition 1 requires development in accord with the conceptual plan.
- Condition 2 covers the 8 events for up to 150 people.
- Condition 3 allows for 1 single day event for up to 1,000 persons. It has some additional traffic control measures for the intersection of Turkey Sag and Route 231.
- Condition 4 was about sound management. The applicant before they started with the special use permit permitted events made major investments in the property including the sound proofing of windows and the sound monitoring equipment. It included a feedback system that if the sound levels at the property line started to get too close to

what is the maximum that was permitted it actually feeds back into the building and flashes a light to tell them they are getting close to that limit so they can pull back.

- Condition 5 is about outdoor amplification for events that had outside music.
- Condition 6 is about traffic management at the entrance.
- Condition 7 is about notifying the neighbors in the county.
- Condition 8 is about parking locations.
- Condition 9 is the standard lighting condition.
- Condition 10 established the applicant would be required to air condition the building so that they could close it in and control the sound levels.
- Condition 11 is the request to remove the expiration date.

Mr. Morris invited questions for staff.

Mr. Randolph recognized that Commissioner Loach and he both during the initial hearing voiced concern about ensuring there was an adequacy for adjoining property owners to be able to weigh in on how the special use permit was operating. He is happy to see that codified in the conditions, which leads to another question. He hoped they will see similar criteria built in as an ongoing standard operating procedure for special use permit applications that involve public events. As they all recognize when they approve a special use permit the use goes with the land so if the present owners leave the new owners are still going to be governed by the same criteria. He asked is that the case and if this will become a standard operating procedure.

Mr. Clark replied whenever staff has discussions with applicants about special events in the rural areas that particular attention is given to noise impacts and management. While particular conditions may vary due to size of events, location and terrain he expects conditions similar to these would show up in the recommendations for most of the public event special use permits once they came forward.

Mr. Randolph said he hoped that was done for consistency in order to prevent problems from arising down the line.

Mr. Lafferty said he was curious why staff in condition #5 specified the wattage of the amplifier instead of just classifying it under the noise controls.

Mr. Clark replied that makes sense now that he mentioned it. However, at the time they were just wrestling with the issue of the very loud music sources in the building, which would go away at night. They were also looking at it separately that there will be much smaller outdoor ceremonies and things that would have some sort of amplification for speakers or small music groups. He just wanted to make sure there is not something about the time of day in this.

Mr. Cilimberg suggested based on the very particular aspects of the permit at the time it was approved and the time it took to construct the conditions to adequately satisfy the concerns of those who had expressed various concerns that they don't want to be modifying a condition that was expressly developed for the circumstances at hand.

Mr. Lafferty noted it was not the wattage that makes any difference, but the amount of noise.

Mr. Cilimberg pointed out that was also addressed in condition #4.

Mr. Lafferty questioned if they are going to require the owner to have a light meter.

Mr. Cilimberg noted this was a somewhat special case all the way around.

Mr. Dotson said to follow up on item 5 that he would assume the amplification system would not exceed 200 watts as opposed to five (5) 200 watt amplifiers.

Mr. Clark replied actually what it says is, "Outdoor amplification systems shall not use amplifiers with more than two hundred (200) watts RMS output, and shall not be used after 6:00 p.m. All other amplified sound systems shall be contained within the Event Barn." That is a rated output on the amplifier and not a measure on the current they use. They could potentially use more than one amplifier because 200 watts was fairly low for an outdoor event. They wanted to have something that people could actually hear but that would not go onto the neighboring properties.

Mr. Dotson asked if the 200 watts applies to the system and not any component in the system.

Mr. Clark replied it applies to each amplifier in the system.

Mr. Dotson asked if they could have multiple 199 watt output amplifiers under this condition.

Mr. Clark replied they could. However, they would still be subject to the sound limits in condition #4 and they do have real time sound monitoring going on.

Mr. Dotson pointed out given Mr. Cilimberg's caution he was not proposing to fix it because he was not sure it was broken. However, it does seem to be unclear.

Mr. Benish suggested perhaps the applicant can address whether that has been a concern with them so far to date because they have been through this process and he did not think there has been a request to modify it.

Mr. Cilimberg noted there also have been investments made by the applicant to meet these conditions.

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

Trevor Gibson, CEO and General Manager of Castle Cider since April of last year, represented the application. He explained the request, as follows.

- He was tasked with implementing all of the 10 conditions to satisfy the approval of the special use permit of which was very pain staking. They were happy with the heating and air conditioning and the sound mitigation on the enclosure of the east facing wall of the event facility. The events facility originally was enclosed on three sides which created almost like a speaker effect. By closing that one wall it significantly mitigated the amount of noise that was escaping from the event facility. They may recall from this special use permit that it is actually a little more stringent than county regulations on the amount of dBA allowed at the property line. He believes they are at 52 dBA and the county regulation is 55 dBA. They have made significant investments to satisfy the conditions here. It is an important part of our business model.
- Originally the Farm Winery Act gave wineries the ability to have these types of events to supplement the growth of the actual winery or cidery. The cidery now falls under a winery as classified by the Farm Winery Act. He was happy to say they have experienced tremendous growth on the cidery side. They are now distributed from Pennsylvania down to Florida, and will probably pick up Georgia this year as well.

These types of larger events give us a little bit more flexibility. Virginia and Charlottesville have become a very popular event and wedding destination because of the history, beauty, culture, restaurants and great hotels. It is an incredible environment to be in. What they are seeing is some demand to have events that are slightly larger. He believes this special use permit helps brings economic vitality while preserving the rural landscape. They have 16 full time employees at the cidery mostly in production. They believe it is a nice economic bump for the community with the vendors, whether it is caterers, equipment rentals, bands, DJ's, and florists that come in.

- This allows Castle Hill Cider to take significant up front capital expenditure in creating the cidery in which they essentially get it back $8 to $15 at a time. There are millions of dollars of investment that they get back very slowly. However, in that vein they have turned profitable in the last year, which is pretty significant for a company in this sector in this phase of its growth since most wineries can take 7 to 10 years before they turn profitable. Therefore, this business has helped Castle Hill Cider a lot. By enclosing the building they have actually been able to extend the wedding season and event session, which is a big economic impact for us as well as the community, vendors and employees.

Mr. Morris invited questions for the applicant.

Mr. Randolph asked if the one annual event for up to 1,000 guests was a fund raiser event.

Mr. Gibson replied no, the event was a cider festival called Cider Fes in which they invited all of the cidery from Virginia to participate. They had 6 or 7 other cidery participate in this event. They had a local band called Love Canon come out and play. The event was on Saturday, November 23 from 11 a.m. to 5 p.m. It turned out to be a beautiful day and they had close to a 1,000 people. They will be doing it on November 23 again this year, which falls on a Sunday. It is hard to compete with a UVA home football game. The cider festival is a great event to educate consumers and give them an opportunity to try ciders and local foods. They had Barbecue Connection, Blue Ridge Pizza, Albemarle Angular who came out and did fly catching demonstrations, and Crutchfield showing the Miami game. They got a lot of community involvement and received no complaints. During the community meeting one neighbor, who opposed this to begin with, asked if they ever had the event up to a 1,000 people. When they told her they already had that event, she asked when it occurred. They told her the event was on November 23 and the letter was sent to her. She told them that she had no idea. He pointed out that neighbor's property was literally across the street from Castle Hill Cider. He believed the Commission and Board did a great job in their special use permit recommendations of putting together steps and measures that really mitigate the impact to the neighbors.

In addition, Mr. Gibson pointed out they found a number of events which have been mostly weddings up to 350. They did host the Critter Ball for the SPCA last year and are doing the event again in September of this year. From what he understands they raised a significant amount of money from the event for the community. They are hoping to be able to do a few more of those events. There definitely is a demand for those types of events. He explained they have not marketed the events up to 350. The conditions of the special use permit were put in place in March of last year and it took them several months to meet all of the conditions. They had to order special glass, which came from California, went through Maryland, and then came down to Dotson Glass to get installed. Several of those panes broke in transit. The panes have a film on the inside which deflects noise upwards. In the rafters they have 3" of spray foam insulation and then 1.5" of acoustic foam treatment which really absorbs the noise so not to get

a lot of reverberation. That improves the acoustics and cancels a lot of extra noise that might escape.

Mr. Randolph asked why they made the early request for removal of the condition of approval.

Mr. Gibson replied that he did not believe it was early because it was December 31, 2014. They started this process at the end of November of last year and it just takes a long time to move through the various committees and to get approval. They book events a year to 18 months in advance. They have some events that are 2 years in advance. They have a limited number of weekends that they can host events when the weather is good and there is availability in local hotels without a lot of pull from UVA sporting events, particularly the football events. Now basketball is becoming a huge pull on local resources and availability of hotels. If they booked an event 18 months from now and it was an event up to 350 people and they have to call the bride and say hey guess what you are going to have to slash your guest list by 150 people that is a phone call he did not want to make. That is why they have moved forward in this process. It is almost August and in farming 4 months is a blink of an eye. So they look at everything on pretty much a 5 year time horizon.

In addition, Mr. Gibson pointed out they have an orchard on the property and are in the process of planting another high density orchard, which will be 7,000 trees on the right side of the entrance. It is a beautiful slope and a good aspect. They are very excited about the prospects of continuing to grow the agricultural side of the business as the second largest industry in Virginia. They really see a reservoir of cider being very important. Cider is the fastest growing drink segment in the world and the United States. It has more health benefits than beer and lower alcohol than wine. It is a nice mixture for a beverage that can be enjoyed. The ciders they make are all on the dryer side to be pared with foods. They have done a number of food parings. They did one at Keswick Hall a couple of months ago where they did a 5 course cider paring. They also teamed up with Blue Mountain Brewery as well on that. They had a nice event for their members.

Mr. Morris invited public comment.

Jeff Werner, with Piedmont Environmental Council, said he had been hearing good things about Mr. Gibson. That is a tough crowd out there and if he is making those folks feel good about what he is doing out there, that is a positive. He reached out into the community and folks generally say there have not been problems. There are a couple folks that said yes they hear things, but they have gotten use to that. He was not sure if it was one of these special events or a wedding since people were unsure. Mr. Gibson is correct that one person who lived across from the site did not know that one of these large events was held. It was good to hear that she was not upset about that event. He pointed out one or two folks did say they still hear the sounds at night. However, one woman said she was not going to complain because the county is not going to do anything. He suggested to folks to email the Commission if they could not attend tonight's meeting. Generally what he heard from people was they asked have they had these events and how many. He thanked Mr. Clark for sharing some of the information.

Continuing, Mr. Werner said they had a large event last year in November. There were two (2) up to 350 person events held in October and November. So one of the things people asked is well within the next six months are we going to get more of these events. Since they have only had 3 of one type the people asked if they have experienced the full experience. So he is just offering that as a minor perspective of what he had heard from folks in does this need to be done now or can it wait throughout the remainder of the wedding season or is there some point

later this fall it can be looked at. However, again he compliments the folks out there. From what he has heard Mr. Gibson has been very receptive to the community. As you know when things go bad in Keswick he hears about it very quickly and he has not heard a whole lot about this one.

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

Mr. Lafferty said he did not want to beat a dead horse but the sound coming out of any amplifier depends on the efficiency of the speakers and not on the RMS wattage. This afternoon there was an email sent by a neighbor who was very complimentary and was appreciative of the glass doors that they had put in. But, she also wanted to stay with the original agreement so that they ride it out for the 2 years.

Mr. Cilimberg said just noting on the time frame there will need to be an action to approve this special use permit before the two years would expire. That could happen later. However, for planning purposes they want to know because they are looking into next year and beyond in their bookings. This will not get before the Board of Supervisors until at least September based on schedules. So realistically the Board would probably hear it in September which is a little over a month.

Mr. Morris noted when he initially saw this he was concerned about kicking it up that much. However, he fully appreciates exactly what the applicant said as far as the timeframe that they are looking at and the need to be able to plan further out. Therefore, he has amended his concerns on that. He invited other discussion and if not would anyone like to make a motion.

MOTION:

Mr. Lafferty moved and Mr. Randolph seconded to recommend approval of SP-2014-00009 Castle Hill Cider subject to the conditions as recommended by staff.

1. Development of the use shall be in general accord with the Conceptual Plan entitled "Special Use Permit for Castle Hill Cider," labeled "Index Title: CP1," prepared by Dominion Engineering, and dated 8/28/12, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

   - Location of the structure (labeled "Event Barn") used for the events;
   - Location of the entrance and exit (labeled "New Entrance Road" and "Existing Entrance");
   - Location of parking;
   - Location of "Event Vicinity";

Minor variations from the Conceptual Plan which do not conflict with the central features above may be made to ensure compliance with the Zoning Ordinance.

2. Up to eight (8) single-day farm winery events, weddings or wedding receptions (hereinafter, collectively, "these events") for more than two hundred (200) persons may be held per calendar year, with a maximum total daily attendance of three hundred fifty (350) persons. Attendance at these events shall be by prior reservation, ticket sales, or invitation only.

3. One (1) single-day farm winery event for three hundred fifty-one (351) to one thousand (1,000) persons (hereinafter, "this event") may be held per twelve (12)-month period or calendar year:

   a. This event shall not be held without written approval from the Virginia Department of Transportation of a traffic-management plan for the intersection Virginia Route 231 and Turkey Sag Road. This plan shall require, and the permittee shall provide, police officers or other trained personnel approved by the Virginia Department of Transportation to be at the intersection of Virginia Route 231 and Turkey Sag Road to direct arriving and departing traffic if this event's attendance may exceed five hundred (500) persons based on reservations received or tickets sold. This approval shall be submitted to the Zoning Administrator no less than three (3) weeks before the scheduled date for this event.

   b. The permittee shall obtain approval of a zoning clearance by the Zoning Administrator prior to holding this event. The permittee shall apply for the zoning clearance no less than three (3) weeks prior to the date of the event. Approval of the zoning clearance will be contingent upon the Zoning Administrator determining that all conditions of this special use permit have been satisfied.

   c. Admission to this event shall only be by prior reservation or ticket purchase.

4. Before commencing any event permitted under Conditions 2 and 3 above or any farm winery event, wedding, wedding reception, or other event allowed by-right under County Code § 18-5.1.25(b)(2), (10) or (11) (hereinafter, collectively, "event subject to this condition") at which there is amplified sound, the permittee shall submit, and thereafter comply with, a sound management plan which has been prepared by an acoustical consultant and approved by the Zoning Administrator. This plan shall include a plan for monitoring amplified sound levels at the property lines of the site, including one or more permanent sound meters providing a date and time record of the sound, and for immediately adjusting amplification equipment to reduce sound levels to no more than the allowed maximum provided in this condition. As part of the implementation of this plan, no event subject to this condition shall commence before the screened openings on the northeast side of the Event Barn are replaced with glass panels approved by the acoustical consultant. . Sound levels at the property lines of the site shall not exceed an average of fifty-two (52) decibels (dBA) for any five (5) - minute period, or a more restrictive applicable maximum sound level established in the Albemarle County Code. At any event subject to this condition, the sound at the source of the amplified music shall not exceed ninety-five (95) decibels (dBA) and the volume shall be monitored by an on-site sound meter. The sound limit for any band shall be limited by contract to not exceed ninety-five (95) decibels (dBA). The glass panels on the openings of the Event Barn shall remain closed while amplified sounds are produced.

5. Outdoor amplification systems shall not use amplifiers with more than two hundred (200) watts RMS output, and shall not be used after 6:00 p.m. All other amplified sound systems shall be contained within the Event Barn.

6. At any event permitted under Conditions 2 and 3 above or any farm winery event, wedding, wedding reception, or other event allowed by-right under County Code § 18-5.1.25(b)(2), (10) or (11), traffic-management personnel shall be on site at the exit to direct traffic eastward to Virginia Route 231. These personnel shall be in addition to the traffic-management personnel required under Condition 3(a) above. All departing traffic shall be

directed to go eastward on Turkey Sag Road, except for those vehicles whose occupants reside westward on Turkey Sag Road.

7. The permittee shall provide prior notification of each event permitted under Conditions 2 and 3 above or for any farm winery event, wedding, wedding reception, or other event allowed by-right under County Code § 18-5.1.25(b)(2), (10) or (11), to all owners of properties within one-half (1/2) mile of the Event Barn and to the Zoning Administrator. A notification letter shall be sent by mail at least fourteen (14) days before each event. The letter shall include:

    1. The date, starting and ending times, and expected number of attendees for the event
    2. A telephone number at which the permittee may be contacted during the event
    3. The County's zoning complaint hotline telephone number (434-296-5834) and identify it as such.

8. No parking for any event permitted under Conditions 2 and 3 above shall be permitted within two hundred (200) feet of any stream.

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. In order to ensure the Event Barn doors remain closed while amplified sound is being produced within it during any event permitted under Conditions 2 and 3 above or any farm winery event, wedding, wedding reception, or other event allowed by-right under County Code § 18-5.1.25(b)(2), (10) or (11), the permittee shall install and maintain an air conditioning system in the Event Barn, together with fans, insulation, and other measures (hereinafter, collectively, the "system"). The system shall be subject to approval by the Zoning Administrator, who shall approve it if she determines that the system's cooling load design is adequate to serve the Event Barn.

~~**11. SP 2011-00002 shall be valid until December 31, 2014.**~~

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

Mr. Morris noted that SP-2014-00009 Castle Hill Cider would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Old Business

Mr. Morris asked if there was any old business.

- Staff has been in the process of reconfiguring how to describe the projects for the legal ads, reports and such in some of the order as well as the description. In response to a concern expressed about the number being very long staff decided to keep that number for the purpose of our reports and our legal ads because that is actually the number that any person on the outside would need to use if they were to try to go through the County View access.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Planning Commission Fiscal Impact Committee Representative – The Planning Commission concurred with Mr. Keller replacing Mr. Loach.
- Suggestion made that joint meeting be held with City Planning Commission.
- Updated on review of County public projects and discussed County participation in review of VDOT projects.
- Mr. Morris will be absent at next meeting.
- The upcoming Planning Commission meetings are August 5 and August 19, 2014. There is no PC meeting scheduled on August 12, 2014.
- The next Planning Commission meeting will be held on Tuesday, August 5, 2014.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 7:37 p.m. to the Tuesday, August 5, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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