Albemarle County Planning Commission
September 16, 2014

The Albemarle County Planning Commission held a regular meeting on Tuesday, September 16, 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, Karen Firehock, Tim Keller, Bruce Dotson and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was Scott Clark, Senior Planner; Jonathan Newberry, Senior Planner, Rachael Falkenstein, Senior Planner; Elaine Echols, Principal 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 6:01 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 one, the meeting moved to the next item.

Committee Reports

Mr. Morris invited committee reports.

The following was noted by Commission members:

Mr. Loach provided an update on the huge success of Crozet/Western Albemarle Library with facts that came out at a meeting of the Crozet Community Advisory Committee.

Mr. Dotson provided an update on the ACE Committee's consideration of the current round of applications and noted October 31st is the deadline for the next round of applications.

Mr. Randolph reported that:
- The Solid Waste Subcommittee has provided the Board of Supervisors with a new section in the Comp Plan regarding solid waste, which the Planning Commission will see in the near future. The Historic Preservation Committee is in the process of putting together a web handbook.
- The Rivanna Basin Commission received a report from Stream Watch.
- The Village of Rivanna Advisory Council met last night and examined the master plan language regarding density range.

Mr. Morris reported that:
- The Pantops Community Advisory Council had people attend from various areas on the north side of Route 250 expressing the need for facilities to provide access across 250 other than in a vehicle.
- The Free Bridge Congestion Relief Project Committee will meet tomorrow night to look at the final 3 or 4 possibilities of relieving congestion on Free Bridge.

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

Review of Board of Supervisors Meetings – September 3, 2014, September 9, 2014 and September 10, 2014

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on September 3, September 9, and September 10, 2014.

Mr. Cilimberg pointed out under old business tonight the Commission are seeing the plan that was a result of discussions last week on the Hollymead Town Center, which was deferred by the Board and referred back to the Commission to look at that plan tonight.

Consent Agenda:

a. Approval of Minutes: July 15, 2014
b. SUB-2014-00119 Old Trail Village Blocks 28 and 29B
Private street request with associated waivers for sidewalk and planting strip requirements

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. Dotson seconded for approval of the consent agenda.

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

Mr. Morris said the consent agenda was approved, which includes the following.

a. SUB-2014-00119 Old Trails Blocks 29 & 29B - Private Street Request – Conditions of Approval

The Planning Commission approved SUB-2014-00119 for the private street in accordance with 14-233 and 14-234 of the Subdivision Ordinance within a Neighborhood Model development and exception from the sidewalk requirements (14-422) and exception from planting strip requirements (14-422) with the conditions in the staff report as follows:

1. Section 14-233 and 14-434- Authorization of four Private Streets within the Development Areas (Birchin Lane, Birchin Court, Birchin Drive, and Hazel Grove Lane)

2. Section 14-422 (E)(2)- Waiver of the sidewalk requirement with conditions
   Conditions of approval for the sidewalk waiver include:
   1. Sidewalk to be provided on the north side of Hazel Grove Lane or a "Class A, Type 1" paved pedestrian path to be provided through the open space adjacent to lots that front on Hazel Grove Lane.
   2. No sidewalk will be required for Birchin Lane, Birchin Court, or Birchin Drive, as shown on the preliminary subdivision plat for Blocks 28 and 29B dated July 8th, 2014.
   3. Sidewalks are required for all other roads within and adjacent to Blocks 28 and 29B.

3. Section 14-422 (F)(2)- Waiver of the planting strip requirement with conditions
   Conditions of approval for the planting strip waiver include:

1. No planting strip will be required for Birchin Lane, Birchin Court, Birchin Drive, or Hazel Grove Lane, as shown on the preliminary subdivision plat for Blocks 28 and 29B dated July 8th, 2014.
2. Planting strips are required for all other roads within and adjacent to Blocks 28 and 29B.

Item Requesting Deferral

a. CPA-2014-00001 Route 29-Hydraulic Road Official Map

Ordinance Re-Adopting U.S. Route 29 and Hydraulic Road Official Map – Ordinance to re-adopt an official map originally adopted December 2, 2009 under Virginia Code § 15.2-2233 et seq., depicting, within the vicinity of the northwest quadrant of the U.S. Route 29 and Hydraulic Road intersection, the location, centerline, existing right-of-way width, and future right-of-way width of the legally established segment of U.S. Route 29 abutting and on County Tax Map and Parcel Numbers 61W-3-19A, 61W-3-19A1, and 61W-3-25, and the legally established segment of Hydraulic Road abutting and on County Tax Map and Parcel Numbers 61W-3-19A and 61W-3-25. The ordinance and map would be amended to identify the current tax map and parcel numbers, but the location, centerline, existing right-of-way, and future right-of-way widths would be the same as adopted on December 2, 2009. A copy of the full text of the proposed ordinance and the official map are on file in the office of the clerk of the Board of Supervisors, and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Greg Kamptner/Jack Kelsey)

DEFER TO THE OCTOBER 14, 2014 PLANNING COMMISSION MEETING.

Mr. Morris noted this is a request for deferral of CPA-2014-00001 Route 29-Hydraulic Road Official Map.

Mr. Cilimberg pointed out the deferral date has been changed to October 14. It will be readvertised so the Commission does not have to open this for public hearing.

Motion: Mr. Randolph moved and Mr. Dotson seconded for deferral of CPA-2014-00001 Route 29-Hydraulic Road Official Map to October 14, 2014.

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

Mr. Morris said the CPA-2014-00001 Route 29-Hydraulic Road Official Map was deferred to October 14, 2014.

Public Hearing Items

a. SP-2014-00009 Castle Hill Cider

MAGISTERIAL DISTRICT: Rivanna Magisterial District

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)

LOCATION: 6055 Turkey Sag Rd

TAX MAP/PARCEL: 04900-00-00-018B1, 04900-00-00-018B2
(Scott Clark)
DUE TO AN ADVERTISING ERROR FOR THE JULY 29, 2014 PLANNING COMMISSION PUBLIC HEARING, THIS IS BEING REHEARD.

Mr. Morris noted SP-2014-00009 Castle Hill Cider was recommended for approval on July 29, 2014. However, due to an advertising error it must come back.

Mr. Clark explained the proposal for SP-2014-00009 Castle Hill Cider in a PowerPoint presentation.

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.

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

This is a special use permit request for events over 200 people at Castle Hill Cidery, which is located near Cismont on Turkey Sag Road.

In February, 2013, the Board of Supervisors approved a special use permit for events over 200 people, as follows:

- eight events per year for up to 350 persons, and
- one event per year for 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 for farm wineries.

The approval included conditions requiring noise control and monitoring, traffic control, and other requirements to reduce the impacts of the use. Due to concerns about the ongoing impacts of the use about noise and traffic, the Board imposed an expiration date of 12/31/2014, so the use could not continue indefinitely if there were unmanageable impacts. The applicants are requesting to amend the special use permit by removing the expiration date now that the period of checking on the impacts has passed. There are no changes to the conceptual plan that was attached to the original application. The event building parking area is around the building. The parking spaces are actually grassed areas measured out for parking for a large event.

Since the special use permit was approved the applicants have had 37 by right events, in other words for 200 persons or less. They have had 3 events of up to 350 people and one event up to 1,000 people. During that time staff has received no complaints about noise or traffic impacts from the use. The applicant held a community meeting regarding this amendment request on June 11, 2014. Attendees did not express concerns about the use or report significant impacts.

Staff recommends approval of SP-2014-00009 Castle Hill Cider amendment request subject to the conditions, as amended from the original conditions of approval to eliminate condition #11 which strikes through the expiration date.

Mr. Morris invited questions for staff.

Mr. Cilimberg pointed out the Commission may recall they actually recommended approval with these conditions at their last hearing on the item.

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

Trevor Gibson, CEO and General Manager of Castle Hill Cider, represented the application. He explained they have obviously gone through the process. They took all of the recommendations from the county request and they have turned out really positively for us. They request a unanimous approval from the Commission at this subsequent meeting and plan to present to the Board in October.

Mr. Morris invited questions for the applicant. He asked when he thinks this will be going into effect if approved by the Commission and Board. One of the things that he recalls is a concern that the way it is written right now December 31 is the time they switch. It just seemed to the Commission based on the Mr. Gibson's comments last time that it will probably be December or January anyway. However, they need the time for scheduling. He asked if that was correct.

Mr. Gibson replied that was correct. He explained that most weddings take anywhere between 8 to 18 months in planning. So to schedule these larger events they really need the time to be able to offer those larger events to their clients. Right now they are sort of in this limbo area in wanting to book events for next year and 2016 as well. They have to remain in limbo and say yes they are fine for the smaller events, but if they want to do a larger event they will get back to them. It has been a bit of a tricky dance with our potential customers.

Mr. Morris invited public comment. There being none the public hearing was closed and the matter before the Planning Commission.

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

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

Mr. Morris noted that SP-2014-00009 Castle Hill Cider would be forwarded to the Board of Supervisors with a recommendation for approval on October 8, 2014.

Mr. Cilimberg extended an apology to Mr. Gibson that the advertising problem necessitated this to come back. It is not the normal course of action and they certainly appreciate his cooperation.

b. <u>SP-2013-00023 Buck Mountain Episcopal Church Addition</u>

MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 03100000003500
LOCATION: 4133 Earlysville Road
PROPOSAL: Request to amend the application plan for SP-1996-037 for an addition onto the fellowship hall of the existing church.
PETITION: Churches by Special Use Permit under Section 12.2.2 of the Zoning Ordinance.
ZONING: VR Village Residential- residential at 0.7 units/acre; churches by special use permit. Airport Impact Area (AIA) - Overlay to minimize adverse impacts to both the airport and the surrounding land.
COMPREHENSIVE PLAN: Rural Areas- preserve and protect agricultural, forestall, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots) in Rural Area 1. (David Benish)

David Benish presented a PowerPoint presentation to summarize SP-2013-00023 Buck

Mountain Episcopal Church Addition. This is a request to amend the application plan for SP-1996-037 for an addition onto an existing fellowship hall for the Buck Mountain Episcopal Church. The proposed application plan and rendering show the 3,854 square foot expansion to the parish hall. Improvements to the entrance will be required by VDOT as part of site plan requirement process.

Factors Favorable:

- No significant impacts would be created by the proposed addition

Factors Unfavorable: None Identified

Staff Recommendation:

After further review of the conditions staff determined that conditions #2 and #3 are unnecessary since they are part of the site plan process. Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2013-023 Buck Mountain Episcopal Church with the following condition:

1. Development and use shall be in general accord with the conceptual plan titled "Buck Mountain Episcopal Church Proposed Addition- Site, Grading and Utility Plan" prepared by Draper Aden Associates and dated June 13, 2014 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
    a. *Location of proposed addition*

~~2. Virginia Department of Transportation approval of entrance.~~
~~3. Compliance with the Virginia State Department of Health.~~

Mr. Morris thanked staff for the historical background in the staff report.

Mr. Benish pointed out the attachment did a very good job explaining the proposal and was provided by the applicant.

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

Mr. Art Symmes, a member of Buck Mountain Episcopal Church representing the Building Committee, said he really does not have any further comments unless there are questions.

Mr. Morris invited questions for the applicant.

Mr. Randolph noted on attachment B, section 5, Impacts on Environmental Features the second sentence says because of its proximity to the addition we have been advised by tree experts that one large Oak tree should be removed. He asked if there is a plan to replace the Oak tree they are taking down.

Mr. Symmes replied they don't have specific plans, but they are constantly doing extra landscaping. Therefore, they could easily agree to replace the Oak.

Ms. Firehock said she actually had the same question. She knows they could buy a nice 2" to 3" caliper Oak tree, which will be a start, for about $120. She suggested they could perhaps

tack that onto their fundraising for the building.

There being no further questions, Mr. Morris invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission for discussion and a recommendation.

Motion: Mr. Loach moved for approval of SP-2013-000023 Buck Mountain Episcopal Church with the conditions recommended by staff.

Mr. Lafferty pointed out the rear perimeter setback or dashed line is going to have to be moved because the building goes over it. Therefore, it needs to be moved back on the final plans.

Mr. Benish pointed out that would be part of the site plan review. He noted for clarity that he is referring to the conditions as presented in the presentation.

Mr. Loach agreed it was the conditions in staff's presentation and additionally, if possible, to add an additional Oak tree to replace the one that is being taken down.

Amended Motion: Mr. Loach moved and Mr. Randolph seconded to recommend approval of SP-2013-00023 Buck Mountain Episcopal Church with the conditions recommended by staff, as amended, to add an additional Oak tree to replace the one that is being taken down.

Mr. Morris invited further discussion.

Ms. Firehock said in reading the letter from the Department of Historic Resources it talked about the fact that the new facility and its placement could have an impact on the historic and architectural integrity of the landmark building. Therefore, this addition is not without an impact in view of our State's experts on historic resources. The report also talked about whether this is indeed the building because it had been missing parts and it had been re-reconstructed, and moved. Sometimes when a historic building is moved it also is a reason why it loses its designation. However, she just does not want to rush to the vote and gloss over that fact. She is sympathetic to the applicants that it is 2014 and not 1780. However, she just did not want to take this lightly. She did not feel there was enough information from one letter and one report to actually decide whether or not this does or does not impact the historic integrity of the building. Therefore, that remains a concern. However, she is sympathetic to the church in that they are trying to operate a successful establishment, and just wanted to acknowledge that in the report she found it a bit troubling.

Ms. Monteith pointed out she similarly had the same concern and wondered whether any direct consultation with DHR had occurred.

Mr. Benish replied the County Design Planner, Margaret Maliszewski had reviewed the application. He thought Megan Yaniglos could speak better to that since he did not know whether she had consulted DHR. Given that the addition is actually added to a 1997 addition that was separate from the historic building itself he thinks there was a feeling there was enough consistency in the character and impact from our Design Planner's perspective. He apologized that he can't answer whether Ms. Yaniglos spoke directly to DHR or not.

Mr. Loach said in looking at attachment B there is a letter dated May 18, 1994 that says landmark designation places no restrictions on private property. He hopes the designation is taken into consideration; however, it sounds like the church has done that in what they are doing and trying to design.

Mr. Keller asked to weigh in and say he has the same concerns. However, he did not think this was really the time given our current status. Under new business at some point in the future he would like to revisit some sort of design review for historic districts and conservation areas. He would like to say that in this case it seems the addition does step down and it feels like it is secondary or ancillary. Even though it is starting to really grow in size the roofline is lower as presented. The Planning Commission is not to comment on design components, but he thinks through the historic integrity of the element or structure they can talk about that a bit as his colleagues have.

Mr. Loach asked if there are restrictions about our ability in handling churches in matters like this.

Mr. Benish asked Mr. Kamptner to respond to that question. However, he noted our focus is primarily on the impacts of the use. Whether it is an impact to historic properties or the historic character of the property starts to get into a bit of a gray area and would be under RLUIPA.

Mr. Kamptner pointed out under the Religious Land Use and Institutionalized Person's Act (RLUIPA) localities' ability to exercise design review over churches is going to be limited to the extent that design is affecting elements of the church design that touch on religious exercise. The building design would not necessarily run afoul of RLUIPA; but, if the locality were regulating types of windows or the types of religious ornamentation of the design that would run afoul of RLUIPA.

There being no further discussion, Mr. Morris asked for a roll call.

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

Mr. Morris noted that SP-2013-00023 Buck Mountain Episcopal Church would be forwarded to the Board of Supervisors with a recommendation for approval with the following conditions at a time to be determined.

1. Development and use shall be in general accord with the conceptual plan titled "Buck Mountain Episcopal Church Proposed Addition- Site, Grading and Utility Plan" prepared by Draper Aden Associates and dated June 13, 2014 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

    a. Location of proposed addition

2. Add additional Oak tree to replace the one that is being taken down.

c. <u>CCP-2014-0002 Regional Firearms Training Center</u>
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 09300-00-00-007000
LOCATION: 2300 Milton Road Charlottesville, VA 22902
PROPOSAL: To construct a 19,861 square foot indoor regional firearms training facility on approx 172 acres to serve County of Albemarle, City of Charlottesville and University of Virginia.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
PROFFERS: No
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots).
(Rachel Falkenstein)

Ms. Monteith recused herself from this item because she was part of the University of Virginia (UVA). However, if there are UVA questions they have Charlotte Dickerson, who is the Project Manager for UVA, in the team here tonight. She left the dais and sat in the audience. (Attachment: Disclosure Form from Ms. Monteith on file with minutes in the office of the Clerk)

Mr. Loach asked Mr. Kamptner if he should recluse himself on this item because he volunteers at the Sheriff's Office and will be a user of the firearms training center in the future.

Mr. Kamptner asked if he received income, and Mr. Loach replied no, he volunteers.

Mr. Kamptner noted if he can be impartial in his deliberations there is no problem. Just for the record Ms. Monteith has filled out a disclosure form under the Conflict of Interest Act, which will be on file in the county's records.

Ms. Falkenstein presented a PowerPoint presentation to summarize the executive summary.

- This is a Comprehensive Plan Compliance Review for a regional firearms training center. A Compliance with the Comprehensive Plan Review (or "2232 Review") considers whether the general location, character and extent of a proposed public facility are in substantial accord with the Comp Plan.
- The Commission's action is only related to the appropriateness of the site for this public use, and is not an action or recommendation on whether the facility should be funded and/or constructed.
- This also does not guarantee future approval of site plans or anything that would fall under this project.
- It is reviewed by the Planning Commission and the Commission's findings are forwarded to the Board of Supervisors for their information. No additional action is required of the Board.

The proposed use is an indoor enclosed regional firearms facility to serve the regional partners of Albemarle County, City of Charlottesville, and University of Virginia (UVA) for public safety personnel training. There are two enclosed ranges proposed of 50 yard firing ranges with 8 lanes each, multipurpose training room and simulator room.

The proposed location is the 172 acre former Milton Airport site, which is located on Milton Road along the Rivanna River and west of Glenmore Subdivision and Village of Rivanna. The property is owned by the University of Virginia (UVA). The existing uses on site include an outdoor firing range used by UVA police for annual training, an existing hangar and non-residential buildings used for research and storage by UVA. The proposed site is just north of the hangar and west of the existing outdoor range and is used by the UVA Police for annual training.

The proposed facility would be just under 20,000 square feet; have a new parking area associated with it; and use the current entrance off of Milton Road. The proposed site plan

shows maintaining a large buffer of existing trees between Milton Road and the facility. The current septic field used by the site is in the floodplain. Therefore, they will be relocating the septic field. The existing outdoor range would be closed down and decommissioned when the new site is opened.

The sound study conducted in July, 2014 shows the proposed facility will exceed ordinance requirements. The proposed noise impacts are shown at the property line. The partners set a goal to meet or exceed the county's noise ordinance requirements, which are 60 decibels at the property line during the day and 55 decibels at night. As noted they will actually be well below those required noise ordinance regulations.

One of the few vantage points where the facility will be visible is from the second story of a few homes at the end of Darby Road in Glenmore. The rendering shows the anticipated view, which is one of the few sites where the facility is expected to be visible from. The facility is not expected to be visible from the Rivanna River, Milton Road or any of the residences off of Milton Road due to vegetation and topography. It is also not expected to be visible from Monticello.

Comp Plan Recommendations:

- Land Use Plan: Rural Area; Area B (joint planning between the county and UVA in this instance)
- 1994 Milton Airport Area B Study: recommends continuing existing uses on site, including outdoor firing range. That included continuing that use.
- Community facilities plan: recommends providing police training facilities in the county, including firing range and classroom facilities. Currently the police officers are traveling outside of the county for training, which is not adequate for the county's training needs. The Comp Plan is recommending a firing range and classroom facilities within the county.

Factors Favorable:

1. The proposed indoor facility will improve upon an existing outdoor firing range and will reduce noise and environmental impacts.
2. The location of the proposed firing range will provide a convenient training facility for local public safety personnel.
3. The site's size, vegetation and topography will limit adverse impacts on adjacent areas including the Rivanna River and adjacent rural area and residential uses.
4. Department of Historic Resources review of the project will provide needed oversight to protect any historic resources on the site.

The facility is located in the vicinity of the historic village of Milton. As part of the requirements since this is state owned property they will have to do an Environmental Impact Review. The Department of Historic Resources will have the opportunity to review the project through the Environmental Impact Review and provide oversight and input of the project through that process.

Factors Unfavorable:

1. The proposed use may be visible from some portions of the adjacent Village of Rivanna.

Recommendation:
Staff recommends the Commission find the location, character and extent of the proposed Regional Firearms Training Facility is in substantial accord with the County's Comprehensive Plan for the reasons identified as the favorable factors of the staff report.

Mr. Morris invited questions.

Mr. Dotson said he had one question in interpreting the county's noise ordinance. The acoustical study references the 55 dBA nighttime standard. However, then it also says that no measurement was made of ambient sound and it quotes the county ordinance as saying," it shall be unlawful for any person to produce sound that causes at least a fifteen (15) dBA increase in the sound level above the ambient sound level". He asked which is our standard the fifteen (15) dBA above the ambient sound level or 55 dBA at night and is it "and" or is it "or". He was confused about those two standards.

Mr. Kamptner replied the fifteen (15) dBA above the ambient level is in our Health and Safety noise regulations, which do not apply to land uses that are authorized under the zoning ordinance. That ordinance also does not apply to this particular use because it will be a public use. However, the county and the other parties are trying to comply with the zoning noise standards, which is the decibel standard measured at the property line under the zoning ordinance.

Mr. Dotson asked if he was saying the fifteen (15) dBA standard relative to the ambient level does not apply here. He suggested they forget the fact that it is a public facility, and asked if he was saying that it does not apply for what reason.

Mr. Kamptner replied that Chapter 7 of the Health and Safety noise regulations target particular sound sources, for example: music in a public place, music out of cars or other activities. Land uses such as this are subject to the noise standards under the zoning ordinance. So the land use approval process and the noise standards that exist in the zoning ordinance are intended to address noise impacts to an acceptable level. In the Rural Areas District where the property zoned Rural Area is receiving the sound those standards are 60 dBA during the day.

Mr. Dotson said it was the 60 dBA and 55 dBA which are sort of applied but not a requirement to achieve.

Mr. Kamptner replied that was correct.

Mr. Randolph said he had several questions. Number one, will the model airplane club still be able to use this site on weekends after this indoor training facility gets built.

Ms. Falkenstein replied she did not believe that any of the existing uses will be impacted other than the existing outdoor firing range. That is her understanding. However, she did not know if the members of the University of Virginia or anyone else has input.

Mr. Randolph said the second question is more of a comment. Related to page 3 under specifics of the proposal in the third paragraph last sentence, "VDOT has commented that sight distances will need to be verified for the entrance and that a commercial entrance may be needed for this use." He would hardily encourage such a site entrance to be constructed here given the volume and speed of traffic on Milton Road. He thinks from a public safety standpoint whether these are police cars or not entering it is well called for because there is going to be increased usage. Third, is a question related to a vegetative buffer along Milton Road and also to the Rivanna River. In the picture taken from a home in Glenmore it is rather obvious it was taken during the winter time. They can see with deciduous trees along the river there is no effective annual year round shielding of the new facility. One thing he would strongly recommend for the county to undertake is perhaps a volunteer program with Boy Scouts, etc. to try to get them to plant some annual trees along that bank to ensure that over time this facility is

actually shielded for this residential homeowner who bought their house or built their house not expecting that a firearms facility was going to be visible just across the river. He thinks that would be a good neighbor action for the county to undertake. Again, that is just a comment and recommendation.

Mr. Lafferty pointed out those trees would probably be in the water shed. He has canoed the river and got his pilot's license at that airport. All of the houses that were built around there the residents knew it was an airport with planes taking off and coming in. However, if they plant trees in a watershed he did not think they are going to last long.

Mr. Randolph noted he was not talking about the watershed, but above the elevation there. They have an elevation change of around 20 to 30 feet. So somewhere along that bank or if not right at the top of the bank putting perennials in would provide greater privacy.

Mr. Lafferty asked if he was talking about a Glenmore viewshed.

Mr. Randolph replied he was not talking about a viewshed here, but just ensuring that the facility is not as outstanding visually as it otherwise might be.

Mr. Morris said what he is hearing Mr. Randolph say is this is a recommendation and not a condition, and Mr. Randolph agreed.

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

Trevor Henry, Director of Office of Facilities Development for Albemarle County, said they have been lead on this project as far as organizing the design and managing it through the process in partnership with the Police Departments of the City of Charlottesville, University of Virginia and Albemarle County. The County does have fiscal agent responsibility and therefore is taking lead on the project. Also present is Bobby Cummings who is the lead principal on the project with Clark Nexsen. Mr. Cummings is an architect and a reserve police officer which has added to the value of the project. His presentation mirrors what staff put together. However, he would make sure they were not redundant. He thinks some of the questions can be answered quickly through the presentation. At the end he would answer any other questions the Commission might have. They also have representation from UVA and the Police Departments here in case the questions are broader.

Mr. Henry reviewed the proposal in a PowerPoint presentation.

- They have been down the path of an open range. The Board directed staff to really look for a location that would be suitable for a closed range. Through working with our partners of the City and UVA they identified Milton as a site. They really feel that this is an ideal location for this use and will provide a location that will allow not only individual departments with some cross training. He clarified that the departments are currently using the Rivanna Rifle Range for their training. However, the issue is that it is very limited. They are averaging about one time a year and in some cases they have to go out of the county. They think that use is going to be closing down here soon, which is really the urgency for the project.

- They have done traffic studies and think that the actual increase from the training use would be less than 1 percent from what is actually out there on that road. So it is really negligible from the statistics. However, he thinks there will be more of awareness because they will

see police cruisers going up and down the road. Hopefully, that actually will help bring down some of the speeding that was also reflected in that traffic study.

- Just from a schedule perspective, again, not necessarily part of this comp plan analysis but just for informational background they started the design in April or May. They have just actually received the design development drawings today, which is on our plan. The hope is that they will through the design of the construction drawings at the end of this calendar year, the site plan approved sometime over the winter, and will be in a bidding phase in the December to February timeframe. Ideally they are constructing in early spring, which is a good time of year from coming out of the winter. But, really one of the key drivers is our partners are able to reach out to the state. A year ago they received forfeiture for almost a half of the project for just about 3 million dollars. It is great news except that there is a time constraint on that, which is to have that money spent by the end of 2015. The project has been down to the Virginia's ARB and they approved it with some conditions, which included meeting with the UVA Architect Office and the landscape architect to look at our site plan. They have met and are incorporating some screening requirements into the landscape plan, which will be coming back into the Community Development on the next round of review. They have a Site Plan Committee Meeting on Thursday reflecting all of the comments. They will make our revisions and that will come back into the process here.

- They have held two community meetings on May 22 with a follow up meeting on July 17. They announced those meetings through mailings as well as email. They continue to use email for periodic updates such as when the sound study was issued they posted that on the website. They have the project going in front of the Board of Supervisors as an informational item in October and hopefully as an action item in November to finalize our operating agreement between them and the agencies and a land lease between the county. He asked Mr. Cummings to touch on the aspects that have not already been presented by staff and then they will be open for further questions.

Bobby Cummings, with Clark Nexsen, noted that they can skip through this section because staff did an outstanding job. He explained the proposal, as following.

- In reference to buffers, which were mentioned earlier, they are maintaining that vegetative buffer. Quite a bit of the vegetative buffer is in existence with about 100 feet of it on the Milton Road side. On the other side they have met with UVA landscaping. There is going to be some additional landscaping up in the area between the parking lot and that storm water management pond to provide some of the vegetative buffering that was mentioned earlier. Although it is not shown on the plan today it is in progress being worked on.

- He explained a panoramic of the site and some of the existing buildings that are on there. These uses with the exception of the study or the instrumentation building to the left, which is being relocated, will continue to be useable on the site. They are not displacing any of the other facilities that are on there. The hangar will stay in place as well as the remainder of those other buildings will remain.

- Staff did a good job explaining what is here with the two 50 yard ranges each one containing 8 points specifically for this building. This building is going to be made out of precast concrete 12 inches thick. However, it has a ballistic enclosure to prevent any rounds from leaving and also for sound. That is how they are attaining the sound levels shown on the earlier graphic. It also has administrative areas where there are classrooms, offices, toilet facilities, cleaning rooms and some storage areas. This is a complete training facility not

just for firearms but with the classroom and the ability to do some other training and simulator training. It is going to be a badly needed facility.

- The elevations are made out of precast concrete. What is important to understand, even from the viewshed of Glenmore where they showed what they will be able to see from the second floor of that property it is going to look like any other industrial or commercial type building. There are no indications from the exterior about what is happening on the interior of this building. So unless you are standing right beside it and will be able to hear it, there is no indication whatsoever visually about what is happening here. So the casual observer would never think it is anything other than maybe a warehouse. He explained the section through the site that showed how the building works with ballistic enclosures and baffles above the top of it. It is fully tactical so the officers can shoot anywhere within the range facility.

- The Commission saw the pictures already from Glenmore so he would not comment any further since it was self explanatory. Again, with the evergreens it does help quite a bit. Regarding the proximity of the neighbors to our area the slide in the presentation really shows that even at the closest at 700 feet away they are well below the requirements of the ordinance of 50 dBA at our property line rather than the minimum of 55dba at night.

Mr. Henry noted on the one view from the second floor that really was a sketch up model that Mr. Cummings office created. They met on site and took pictures, but basically this time of year all they see is vegetation. They expect that this would be seen really through the winter months of the year. They also have been on site and the project won't be visible from along the river at any time of the year.

Mr. Morris invited questions. In regards to the relationship between the multipurpose training rooms and simulators he asked is this going to give our law enforcement agencies the opportunity to actually work in how to use or operate a firearm in a build up area.

Mr. Cummings replied that he would invite the law enforcement folks here if they would like to comment on this as well. However, speaking both as a designer and a law enforcement officer this facility is going to be a fabulous complete facility for use by the local law enforcement. Again, not only live fire in the range, but being able to do situational training and the simulators where they will be able to use branching electronics simulators, which based on the decisions of the officers could go various different ways. Also, in the classroom, which will not only be a place to sit and learn but to stand and act and learn as well. That individual classroom will be set up do things such as defensive tactics with hands on type of training and other sorts of training. The range itself also has the capability to have a vehicle brought onto the range so that they could even simulate having to be in a police car in being able to exit the car and engage the threat. So this is a very comprehensive type of facility for training.

Mr. Morris invited the Chief to come forward and answer a question. He asked does this facility meet the needs for you and your officers as well as the officers of the University of Virginia and the City.

Colonel Steve Sellers replied yes it would meet the needs.

There being no further questions, Mr. Morris invited public comment.

Mr. Richard Brewer, resident of the County, said he and his wife have lived approximately 1,600 feet from the proposed facility for 35 years. Given that this property was a functioning airport

from 1939 to 1971; that it currently has an 80' X 100' metal hangar 25' high adjacent to the proposed site; there is a functioning open firing range on the property now; and the need for a regional training facility is essential now and of increasing importance as evidenced by the recent problems in Ferguson, Missouri; he can think of no cogent argument to oppose this facility plan or its proposed use. In fact, he heartily supports the proposed training facility.

There being no further public comment, Mr. Morris closed the public hearing to bring it back to the Commission for discussion and a possible recommendation.

Mr. Firehock commented that she was pleased to see there will be clean up of the site from the impacts of the outdoor range. She would assume it would actually be less impactful on the community now that it will be completely contained indoors, which would address both the noise and environmental concerns.

Mr. Lafferty noted he thinks it is a much better solution than what they had at the Keene Landfill. He applauds the police departments for cooperating and getting this under way.

Motion: Mr. Randolph moved and Ms. Firehock seconded that CCP-2014-00002 Regional Firearms Training Center to be situated at 2300 Milton Road in the Scottsville District be approved.

Mr. Kamptner noted just to clarify the Planning Commission is finding that the approximate location, character and extent of the proposed Regional Firearms Training Facility are in substantial accord with the County's Comprehensive Plan.

Mr. Randolph agreed to amend his motion to add that wording.

Amended Motion: Mr. Randolph moved and Ms. Firehock seconded to amend the motion that Planning Commission is finding that the approximate location, character and extent of the proposed Regional Firearms Training Facility is in substantial accord with the County's Comprehensive Plan.

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

Mr. Morris noted the Commission has found the proposed Regional Firearms Training Facility to be in substantial accord with the County's Comprehensive Plan. This action will be forwarded to the Board of Supervisors.

Mr. Kamptner clarified this is really the Commission's action and it is just reported to the Board of Supervisors. If the Board wishes to take a separate action they can; but, otherwise this is the decision.

Ms. Monteith returned to the dais at 7:04 p.m.

Work Session:

a. <u>Artist Community in RA – Resolution of Intent</u>

J.T. Newberry presented a PowerPoint presentation to summarize a proposal for a resolution of intent for ZTA-2014-00005 Artist Communities.

The applicant first approached staff in 2012 about relocating the Virginia Center for the Creative Arts to a location in Albemarle County in the rural areas. Staff struggled with whether or not the proposal could fit under any of the existing permitted uses in the rural areas. In the proposal the applicant notes the similarities to boarding camp, private school and bread and breakfast. Staff took some time in evaluating that. While staff was trying to look into that further the applicant attended and commented at several comprehensive plan meetings and initially found positive feedback as to the Planning Commission making statements that lodging would be something that could be potentially supported in the rural areas under the updates of the plan. The applicant in June made the text amendment application. Initially the Board of Supervisors was not supportive of new construction for lodging uses in the rural area. However, at their meeting last week the Board reconsidered and specifically addressed this use. The Board acknowledged there is no support in the current or proposed comp plan update right now; however, this use is unique and they would like the Planning Commission's input.

Mr. Newberry reviewed the specifics of the proposal.

Definition – "Artist Communities"
- A use composed of temporary lodging and working spaces for 20-30 adults selected through a competitive peer-review process for residencies on the property lasting from a few days to ninety (90) days.
- These individuals shall be professional artists of various creative genres, whether literary, visual, musical, theatrical, cinematic, architectural, cross-disciplinary or otherwise.

Some of the other specifics of the proposal give you a better sense of what this might look like in the rural areas. The proposal includes:
- 1 studio space, bedroom, bathroom for each artist
- Existing structures and /or new construction
- Maximum of 40,000 square feet in 1 or 2 buildings for bedrooms, bathrooms, studio, kitchen, dining, meetings
- Plus area for offices, storage, maintenance, and residential space for employees or volunteers
- 1 artist community/ parcel
- No > than 30 artists at a time
- Minimum parcel size/acreage -- 20 acres
- parking space/2 artists + 1 space/employee
- Resident manager required
- Managed by Non-profit board
- Special events: performances, exhibitions, and fundraising

The first question for staff with this proposal is does it conform to the comprehensive plan. Staff has already stated there is nothing specifically that supports this use. However, the Board has weighed in and feels this use is unique and would like the Planning Commission to provide additional input. Looking at the current comprehensive plan there are eight (8) guiding principles for policy considerations. With the exception of one staff feels that at a certain size and scale there could be support under the comp plan, the one exception being for agriculture. Would the proposed use preserve or protect agriculture in our rural areas? At this time staff does not see that is true.

Another area under the current comp plan would be under alternative uses. This is alternative uses to land fragmentation. What are some of the criteria that those uses should be judged? Alternative uses should be:

- reversible (so that the land can easily return to farming, forestry, conservation, or other preferred rural uses);
- scaled and sited to cause minimal impacts on their rural surroundings;
- minimal in their public health and environmental impacts; and
- the use would be viable with no increase in public infrastructure or services, either at time of approval or later.

Looking to the proposed comp plan update there are criteria for the review of new proposed uses. There is one that staff feels like the proposed use does not meet, but for the others they do think at a certain size and scale it is possible. The one that staff does not feel like it supports would be does the use require a rural area location to be successful.

Staff Recommendation
Staff recommends the Planning Commission adopt a Resolution of Intent to study this further. This would not commit the Commission to a recommendation to support adoption of this as a special use permit in the RA. Staff would like the Planning Commission's feedback if they do agree to adopt a resolution on what are some of the issues that should be studied further.

Currently staff has identified the following features that would require further study.
- Definition of Artist Community
- Minimum parcel size needed for establishing this use
- Extent to which natural and historic resources are preserved
- Potential of extinguishing other development rights
- Impact of new construction on historic resources
- Impact of the use on nearby and adjoining property owners, transportation networks, agricultural/forestal districts, especially as it may relate to traffic patterns and groundwater resources
- Special events impact

Staff presented possible motions for the Planning Commission to consider.

Mr. Morris invited questions for staff.

Mr. Dotson said he had a procedural question. He asked does the State Code require a resolution of intent for making a zoning text amendment.

Mr. Kamptner replied for planning commissions the State statute allows the text amendment to be started by merely a motion. However, the practice in the county for both the Board of Supervisors and the Planning Commission has been to consider resolutions of intent.

Mr. Dotson noted at the end of the staff report it says if the Planning Commission agrees to proceed with the zoning text amendment. However, it strikes him that they don't have a choice. Since an application and a fee have been filed they have an obligation to review that, hold a public hearing and make a recommendation to the Board.

Mr. Kamptner replied the Commission can elect not to adopt the resolution to citizen initiated zoning text amendments. If the Commission does not find that it has merit to proceed, they can elect not to adopt the resolution.

Mr. Dotson said that is sort of based on the face value assessment without getting into the details. He asked what would happen to the applicant's fee. He asked would that cover the

cost of getting the request this far or would the application be considered withdrawn and refunded.

Mr. Kamptner replied in order for the request to be considered withdrawn it would have had to be withdrawn before now.

Ms. Echols noted that it would be something they would be looking to the zoning division to advise on.

Mr. Dotson commented it strikes him as unusual that they need a resolution of intent when there has been an application. It seemed they have an obligation to act one way or the other. It seems that when the Commission adopts a resolution of intent it is because they are initiating the zoning text amendment. The resolution of intent is essentially the application.

Ms. Echols pointed out it has been our practice when someone asks for a zoning text amendment. There are zoning text amendments that have been requested that the Planning Commission has declined to adopt a resolution of intent to continue with. So there is some history on this and it is our standard procedure. However, it has been a while since they have had someone make a formal zoning text amendment request like this.

Mr. Morris noted that it was a good point. He invited further questions.

Mr. Lafferty said depending on the location there is a potential of having 70 cars since they have 30 artists and 10 staff members. If each artist had one person visit for the event they would have 70 cars, which might be an impact on a very small road.

Ms. Firehock asked to go back to staff's chart since it is hard to evaluate at this point. When it is talking about generate with little or no new demand she did not know for fire and rescue on #6 how they can have that possible category for the number of people that are going to need some kind of ambulance or fire service. She noted that a lot of those staff marked as possible she probably would have put yes. She did not know what the metric is for where it gets in the possible box versus the special use permit. For a lot of those she probably would lean towards yes because of what Mr. Lafferty was just talking about with the events they may have.

Ms. Echols clarified what staff looked at are some of the things the Planning Commission came up with in their recommended comprehensive plan amendment. The Board has played with this a little bit. However, these are the kinds of things the Planning Commission looked at in developing the comprehensive plan and looking at other kinds of uses that might be appropriate. So this is not in the comprehensive plan right now. Many of those are things we look at in evaluating the issues.

Ms. Firehock noted she was not questioning whether those things should be evaluated or whether they are the right things to be evaluated. She was questioning all of the X's in the possible category and saying that she believes that many of them would be in the yes box.

Ms. Echols pointed out what this is about right now is looking at whether or not they want to explore this use any further. If the Commission finds they do want to move forward on it, they might want to put parameters around it that make those X's look a little bit different instead of if possible they might be in a different place. They have that ability. However, right now the main issue is whether there is merit in moving to the next step, which is basically to study this. Staff would be bringing back to the Commission more information in a work session.

Mr. Loach asked if someone came to staff tomorrow and asked to build a 30-room hotel in the rural area what would be their position.

Mr. Newberry replied the zoning ordinance would prohibit a 30-room hotel in the rural areas.

Mr. Morris suggested they say it is not a hotel and so on. However, if it was an artist community and so on and they move out does that right to have that 30-bedroom unit stay with the land.

Ms. Echols replied the building and the use for which it is approved gets to stay with the land. However, to use it for a different kind of use if something is approved by a special use permit there is no automatic ability to do that. This issue of reversibility or the issue of what the future use might be would be one of those things that would be studied before they are going to develop any text amendment.

Ms. Monteith asked what the list in the table was formulated from since there were some things in this list they may not consider for all applications.

Mr. Newberry replied the majority of this list came from speaking with other members of the site review committee, zoning, fire and rescue, the building division, the health department, the design planner, and the rural areas planner. Staff collected feedback from all these different perspectives. Looking at the scale of what is currently proposed staff at this point in the analysis could determine that these are the elements that would require further study to determine if it is potentially appropriate in the rural areas. These are the ones that stood out right now. He thinks staff would like to look at it further. One thing that comes to mind is a conversation he had with the applicant where he said across the United States there are about 200 artist communities that exist and every single one of them is different. So this is a difficult use to try to generalize about. Therefore, he thinks a part of putting so many of the criteria in the possible category was the consideration this is a zoning text amendment application and they are looking at this more generally than just where the applicant is coming from with the Virginia Center for the Creative Arts. They are trying to figure out what would be the loose parameters that could make it appropriate.

Mr. Loach noted going the other way under all the work they have done on the rural economic development where does this use fit into that category.

Ms. Echols replied it has been an interesting journey having taken it with the Commission and now going through the journey with the Board of Supervisors on the comp plan recommended by the Commission. When the Commission last left off for the rural areas they left open the possibility that lodging uses might be appropriate in the Rural Area. The Board of Supervisors has said no they are not. When staff brought to their attention the potential mismatch between what they have said about lodging and this use as something different that the use had many characteristics of lodging they said yes, but there is something different about it. The Board had a really difficult time putting their finger on what was different about it. So the Board has challenged the Commission to look at that and see if there is something different. They have also challenged the staff to do the same thing to see if there is more than just lodging that this represents. The Board was open to whatever the Commission might come up with to take back to them. They do want to have some statements about this kind of use in the Comprehensive Plan Rural Area chapter when they finish that up. They are not sure what those statements should be yet.

Mr. Keller asked staff to go back to the slide that said tourism. It seemed that tourism does not have anything to do with this when they are talking about 30 individuals. So he would,

depending upon what they decide, be supportive of continuing this investigation. He would challenge that.

Ms. Firehock asked if he thinks the tourism example was based on the fact that it was going to have open houses twice a month and people would be able to visit it. Was that perhaps why they decided it was potential tourism. Since it said that in the report she was just wondering if that was the justification that visitors would come and perhaps a tourist would wander through and want to visit the art colony.

Mr. Keller said he thinks about the artist communities that he knows and it is really about the experience of the artists actually being able to get away from their everyday experience.

Ms. Firehock noted she understands what he was saying because she had visited such places herself. However, she was just reflecting what it said in the report.

Mr. Keller commented when they go to visit an artist friend there are other artists that don't even want you to be there.

Ms. Firehock noted that it was in their proposal. She questioned whether that was a good idea.

Mr. Keller pointed out it was always a good sales pitch in Virginia is for lovers.

Mr. Morris said his point was well taken.

Mr. Keller said the other comment referred to the list in the table that Ms. Monteith asked about. It was the one that said the considerations that needed to happen and the historic and cultural resources list. It seems when looking at the application where there was up to 40,000 square feet in one or two structures they started today talking about the Castle Hill Cidery and that barn is 11,000 square feet. So they are talking about the possibility of a structure that is four times the size of that barn. That is a massive element in any landscape, but especially the rural landscape. While they know the size of structures that have been built in some of these mega houses that have happened, and that even the horse barns on Barracks Road he does not think are 40,000 square feet. They were the largest sort of architectural or rural structure that he can think of historically in the area. It seems that in that list there needs to be the impact of the individual or the cluster of individual structures that would be residential and ancillary to those residential homes as well.

Mr. Lafferty asked if he was saying they need to study this further.

Mr. Keller agreed he was in support of studying it further.

Mr. Dodson pointed out right now the Commission was asking questions of staff.

Ms. Firehock agreed that some of the questions can be studied as well as whether there is merit to that. Therefore, she thinks those questions are valid.

Mr. Randolph said he thinks all the questions are valid. What he worries about is the nose of the camel. He thinks that one of the requirements for an artist community in the definition is that it be a bonafide established nonprofit organization. However, he also looks at staff's wording, "a use composed of temporary." He is using temporary in two ways. He thinks what they are trying to do is get at the use being temporary. However, he would be much more inclined to be in support of this if in fact the lodging structure itself was temporary, i.e. movable. Within this

colony there might be a single bathing facility with one for men and one for women instead of individual bathrooms. But, within each one of these units they would be movable structures so they can be moved on or off the site. Then the site is not imprinted permanently by permanent structures that would be associated with the colony.

Mr. Randolph said he understands the educational function having worked in a boarding school. He sees an artist community somewhat as an educational operation; and, therefore more inclined to support it. However, he thought Ms. Joseph's note to the Commission was very good where she quotes the Commission would want to look into long term use of new buildings should an artist community be vested and then moved to a different location. What he would worry about is the nose of the camel that they could see different artist colonies come along, and then two to three years they close up shop, move out of Albemarle County, and along comes somebody else who buys them and now has a building there and wants to establish a commercial venture such as a hotel. Indirectly this opens an opportunity for expansion in the rural area that they do not desire. The trouble for the applicant is they are judging the applicant not just from the standpoint potentially of this single application, but the ramifications and implications down the line. One of our responsibilities of the Planning Commission is to look down the line and be thinking 20 years out and what will happen as a result of this. He would think it would be really important for him to be more interested that it would a bonafide established nonprofit organization alone that is involved in the artist colony. Secondly, that the structures in which the 30 resident artists live are not permanent structures, and that they are in fact removable structures that can be taken off the site if necessary in the future. Therefore, the only thing that would be permanent would be perhaps a much smaller structure for meetings because after all this is a retreat. The smaller structure could be to get together and have meals with conversation. However, when looking at 40,000 square feet that is large enough to put an airplane in as Mr. Lafferty referred to earlier in the airport.

Mr. Loach questioned if there is any other exception for an educational institution in the rural area.

Ms. Echols replied there is currently a special use permit for private schools in the rural area. However, an artist community does not have a bonafide educational component to it and is not intended as a school. It is intended as a place for creativity and not for other people to come and learn about it. Therefore, it did not meet any of our definitions. This might be a good time to say that tonight's conversation is not about creating a zoning text amendment, but identifying those things they would want to study further if they decide to adopt a resolution of intent to take this to the next level. So there are no decisions about how it should function tonight that they need to make unless they just want to say these are our concerns about it, which they would want to bring back information on to the Commission at the next work session. If they keep that in mind it might help to know they have time to decide what they might be able to support if they don't feel after they have done all the research they don't want to support it.

Mr. Morris opened the hearing and invited public comment.

Mr. Gregory Allgire Smith asked to address this item since he was the Executive Director of VCCA, the applicant of the zoning text amendment. He understands this is a process. He hoped the Commission had received the one page outline he prepared. It is intended to help this process by providing a definition that is the national standard definition taken from the publication by the Alliance of Artists Communities, which is the national organization of the 200 or so artist communities that exist around the United States. He has put on paper some of the key characteristics he is suggesting for consideration that might help identify what this zoning classification might allow in and keep out if they are concerned about the nose under the tent

edge. He also has included some of the things that relate to Mr. Newberry's X's in the columns regarding to how it fits into the county priorities for the rural areas. He wants to mention several of these just to provide some clarification in the hope that they will see enough merit in this to continue the discussion and work by the county staff. He believes that the function as it exists now is compatible with agriculture and forestry. By saying that he looks to the 35 years of experience that the VCCA has had on 12 acres owned by Sweet Briar College surrounded by another 400 acres of the same parcel that they have leased out over that period of time to a local farmer, who has mowed hay as well as had cattle and horses. There have been agricultural functions around the site. They have not prohibited that whatsoever. Secondly, they have protected the historic structure of a 1930's dairy barn and kept that in an adaptive reuse that has been viewed as beneficial. Third, is the question of tourism. In that function the VCCA has participated in the cultural plan for Charlottesville and Albemarle County, which was specifically mentioned as a worthwhile function. He would like to mention that is something they think is an important aspect to the function, too. He would be happy to answer any questions and discuss this further.

Mr. Morris invited questions.

Mr. Loach asked for clarification. In the staff presentation there is a bullet point that says small performances, exhibits, and fundraising events related to the artist community. He questioned what the definition of small is.

Mr. Smith replied on Sunday they had approximately 50 members of the VCCA board, staff and guests at the VCCA for a thank you for the sponsors of an event that was held at Morven Farm some months ago. He would view that as small. They are not looking to have hundreds or thousands of people. He was rather amazed at the kind of numbers they deal with in terms of the zoning code. To provide some provision for an opportunity to be able to show what they do to the public whether that is with 50, 100, or 200 the Planning Commission and Board will determine what goes into the code.

Mr. Loach pointed out it noted there would be music performances on site. He asked if there were any on-site sales.

Mr. Smith replied they don't do any on-site sales currently. What they basically are trying to do is provide the artist an opportunity to expose their work to a broader segment of the community. He thinks they have done that respectfully to the neighbors and all the rest in the past decades

Mr. Dotson said he recalled reading it, but asked him to refresh his mind where he was located before Sweet Briar since he has already been in the county.

Mr. Smith pointed out they were located at two locations in Albemarle County. They were established at Wavertree Hall in the Batesville/Greenwood area and existed there on private property for a couple of years. Then the property owner wanted to do something different. They relocated to the east side of Albemarle County and then a few years later made the move to the Sweet Briar property. They have been operating there for 35 years.

Mr. Dotson asked if they were looking for a property what kind of property would they look for.

Mr. Smith replied that he had been looking for a property for two years on behalf of the organization. Contrary to one of the points on the screen they are not considering whatsoever any urban locations. There are artist communities that are urban. However, the model they follow goes back to the establishment of the very first artist community in the turn of the century

about 100 years ago. Those have all been rural. They have sort of followed the rural model that the McDowell colony established so long ago.

Mr. Keller pointed out that Morven consistently comes up as a discussion point in the press. He asked do they have anything to say about the residential uses that occur. He assumes that they don't because it is a state facility.

Ms. Monteith noted the residential uses at Morven are long term. They are cottages that are for the most part lived in by people who are working on the property. There are a few people that don't work on the property who work at UVA or have some other affiliation. But, they are not regularly rotating properties and that type of use has existed for a long time. It is not as if there is anything new that is being built there. It is just use of the existing buildings on the site. She asked if that addressed his question because she thought he was asking about residential uses.

Mr. Keller replied yes, although it is incorrect antidotal information that seems to imply that there are people who come in on a temporary basis fairly regularly to Morven.

Ms. Monteith replied that she did not think so. She is actually working on the project and has a little bit of knowledge about what is going on there. There are some visits, but it is not something that is happening on a usual basis.

Ms. Firehock pointed out there are workshops and retreats there she has attended for various groups. So they do use it as a retreat center, but usually something that is affiliated with the University of Virginia.

Ms. Monteith noted they have a transportation plan with the county, and all of that is accounted for in terms of day use of the site.

Mr. Morris invited further public comment.

Marcia Joseph, resident of Albemarle County, asked to remind everyone that for years and years they have been looking at the rural areas and people have contemplated corporate retreats or whatever. They have really tried to make sure those sort of things are not the norm in the rural areas. She liked Mr. Randolph's creativity, but she hoped that something like that would work. It is this permanent nature of 30 rooms, 30 bathrooms, 30 studio spaces and eating spaces. One of the things she is hoping the Commission will consider is how long could this operate without public water and sewer. They have already had Monticello come and ask for public water and sewer. If this is very successful and there are people there all the time how is this going to affect the groundwater. So it is all those planning issues that they always look at such as traffic, groundwater, noise, and all sorts of things that happen. When she was looking through the ordinance she found it interesting that one of the things they allow by special use permit in the rural areas is a monastery. It is the first time, and Mr. Kamptner can comment, that they actually identify the users of something. It is specifically nuns, monks or friars that can use the space. She did not know how they can identify that only artists can use the space. She questioned if they would be discriminating against other people to say it is okay for artists to have a retreat like this, but it is not okay for GE or for someone else that wanted to have a retreat. She questioned what makes this different as a land use issue. She thinks artists are great; but, how does this as a land use issue separate itself from the users. She also wanted to note they have a private school such as Miller School. To get an idea of the size that school is on over 1,000 acres. So she thinks they really should consider the scale of these operations if they are looking at 20 acres. They already have a building proposed that is an acre, which they need parking facilities for. She asked how is this really going to be a retreat on 20 acres. She is

hoping the Commission will take some time so they can all as a community think about this. She really hopes the Commission will have a work session before this ever goes to a public hearing.

Jeff Werner, with Piedmont Environmental Council, said PEC has been extremely concerned when something comes up about changing the rural area regulations. He wants to be very clear that they mean no disrespect or ill will towards the applicant or their mission since it sounds very interesting. His job is to ask the hard questions about what happens if. Something Wayne Cilimberg has said often is it is never a good idea to tweak the zoning ordinance just for a single use on a single parcel. He knows Ms. Echols has mentioned this is not about a zoning text amendment, but the resolution still refers to a zoning text amendment. He thinks what he is most concerned about is that this sort of discussion right now is in the abstract. They are not talking about somewhere and this use if allowed will end up somewhere. It will abut someone's property and will be on someone's road. He thinks before they start tweaking things that maybe they are going the right way to really burrow into this. He thinks the question before a whole lot of time consuming research is would this use even fit into the county. Maybe most importantly is there somewhere that it could go and that the neighbors would accept it. He refers back to when the Howardsville Canoe Livery wanted 48 tent sites and there was tremendous vocal opposition to that. Therefore, people do become concerned about these things. He did want to offer that relative to any consideration moving forward that there has to be some correlation here between the number of units and the number of development rights. It has to be that relationship.

Mr. Werner noted one thing he noticed was this could be done by right by going out to purchase enough land to do a rural subdivision that allows 30 residences on it and be done with it. However, a couple of thoughts he wrote down was rooms, bathroom and dining, which sounds like a hotel. He understands the nonprofit nature, but UVA and PEC are a nonprofit. Being a nonprofit does not mitigate the impacts of a potential land use and Mr. Kamptner could probably better address that. However, it is the impacts and whether or not it is a nonprofit causing them. What are other communities that could be out there? It could be a scholar community or other use. Art takes on a lot of different forms. Some are noisy and some not. Some are smelly. Some involve heavy materials and metal. One last thing is could this use be later coupled with a winery or an agric operation so that it becomes a venue. There is really an interesting possibility here and he hopes the applicant does not mind our hard questions.

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

Ms. Firehock said she understands this is complicated and probably warrants further study. However, then she tries to think about what they would be doing when they would be studying it. There are a couple of things that come to mind that are complicated. One is this notion of the fact that it is implied they need this rural area location because they want it to be motivated, and they want a quiet place. Nature inspires creativity. There is actual documentation and research that show that. However, she finds it difficult to define art. She knows that was something they listed as needing to be studied. She was not going to evaluate this on the merit of this particular applicant wanting to do this. She was just thinking about that kind of a use. Someone could in the future say yes I am going to buy this property and it is going to be my art group and maybe they will have some art classes. That is how she is going to define it. She thinks it would be very difficult to define doing art and asked how do they write these rules. The other thing she would mention is the fact the Board of Supervisors has not been amendable to lodging in the rural areas. She did not know how to differentiate this as lodging in the rural area. She has visited artist communities in other states and also visited religious retreats. She did not know

how they would address design. She personally is not really interested in studying this further because it has too many difficulties given our current position on lodging in the rural areas and the difficulty of defining the use so that they know that future users would indeed be the same.

Mr. Morris invited further comments.

Mr. Dotson commented that one of the bullet points talked about extinguishing development rights. If he can conceive of the Sweet Briar situation there is kind of a compound of 12 acres and 700 or 800 acres around that. If that was in conservation easements and eliminated even more than 30 development rights in the rural areas that would certainly make him pause and think about it more than he would if this was just on a 12 acre freestanding site without any extinguishment of development rights. So that is just one thought if they study it further to think about. A second thought is he would think crossroad locations might be a place where they are going to have kind of a cluster of activities in the rural area where there is an expectation of somewhat more intense activity as opposed to kind of a remote rural location. That might be worth exploring as it is studied further. Not all rural locations are the same and perhaps there are some others like a crossroads community that have a different set of expectations. Those are two thoughts of things that they might look into if they study it further.

Ms. Firehock pointed out she thinks one of the problems they have as a Commission is the fact that they have the rural area that have different characteristics, uses, and scales of uses. Therefore, because they have not defined it further is why she feels uncomfortable with just saying this can go in the rural area.

Mr. Morris asked Mr. Smith if he would like to address any of the comments he had heard before they continue.

Mr. Smith replied no.

Mr. Kamptner asked staff about the discussion of the Board of Supervisors on the 9th. The report says that the Board of Supervisors intends to add support for this type of use in the Rural Area Chapter in the Comp Plan. He realized the resolution of intent was added to the Commission's agenda and asked was the Board's expectation that this should precede the Comp Plan.

Ms. Echols replied no, and suggested that might be an earlier version of the staff report because staff did a revision.

Mr. Kamptner asked about the last sentence in the discussion section above the conclusions.

Ms. Echols read the Board requested further input from the Commission as it reviews the request. The Board of Supervisors was struggling over this in terms of their discussions because on the one hand they had already said no lodging, but on the other hand they were persuaded that there might be something unique about this. There were a lot of comments that night. She was not sure they presupposed they are going to support this, but they seemed to be leaning in a direction to want to see if it might be possible. However, they did not say we are going to do this. They also said they have got to use our Planning Commission to give them guidance on the appropriateness and whether or not there is value in moving to the next step.

Mr. Loach agreed with Mr. Dodson's comment if it is a size and scale that can be used and depending on where it is that it may be a plausible item. In addition, Mr. Werner made the point that if they did it by right and had the size and scale they could do it by right as a rural

subdivision. He thinks they are going to have to look at the technical aspects. Ms. Joseph brought up water and sewer, which is a fairly substantial impact that he was seeing. They would need to look at the feasibility to run the 40,000 square foot artist community with 30 artists and staff, etc. visits. He thinks in terms of education, even though there is no teaching or classes, that the fact that an artist is doing their own self exploration that to him is in fact a form of education. He can see that as an educational activity.

Mr. Keller said he was inclined for further study because they have raised a lot of interesting issues. For instance, he thinks there is a counter point to Ms. Firehock on the lodging. One could conceive of this as long term. There might be different bodies, but in effect they are residents as opposed to people who are coming and staying in a hotel for a short period of time. The idea is a continuity of residency apart. However, he still thinks it warrants exploration because as they are talking about Albemarle County as a really special place he thinks that having the location for artists who would come from all over the country and world to be a resident that they should be able to have a place for them. Then how do we define that in such a way that it continues to be that and nothing else

Mr. Morris said in listening to all of the comments by the Commissioners and the multiple questions that have come up his question was this the best use of staff's time.

Ms. Echols replied that they have been obligated to process the application and the Commission needs to decide whether it is a priority for the county.

Mr. Morris said if it was an application they could act upon the application. However, for further study he did not think this was the best use of staff's time. That is his opinion.

Mr. Loach agreed with Mr. Keller in support of further study.

Mr. Lafferty said he thinks staff is between a rock and a hearth place. He thinks with all the questions that have come up in trying to figure out how to do this he would be inclined to further study it.

Ms. Firehock said as an academic she liked to study things. So if the Commission wants to study it she would study it. However, she is still perplexed as to how to resolve some of the major things.

Mr. Randolph said he felt they should continue to examine the situation.

Mr. Dotson said as he listened to the members of the Commission there are sort of two ways they can go. The first he would call the yes if approach. That would be sort of an encouraging approach where they still have some things to look into, but they are quite intrigued with the possibilities. They might well go forward. But, that is not what he is hearing. The other characterization would be no unless, unless they can be really creative and kind of think outside the box, which they are not able to do. So he thinks they are at no unless, but maybe. However, when they have an application his personal position is they have an obligation to process it and he is for further study of it.

Mr. Morris noted that Mr. Keller was for further study.

Ms. Echols pointed out she did not believe the resolution of intent as provided is in keeping with Mr. Dotson's recommendation because the very last statement says be it further resolved the Planning Commission shall hold a public hearing on the zoning text amendment proposed by

this resolution and make its recommendation to the Board of Supervisors at the earliest possible date.

Mr. Kamptner pointed out that was standard language.

Ms. Echols said she did not know if there was anything that could be done differently with the resolution of intent that better reflects what Mr. Dotson's desire is, which would be a resolution of intent to study it.

Mr. Kamptner noted what the resolution of intent really does is direct staff to study the issue and move forward with its recommendation.

Ms. Firehock pointed out the Commission's concerns have already been noted in the minutes. Therefore, she thinks they have to precede with a caution flag.

Motion: Mr. Dotson moved and Mr. Lafferty seconded to adopt a resolution of intent for further study of ZTA-2014-00005 and to schedule a work session to determine the next steps.

Mr. Morris invited further discussion.

Ms. Firehock noted it would be helpful when they do get to this further stage to actually have some information from other localities as to how they actually zone these. Part of the difficulty in having this discussion is they have no current model in Albemarle nor does she know of one in the surrounding counties and they are trying to decide whether it is a viable thing that they can create. Therefore, that would be a key thing as to the research. She does not want to know so much what the other communities are like, but she wants to know how they zone for them.

There being no further discussion, Mr. Morris asked for a roll call vote.

The motion passed by a vote of (7:0)

Mr. Morris noted the Planning Commission adopted the resolution of intent for further study and to schedule a work session to determine the next steps.

The Planning Commission recessed at 8:03 p.m. and reconvened the meeting at 8:15 p.m.

Old Business

a. <u>ZMA-2013-00004 Hollymead Town Center (Blocks IV and VI)</u> - Referred from Board of Supervisors on September 10, 2014 for PC recommendation. (Claudette Grant)

Ms. Grant presented a PowerPoint presentation to bring the Planning Commission up-to-day.

On September 10, 2014, the Board of Supervisor's held a public hearing on ZMA-2013-00004 Hollymead Town Center (Blocks IV and VI). After the public hearing, the Board of Supervisors, by a vote of 4:2, referred this ZMA-2013-00004 back to the Planning Commission for a determination as to whether the applicant's amended application plan addresses the expectations expressed in their action regarding this ZMA on July 29, 2014.

At the Planning Commission's public hearing on July 29, 2014, the Commission, by a vote of 6:0, recommended approval of ZMA-2013-00004 provided that the following amendment to the application plan is made:

1. Eliminate five (5) lots (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.

For the Board of Supervisor's public hearing, the applicant created additional open space in an area representing approximately three (3) of the five (5) lots recommended for elimination by the Planning Commission (lots 18, 19 and 20 on the plan the Commission saw on July 29th. Staff did not view this as accomplishing the Commission's intent in its recommendation to the Board and, as such, did not recommend the Board approve ZMA-2013-00004.

Following the Board's referral of this matter back to the Planning Commission, the applicant submitted a revised application plan for the Commission's consideration. In the revised plan 4 of the 5 lots recommended for elimination by the Commission have been eliminated. The county engineer is also aware of the revisions and has said the revision is what he expected and he will be able to work with the applicant on this revised plan. Staff asked the Commission to compare the original plan, which was reviewed on July 29th, with the new revised plan.

The Commission is asked to determine whether this revised application plan addresses the expectations that were expressed in their action regarding this ZMA on July 29, 2014. The Planning Commission's determination will be forwarded to the Board of Supervisors for consideration and action on this ZMA in October.

Mr. Morris invited questions for staff.

Mr. Loach asked if the Board of Supervisors reviewed the revised plan at their meeting.

Ms. Grant replied the Board has not seen this revised plan. However, the Board saw a revised plan last week.

Mr. Lafferty said this seems like a procedural problem. The Commission approved something and put conditions on it, and then the applicant changes what they did and takes it to the Board. The Commission did not do anything to that plan. He asked staff how much has to be altered before they would recommend that it come back to the Planning Commission.

Mr. Cilimberg noted it is worth pointing out how the Planning Commission has made recommendations in recent years. The Commission has tended to follow staff's recommendation of those matters that need to be addressed in an application before it goes to the Board of Supervisors. In some cases they have also added expectations. Staff then works with the applicant to see that those things the Commission has identified, many of them also identified by staff, are addressed so that they can advise the Board that they have addressed them as the Commission had expected. That has been the general procedure. Any applicant can choose not to address one or more of the things that staff and the Planning Commission have recommended be addressed before it goes to the Board. Then it is the Board's decision as to whether or not they feel they can approve, deny or in this case refer it back to the Commission because they feel like they want the Commission's input. Therefore, he thinks that is the real process that has occurred.

Mr. Cilimberg explained it is back before the Commission because in this case staff's opinion was the plan the Board was seeing had not addressed the Commission's expectation and the Board wanted your input. The applicant then chose to revise the plan again in hopes that they had better addressed your intent and that is what is before the Commission tonight. The Board's simple request of the Commission in this case is your determination that the applicant has or has not met your expectation or recommendation regarding the plan.

Mr. Lafferty pointed out this was Mr. Dotson's suggestion about the opening up of the park.

Mr. Dotson pointed out they have two conversations to have. One is to address the specific question the Board asked us to address. His answer to that is yes the applicant has addressed the intent. He was responsible for the motion last time and perhaps the wording was overly prescriptive, but was trying to be specific. He thinks what they see is a good outcome even though it has ruffled some feathers in the process. He thinks what they have is a much better development since they have got much more centralized open space. Also, they have much more logical pedestrian access into the centralized space. It will be useful not only as open space for the particular block, but for adjacent blocks as well. He thinks it will help the marketability and livability of the project. It appears to be a win/win outcome with final analysis with the county engineer's help. The applicant did not lose any lots and there is more open space and a much better configuration. So his answer is yes, in fact, this does meet his intent in making the motion.

Mr. Morris said that was very good. He suggested the Commission focus on that while the applicant is here, and then take up their process problem afterwards. He asked if anyone else wanted to address this.

Katurah Roel, applicant, was present.

Mr. Lafferty pointed out most of his concerns were procedural ones.

Mr. Morris asked if there was a motion to accept this and recommend this back to the Board of Supervisors as it currently stands.

Motion: Mr. Dotson moved to accept the plan as shown in Attachment 3 and recommend ZMA-2013-00004 Hollymead Town Center (Blocks VI and IV) be sent back to the Board of Supervisors as it currently stands.

Mr. Cilimberg said just for clarity that the recommendation to the Board of Supervisors will be that this application plan as revised (Attachment 3 of staff report) meets your expectations for the plan.

Mr. Morris agreed for the open area, accessibility and so forth. It does not meet the original expectation of five (5) lots, but the applicant has done it in a more creative way. He asked if there was a second.

Mr. Randolph seconded the motion.

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

Mr. Morris noted ZMA-2013-00004 Hollymead Town Center (Blocks IV and VI) will be sent back to the Board of Supervisors with a unanimous recommendation for approval that the Planning

Commission determined the application plan as revised (Attachment 3 of the staff report) met the Commission's expectation in its original recommendation for approval to the Board.

Mr. Morris explained there was more to this in there is a process problem here, which the Planning Commission would discuss under New Business. They were planning a meeting of the Planning Commission Chair and Vice Chair, Board of Supervisors' Chair and Vice Chair, Mr. Kamptner and Mr. Cilimberg regarding the review process to be scheduled by the Clerk of the Board of Supervisors.

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.

- Discussion held regarding process for legislative review items between the Planning Commission's recommendation and the Board of Supervisors' consideration. At the end of the discussion, it was decided that the meeting of Planning Commission Chair and Vice Chair, Board of Supervisors' Chair and Vice Chair, Mr. Kamptner and Mr. Cilimberg regarding review process to be scheduled by Clerk of the Board of Supervisors.

- THERE WILL BE NO PLANNING COMMISSION MEETINGS ON TUESDAY, SEPTEMBER 23, TUESDAY, SEPTEMBER 30 AND TUESDAY OCTOBER 7, 2014.

- The next Planning Commission meeting will be held on Tuesday, October 14, 2014.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:56 p.m. to the Tuesday, October 14, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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