Albemarle County Planning Commission
January 27, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, January 27, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Bill Fritz, Manager of Special Projects; Chris Perez, Senior Planner; Amanda Burbage, Senior Planner; Elaine Echols, Principal Planner; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

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

Mr. Morris invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved to the next agenda item.

Consent Agenda:

2015 Planning Commission Rules and Procedure

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review. He asked Mr. Kamptner to explain the minor things that need to be corrected.

Mr. Kamptner explained in the review for preparation of today's meeting he found two very minor typos to bring to the Commission's attention. In the clean version on page 3, Section 3c, line 6 the clause on that line that begins "provide that due to the number of speakers the Chair" might read a little better if there is a comma that follows Chair. On the next page in Subsection E2 in the third line there is a typo that "returned" should just be "return".

Mr. Morris thanked Ms. Firehock, Mr. Cilimberg and Mr. Kamptner for their work on this. In that these are rules and procedures he asked for a roll call vote.

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

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

Mr. Morris noted the consent agenda was unanimously approved to adopt the 2015 Planning Commission Rules and Procedure.

Public Hearing Item:

SP-2014-00017 Ntelos "CV108" (Piney Mountain) Tier III PWSF
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 02100-00-00-010A1
LOCATION: 5249 Piney Mountain Road
PROPOSED: Request to replace six (6) existing panel antennas on a single array on an existing 150 foot self-support tower that was previously approved by a special use permit in 1997 (SP9700022), and amended in 2003 (SP200200081). With the proposal two special exceptions are required to permit the size of the antennas and the mounting distance of the antennas.
PETITION: Section 10.2.2.48 Tier III personal wireless facilities (reference Section 5.1.40)
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots);
ENTRANCE CORRIDOR: NO
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 -preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
(Chris Perez)

Staff Presentation:

Chris Perez presented a PowerPoint presentation to review SP-2014-00017Ntelos "CV108" (Piney Mountain) Tier III PWSF which is an amendment to an existing special of SP-2002-00081. The proposal before the Planning Commission is a Tier III because they are swapping out an existing array of antennas to a bigger size than what was shown on the previously approved plans as well as changing the mounting distance from what was shown on the previously approved plans or construction drawing. If the applicant was just swapping them out with new antennas that were the same size and distance they would not be here today.

The property is tax map 21, parcels 1A-1 and 10. The property is located on U.S. 29 and has an existing tower on it. It is heavily wooded and at the top of Piney Mountain. The existing tower is a 100' self-supported tower. They are going to be talking about the upper most arrays today. It was previously approved in 1997 with a special use permit in addition to the following one below it as well as the other one below it. The lowest array was approved in 2003 through a special use permit as well.

As part of the request the applicant requests two Zoning Ordinance Modifications:

- Section 5.1.40(c)(3)(i) - Modification of requirement to increase the size of three (3) of the six (6) panel antennas to 1,385.83 square inches, which is 233.83 square inches beyond the allowable size in the ordinance.
- Section 5.1.40(c)3ii - Modification of requirement to increase the mounting distances of six (6) panel antennas from the structure by an additional 6 inches for the uppermost array for a total mounting distance of 6 foot 6 inches from the tower. The mounting distance was previously approved as a non flush mount array and they were given 5 foot 12 inches, which is a total of 6 foot off the tower previously. They are asking for a 6 inch addition to that.

In the review of the existing and proposed tower in the presentation staff pointed out the panel antennas have moved inwards and are a little bit larger. However, it is hard to notice the 6 inch additions. Again, they are only swapping out the top array, which is what they are talking about.

Factors Favorable:

1. The proposal is on an existing facility and the modifications will not increase or cause any new impacts to adjacent properties or important resources.
2. The proposal will not increase the negative visual impacts of the existing tower.

Factors Unfavorable:

The applicant needs the following two modifications:

1. Alternative mounting style which increases the antenna standoff distance by 6 inches.
2. Increased antenna size to facilitate 4G service.

RECOMMENDATION: Staff recommends approval of SP 2014-00017 Ntelos CV108 Piney Mountain Tier III PWSF with staff's recommended conditions listed in the staff report, and of the requested special exceptions to Section 5.1.40(c)(3)(i) and Section 5.1.40(c)3ii.

Mr. Morris invited questions for staff.

Mr. Randolph noted that he was going to ask a series of questions in order to get them on the record and get everyone on the same page. First, he asked is this a new cell tower.

Mr. Perez replied this is an existing tower and not new. It was originally approved in 1997 with the top three arrays and the lowest array was approved in 2003.

Mr. Randolph said it is suggested that the access easements will expire in 2017. He asked if that is correct.

Mr. Perez replied that staff does not really get involved with that. He was not sure about the private agreements with regards to the access easements.

Mr. Randolph asked if it is correct that there is a 200 foot tree maintenance area around this site.

Mr. Perez replied the conditions from 2002 have that condition in there that states no existing trees within 200 feet of the facility shall be removed for the purposes of installing the proposed antennas or any supporting ground equipment.

Mr. Randolph asked if that remark thereby is accurate.

Mr. Perez replied currently it does have a 200 foot tree removal buffer for the purposes of installing the proposed antennas.

Mr. Randolph asked if the trees cannot be removed, and Mr. Perez agreed.

Mr. Randolph asked if this is a nonconforming tower.

Mr. Fritz replied no, it is in compliance with the issued special use permit.

Mr. Randolph asked if legally it was a correct remark that the 2003 special use permit was intended to have been the last upgrade allowed to the tower.

Mr. Perez replied no, he does not believe so based on the conditions and how they read. Specifically condition #9 states this special use permit must be amended to allow the three (3) existing arrays of panel antennas to be: (a) relocated on the structure; (b) modified to increase the number of size of panel antennas; or (c) modified to increase the distance of the panel antennas from the structure. So if they wanted to come back in they would just need to go through the procedures.

Mr. Randolph noted the next question would be directed to Mr. Kamptner. He asked should cell towers under any circumstances be allowed to not upgrade. He asked if it is legal for us as a community to prevent an upgrade of a cell tower.

Mr. Kamptner replied as technology changes that could result in a prohibition of services which they are not allowed under the Telecommunications Act. Prohibiting upgrades also might result in discriminatory treatment among various types of services, which is also prohibited by the Telecommunications Act.

Mr. Fritz pointed out the way the ordinance reads now that any tower in the county that was approved prior to the adoption of the existing ordinance or policies that has any sort of condition on it that says no further use of this tower, that condition no longer has any force. If they can comply with the provisions of the ordinance in effect now they may be able to use that facility. That was done specifically to allow the use of existing vertical real estate.

Mr. Randolph said on page 3 of the staff report summary under the no substantial detriment section the statement is made that the small change in antenna size and mounting distance from the tower will not be discernible from adjacent properties or the intermediate surrounding area. He asked if that is an accurate remark.

Mr. Perez replied that he feels it is from the photo simulations as well as going out to the site since it is a really large structure at the top of a mountain. For 6 inches off of the existing setback from the existing tower mounting distance he did not see how they could see that from adjacent properties.

Mr. Randolph thanked staff for the responses.

Mr. Morris invited other questions from the Commission.

Mr. Kamptner said regarding the question about removing trees within 200 feet based upon the 2003 special use permit, that has just been replaced by a regulation, which this facility would be subject to, which prohibits removing existing trees within the lease area or within 100 feet in all directions surrounding the lease area. The 2003 special use permit preceded the regulations by one year.

Mr. Lafferty asked why is this not in the entrance corridor because you can see the tower from Route 29 easily in any direction.

Mr. Fritz replied because the property does not front on Route 29 and is more than 500 feet from Route 29.

Mr. Dotson asked are the drawings on the slides to the same scale.

Mr. Perez relied yes, the drawing are in the concept plan side by side as well.

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

Valerie Long, with the firm Williams Mullen and representative for the applicant Ntelos, presented a PowerPoint presentation to explain the request. She thanked staff for their answers to the good questions that were asked. The Commission has covered a number of the issues that she was going to address. She would be brief because the Commission has covered a lot of the issues and it sounds like everyone is very familiar with the proposal. However, just to be safe in case anyone is not she would explain the proposal.

This is a proposal by Ntelos Wireless to swap out their existing panel antennas on an existing tower, which is owned by a different company. It is a tower that has been in place since 1997. These are the original antennas that were put into place in 1997. So they can image the changes in technology and the wireless industry that have taken place since then. Obviously it has

been a very dramatic change. This is the first application of many that Ntelos will have in Albemarle County to upgrade its panel antennas to provide 4G service to its customer. They are working very closely with staff and hope that some of those might be Tier I applications so they don't have to file special use permits for every one of them. It looks like they are going to have at least 50. However, this request is a special use permit application because as Mr. Perez noted for two reasons. One, the panel antenna is slightly larger than the maximum size that is permitted. They think the maximum size is outdated and have been working with staff about trying to figure out what a more appropriate updated size might be. Also, the new technology requires the panel antennas to be slightly thicker than they were back in 1997. So it is very difficult to achieve the flush mounting requirement or even to keep it the same distance as it has been. So that explains the 6 inch difference. The tower location with regard to Route 29 and the winding access road was shown on a GIS map. In the same photo simulation staff presented she pointed out the close up and far away view recognizing that more folks will see it from Route 29 than who live close by. However, the people will see it both close in and far away.

In reviewing the coverage or propagation maps Ms. Long pointed out the existing 3G coverage levels from this facility only, the strongest signal, the existing weaker signal, and the areas with no 3G coverage. She pointed out the improvement going from 3G to 4G, which is the type of increase in coverage they are looking for. With Route 29 being a heavily traveled U.S. highway and being in very close proximity to the National Ground Intelligence Center and the Defense Intelligence Agency at Rivanna Center, the large employment centers, and others nearby including residences many people will benefit from the enhanced 4G service with their data plans, access downloads, help with access to the internet for students and folks working from home or just otherwise conducting their daily business since it requires access to the internet to do that. In a different view just for information it shows some of Ntelos other facilities in the general corridor and the existing 3G coverage. She pointed out in the next slide how the entire corridor will be improved with 4G. The in building coverage will be much broader, which will enable everyone's phone to work inside their homes or business. She would be happy to answer any questions. She knows there have been some concerns raised by some of the adjacent landowners and she would be happy to address those as appropriate during the rebuttal period at the end.

Mr. Morris invited questions for Ms. Long.

Mr. Loach noted that she had mentioned the 50 upcoming requests The Commission has already approved some of these additional 6 inches on some of the other monopoles. He asked if they have already done some of those.

Ms. Long replied not for Ntelos. However, they may have approved some for Verizon.

Mr. Loach asked if some of the 50 they have coming up were on monopoles.

Ms. Long replied that the vast majority would be. She assumed when he says monopole that he means sort of a treetop style pole.

Mr. Loach replied yes, the ones that go 7' to 10'.

Ms. Long replied that a large number of them will be ones where they have co-located on an existing structure like a building, water tank, or power line pole. However, again for all of them in order for them to have the technology work this antenna panel is larger than the maximum size. So even on those tree top poles they won't be able to meet that standard. Although as Mr. Fritz will tell you he and I are working closely on collaborating on ordinance amendments that would hopefully address that so those co-location upgrades don't have to be special use permits. They may recall in early December there was a public hearing for a resolution of intent on a new ordinance to figure out how to implement new FCC regulations that actually anticipated a lot of these system upgrades and that will in many cases require those co-locations they think to be by right. She appreciates the opportunity to provide that clarity.

Mr. Dotson asked are there no 4G antennas manufactured that would meet the current county ordinance.

Ms. Long replied there may be for other carriers. However, Ntelos essentially has to provide 3G and 4G service at the same time because some of their customers will elect not to upgrade to 4G phones. Therefore, they always have to maintain 3G service. Ntelos is also the local provider for Sprint's network since they have a regional agreement with Sprint. So anyone who is a Sprint customer in Albemarle County and other places in Virginia, not all but many others, are actually using the Ntelos network. Although those companies have similar technology that enables that to work it is not identical now as technology has improved. Sprint has bought some new spectrum in one area to get more for their customers. Ntelos has had to go and buy a little bit more spectrum in other areas. They are all trying to get enough spectrums to meet the needs of their customers. In order to do that they need to have signals on all band widths. So this antenna they are bringing forth tonight is the one antenna that enables them to achieve all of those goals at once with a signal antenna. Otherwise, they would have to use many more. But, this is the one they feel will work the best to address all those issues.

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

Gregory Quinn said it was really funny that national security and cell service depends on Mr. Boldt and him in the middle of the night sawing up the pines that come down in an ice storm. It makes him feel real important. He pointed out there is a road maintenance agreement that expires in 2017. When he bought the property he realized that he was responsible as per the deed for 20 percent of the road cost regardless. He has no vote or say so in it. It is just his stupidity for not listening to his lawyer. However, the bottom line is the United States government pays a nominal amount and whatever the cost is every year he pays the rest. He figures by 2017 maybe this agreement will expire and his cost would go down. He was not saying poor pitiful me, but he does not make the money that the government does as NGIC, Ntelos and others. So he wants to put a stop to this whole thing until there is a guaranteed equitable solution to a road maintenance agreement. Furthermore, Comcast bought a 5 acre piece of land right next door, which would give them a deeded access to the property next door. His property borders both properties. He did not feel that he should take up the difference in costs. Until this thing is settled on the maintenance agreement where he does not have to pay for their trucks going up and down, he thinks it should stop. Inadvertently he is stuck with subsidizing Comcast. He does not have a say in it because he signed the deed. So he would like them to arbitrate this and they will work it out. He would appreciate if they would want to sit down and work this out because he did not think it was fair or equitable.

Mr. Loach asked if they were talking about the road into his property.

Mr. Quinn replied it is Piney Mountain Road, which he has to pay 20 percent of the maintenance costs to access his property. He thinks Mr. Boldt actually owns the land itself and he has deeded access. He has a copy of the deed if they want to read it. After the United States government pays a nominal amount he has to pay 20 percent of the total road cost all the way to the top of the mountain. It is not on the little side road that goes over, but to the top of the mountain. He is stuck paying it and it is the road to his home.

Mr. Randolph asked if there is a manually or electronically operated gate, and Mr. Quinn replied there was.

Mr. Randolph asked if that gate was there when he bought the piece of property.

Mr. Quinn replied yes, but it has been upgraded.

Charles Boldt, resident of 5260 Piney Mountain Road, said he also owns and maintains all of Piney Mountain Road. The Crown Castle site is accessed from Piney Mountain Road on a shared driveway that was built to construct a tower in 1997. This tower is on a ridge and not at the top of Piney Mountain Road. An administrative decision was made that no community meeting would be held for the special use permit, which was an unfortunate act given the concerns of the neighbors regarding development. Because all of the issues were not addressed in a community meeting they are here tonight to say they object rather than they support. The community meeting is the forum they would have been entitled to so their concerns would have been addressed.

In 2003 it was very clear the Board of Supervisors was concerned about this tower and put a bunch of restrictions on it. What they are being asked tonight to do is modify those restrictions. Crown Castle purchased the adjacent property to their site. He did not know why, but it does provide a better site for a cell phone tower. Crown Castle also has two years remaining on their road maintenance agreement to their cell site. However, they are two years in arrears on the maintenance agreement for the piece of property that they bought. Some of the history is there and they have talked about it. They are a little concerned about the trees because a number of those trees have died, and he was not sure that the buffer that was intended has remained. He also is not sure the height that was used to establish the tower height is the height that would be used today. It is his opinion that the interest of all parties are best served by deferring action until a community meeting can be held with all affected parties and all relevant documents required. Attorney Long called him at 4:00 p.m. this afternoon and offered such a meeting. He reached out to Crown Castle on the 9th of January when he became aware of this and until Attorney Long called today he heard nothing from them about his concerns, which is why he sent the email this morning. He was prepared to answer any questions. He was probably the most knowledgeable person about Piney Mountain and this road.

Mr. Morris invited questions for Mr. Boldt.

Mr. Dotson said he thinks this is probably a civil matter, but he is curious. He asked if he said they are two years in arrears on their contributions to the maintenance. He asked if he had a dollar figure in mind.

Mr. Boldt replied Crown in 2003 when T Mobile went on this site agreed to pay an amount of money that escalated over a year by a nominal amount until the expiration of the easements in 2017. When they purchased the property adjacent to the Pitts they should have received notice of this meeting and did not. Therefore, he thinks it means this meeting is invalid. He would like that to be determined. Basically, they bought a piece of land and notice should be given not to themselves but the next landowner. He talked to Marilyn Pitts at 3:00 p.m. and she had not received notice. So he has a question about notice. To answer the question he pointed out when they purchased that property it triggered a maintenance agreement that the previous owner had signed. The previous owner, who was one of the original Shiffletts from the family division that occurred, agreed she would pay nothing unless she built a house or sold the land. She sold the land and it triggered the agreement. He did not find out the land

had been sold until Mr. Perez sent him the documents that had been submitted. So there is some confusion. That is the sort of thing that he feels a community meeting would have resolved. The amount of money is roughly another $700, but he has not done the calculation. So they would be paying approximately $1,200 for road maintenance.

There being no further public comment, Mr. Morris closed the public hearing and asked if Ms. Long is she would like to take advantage of the five minute rebuttal.

Ms. Long pointed out staff's determination was the maintenance agreement and any expenses associated with that were really beyond the scope of the Commission's purview, which she certainly won't dispute. However, for clarity it is helpful to know her conversation with Mr. Boldt earlier helped her understand the situation as well as the conversations she had earlier with Crown Castle, which is the company that owns the tower. As he indicated back in 2003 when Crown, the tower owner, received an amendment to the existing special use permit to add the fourth array for T Mobile they voluntarily commenced paying maintenance fees to Mr. Boldt. According to Crown's records, which she received a copy of today, that started in 2007 and the most recent payments were in October of this year. It was paid every year in October. It started around $500 and it is now about $680. He is also correct that when they bought an adjacent parcel to help with their access they did take title to obligations of a maintenance agreement that was previously recorded as he described. However, no notices have ever been sent to Crown, Ntelos or anyone else that any maintenance payments were owed much less overdue. So she agrees this is an issue that should be discussed and handled between Mr. Boldt and other neighbors who have interest in the maintenance of the road and Crown.

Ms. Long said she wanted to provide clarity to the extent that it reflects on Ntelos as the applicant. First, they are making the payments already. The parties need to get together and perhaps update their agreements in light of the fact they have purchased this adjacent parcel and Mr. Boldt was not aware of it. They were under no obligation to notify him of that. Perhaps the prior owner should have in good faith notified them that she had sold the land and thus triggers that. She just wanted to add that clarification so that nobody thought Crown was not paying to maintain a road. They are and, in fact, it is a very well maintained road certainly as far as cell towers and others that she has been on. Otherwise, she was happy to answer any questions. She appreciates everyone taking the time to listen to our concerns on the proposal.

Mr. Morris agreed this is not a matter the Commission will be taking up. It is a matter that should be clarified before it goes to the Board and Ms. Long clearly identified that.

Mr. Loach asked Ms. Long about the community meeting.

Ms. Long replied as she told Mr. Boldt she was happy to say to each one that she appreciates his position on the fact there was not a community meeting. As she told him she thinks staff was looking at it in a narrow fashion about the Ntelos application. However, she was not saying that was right or wrong. But, having him share his experiences with other applications nearby and some of the issues that have gone on she can appreciate why he was frustrated that there was not a community meeting. So she told him if it would be helpful they could help facilitate a meeting with the neighbors, Crown and Ntelos. At a minimum they can explain the proposal, answer their questions and try to address their concerns. So they would be happy to do that.

Mr. Loach asked if that could be facilitated by the time it goes to the Board.

Ms. Long replied that she would expect so since the Board meeting has not been set yet. They would be happy to do that.

Mr. Morris noted the public comment session has been closed and the matter was before the Commission for discussion and action.

Mr. Randolph asked staff to shed some light on the thinking within the Community Development Department as to why this particular special use permit did not have a community meeting. He knows that there is a rationale and explanation under Community Development policy. He asked why that did not happen.

Mr. Perez replied that he did not know the exact reason why. He knows that the Director of Planning makes that decision when the special use permit comes in for a pre-application meeting they have for their mandatory pre-app. He believes he would not require one either based on the fact that it is an existing tower with minimal changes. Those are the reasons he would not do it if he was making that decision.

Mr. Loach said he would assume if there was a threshold of interest in the neighbors and if he thought it was problematic that they might facilitate such a meeting.

Mr. Perez noted that staff had not heard anything from any citizens until about a week and a half ago.

Mr. Fritz said he was not aware of the Community Development Department recommending or requiring a community meeting for any co-location. If there were a co-location where they were significantly altering the facility he was sure they would ask for that. He was confirming what Mr. Perez said.

Mr. Loach noted the issue of "valid notification" was raised. The property owner notified was potentially the owner. He asked what the parameters are for notification and what action they took.

Mr. Perez replied they notify all abutting property owners where the site is. If that property owner owns a property next to it then they skip it and then get the next property over that is not owned by them. They would not be notifying people who are located on an access road. It would have to actually be the parcel next to it.

Mr. Loach asked Mr. Kamptner if the scope of the decision tonight is a recommendation.

Mr. Kamptner replied it was a recommendation to the Board of Supervisors for both the special use permit and the special exception.

Mr. Loach said before he makes a motion he thinks the scope of this request is narrow enough and is consistent to what they voted for before on leaving the extension of the additional 6" and the thickness. He asked as far as the 2017 renewal on these sites is that renewal of the tower or the access road.

Mr. Fritz replied what he heard is the adjacent property owners are saying that something is going to expire or lapse with the access easement. If that is in fact the case and the access easement lapses and the power users can longer use the facility because of a private agreement that is in place and the facility becomes inoperable there are provisions in the ordinance that would then require the facility to be removed. But, that is a private issue of access.

Mr. Loach said it was not the tower itself that is up for renewal.

Mr. Fritz replied there is nothing in the county regulations that has a renewal.

Mr. Loach said on the motion, again, it is going to be narrowed to the thing he thinks there are issues here. First he would hope the community meeting would transpire before the Board of Supervisors so if there are any questions or anything nebulous still hanging over that those answers are there for the Board. On the basis of this he would make the motion.

Mr. Lafferty asked if the request could be handled together, and Mr. Kamptner replied the special exceptions could be handled together and the special use permit requires a separate vote.

Motion 1 for Special Exceptions:

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend granting the Special Exceptions for the reasons outlined in the staff report.

Mr. Keller asked if he was putting the condition of the community meeting on that prior to it going to the Board.

Mr. Loach asked Mr. Kamptner if he could put that condition on it.

Mr. Kamptner replied that could be direction to the applicant that the Commission expects that there will be a community meeting.

Mr. Loach pointed out that he had already covered that.

Mr. Morris invited further discussion.

Mr. Kamptner clarified the exceptions that are being granted are to the limits that are stated in the staff report.

Mr. Loach agreed.

Mr. Morris asked for a roll call.

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

Motion 2 for Special Use Permit:

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP-2014-00017 Ntelos CV108 Piney Mountain with the conditions outlined in the staff report.

1. The development of the site, and any modifications to the uppermost array at elevation 146', shall be in general accord with the plan titled "Piney Mountain CV108" prepared by Christopher D. Morin, and dated 12/31/14 (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. Mounting type and distance
    b. Antenna type and size
    c. Number of antennae
    d. Color
    e. Location of ground equipment

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

2. The tower shall not be increased in height.

3. The lowest array of panel antennas may be attached only as follows:
    a. All equipment attached to the tower shall be painted to match the color of the tower. The cables extending from the ground equipment may remain black;
    b. The antennas shall not exceed seven (7) feet in height and two (2) feet in width;
    c. No antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the facility, structure or building.
    d. The antennas and dishes attached to this tower may be replaced without amending this special use permit, provided that the sizing, mounting distances and heights of the replacement equipment are in compliance with these conditions of approval and in accordance with all applicable regulations set forth in Section 5.1.40 of the Zoning Ordinance.

4. The tower shall be limited to a total of four (4) vertical arrays of panel antennas. No additional relay, satellite or microwave dish antennas shall be permitted on the tower.

5. This special use permit must be amended to allow the three uppermost arrays of panel antennas to be: (a) relocated on the structure; (b) modified to increase the number of size of panel antennas; or (c) modified to increase the distance of the panel antennas from the structure.

Note: The Planning Commission directed the applicant to hold a Community Meeting for the project before the item goes to the Board of Supervisors for Public Hearing.

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

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

Mr. Morris noted that SP-2014-000017 and special exceptions would be forwarded to the Board of Supervisors with the recommendation for approval to be heard on a date to be determined.

Mr. Lafferty asked does this mean that every other application that comes up for these conditions would be administratively approved. Otherwise, they might be charged with discriminating against a certain company.

Mr. Kamptner replied they can make case by case decisions based upon land use related issues. But, to simply adopt a regulation that prohibits a particular service from being provided or a particular provider from entering the market that would be problematic for the county.

Work Sessions:

ZTA-2014-00005 Artists Communities/Residencies
Add a section on Artists Communities/Residencies to the Comprehensive Plan to allow for a Zoning Text Amendment providing Artists Communities/Residencies by special use permit.
(Mandy Burbage/Elaine Echols)

Elaine Echols presented a PowerPoint presentation regarding the Comprehensive Plan aspects of the proposed zoning text amendment request from the Virginia Center for Creative Arts for an artist community in the Rural Area.

The Planning Commission has discussed this issue three times. Hopefully, they can find a conclusion tonight so that the Comprehensive Plan recommendations can go to the Board of Supervisors at their meeting next week or in March.

Context and Background

- June, 2014: Zoning Text Amendment (ZTA) application
- September 16, 2014 – Planning Commission studied the Concept for Comprehensive Plan recommendation
- December 2, 2014 – The Planning Commission looked at whether or how the use might be appropriate. The Planning Commission said the use may be appropriate in historic structures to achieve other goals of the rural area
- January 27, 2015 – Tonight staff are hoping the Planning Commission will have language to recommend to the Board of Supervisors. Depending on what the Board does a zoning text amendment (ZTA) may come out of that.

Planning Commission Conclusions from December 2, 2014

- Artist residency could provide adaptive reuse of historic building.
- Alterations and additions are okay. However, the important part is if the historic and architectural integrity of both the site and the existing buildings can be maintained.
- The Planning Commission spent a lot of time talking about the importance of proportionality of complementary size and scale.
- Location: The Planning Commission suggested that this use might be most appropriate near a crossroads community or a specific development area or town. But, a place where the people who are in the artist residency might be able to seek goods and services conveniently.
- They also talked about the need for it to be convertible to the former use of the property OR to a by-right use in the district. However, the Planning Commission did not really settle that.
- Staff's last question is or does it need to be convertible to a by-right use.

Staff provided a staff report that had a series of questions and answers that she would review quickly.
The first question was how you define an artist residency.

Artist Residency:

- It is a place where individuals are provided time and space to create art within a unique geographic and cultural context.
- It is a place where people get meals and lodging and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months.

Staff thought it would be helpful to see how the current VCCA Facility in Amherst, Virginia lays out on the land because something like this could be what might occur here under a special use permit application. However, it would depend on a particular site. There are several different kinds of buildings that are being used in Amherst. The applicant for the zoning text amendment, Greg Smith, is present and can answer a lot more questions about how an artist residency works. In this particular case there are several different buildings with several different uses including the living space, studio space, offices and communal space.

Current VCCA Facility in Amherst, VA
Living space for 25 artists - 8,000 sf
Resident artist apartment - 750 sf
Private studio space - 9,000 sf
Communal space (kitchen, dining, meeting, etc.) - 7,000 sf
VCCA offices - 2,740 sf
Maintenance & storage - 1,200 sf
TOTAL 28,690 sf

Staff has analyzed this request for the development of a CPA that would then provide guidance for a future ZTA, and eventually would allow for someone to request a special use permit for this kind of use.

Staff Analysis

- Comprehensive Plan Amendment (CPA) development
- Guidance for future Zoning Text Amendment (ZTA)
- Eventually allow for special use permit (SP)

One of the questions the Commission was struggling with is how much additional construction should be allowed? There is going to need to be building space for several different uses.

How much additional construction should be allowed?

- Residence Hall - New building for 25 – 30 residents – potentially
- New building for studio space for 25 – 30 artists
- Dining hall
- Offices
- The ZTA application indicates a need for up to 40,000 square feet in several buildings.
- To answer the question how much additional construction would be needed is really a site specific question. They would need to know what is on a particular site; how many outbuildings there are; and how big the historic structure was in order to know what additional work would need to be done.

Should reversibility/convertibility of any of the buildings be limited to by-right uses?

- This could limit the size of an artist residency. The applicant for the ZTA is asking for 25 to 30 rooms. If there are no historic buildings with that many rooms a residence hall would be needed. So it might be that our historic buildings could support fewer people in artist residency, which may not suit the particular applicant.
- If reversion is needed for a by-right use it really could preclude the building of a residence hall or studio space.

There are a number of different uses to be considered here.

Potential RA Reversion Uses

By right

- **Single family residential**
- Agriculture
- **Bed & breakfast**
- Farm winery
- Farm brewery
- **Class A farm worker housing**
  (up to 10 occupants & 2 sleeping structures)

Special use permit

- Community center
- Club or lodge
- **Private school**
- Day care center
- **Group home**
- **Day camp/ boarding camp**
- **Convent or monastery**
- Agricultural museum
- **Class B farm worker housing (more than 10 occupants or more than 2 sleeping structures)**

The other uses shown in bold could use a similar kind of facility because of the individual bedrooms and bathrooms. The private school would be a boarding school. The other uses shown in bold under special use permit are for more than ten occupants.

Should construction of a residence hall for 25 – 30 artists be allowable?

- The applicant believes this is essential to his particular proposal.
- If that is the case and something the Commission is in support of staff thinks they would have to say that this particular use would have to be convertible to a by-right use or a special use permit. The convertibility would have to be extended to special uses.
- Would the County ever expect more than one entity? It is important to note that there really are not very many of these out there. The county probably would not get but one request for this.
- The other question would be how much pressure it will put on the county to approve lodging and retreat centers. Those are things staff gets asked about regularly. Those are also things that potential applicants talk to Board members about. To date the Board of Supervisors has been very clear about what their expectations is for retreat centers and lodging. They have said it is not appropriate at a size that is larger than a Bed and Breakfast.

Should construction of a studio space for 25 – 30 artists be allowable?

- It may be a different issue for convertibility, depending on the configuration of studio space.
- Single floor? Multiple floors?

The applicant has provided some images that show how a building could be constructed that has a rural look and appearance. A building like this might be able to be created as a residential building, a studio space or maybe even just a barn.

How can the County ensure that new construction is appropriate?

- Everything is going to be site specific.
- The County has a Design Planner and Historic Preservation Committee. There are professionals with expertise who can provide guidance to applicants as well as to the Planning Commission and Board of Supervisors on what kind of changes might be appropriate.
- Those kinds of things would come through a special use permit review with recommendations to the Planning Commission and Board of Supervisors.
- Going back to the original comment everything is going to be site specific. What level of change? Is the size and scale appropriate? Is there going to be any kind of a change to the architectural or historical integrity? The county has the professionals that can provide that kind of guidance.

Should additional resource conservation and/or diminished development rights be an expectation?

- The county cannot require extinguishing of development rights.
- There could be a condition of a special use permit approval if offered by an applicant.
- Staff looks at the things that are important to the Rural Areas such as resource conservation and not having additional residential development. It is an expectation for special use permits in the Rural Areas. When someone makes a request for any kind of use one of the things staff looks for is input from the Agricultural/Forestal Committee. If it is adjacent or could affect any Agri/Forest Districts they want to know from the Agricultural/Forestal Committee what their thoughts are on it. They always look for development to:
  -- avoid impacts to natural resources, and
  -- avoid impacts to scenic and cultural resources

Conservation Easements

- Holder of the easement sets expectations
- Effects on conservation easement generally assessed by holders
- Staff would provide comments from easement holder

There were some questions going through email today about conservation easements and whether or not they should say if there is a conservation easement on a property this kind of use would not be appropriate. Conservation easements are held by different entities. Different entities have different expectations for what will happen on the property. Some easement holders are stricter than others. What exactly can occur on a property with a conservation easement is decided upon when that easement is given. There may be an easement that has language that says only agricultural and natural resource conservation can take place on this property. There may be another conservation easement that says they can have 13 houses on this property. Depending on the size and easement it just depends. Staff could provide comments from easement holders through a process. However, staff did not believe they should be involved in that particular aspect because it is really about whatever that easement exists for.

Staff Recommendation:

- Add new strategy to Rural Area (RA) Chapter related to historic preservation:
  Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings.
  * (As defined in Historic Resources Chapter of the Comprehensive Plan

Again, this may only occur once or it may not occur at all. However, it is not going to be utilized by a lot of people. It will be out there for different groups to say well if you can let an artist residency use a facility why can't I have a retreat center. She highlighted the important pieces of this.

- Artist residencies are import for society and culture.
- Participation is one of those things not like a commercial activity where someone can sign up or pay a fee and be accepted. One has to be accepted into the program.
- There have to be goals that can be met for preservation of historic resources, but other types of things that would be involved with resource preservation.
- The additions and alterations are really about the architectural historic integrity of the site and of the buildings.
- It is important that there be compatibility and in terms of who can make those recommendations. The Design Planner and Historic Preservation Committee can give us that guidance.
- The key sentence here is new construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. That is something staff has added that the Commission will probably want to discuss at length.
- The comments the Commission gave about locations near cross roads communities or Development Areas.
- The language for the CPA would provide the direction to the Board of Supervisors. However, it would also provide direction for the development of a ZTA should the County want to move forward with that. However, as staff has recommended it would not work for the applicant who has prepared the ZTA application. Staff is worried about the long term impacts. They have had very good, frank and sincere discussions with the applicant. However, they have agreed to disagree, but not to be disagreeable about it. Mr. Smith has met with staff a number of times and has also

expressed his appreciation for the high level of scrutiny that Albemarle County puts on its projects. So Mr. Smith understands where our recommendation comes from, but he has a different perspective. The Planning Commission is here to hear those different perspectives and to make their decision and provide recommendations to the Board of Supervisors.

Staff recommends that the following language be added to the Comprehensive Plan for artist residencies:

Strategy 5c: Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings (as defined in the Historic Resources section of the Plan).

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as, but not limited to, natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings and the site and should not overwhelm them in terms of size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if the applicant has approached Miller School or Innisfree since he thought they would fit into either one of those.

Ms. Echols replied she did not know.

Mr. Lafferty said it seems like they are beating around the bush changing everything to accommodate this. Albemarle County and the City of Charlottesville are certainly an active artist community. He is not against art. However, he was wondering what the county would be getting out of this since the future of what they are doing may be very cloudy. He questioned whether the county should do it.

Mr. Randolph noted in the first paragraph it states an artist residency is a facility. He would be more comfortable since this was going in the comp plan if they added the wording "existing facility" because they are talking about a building that is not new or an existing building. A recommendation of the Planning Commission was that it be an existing building rather than a new building. He did not think it was harmful at all that in the comp plan they remind anyone looking at it that they are talking about an existing facility rather than a newly built facility. Secondly, he thinks the reversibility convertibility clause is an essential simply because otherwise they are caught with a massive new construction area in a rural area. It is really important that new construction for resident halls is not appropriate as it would certainly make it much more difficult for reversibility or convertibility. His recommendation today was that they include a sentence at the end of the second paragraph which states properties under conservation easement are not considered appropriate for additions, alterations, and construction of additional buildings. He thinks it is a good way of reminding people looking at this section that if the property is under conservation easement it probably is not appropriate for the kind of facility that is going to be operable here and the demands that might occur on the facility.

Mr. Randolph noted his last observation is a procedural one. Assuming they reach some degree of closure this evening on this recommended language for the comp plan he thinks the next step is this needs to go to the Historic Preservation Committee. The Historic Preservation Committee has not yet looked at this. Mr. Randolph wrote the Chair of the committee this morning and apologized since Mr. Randolph was out of town last week and had not opened tonight's packet until after he came back from the Historic Preservation Committee meeting. Therefore, the committee was not able to talk about this on Monday afternoon and won't meet for another month. However, he thinks it is important that they have a chance to also look at this and give additional input before it goes to the Board of Supervisors. Therefore, he would add that recommendation. One final caveat with no prejudice towards the Virginia Center for the Creative Arts and their board is he feels it is important that they be mindful that what they are working on here is a policy that is not really applicant specific. They are going to have language in the comp plan that applies to any future organization. He strongly suspects that through the Virginia Center for Creative Arts may be the first now, it probably won't be the last. So we want to be sure that they have language in the comp plan that will be equally applicable and fair to all in the future.

Mr. Keller complimented staff because they have worked very hard on this from the beginning, and actually the applicant, too, for bringing this to us in a thoughtful way. They have gone through this process collectively. He would like to respond to Mr. Randolph and say there are also easements on historic structures as well as the land. They have a number of those in the state. He did not agree with Mr. Randolph about getting into another level of regulation. They do what is best for Albemarle County and if they want to limit it some way he could see how something like this could fit into a property that has conservation easements depending upon how they have been written. He can also see how these uses could conceivably go into a historic building that has easements on the exterior and certain historic finishes on the inside. So he did not agree with that. He also has concerns about limiting this regarding its proximity to crossroad areas. They have had this discussion before. However, he has been to one to two dozen of these sorts of communities in his lifetime. Some are very remote and there is not a need by the folks who are there to leave it. They are really there in this almost kind of monastic manner. So he was comfortable with the staff's language and would not be concerned with that as long as they are not requiring that as an option. However, he agreed with Mr. Lafferty's concern about when they do this there is the potential of opening that door, and yet they are the kind of area that warrants this sort of place. Staff has done a very good job in trying to put limits on that. He thinks the reversibility clause is really important and has been very well thought though by staff. Therefore, he was inclined to support it.

Mr. Dotson noted he would save discussion for later. However, he had one very specific question. If there was a gorgeous old farm that had been divided up and a particular parcel had an historic barn on it but no residence would that qualify under this proposal as being an historic structure.

Ms. Echols replied that was a good question because she had not thought of it in that form. She thinks it probably would because it is an historic structure on an historic site. However, the residence hall becomes then the question.

Mr. Morris opened for public comment and invited anyone who would like to speak to come forward.

Ms. Echols pointed out the applicant is present.

Mr. Morris noted because there is no applicant he would open the discussion and invite public comment.

Jeff Werner, with Piedmont Environmental Council, suggested the applicant respond to it. Regarding the easement issue, he would encourage the Commission to talk to the experts in the community, including ones at PEC, about how an easement might work. He has been trained not to comment on easements. He was torn because people have asked him about this one. On one hand if they keep Albemarle beautiful and rural it is certainly a place that they would want artists to come to. There are the benefits of that and they want this to be a place that artists come to. Honestly on the other hand he has talked to a lot of folks in the rural area and not a single rural landowner has got excited about a 30 room motel, boarding house or retreat next to their property. In all seriousness this is a difficult thing to explain to people. It really is a metaphoric issue right now because they are talking about generalities and very positive aspects of this. However, when this gets proposed next to someone's property his phone is going to ring off the hook and people will say how did this happen.

Mr. Werner said he has several process questions and would ask who else gets to do this. He asked if it would be UVA at Morven or Monticello properties, which are non profits and have lots of land. The question he would ask tonight is what the process is so he can tell folks how to be involved in this. He asked if the Commission makes a recommendation that goes to the Board, and then he could tell folks if they have an opinion to come address this at the Board of Supervisors public hearing. That is going to be hard to do, again, because it is so vague. Should he tell people to wait for the zoning text amendment? Again, they don't quite see that in their next door neighbors' yard. Or, he could tell them to simply wait for the special use permit request at which point they know what is going to happen. He was a little nervous that this seems positive on the surface, but when it gets proposed on someone's adjacent property there will be a lot of rancor. He questioned if this should be going with the comp plan right now. He did not know. However, he thinks that a lot of people will be caught off guard by this and he would like to take the time to do it right if the intent is really to do it.

Mr. Morris said with concurrence of fellow Commissioners he would like to offer Mr. Smith five minutes to address the Commission. He asked Mr. Smith if he would like to take advantage of that.

Mr. Greg Smith, County resident and homeowner, said he was present in the capacity of Executive Director of the Virginia Center for Creative Arts (VCCA) which is currently located in Amherst, Virginia on property owned by Sweet Briar College. He had prepared remarks but the conversation has been fairly wide ranging and he would like to be able to address the kinds of questions that they have brought up. Obviously, the key question he thinks where the staff report and the VCCA have a difference of opinion is specifically on the issue of the residence hall. He can't tell them whether in a future special use permit application whether it might all be in an historic building or that all needs to be in new construction since it depends on the available square footage on the property they are looking to possibly move to and the characteristics there. He believes staff has a different position about the whole issue of reversibility or convertibility. His view is as they saw from the photograph of an historic barn with sort of a typical historic wooden structure that in this particular case that is what he is referring to. The other one was actually a new structure or new construction that was undertaken at Pleasant Hill, which is a Shaker Village in central

Kentucky. This building was designed to look that way, but it is in fact an office building for people that work at Pleasant Hill. So the thrust of what he was trying to indicate or to recommend was that how a building functions and how it looks can be different things. They see that in the case of the Pleasant Hills structure. However, they agree with the vast majority of the staff report.

Mr. Smith pointed out one of the things he wants to stress, which he does not think has been fully understood, is the issue of the importance of the rural location from the function of an organization like the VCCA. In all of its history it has served artists by providing them with rural space and time. Notably it is quiet and isolated from people. It is bucolic and with nature providing inspiration to the creative process. In a survey done in 2013 of our artists, which was 1,800 responses, 69% said that such a location was extremely important; and another 23% said it was very important for a total of 93% of the respondents. He can provide with a commentary by our artists why this kind of rural setting is essential. He would be happy to provide that link, but he thinks it goes into more detail than they want at this point.

Mr. Smith said they would hope the Commission would consider this favorably for the advantages of having an organization like the VCCA in the community. Over the last 44 years of existence, 35 of which have been in Amherst County, they have had over 5,000 artists from all 50 U.S. States and 42 countries in residence through the VCCA. This would bring a great asset to Albemarle County in addition to the arts portfolio of the county and an international program which sends 400 ambassadors, if you will, each year back out into the world after they have had short term stays understanding the charms and characteristics of Charlottesville and Albemarle County. They hope the county would recognize this opportunity to create the Charlottesville/Albemarle County cultural plan as recognized its specifically mentioning the VCCA. He would be happy to answer questions.

Mr. Morris invited questions for Mr. Smith.

Mr. Keller noted he has an uncomfortable position about the reversibility because from his experience the track record of a lot of these communities shows they are always on the financial verge of having lots of difficulties. He asked if Mr. Smith agreed with that.

Mr. Smith replied certainly artist communities and probably most art organizations are less well capitalized than lots of other things in this world. So he would tend to agree somewhat in general terms with him. However, then the question is down to the specifics of this particular organization and whether it has a big donor behind it or not.

Mr. Keller pointed out this is really about future planning since they are talking about amending the comprehensive plan. The next stage is to do a zoning text amendment. Because they are so concerned about what the ramifications are of anything new that is placed in an historic compound there is the reversibility issue. He appreciates Mr. Smith's candor since everyone needs to be aware of this. He understands that even Pleasant Hill is having financial difficulties at the moment, and yet he would consider it a great example of adaptive reuse of an historic area. They all need to be aware of the challenges to historic preservation and protection if the artist communities are not well endowed as they are thinking about the bigger picture.

Mr. Smith said he would not want to characterize the VCCA as being on easy street over the last 44 years. He recognizes that is the case. On the other hand the VCCA has been able to appropriately preserve an historic barn on the property that they are on now even in light of that. So this is very full of dilemma and he appreciates the position that they are in that regard. Obviously, his purpose is to see if it is possible for the VCCA to relocate back to Albemarle County. He guessed when they were first in the county it was before such rules and regulations were created. Now it is a new day and you have to do what you have to do.

Mr. Morris closed the public hearing and the matter was before the Planning Commission for a discussion and recommendation.

Mr. Randolph said he would just observe as someone who has raised money for arts organizations in the past that one of the things that is valuable for an arts organization is to have a sense of the surrounding communities' involvement with the organization and the organization with the surrounding community. Although Mr. Keller and he would choose to differ on this one of the additional benefits of having these artists residencies in a location in or near a crossroads is to bring the community closer to the artist residency so it is not divorced and seen as separate and apart from the intermediate Albemarle communities. That is another reason why that proposed language was in there, which he thinks to be beneficial for both sides

Mr. Lafferty said he appreciates that Albemarle County would get international and national exposure. However, he thinks about the times that Charlottesville was elected number 1 in the nation and what it does to make people want to explore the area.

Mr. Loach questioned what makes this different from when they approved the one for Montalto at Monticello where it was a residence of scholars versus a residence of artists. They built all new buildings there in the rural area on top of a pristine mountain. He was not seeing much difference in the terms of the focus on it. Instead of the academic study of Jefferson he was seeing this as the arts. He thought this was a very good idea whether the buildings were reusable, which would be nice, or even if they built to meet the specifications. He thinks about the great schools where the masters came out of those schools in Europe

and America. He looked at the applicant's good track record of 40 some odd years now with financial stability that they have maintained. The other thing they have talked about is rural development and when not to build in the rural development. They don't want to do this because maybe there will be other retreats that come down the road. He suggested that may not be such a good thing. However, on the whole he agreed with Mr. Keller that it does not have to be next to a development area or crossroads to get close to the community. He thinks the community will migrate to it at the appropriate time. He was in support of this project.

Mr. Lafferty said his second example was his thought because they have been lead to believe that these artists are going to isolate themselves. So it does not matter if they are at a crossroads or not.

Mr. Dotson asked staff to put up the slide that gave the by right and special use permit uses. He thinks as they talk it is good to have that in front of us. With the reversion issue and also in terms of precedence he thinks it is good to have that. However, that is actually not what he wants to talk about at this time. He has been trying to picture a good example of this. It was nice seeing the current facility and how it was laid out. The image that keeps coming back is surrounded by a green area, open fields, trees, fences, and so forth, which then lead him to say if this were on some minimum acreage and sort of clustered as a compound, as he thinks it would, then its impacts might be diluted by the surrounding green acreage. Then he questioned how to calibrate that. The thought he had, which is not valid, is if they thought of each artist residence as a residence. So what they are looking for is how much acreage they need to have 30 dwelling units. If they can have 5 units on 2 acres, then they would need 10 acres. Then the other 25 would have to be on 21 acres, assuming they had a single large parcel, and they end up with over 500 acres needed by his calculations to support and sort of dilute without changing from our existing notions of what is acceptable in the rural area. He thinks that would be going too far if they said the minimum acreage of 500. However, the concept of some minimum acreage still kind of intrigues him that this is not something they do on 10 acres, but something they would do on a farm. He asked if that means 100 acres. He did not have an idea for how they would set a minimum acreage, nor does he know if they could do that. If they said our policy and the zoning text amendment says they need at least a 100 acre property.

Mr. Kamptner noted in the comprehensive plan that would be reasonable. They have zoning districts where they require minimum acreage. Those are solely being pulled out of some of those districts. But, it could be a guide as to the acreage that these facilities should be located on.

Mr. Dotson said that would also have a way of limiting the other development that was on that land. It would not be putting it under conservation easement. But, they would be using up the development potential for a use like this by having that use. It is just a way of thinking about it that he thinks is a little different than he was thinking about it before. The way the proposed language is written it seems like it creates impossibility if they are saying that the residence hall could not be new construction unless barns were considered as historic structures. They are never going to find an historic residence that they could subdivide into 30 room and bathroom combinations. It seems far-fetched. So what they are almost saying is yes, but no. However, those are some thoughts.

Mr. Morris said going back to Mr. Lafferty's comment he had the opportunity with the original construction at Innisfree and watching what that turned out to be for the residents of Innisfree. It was truly exciting because of the rural area, the isolation, and the ability of those young and needful residents to have the quiet and the solitude. It did a wonderful job for that. They are not artists, but just to get to his point. That was over 40 years ago. They started construction on that in 1972 and it is still in operation. He personally likes what staff has done and commends them for it. He would definitely keep in the portion that states that no addition to the historic structure. He thinks that is critical. The way it is written that consideration should be given to locations in or near crossroad communities or development areas is fine. They are just considering it and not saying this is where it should be. He agreed with Mr. Keller that he thinks the requirements on historic structures would prevent any additions to that structure.

Mr. Keller pointed out only if there is an easement to that effect.

Mr. Morris agreed as has been stated that it depends upon the location. Everything is going to be different. He also agreed with Mr. Dotson that any site should have a minimum acreage, which he did not have. However, he would think it should be close to 100 acres. It should be relative based upon what is being requested.

Ms. Echols asked to speak a little about the historic buildings. Actually someone can put additions and make alternations to historic buildings and not damage the integrity of those. There are guidelines that exist. It is often times the case for preserving the building that people will put an addition on it so that they have another use of it or the ability to increase the amount of usage of space to make that maintenance viable. Staff was not intending to write this in a way that would prevent an addition to an historic building, but only that the quality of that addition or the alteration should be relative. She thinks the gold standard is the Secretary of the Interior Guidelines for historic preservation or rehabilitation and renovation. Those are the kinds of things she would be expecting that our Design Planner and the Historic Preservation Committee would be looking towards. If the Commission was looking to not allow for the additions on those buildings it probably would be good to be explicit about that because that was not what was intended in what she wrote down.

Ms. Firehock commented that she could see the relationship between creating art and being out in nature. There is actually scientific literature that talks about the importance of that. Where she has difficulty is she tries to image a different person coming to us in the future and saying they would like to have a comprehensive plan amendment for a meditative retreat. They could make a very similar argument about the importance of being close to nature and meditation and communing with whatever their religion is. It is not monastery or a convent, but some kind of meditative retreat. There are many of them around this area and in this region. She did not know how to say that getting back to nature for art was permitted, but getting back to nature for your religious practice or meditative practice was not. So that is the problem. The Board of Supervisors clearly does not want to permit new lodging in the rural areas. Yet, she could think of this like an art camp for adults. However, she thinks they are opening a can of worms here. She has not decided which way to go. But, she thinks what staff has done in terms of the write up is good and does address a lot of our concerns. Again, she did not see how they can start to draw the hard line at art and then be able to say no to other thinks down the. She thinks they are setting up a slippery slope.

Mr. Dotson said as a follow up on his earlier question regarding the historic resources section of the plan, it says that historic buildings are defined there. He asked does that include barns or is that residences or commercial structures also included.

Ms. Echols replied yes, that it was not just houses. It is historic buildings that have been recognized. She did not have a full definition in front of her. However, the Historic Preservation Committee has a definition for a historic structure, which is about two paragraphs long. She thinks it would include barns because if there is a barn that is on the National Register it is considered an historic property. It includes a whole host of buildings that have been recognized as being historic structures through the National Register or the State Register and other ways of recognition.

Mr. Dotson noted that it is conceivable that there could be a property with a barn that could be converted to house 30 residences.

Ms. Echols replied yes for artist residencies.

Mr. Dotson noted they would have to be a very careful reader to read artist residencies and not artist residence. He was wondering if they could tweak the vocabulary a little to make that distinction clearer, and Ms. Echols agreed.

Mr. Dotson noted somehow the word compound keeps coming back. When he visualizes this he is thinking of an artist compound where all of the buildings are within walking distance of each other, but it is probably multiple buildings. He did not know if something like that belongs in here or not. But, this is not scattered over 100 acres. It is a compound as sold within a green frame.

Mr. Keller said there are two things that are underlying the concerns that they are expressing. One wants to keep the rural areas rural. That is underlying so much of what they have discussed. The other one is, as Mr. Loach brought up, Montalto and places like that. He did not know if Ms. Monteith wants to go into this, but there is an RFP out right now for exploring concepts for additional residences at Morven for residential support. The University has been trying to grapple with a different set of issues, but in some ways related in how to deal with that grouping of historic resources and then make them adaptive for the uses of the Academy of the University of Virginia. They need to decide whether they jump forward with this and at least go as far as the comp plan changes so that this can have further exploration. The comp plan is pointing in the direction, but it is not saying that it is going to happen. However, the zoning text amendment is really going to say that they are going to do it or whether they are going to hold the line right here.

Ms. Monteith pointed out as Mr. Keller said our RFP is out on the market and they can feel free to read it. It is a very small component. It is really not what they are talking about here.

Mr. Morris agreed. He said one of the things he would like to get a handle on as they move forward in providing Ms. Echols with some guidance. He asked what the general feeling would be as to being in favor of having an artist community or a community in these other areas in the rural areas. He agreed with Ms. Firehock completely that this could be problematic and where do they go. Based on Innisfree he thought it was worth the experiment to move forward in his opinion.

Mr. Lafferty said he thought the write up was excellent. However, one of his concerns is putting so many conditions on it in moving forward that there is no place in Albemarle County that you could do that. His second concern is the can of worms they are opening up.

Mr. Loach said he understands the concern is the impact in the rural areas. If he looks at this he did not think the impact is large. There are not going to be 35 commuters in and out of that property. He did not see the impact, but he did see the benefit to the community and county as large. The examples given tonight are two good examples that show that it can be done successfully and to the benefit of the community.

Ms. Firehock pointed out she had said all she has to say in the last three work sessions.

Mr. Randolph said he thinks it is important here to distinguish language that is determinative. He did not see any determinative language in here that basically constrains an applicant and makes it difficult for them to create artist residencies in the county. He thinks the language here is really suggestive. The comp plan language says a future applicant according to the comp plan should give consideration. What they are saying as a Planning Commission is that they are trying to provide some language in there that they have some restrictions if they think that they may be appropriate. In that situation they weigh heavily on them in terms of the balance that they always have here and where they see this as a development that would be completely appropriate. Then they would probably pull back on the consideration basis. This is not determinative language. This is merely suggested guidance language and he is comfortable with that. He thinks there is a potential down the road that they could be opening through the development of this within the comp plan other applicants to come along. But, they remind us that this will be under a special use permit process that they approach case by case. They would have a community meeting for people to weigh in on it. He understands Mr. Dotson's comment about minimum acreage, but felt due to land cost it may only be suitable for 5 or 10 artists. He thinks having it in the Comp Plan is a first step to see what kinds of applications and interest it attracts. They are not constrained in any way and will move prudently, carefully and with good thought and discussion and deliberation into the zoning text amendment. He did not feel that they are in any way setting ourselves up here in doing something is going to come back to haunt us in the future.

Mr. Dotson said he can imagine this being a very positive beneficial kind of facility in the county. He can also imagine people trying to game the system if they do this. However, they do have the protections of the special use permit, which is why he thinks it is important to keep it in front of us. He has a suggestion not to specify acreage since that would not be appropriate in the comp plan. What he was wondering is they said consideration should be given to locations at crossroads communities or development areas. He was wondering about where large properties of significant acreage located elsewhere. In other words, this kind of alerts people that if they could put this in the midst of a large green space that would certainly be noticed, just like if they were going to put it in a crossroads community or the development area. It simply says that is a consideration. He would feel more comfortable if they said something about large properties of significant acreage period.

Mr. Keller noted the only thing he has not said here, which he mentioned to staff individually, is that they have a county that does not have any locally administered historic districts. He thinks that for a county that has many of the other things that we do that it is a pretty obvious omission that we don't. So one way to put a significant restraint on this would be to enact historic district legislation at the county level and make it a requirement if one of these entities happened that it has to be in an historic district. Then that would allow for all the controls beyond just having the Design Planner that they have talked about. However, it would mean that most likely one way to deal with it was just have that responsibility go to the ARB for administration of that resource. So he just put it out there. It is sort of a last minute wild card, but is the one piece that would really up the ante on this and really nail down the historic resource component. Then it could be a model and experiment for moving further with historic districts at a future date. This would be an opportunity to introduce it in a very small and limited manner.

Mr. Morris asked in moving this to the Board of Supervisors does he favor this as it is with that as a long range goal in establishment of historic districts and so on.

Mr. Keller said he thinks they have to be careful where they go with this. Since this has been a thoughtful discussion he was just throwing that last piece out. He was comfortable with the way it is. However, if one was looking for a hook for moving forward with historic districts at the local level this might be a way that would not be controvertible because it would be so minimal.

Ms. Firehock said in light of what Mr. Dotson was talking about that spurs her to want to add something along the lines that the facility would minimize disturbance of intact natural resources. She was not going to mention which development, but there is a certain development in southern Albemarle where large holes have been cut in the forest so people can have the nice views and that causes a great amount of habitat destruction. However, they had access to other spots in that development where they could have put the houses without chopping holes in the forest and adding unnecessary roads on steep slopes. She would like to see something such as they would want to consider the natural resources and the sensitivity of the proposed development plan to the site's natural features. She was sure staff could come up with some language to that effect. She was thinking about a complex if they had an option to put it on a part of the property that would avoid plowing through the forest and putting something in the middle of the woods. That is the concern that she would have because it is more like a development.

Mr. Dotson pointed out there is some wording in the first big paragraph that says natural resource conservation. He did not know whether that wraps up what she is saying.

Ms. Firehock replied that she feels like it needs to be strengthen to talk about avoid unnecessary disturbance and to limit the development footprint. There is another federal facility that is located in West Virginia or a federal national resource agency which has cafeterias, dormitories, teaching classrooms, but it is all spread all over the place. One can walk to it and you get quite fit doing it because the buildings are really spread apart. When one thinks about the amount of site disturbance that this federal national research agency did, which she did not find out about until she went to that site, it just gives her hives. She does not feel like she has retreated, but feels like she has witnessed a destructive area. They just throw that word natural resource conservation

out a lot, but she would like to add a sentence strengthening it. She offered to work with staff on that wording separately, but did not have any profound statement of wording at this moment.

Mr. Morris said as they were going through this the majority is definitely in favor of sending this forward. However, he asked do they send it forward in the form that it is with the additions that they have heard from Ms. Firehock and Mr. Dotson or are there others.

Mr. Keller asked to add his comment.

Mr. Morris noted that it would also include Mr. Keller's comment. He asked if staff got all of the comments.

Ms. Echols replied she was not sure she got Mr. Keller's unless it was the historic protection and preservation aspect.

Mr. Keller agreed that it was the historic protection and preservation aspect.

Ms. Echols noted a comment to that is she is fearful that these are two different issues. The Historic Preservation Committee she thinks is very much in support of asking the Board of Supervisors, and Mr. Randolph can probably speak better to this. However, from what she has heard they would like to see the county adopt an historic district ordinance and establish local historic districts. That has been a hotly debated topic. She was not sure that tying these two together would be beneficial to this particular item here. She is seeing it as potentially being problematic to this particular item and not being beneficial towards the historic district aspect of it. If the Commission wants to put it in there, staff would be glad to put it in there. However, she thinks it may create some challenges.

Mr. Keller pointed out that so much of our discussions have been about the need for design review of this compound and that would go from site and natural resources through historic structures. That is something that architectural review boards deal with and in some ways our entrance corridor reviews and that entity is dealing with those. So he would like to see some mechanism that allowed for design review there. If staff can think of a better way to accomplish that he did not have a problem with that.

Ms. Echols said she thinks what he is saying is the Historic Preservation Committee may be looking mostly at the resources, but from a design standpoint it may be beneficial to have a design group who can look at how they make those particular changes to provide input to ensure that what is being done along with historic preservation is good rural design.

Mr. Keller agreed.

Ms. Echols said that staff can work something like that into this particular recommendation. However, the thing she needs clarity on is whether the statement about new construction of residence halls should remain in this particular recommendation.

Mr. Morris noted that he thinks that it should.

Mr. Dotson agreed that it should stay. He commented if this is approved by the Board as part of the comp plan the ZTA that would follow would not be a priority issue for him in terms of the busy work load of the county staff unless there were a private application that they would be obligated to do. However, as a county initiative it would not be a top priority for him.

Ms. Echols said she has the Commission's recommendation. She pointed out the Commission does not typically vote on these, but just provides the direction as a whole and staff will put that together.

Mr. Kamptner asked Ms. Echols to run down the additional adjustments to the language so they can be certain that the Commission has consensus on these issues.

Ms. Echols said she thinks that Mr. Dotson was talking about the importance of adding to maybe the end about the considerations about locations by adding or large properties of significant acreage located elsewhere away from these. Ms. Firehock was talking about minimizing the disturbance of swaths of natural resources or making sure that the siting of the facility and any additions to it are done in a sensitive way that does not break up any natural corridors and important natural resources that are clustered together. What Mr. Keller was talking about is making sure they have a statement in there about the importance of not only review by the Historic Preservation Committee, but also design review so that in addition to the idea about the natural resource preservation that they have a good rural design of a facility in the rural areas. The other thing she did hear that she wondered about was Mr. Dotson's comment about sort of clustering a compound. She questioned whether compound is the right word. However, she thinks that a lot of the things the Commission is talking about really are getting at clustering the improvements together, but doing them in a way that is sensitive to the context as well as to the historic property and the other improvements on the property. She asked if that captured it all.

Mr. Morris agreed.

Mr. Dotson asked if this would be reported back to the Board of Supervisors by February 10th.

Ms. Echols replied yes, staff would report to the Board two weeks from now.

In summary, CPA-2013-00001 Comprehensive Plan Update/Amendment - Artist's Community
Planning Commission Recommendation

Strategy 5c: Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings (as defined in the Historic Resources section of the Plan [hyperlink]).

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as, but not limited to, natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings and the site and should not overwhelm them in terms of size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

The Planning Commission recommended the following changes be added to staff's recommended language as shown above to the Comprehensive Plan for artist residencies:

1. Add a consideration for large properties of significant acreage that may be located outside of a crossroads community or Development Area for artist residencies.
2. Add information on the need to cluster development in order to minimize disturbance of open space and natural resources.
3. Recommend design review to ensure that historic resources are preserved as well as appropriate rural design can be achieved.

In addition, the Commission asked that the Historic Preservation Committee be asked to comment on the proposed Comprehensive Plan language prior to adoption.

The Planning Commission took a break at 8:01 p.m. and the meeting reconvened at 8:10 p.m.

Work Session

CPA-2013-00001 Development Area infill & Redevelopment
New Objective for Neighborhood Improvement as part of Development Areas Chapter. Request from the Board of Supervisors to review, comment on, and recommend a new objective and strategies for neighborhood improvement. (Elaine Echols)

Staff Presentation:
Elaine Echols presented a PowerPoint presentation on CPA-2013-00001 Comprehensive Plan for Development Area Infill and Redevelopment.

- At their November 11, 2014 meeting, the Board of Supervisors reviewed the Commission's recommendations for the Development Areas Chapter of the Comprehensive Plan. The Board had a lot more to say about the Development Area Chapter than staff was expecting. One of the most wonderful things was how important it was to them that they drop some of the old language that talks about development areas being the place they want to put all development so they can preserve the rural areas. Staff probably should have made that change when they worked on the Neighborhood Model update with the Planning Commission. The Development Areas in their own right are worthy of being a great place. Our Comp Plan did not say that, and the Board of Supervisors very rightly said it should. So that was part of the direction the Board gave us.

- The Board was okay with the recommendations in the Neighborhood Model and what our new neighborhoods are looking like. As noted in the Board's action memo they had concerns with recommendations for infill, redevelopment, and neighborhood preservation and improvement, hoping to prevent future blight in some of our older neighborhoods. Staff was

concentrating on all those things when starting the staff report, but did not send all of that information to the Commission which seems to have caused much of the confusion, especially to Mr. Dotson who like Mr. Randolph was asking what happened to the other objectives.

- Staff only provided the information requested by the Board and the Commission had no idea that part of what she was doing behind the scenes was rearranging, reordering and updating things like the objectives.

- Ms. Echols said she would take the Commission through some of the organizational changes staff is working on to help the Commission understand what she is talking about tonight.

- Regarding a new organization of the chapter,
  - The first objective about using the Master Plans is the same as in the original version. The second objective is about the Neighborhood Model, but has new language about how the Neighborhood Model principles create the environment that supports the kind of healthy life styles that the County wants. Discussion of redevelopment occurs within the Neighborhood Model principles where staff has provided more information on how to do redevelopment more sensitively. The recommendations also point out that redevelopment will mostly occur on nonresidential properties.
  - The third objective is to promote Liveabililty in Existing Neighborhoods, which the Commission read about in the staff report.
  - The fourth objective would be to use the land efficiently to prevent premature expansion of the Development Areas, which is where staff put all of the capacity information.
  - The fifth objective, which used to be the second one, is about promoting density to help create these new compact urban places. The Board had a lot of concern with how the chapter speaks to density. The old 1996 comprehensive plan spoke to the importance of promoting density everywhere and really did not make a lot of distinctions between new development and existing neighborhoods. With this comprehensive plan the Board was very much interested in trying to say, "let's put our density more in the greenfield developments, but be very sensitive with infill development. To address this, staff talks about promoting the higher end of the density range in the greenfield sites. Staff has added a loose definition for a greenfields, then talks about building within the density range and not pushing towards higher density in infill.
  - Objective six is about infill and emphasizes the importance of the neighborhood meetings and architectural and design features that help create compatibility. It also includes references to buffering and physical separation. Some of that discussion may also relate to setbacks.

- Staff hopes this helps the Commission understand how a lot of the Board comments have been addressed. When the discussion tonight is finished, staff is going to offer the Commission an opportunity to see the Development Areas Chapter in full, which is something that may help relieve some of the concerns about how this all got reorganized for the Board. However, the main thing staff wanted to discuss was something near and dear to a couple of our Supervisors hearts and that is where existing neighborhoods don't look anything like our new neighborhoods using the Neighborhood Model. Some of those neighborhoods need improvements, bolstering, sidewalks, drainage improvements or curb and gutter, or something more than what they have right now. A couple of pictures of existing neighborhoods (shown in the PowerPoint presentation) were taken from Google Earth to give the Commission an image mainly to contrast with the new neighborhood look. The things that were important to the Board members were finding out about how we make our neighborhoods safe and more attractive. The existing neighborhoods are going to have to compete with the new neighborhoods for residents. When residents are looking to where they want to live, the first question they ask themselves is whether they should live in the rural area or development area. The County wants new residents to want to live in the development area. There are older neighborhoods and new neighborhoods and new residents may not be able to afford the newer neighborhood. The question becomes," What can we do with our existing neighborhoods that may need some improvements to make them more attractive and more functional?"

- The second strategy follows up on the investments in the improvements that are important. There is a question about whether or not the county should be getting into any kind of maintenance codes. The city has a property maintenance code. This strategy does not say that is what they want to do. However, they want to set the expectations for the future should the County want to take this route.

- The last strategy is the one about the importance of helping people get across busy roads to make the connections especially Route 29 and 250. Those are things about crosswalks and other kinds of road improvements. For example, when they are having road improvements to Route 29 or to Route 250 to build in ways to help people deal with the road where they don't have to get in their car and drive. She forgot to say on the first one, strategy 3a, really emphasizing the importance of the community advisory councils to help with the things that are important in knowing what it takes to make neighborhoods safe and more attractive.

- In preparation for this, Ms. Echols said she was trying to get a handle on some of the Board's concerns. So she took a drive with a County police officer into some of our older neighborhoods to get a feel for what kinds of issues they might be

dealing with and what their concerns were that dealt with this neighborhood's safety aspect. They looked at some older apartment complexes that needed some attention. There were improvements that needed to be done. The look and the feel of those particular areas might be attracting activities that maybe we don't want to see in our development area neighborhoods. If people don't care about the appearance of their properties, then maybe they are not quite as attuned to what activities are going on in these places. The police said that there were some older mobile home parks where they would get calls. Again, it was a question of whether or not there was maintenance going on. The police officer noted there have been several large apartment complexes where different county staff, either social services, the police department, or some other group in the county had been contacting the owners informally. Staff talked to the owners about the importance of maintenance and how it affects activities in neighborhoods. They showed her some really good examples of where staff involvement had resulted in very positive improvements for an area. In many ways that first and third bullet are about trying to prevent things from happening in the future that might be problems in our neighborhoods as our development areas mature.

- Hopefully that gives the Commission an idea of why these particular strategies are here. The staff report provides the text for the Commission's discussion. Ms. Echols said she knows there were some concerns about addressing the other issues in the comp plan. Mr. Dotson brought up some questions about setbacks. The Commission will be getting some zoning text amendments soon that deal with setbacks, which are part of the Neighborhood Model amendments. The Commission has been working on that for a long time. Another new thing is about advisory council input. She thinks that was expected for neighborhood improvements as well as any of the other projects. In the past, when someone was proposing a special use permit or a rezoning, staff asked the applicants to go to the advisory councils. Now applicants must have a community meeting. But, staff asks the applicants to please involve the advisory councils in getting feedback. It is not intended that the advisory councils make a recommendation up or down, but to provide feedback to the applicant and then to the Commission as to what is really important. Those things were part of the rationale behind the text staff provided to the Commission.

Ms. Firehock asked if the county currently does not have a blight ordinance.

Ms. Echols replied that was correct.

Ms. Firehock noted it just seems that would be a crucial missing piece that they would need to address in the future, but did not know if they need to set that up in the comp plan. However, she was not suggesting that for the whole county, but maybe just for within the urban ring if they have one blighted property on a street, the next person stops taking care of it, and then the next guy moves out. She has had a lot of experience with getting funds to renovate blighted houses and then see the other five properties on the street that were blighted houses come back and recover. So she just thinks about the fact that they don't have a way to cite that without an ordinance. As these neighborhoods grow there will be absentee landlords and it gets harder and harder to maintain a certain standard over time. She thinks that having a blight ordinance is a critical piece in this. She understands the advisory councils, but they need to have little more teeth than they currently have in the county.

Ms. Echols noted that Ms. Firehock's suggestions are in strategy 3c. It is not saying that an ordinance is needed right now, but sets expectations for maintenance of properties. The next step is to look at the mechanisms needed to do this. That is the softer way of dealing with it under strategy 3c, which is part of why it is in there. She wondered if it might be beneficial for the Commission to see the entire Development Areas Chapter with the Board's changes in it. She thinks that might help answer a number of their questions. She is about three-quarters of the way through it and has to have it done anyway. Staff has made the changes the Board of Supervisors asked for in the first seven chapters, which are out on the website for Board review.

Ms. Echols pointed out the Board has not changed a lot of what the Commission recommended. In some areas the Board has been stricter than the Commission thought was appropriate, such as lodging in the rural area. However, in a lot of ways, as with natural resources, the Board strengthened the Commission's recommendations. When it is complete, staff thinks the Commission will see their recommended plan. It will be slightly reorganized and then bolstered in some places and cut back a little bit. However, there is nothing drastic that she can think of.

Ms. Echols said that the Development Areas Chapter has been a tricky one to reorganize because there are a lot of integrated parts. She would like to be able to provide the Commission with the full chapter so they can see what happened to it. Next week she will go over the changes staff has made. She won't have the Chapter ready to give to the Commission by next week, but, the Board will not be making their comments to the red line version until March. So there is time for the Commission to look at the revised Chapter and see if there is something that jumps out. Based on what the Board has asked the Commission to look at they might want to provide comments back to the Board. She did not mean to be saying looking at the whole chapter means a whole new Planning Commission review and recommendation.

Mr. Morris noted the Commission has open dates on February 17 and March 24.

Ms. Echols noted that it would probably have to be February 17th.

Ms. Firehock noted she would be out of town, but would send comments.

Mr. Morris said that he would like to get as much information on this as possible.

Ms. Echols pointed out that ends her presentation. The Commission has read through the information provided and if they want to reserve final comments until they see it in its context that is fine. However, if the Commission wants to make comments now she would take those as well.

Mr. Morris invited comments based upon the request of the Commission.

Mr. Randolph said he would like to ask a procedural question. In strategy 3a staff used the term community advisory councils. His understanding is community advisory councils as presently conceived come into existence when a development area has a master plan developed for that specific geographical area. Then the CAC is birthed to help support, protect and refine that master plan. Under strategy 3a does this imply the communities within the urban ring will now have master plans and thereby birth community advisory councils? Or, is staff talking about a body of people that will meet independent of master plans to help oversee and prevent the increase degradation of the community. They are sort of fighters against blight for want of a better definition to help upgrade the overall status of the community. He asked staff to define that. He was confused there between what he thought was his understanding about the CAC and how it comes into being.

Ms. Echols pointed out the Places29 Community Advisory Council may end up becoming two separate advisory councils because it is such a broad geographic area and the interests in the Hollymead Piney Mountain area are not the same interests as Neighborhoods 1 and 2 that are closer to the urban ring. With the adoption of the comprehensive plan the Southern Neighborhoods and the Western Neighborhoods will probably each have their own advisory council with their own master plan. So they will end up with two councils in the Places29 area where there is one now; and, two councils in the Southern and Western Neighborhoods where there are none now. The idea was if there are concerns about any neighborhoods in particular that might be experiencing blight or try to prevent blight, the community advisory council meeting might be the best forum for some of those discussions. The main thing in Strategy 3a is to have a forum for those discussions. It does not have to be at the community advisory councils, but using the community advisory councils as the place to start the conversation might be the best way to get it started. If the Commission thinks that starting the conversation at the Advisory Councils is not the best place, then say so with a recommendation about other ways to get at these neighborhood issues.

Mr. Randolph said his question is the potential for blight in the county. As he sees it the concern is west of 29 and between Rio and Hydraulic Road where they have some of the oldest housing in the county that is right on the urban ring. That is an area where currently they do not have a community advisory council nor do they have a master plan. He was concerned if they use the same term community advisory council for these areas where they want to see enhancement of the citizens' investment, protection and pride in their community he thinks maybe they are using the wrong term and need to come up with another designation for these groups. It was very clear from what staff said that they are not going to see, for example, a master plan designed for those older neighborhoods in that stretch he just identified. They are going to need, however, to have an organization and a group of people working to try to enhance that. His point is he was not sure whether they want to use the term community advisory council to address that. He thinks they are using the wrong term and concept and it is going to beget confusion on the part of residents out there because they are going to say but there is no master plan so how can there be a community advisory council.

Mr. Lafferty pointed out the Crozet has the Crozet Community Advisory Council (CCAC) and their charge is to protect the master plan. They also have the CCA, which is the Crozet Community Association. He would think that model would start there about the neighborhoods and stuff like that because it is more represented.

Mr. Loach agreed he was right that the community association takes those issues up that are non development related to the most part, such as community safety and what things they want for the future of the community. It is a different focus. The CCAC is reactive to new development being proposed or to recommend the changes that affect the master plan. So essentially they are the monitors of the master plan while the community association takes care of the overall "health" of the community.

Mr. Randolph pointed out the challenge for that is to get buy in from people when you are establishing a community association. The CAC's are created and staffed by the Board of Supervisors. The people are appointed by the Board for a set term. He thinks they may need to look more closely at a way of trying to perhaps get something greater than a community association, but something that is not a community advisory council. Given Ms. Firehock's point they don't have this kind of blight ordinance on the books in the county they may need to have a master plan with a part in the prevention of further degradation. Instead of having a blight ordinance that says when you reach a certain point all of a sudden you are blighted, they could take a more positive approach in which they are trying to advocate people to take care of their community so they do not see it falling over the tipping point in going further into a blighted status. In which case they then have to come up with a different way of describing it and maybe community association is the appropriate term.

Mr. Loach suggested that small area plans might take care of it. The one problem with Places29 is it was just too huge of a geographic area to cover. If they have small area plans they may constitute their own mini master plans for those areas. Within those they are talking about maybe not just blight but where they are going to do redevelopment with community services they need, etc.

Ms. Monteith said it seems that they are wishing for something to happen that the people who are going to be responsible about making something happen are not going to let this situation occur. The people who are not going to be responsible about it don't care if you wish for it. In the city you have to shovel your sidewalk and cut back hedges so that people can walk along the sidewalk and use the sidewalk. It seems that it needs to be more along those lines than a wish.

Mr. Keller agreed that was an excellent point.

Ms. Firehock suggested that neighborhood associations could be extremely effective in getting things done that need to be done by just getting enough collective voices to the table. The other thing is when they opt in that residents will be aware of problems. Staff went on a ride along with the police and others. But, there are other problems the neighbors know about. In order to get a collective voice to deal with neighborhood issues the city encourages the formation of a neighborhood association. In the same way Albemarle might be facilitative in helping get some associations formed where there are not any and maybe some capacity building.

Ms. Monteith pointed out neighborhood associations are successful because there are a lot of landowners there who have an investment. When there is a situation where there are a lot of rentals they just don't have that.

Ms. Firehock agreed that it was easier to do when landowners own their property. However, many times renters do get involved and participate in neighborhood associations when they need help. There are renters who care a lot, too, and get excited about being given a voice when they can't get their landlords to take care of their properties. She thinks there would be an expense in the county being facilitative and perhaps getting some people who are really good at neighborhood and community organizing to help with this. However, they could establish a new way of communicating without having a Board of Supervisors appointment. There might be a structure that the county would recommend.

Mr. Dotson suggested that they need an additional strategy that says examine the best way to engage residents, property owners and others in the kind of neighborhood that they are talking about. Since they don't know the answer right now they could make that a strategy because they can't specify it.

Ms. Echols asked if that would be a modification to strategy 3A that says first to examine the best way to do it. Then the second one is once you find that way reach out and do this. They may be talking past each other on the advisory councils. All of the development areas will have master plans once this plan is adopted. There will be advisory councils for every development area. She thinks what he was talking about is a subgroup of that or a different organization than the advisory councils. What she is getting out of this is they don't know what the group is. They need to figure what the best way is to approach then. Once they figure that out the next strategy is to get that group working towards making those recommendations. She asked if there are other things in these strategies or the text that were giving the Commissioners some concerns.

Mr. Keller said he had a question on the piece that was approved earlier on affordable housing. It seems that they are talking around the interconnection of these social and physical issues. They are there and they are reality. So how is staff going to deal with that in a final draft where they are talking around the social issues here and then directly addressing them in the other? He asked if on GIS they have a map on owner/occupancy to use when they are making these judgments based on anecdotes and very real anecdotes because of individuals living in these areas. They know from the recent Weldon Cooper Center demographic information that just came through it is showing that they are fitting this national model of cities increasing in populations, the surrounding suburbs are taking more and the poverty is holding even in the city and the poverty level is increasing in this inner ring of Albemarle County. He did not see anything about those kinds of issues there, but it seems affordable housing and all of these things mesh together. He did not have the solution to it, but it seems that it should be spoken about in the same discussion.

Ms. Firehock agreed especially in light of what they were talking about in terms of the greater proportion of rental within a community the less stable it tends to be. But, they are not going to change that proportion if the housing is not affordable to the folks that need it the most, especially workforce housing. They have to bring up the ability to own your home as part of that dialogue.

Ms. Echols pointed out this is something brand new for the county which the county has never become involved in. There have been informal ways that different members of staff have reached out to different property owners. However, this is entering a whole new arena. She thinks one of the things the Board wanted to make sure that they were not doing with this comp plan is making all of the decisions on everything that need to be made, but setting the stage for that so it can be funded through the work program to take it to the next level, which is maybe where they are. There is going to be some re-discussion of the Housing Chapter in conjunction with these particular issues. There have been Board members who have asked to have some of this come

back with the Housing Chapter. However, that does not happen until March. She is not exactly sure how they are going to bring them all together. In many ways the Board wanted to set the stage for this next level of activity on behalf of the county. But, they did not want us to be bogged down in trying to find all of those solutions with just the comp plan amendments right now.

Mr. Keller said he was just throwing out several ideas for the Commission to consider. In the last meeting, he was asking the question about how a lot of these housing issues fit together and how that plays out in the physical planning aspects that the Commission is dealing with. The Commission was asked about auxiliary or rental units in carriage houses in the developments. In some areas, the city being one, certain residential neighborhoods are what they would think of as R1 type of neighborhoods that can build an auxiliary building for rental. In the carriage house argument in the county there was an affordable housing argument made by the developer. A lot of them were questioning whether that is really going to be affordable housing or whether that is going to just be diversity in housing. He understands from some of the folks that have been involved in this discussion there is a real concern about approving those sort of things in some of the neighborhoods they are talking about right here because it would actually increase rental densities that would not be seen as a way to increase density in a positive vein. He was not making a value judgment on any of those, but was just saying that an awful lot of these issues are interconnected between that housing and these existing neighborhoods and infill. If they just address the infill as a physical design piece they are missing a big part of the discussion. That is not even going into the shared economy parts and where it would be really advantageous to property owners to be able to have something like a AirB&B rental as opposed to other neighborhoods where it would be a nonstarter because people would not be interested in going there as a AirB&B. He thinks an awful lot of this is mixed together and they need to make sure that there is some either cross connection in the comprehensive plan so they don't seem like they are just entirely separate entity but connected.

Mr. Dotson said it is so true of so many issues in where do you put it. He noted they cannot talk about everything at the same time.

Mr. Randolph said it was a forward step that the Board of Supervisors has now identified the urban ring as an area of specific planning and program concern for the county. He thinks this is a good thing, but the challenge is where to start. It is all interrelated, but they have to start somewhere. He thinks in here staff has done a good job at getting that process begun. He looks forward in seeing this after staff takes the feedback here and tweaks it a little further. He supported Mr. Dotson's recommendation to put a strategy in and just look for some way that the Board and Community Development staff can think about what is the appropriate organizational structure within this urban ring set of neighborhoods where they are not talking about HOA's being in existence but where perhaps 50 to 60 percent of the residents are renters and how then do they develop ownership and a feeling of buy-in for community involvement. He thinks putting that strategy in would be helpful. But, he thinks it is a terrific start.

Mr. Loach said on the direction from the Board one of the problems he had in strategy 5b was one of the comments said remove the second part of the strategy about rural development pressure. It seems that they ought to be keeping our emphasis on the separation between rural and development area. It is on page 2 of 5 on the directions from the Board. The bullet says encourage infill development within the designated growth areas to help avoid rural development pressure. Then it says remove the second part of this strategy about rural development pressure. He asked why they would do that.

Ms. Echols replied that they have it in a number of other places and it was just too much for the infill discussion. There is a lot in the comprehensive plan that talks about the relationship with the rural areas to the development areas. They had already said it in the development areas about that relationship. She thinks the request to get rid of it was because it might have been perceived as overkill.

Mr. Loach noted that it seemed odd that they would be getting away from that. On the first page some of the language talks about the Neighborhood Model in being the preferred form, but not the required form. Then the last bullet says clearly state in the Neighborhood Model principles it should be analyzed when reviewing rezoning development proposed and infill development. Staff does that all the time. That is the way they judge those staff reports based on those principles. They are not weakening and using the Neighborhood Model as a principle.

Ms. Echols explained the issue that was being discussed there had to do with what happens in an infill situation where they have a neighborhood that does not have many of the characteristics of the Neighborhood Model and someone is proposing a new development that is trying to maximize density and use all those principles. All of a sudden it then looks like it does not fit any longer. What staff explained to the Board was that when they get an infill request they look at all those aspects of what makes sense or not from the Neighborhood Model principles being applied. The Board wanted staff to be more explicit about that in how it should be looked at. There may have been some concerns about some of the things the Planning Commission has seen in a rezoning request for infill development where developers were saying the comprehensive plan says the higher end of the density and that is what they were trying to do. Even though they might not have said it was appropriate there the higher end of the density may not be appropriate there. The Board wanted to get something in the text that made it clear to everyone that the highest density was not appropriate in every circumstance. Some of this may make more sense when they see the whole chapter.

Mr. Morris opened for public comment. There being no public comment the public discussion period was closed and the matter before the Planning Commission for discussion. He invited further discussion.

Mr. Dotson said he had an additional thought which could be an additional strategy under objective 3. It seems they need a way to identify the neighborhoods that they are talking about. If he was to do this he might set a numerical cutoff and just look at neighborhoods that are more than 30 years old. Then they could get advice from county departments such as police, social services, etc. and from the community advisory councils and other organizations; and then develop a plan for addressing those areas most in need. It seems like they are lacking a strategy that says okay they are recognizing these things but sort of how do we get going on it.

Mr. Loach noted when they do these small area plans one important strategy is to incorporate into the area diverse neighborhoods. One of the reasons he thinks the Crozet Master Plan works is that it is a small size and incorporates both our older and newer neighborhoods. They have been able to bring all those communities together. If they look at their advisory board they have a number of residents from the older neighborhoods as well as the newer neighborhoods in the selection of who they pick. Rather than identify blighted neighborhoods they should make sure that when those areas are picked they are the areas where they can identify diverse neighborhoods and who can come together with common goals and needs.

Mr. Morris pointed out the Planning Commission would await the full chapter before providing comments to the Board of Supervisors.

Mr. Dotson said he was curious because the Board said they want to hear back from the Commission on what they are now calling objective 3 in the next three weeks.

Ms. Echols replied if the Commission had been able to provide comments staff would have given them the report for their February 10th meeting. They can do that and get it ready for the March Board meeting.

Mr. Dotson asked if the Commission would see staff's reworking, and Ms. Echols replied yes, hopefully on February 17th the Planning Commission will be able to make a recommendation.

Mr. Dotson pointed out he would therefore be happy to hold his comments that he has set out today in favor of adjournment.

The Planning Commission deferred comment until after review of Development Area chapter with Board changes on February 17th. Staff to forward Development Area chapter with Board changes to Planning Commission and schedule work session on February 17, 2015

Old Business

Mr. Morris noted he had only one item regarding E-mail discussion between Commissioners. When he started reading the emails going back and forth today he got excited because wouldn't this be a great conversation if they were all sitting here. The only thing he would just ask was that they remember when three or more Commissioners are shooting emails back and forth that could constitute a meeting. He was not worried about the Freedom of Information Act, but just if it is construed that they are now meeting on line.

Mr. Kamptner said that he had stated it very well. Since he was part of the Planning Commission group as the emails come in he is kind of tracking who is commenting, how many are commenting, what they are commenting about, and how much time is between each comment. The back and forth that was going on today they did not have the simultaneity that was going to create a concern. The ones that were close in gap were never more than two involved and overall there were no more than three that were ever involved in an hour or two apart. They don't have clear guidance under FOIA as to what is required for that simultaneity that creates the FOIA concern. However, there was one case where the court actually said what the gap was, which was four hours. Any closer than that is where the problems arise. He suggested that the Commissioners just be mindful when communicating to the group about jumping in and participating in the discussion. It is not a suggestion to converse outside of the group because those are public discussions even though they are not within the Planning Commission email group.

New Business

Mr. Morris asked if there was any new business.

- The next Planning Commission meeting will be held on Tuesday, February 3, 2015.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:04 p.m. to the Tuesday, February 3, 2015 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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