Albemarle County Planning Commission
June 16, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, June 16, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Claudette Grant, Senior Planner; Megan Yaniglos, Principal Planner; Rachel Falkenstein, Senior Planner; Wayne Cilimberg, Director of Planning; David Benish, Chief 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.

Review of Board of Supervisors Meeting – June 3, and June 10, 2015

Mr. Cilimberg reviewed the actions taken on June 3, 2015 & June 10, 2015.

- On June 23rd the zoning text amendment for the setbacks and yards in our Neighborhood Model Setbacks and Yards was approved by the Board and now is in effect.
- Reviewed the Six-Year Secondary Program for this year's program public hearing. There is minimal money with VDOT to actually devote to transportation projects. It is basically enough money for us to do a few unpaved paving projects. The Board approved the Six-Year Secondary Program. Before next year's review of the transportation projects staff wants to have a work session with the Commission to fill them in on those projects. Although the money is not expected to be great in the future, staff wants the Commission to be aware of what has been identified and listed as priorities in our Secondary Program as well as other transportation projects some of which they end up seeing on the Capital Improvements Program list as well.
- The Board approved the Comprehensive Plan last week with just a couple of modifications, which included a change in the language regarding Dark Skies. One item related to the Comp Plan the Board did not include in the Comprehensive Plan action last week was consideration of a boundary adjustment for additional land at the I-64/Route 29 Interchange.
- Separately the Board passed a resolution of intent to have the Planning Commission review the potential boundary adjustment in the area of the I-64/Route 29 Interchange. Staff will be starting that process with the Commission because the Board asked that this be brought to them with the Commission's recommendation by September. They are going to be scheduling a work session with the Commission next month. Staff has that scheduled for July 21st and a public hearing on August 18th. They are also going to be having a community meeting and staff will provide further information on that. That item will be coming to the Commission for review.

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

Consent Agenda:

a. **ZTA 2015-00006 Wireless – Antenna size and mounting standards**.

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

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

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

Mr. Morris said the consent agenda was approved.

(**Attachment 1** - Adopted Resolution of Intent for ZTA-2015-00006 for consideration of additional changes as requested by Verizon Wireless to increase the antenna size.)

Public Hearing Items:

a. **SP-20140-0002 Montessori School of Charlottesville**
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 078000000012A0
LOCATION: 440 Pinnacle Place
PROPOSAL: Amend special use permit conditions regarding fencing on the site and construction of proposed buildings.
PETITION: Educational School on 6.72 acres under Section 23.2.2(6) of Zoning Ordinance. No dwelling units proposed.
ZONING CATEGORY/GENERAL USAGE: CO, Commercial Office which allows offices, supporting commercial and service; residential by special use permit (15 units/ acre); school of special instruction under Section 23.2.2(6).
ENTRANCE CORRIDOR: Yes
MANAGED STEEP SLOPES: Yes
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 (Pantops) Development Area.
(Claudette Grant)

Ms. Grant presented a PowerPoint presentation regarding SP-20140-0002 Montessori School of Charlottesville.

The applicant requests to amend special use permit conditions to eliminate the requirement for fencing on a portion of the site and construction of proposed buildings.
To be more specific SP-2009-01 was approved with a condition that required the installation of fencing around this lawn and play area.

The school is located at the top of a hill and there is a fairly steep drop off near Route 250 and Rolkin Road. This play area has been relocated to a different area of the site and the new building is currently being constructed near the former play area. As a result there is no longer a need to fence in this area. If this condition remains a fence will need to be provided and the applicant no longer wishes to have a fence. So they are requesting the elimination of this condition.

There is also a condition requiring replacement of a chain link fence that satisfies the requirements of the Architectural Review Board. However, a recent site plan approved the demolition of the chain link fence and the Architectural Review Board's staff determined removal of fences is not expected to have an impact on the Entrance Corridor.

Staff sees no reason to keep these two conditions regarding the fences. This request is time sensitive since the applicant wishes to open school with the new buildings under construction and completed by this August.

Also, the applicant is working on an amendment or revisions to the layout of this site, which is currently under review by staff and will be forthcoming to the Commission in the future.

Staff has identified factors which are favorable to this proposal and has identified no unfavorable factors:

Factors favorable to this request include:

1. There are no anticipated detrimental impacts to the use or on adjacent property resulting from the proposed revisions to the special use permit conditions.

Factors unfavorable to this request include:

1. No unfavorable factors.

Based on the findings contained in this staff report, staff recommends approval of SP- 2014-00002 Montessori Community School with the following three conditions:

1. Maximum enrollment shall be three hundred (300) students;
2. Development of the use shall be in general accord with the Montessori Pantops Mountain Community School Sheets SP01-SP-03, prepared by Neal R. Deputy, Architecture & Master Planning, last revised January 16, 2007, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of proposed Buildings A, B, C, D, and E, Central Lawn, Amphitheatre, playgrounds and ball fields, wooded natural area, and parking areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
3. Construction of proposed buildings as shown on the concept plan shall commence on or before March 11, 2015 or this special use permit shall expire.

Mr. Morris invited questions for staff.

Mr. Dotson asked what item was still being worked on that might come to us in the future. Ms. Grant replied the applicant is working on revision of the layout of the site.

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

Ms. Wendy Fisher, Head of School at Mountaintop Montessori, otherwise known as Montessori Community School, said the landscape architect is here, Gene Allen. They would be happy to answer any questions. She did not have a presentation since she thinks it is fairly straight forward.

There being no questions, Mr. Morris pointed out the applicant has made herself available for the last two months for the Pantops Advisory Council and simply because of Memorial Day and so forth they have had to postpone the meeting. However, next Monday night Ms. Fisher will answer all the questions as far as the Pantops community. However, it is not because she has not been available and desirous of doing it.

There being no public comment, Mr. Morris closed the public hearing to bring the matter back to the Commission for discussion and action. In that there is no discussion and this is in my district he would like to make a motion.

Motion: Mr. Morris moved and Mr. Loach seconded to recommend approval of SP-2014-00002 Montessori School of Charlottesville with the conditions outlined in the staff report.

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

Mr. Morris noted that SP-2014-00002 Montessori School of Charlottesville would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

b. <u>SP-2015-00012 Mechums Trestle</u>
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 057000000031A0
LOCATION: 4294 Three Notch'd Road

PROPOSAL: Use of more than 400 gallons of groundwater per site-acre per day for a restaurant. A separate initial site plan has also been submitted for this property under SDP201500008.
PETITION: Section 22.2.2 Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH); Scenic Byways (SB)
PROFFERS: No
COMPREHENSIVE PLAN: Rural Area in Rural Area 3
(Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint presentation regarding SP-2015-00012 Mechums Trestle. She apologized for the errors and typos in the staff report.

- The applicant requests a special use permit to allow more than 400 gallons of groundwater per site-acre per day for a proposed restaurant.
- The usage would include up to 5,000 gallons of water per day for a 100 seat by- right restaurant

The property is zoned C-1, Commercial, but is located in the rural areas at the intersection of Routes 240 and 250 and also 680, Brown's Gap Turnpike. It has a long history of containing a restaurant on the property and has many constraints including being bordered to the north and west by Lickinghole Creek, which has a Water Protection Ordinance buffer and floodplain on the property. The site has not been utilized since the 90's and the owners have been working towards approval so that the property can be used again for a restaurant.

The site currently contains two wells. The approval handed out was referenced in one of the attachments from the Health Department. The specific office reviewing this site including the wells is the Office of the Drinking Water out of Lexington. These wells will need to be abandoned as part of the permit for the new well. The Health Department uses the term abandonment to mean properly sealed off and not just unused. The applicant must contain it, which will be required during the permit process for the well. Today she spoke to Josh Kirtley at the Health Department who assured me that any sources of contamination have been looked at during the process of the permit that gave the tenant the approval, and it will be looked at again when the permit is applied for. The approval also specifies the location of the well. The well will need to adhere to the setbacks that were stated in that letter.

As seen in an aerial view of the site there is existing gravel that will remain. There is an existing dilapidated building; and the proposed building during the site plan is located in that same location. There was a Tier III Groundwater Study that was submitted, which was prepared by a professional geologist. The key findings included in the staff report are engineering has reviewed that study and found the projected water uses are supported in this area.

Factors favorable to this request include:

1. The character of the area will not be changed by the proposed use.
2. Granting the special use permit will allow a proposed development that is consistent with the existing C1-Commercial zoning district, and allows a site in disrepair to be improved and used.
3. The proposed water consumption will not adversely affect uses permitted by right in the C1-Commerical zoning district or in the surrounding RA zoning district.
4. Tier III study indicates that there is sufficient supply of groundwater in this area to support the proposed use

No unfavorable factors have been identified.

RECOMMENDED ACTION:
Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2015-0012 Mechum's Trestle with the conditions listed in the staff report.

1. The applicant shall install a meter on the well head to monitor water consumption. Results of daily water consumption monitoring results will be made available within forty-eight (48) hours of a request from the Zoning Administrator.
2. Water consumption shall be restricted to a maximum of 5,000 gallons per day.

Mr. Morris invited questions for staff.

Mr. Dotson thanked staff for the additional letter from the health department. It really answers all of his questions. However, he had a question for the county attorney. There is a site plan attached, but he takes it they are not approving a site plan tonight, they are only approving the water quantity over 400 gallons.

Mr. Kamptner agreed and asked to correct something. He had a discussion with a couple commissioners before the meeting regarding traffic related issues. He had forgotten that this special use permit is limited just to the issue of water consumption and using more than 400 gallons per acre on the site. So the analysis is limited to that. The traffic safety issues and the actual design of the site is really a site plan issue that is being reviewed by staff and VDOT.

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

Bill McKinley, co-owner of property with Nelson McGuire who was also present, said the staff report pretty much sums up the results of the Water Assessment Study. Obviously, this is one step in the site planning process that will allow us to get to the point where they would actually build a well on the property. Ultimately, the success of the project hinges on that. It hinges on finding sufficient quantity to be able to drive the use and it has to be of the necessary quality so as to be acceptable for public consumption. There are obviously steps that are well documented and very clearly laid out for us to follow once that step is actually reached. If anybody has any questions about the diligence that they have performed up to this point in terms of soil testing he would be happy to address those issues.

Mr. Morris invited questions for the applicant.

Ms. Firehock said if she understood the staff report correctly the amount of water that the applicant is asking to withdraw is kind of established based on how many people will be customers of the restaurant. It is sort of a standard number and they could use less than that. She asked would that be a fair statement.

Mr. McKinley replied yes, it would be not only be fair but very accurate. As he understands the process, and again this is going back a little bit to ancient history, 5,000 gallons was based on a health department estimate of usage of a full service restaurant based on 50 gallons per seat per day. So in a 100-seat restaurant that results in a 5,000 gallon cap, which is actually more germane to the development of a sewage interceptor or the forced main that taps into the sewage that allows that amount to be pushed. It does not necessarily represent what we would anticipate the usage to be. In fact, given the fact that he is in the restaurant business and operates establishments that are very water intensive that analysis of our bills would indicate the number would probably be closer to 1,500 gallons per day than 5,000. That is a lot of water.

Ms. Firehock noted that was reassuring. Her following question is more of a minor question. She noticed he was not offering any proffers in exchange for this. She was wondering if he would tell them a little about your water conservation practices because there are certainly low flow toilets and all different types of faucet attachments you could use to reduce the water. However, he could not get around the Department of Health requirement because he was following the standard equation. So he has to go with that. However, maybe you could tell us a little bit about your water conservation because where he is drilling the well it will hydrologically intersect with the ground water of Lickinghole Creek. That is why the flow is going to be great. However, it also has the potential to dewater the creek depending on the amount of use. She was just curious to hear a little bit about your water conservation practices.

Mr. McKinley replied he probably was not prepared to address that at this point. He knows certainly that it would be in our best interest from an economic standpoint as a responsible member of the community to employ such practices and that certainly would be part of our plan. Given the fact that this process has taken so long he would say that given all the hoops that they have jumped through at this point they have not gotten to that level at this point. He certainly would pledge our desire to be good stewards of the land.

Ms. Firehock said she would not hinge her vote on that, but she really would like to see it. Since he is intersecting with a stream she would like them to go ahead and get some of those types of technologies. They will save money in the end since the county has a tiered water rate system, or with a well they will save the earth because in a sense the water will be free. However, it has a consequence.

Mr. McKinley asked if she would like a further report on that, and Ms. Firehock replied she would like to see what they do because she always loves when people come back and voluntarily tell us something great they did.

Mr. McKinley replied that he would be pleased to.

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

There being no public comment, Mr. Morris closed the public comment period and invited the applicant for rebuttal.

Mr. McKinley asked to address Ms. Firehock's comment that they actually will be paying because it is not free. One of the conditions mention there will be a meter set on the well side to go towards the sewage.

Ms. Firehock agreed it will save money.

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

Mr. Loach suggested the applicant has met the burden for the special use permit to use more than 400 gallons of groundwater per day. That said, he would hope during the site plan that serious consideration would be given to the traffic safety. He has concerns with that intersection. If they go to Attachment A they will see that is a very complicated intersection there. The road speeds coming off 250 are in a 50 to 55 miles an hour range. When he came down today he clocked if from about the middle of the bridge to the driveway and it was about 2 to 2 ½ seconds that he had to make a decision. You can see in the attachment itself there is another car coming on a side road, which would be another lane across that to get out. To be very honest, if it was a McDonalds he would have less problems, but if they are going to have a restaurant serving alcohol he knows he can't make the exception on safety, but he does have a lot of qualms. He hopes that again during the site plan process this is looked at very carefully. That said he will support the motion.

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP 2015-0012 Mechum's Trestle with the conditions outlined in the staff report.

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

Mr. Morris noted that SP-2015-00012 Mechum's Trestle would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

c. <u>SP-2015-00008 King Family Polo</u>
PROJECT: SP201500008 King Family Polo
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 05500-00-00-08000
LOCATION: 6640 Roseland Farm, Crozet, VA
PROPOSAL: To allow up to 1000 spectators at polo events on Sundays from end of May through second weekend in October.

PETITION: Farm winery events under Section 10.2.2 of zoning ordinance. No dwellings proposed.
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential (0.5 unit/acre in development lots); FH Flood Hazard Overlay.
COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots.
(Rachel Falkenstein)

Ms. Falkenstein presented a PowerPoint presentation regarding SP-2015-00008 King Family Polo.

Purpose of Public Hearing:
- Special Use Permits required for farm winery events of more than 200 attendees in the Rural Area under section 10.2.2 of the Zoning Ordinance.
- The request is to allow up to 1,000 spectators at polo events on Sundays from the end of May through the second weekend in October.

The King Family Vineyard property is actually four parcels. The polo field is constructed on tax map/parcel 55-80, which is located off of Half Mile Branch Road. There is a private drive running through the property of Roseland Farm. The property is zoned RA, Rural Areas and is adjacent to the Crozet Development Area just to the west of Crozet. As shown in the aerial it is also in close proximity to Interstate 64 and Rt. 250 which are to the south of the property.

The applicant built a polo field on the property in 2003 and has been hosting Sunday polo events since 2005. He has opened up the polo matches to winery customers to view the events free of charge. In the past several years it has grown in scale and popularity and warranted the need for a special use permit since he has exceeded the average attendance of 200 attendees at the events. Events will be operated in the same manner they have been operated in previous years:

- Polo events on Sundays from end of May through second week in October
- Limit to 1,000 spectators
- No new structures, no lighting, no amplified sound
- Open from 10:00 am to 5:30 pm with polo beginning at 1:00 pm. It typically lasts about two hours.
- VDOT certified traffic controller at main entrance from 11am-4pm
- Managed in accordance with approved public safety plan. This is a new feature of the special use permit, which has been reviewed and approved by Fire Rescue personnel.

The sketch plan gives you an idea of how the events are managed. They have parking around the polo field in grassed parking areas. Some of the features of the public safety plan are shown such as how they have some emergency shelter areas as well as some emergency ingress and egress.

Factors favorable to this request include:
1. The site is adjacent to the Development Areas and is less than two miles from local fire and rescue stations in Crozet.
2. Access to the site requires a minimum amount of driving on Rural Area roads and Half Mile Branch Road has been reviewed by engineering and VDOT staff and the entrance and road itself can support the traffic generated by the events.
3. The polo events help support some Comp Plan goals, particularly a strong agricultural economy and supporting a local winery.
4. In the review of the request the applicant had a community meeting and they have heard largely support from the local community of the events.
5. Polo events have taken place since 2005 with no documented complaints or major incidents.

Factors unfavorable to this request include:
1. Some traffic impacts are anticipated on Half Mile Branch Road, but the applicant will be providing a certified traffic controller during events to direct traffic and reduce traffic backups.

RECOMMENDED ACTION:

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of SP 2015-00008 King Family Polo with the following conditions:

1. Polo events may be held only on Sundays in May through October.
2. No polo event shall exceed a maximum of 1,000 attendees at any time.
3. Polo events may be open to the public no earlier than 10 am and shall close no later than 5:30 pm.
4. There shall be no announcer, no amplified music, and no public address system associated with polo events except as permitted under County Code 18.4.18.05.
5. There shall be no outdoor lighting associated with polo events.
6. No new permanent structures shall be constructed for polo events.
7. For each polo event, beginning at 11 am, a VDOT-certified traffic controller shall be stationed at the farm entrance on Half Mile Branch Road to direct traffic. The applicant shall maintain a Land Use Permit from VDOT for traffic control.
8. Polo events shall be managed in accordance with the King Family Vineyards Polo Public Safety Plan dated June 6, 2015.

Staff pointed out condition #4 says no announcer, no amplified music, and no public address system associated with polo events except as permitted under County Code 18.4.18.05. That is just in case of an emergency they can use megaphones or amplified sound to direct the crowd. She would be happy to answer questions.

Mr. Morris invited questions for staff.

Mr. Loach noted when they say up to 1,000 spectators he assumes it would be spectators for the polo match and not for the other business that is going on for wine tasting or for someone to sit down and drink a glass of wine. He asked if that number does not count in the number of people.

Ms. Falkenstein replied that number would be separate to just the polo events themselves.

Mr. Benish asked the Commissioners to please keep in mind that is very difficult to enforce anyway. They apply these standards to have something if there are complaints to go out and try to measure. However, it is always kind of difficult to make that distinction because it is intended to speak to the polo event.

Mr. Loach noted that he just wanted to clarify that there are two separate businesses and one is fun and one is business.

Ms. Monteith said she had a similar question. They are great events, but how does one limit it to 1,000 spectators. She assumes they are not going to be ticketed.

Ms. Falkenstein replied that is correct in it is free of charge and they are not ticketed. So that is something difficult to enforce. They typically do have attendance limits for rural area events. Typical enforcement for these type of things would be complaint based. So if they did receive a complaint where someone thought there were more attendees staff would investigate and find out.

Mr. Morris invited further questions for staff. There being none, he opened the public hearing to the applicant and public comment. He invited the applicant to address the Commission.

David King, one of the owners of King Family Vineyards and the property, thanked the Commission for considering our proposal. He wanted to rehash what they have already seen. He noted the polo part is not actually business. The polo community here in Charlottesville is a very loose group that is actually centered at the UVA Polo Center, which was south of town. They have 25 to 30 members depending on the time of year, and they have used our farm for these matches since the field was built. However, they don't lease the land from us. It is simply a private use of the farm for this bad habit of mine and my friends. Since the 10 years that they have been doing this it has become more popular. What they have done is opened the farm to whomever wants to come. It is not simply winery customers. So they do not charge. What they see is that most people come from outside of this area, which is one reason that

makes it difficult to limit the actual numbers. Our experience has been as it was last week. As an example, they had about 300 cars that was probably about 600 people within what we know about who shows up. He would mention one other thing that the people who have been on the farm have been extraordinarily respectful. They don't put out trash cans. In all the years they have been doing this he may have collected a couple of handfuls of trash. To me that means they are willing to do it to open our farm, which is where we all live and work. If it were anything other than that they would not be doing this. It is a little counter intuitive. They are just running a county park in some respects, which they are happy to do because people have been so extraordinarily respectful of the place. He would be happy to answer questions.

Mr. Morris invited questions for Mr. King.

Mr. Morris commented that in looking at the schematic as far as control and so on he would apply this to a change of command ceremony at the Marine Corps Base Quantico and it is super.

Mr. King replied that his son is a Reserve Captain in the United States Marine Corps and he prepared it. So maybe that is the reason.

Mr. Dotson noted the site plan that they were just referring to shows a helicopter landing area.

Mr. King replied as a part of the public safety plan one of the items requested was that we put in access for Pegasus in case there was the need. They have plenty of land there, but hope that is never used. However, if it were needed then it is an easy place to put down and that they can secure.

Mr. Dotson asked if there is no other helicopter use anticipated, and Mr. King replied no, there is not.

Mr. Dotson said he was assuming that none of the ponies are stabled on site or born, bred, and raised on site, and that people are bringing them in. He asked if that is the case.

Mr. King replied that would not be a correct assumption. He said my horses are kept on the farm. He has an employee, Jake Brown, who works at the winery who also plays with us and his horses are stabled in the barn at the north end of the field. Other than that all the horses come there from the UVA Polo Center and the local group, which most of them live in Albemarle County. Also, the stabling is non-commercial since they don't have any commercial stables.

Mr. Randolph noted he remembered seeing a video a couple of years ago about the wine industry in the Charlottesville area and he believed you were in a helicopter flying over your vineyard. He asked am I correct in that recollection?

Mr. King replied he did some flying for a documentary firm group that made a film called Vintage Winemakers Year. They were Charlottesville based. One of the owners lived in Crozet and he needed some aerial footage. So he did fly him for that purpose, yes.

Mr. Randolph asked Mr. King if he no longer had the helicopter.

Mr. King replied he sold the helicopter this year because having cancer the FAA does not allow you to operate that kind of vehicle. So he was flying, as some of you know, also for the Sheriff's Department in search and rescue missions. That helicopter was based in Waynesboro. But, again, because of the federal regulations he no longer can fly for either myself, documentary film makers, or the Sheriff's Department.

Mr. Randolph thanked Mr. King and said he was sorry to hear that news.

Mr. King pointed out that he was doing great.

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

Mr. Loach said he would also mention that Mr. King came to the Crozet Community Advisory Council and his proposal was overwhelming supported by the Advisory Committee. Therefore, he was going to make a recommendation of approval of SP-0015-08 King Family Polo with the conditions recommended by staff.

Motion: Mr. Loach moved and Mr. Dotson seconded to recommend approval of SP-2015-00008 King Family Polo with the conditions outlined in the staff report.

Mr. Morris invited discussion.

Ms. Firehock said she was very comfortable in preparing to vote yes for this proposal. She just wanted to add her comment to that, which is that she has been to this winery when they have had polo events going on and they are very well managed. It is a lot of people and a lot of times per year. However, the reason she was prepared to vote yes is the well managed nature of the events as well as the fact that the landscape and the way that it is laid out actually facilitates this type of event without causing a lot of disturbance and detriment to the neighbors. She wanted to make that clear because should another type of event come before us for a different facility she would not necessarily automatically vote yes. She was just being clear that her support for this has to do with the very well managed nature of the events that have been held in the past and the site characteristics which she thinks facilitate a minimal amount of disturbance.

Mr. Keller said he feels the same way. He thinks this is a very well run and managed operation and also witnessed the events there as well. However, he would like to ask Ms. Falkenstein to read from her report on page 5 that summarize why he can support this one, but that they need to be looking at each future one case by case.

Ms. Falkenstein agreed and read the following: "The request for up to 1,000 attendees at events held up to 21 times per year is for larger and more frequent events than what is recommended in the Rural Area by the Comprehensive Plan. Though this frequency and scale would likely not be appropriate for most Rural Area properties, several of the site's characteristics outlined above, such as its adjacency to the Development Areas, its proximity to public safety services and the availability of infrastructure, will help to lessen impacts to the Rural Area. Staff does not feel that the proposed use will be in conflict of the overall goal for the County's Rural Area of having thriving farms and forests, protected scenic areas and preserved natural resources."

Mr. Morris invited further comment.

Mr. Randolph commented that he had been out to the site for the pink ribbon polo events and if there is any venue in Albemarle County that can handle the size of the crowd that is requested here it is this venue. However, he is really troubled by the precedent that can be established with a positive vote. That does not mean that he is going to vote against it. But, he is troubled by the precedent. He thinks it is very important that the public record show clearly that Ms. Firehock as well as Commissioner Keller have made it clear they are only supporting approval of this request because of this venue. He would like to echo that. He was very concerned because there are other venues in the county that could handle these numbers and once this is published assuming that the Board of Supervisors approves it that in all likelihood they will get an application in the next year or year and a half from one of those venues. The second thing is that by doing this the county is in essence saying if you go into the agricultural business in Albemarle County the more land you hold the more of an advantage you have in terms of selling your wine on site. For every vineyard you want to be able to sell on site because you don't have outside marketing costs and you don't have to give a wholesaler or a distributor a piece of that. They are creating, he fears, a tier system in the county of the winners, which are the big vineyards by acreage and not the losers, but the less advantaged because of the smaller venues. The third thing is this use to be a venue that was attached to having a large turnout for a public event related to UVA and raising money for cancer research. There is no fund raising related dimension to this and this is a sporting event the people are coming to. He happens to think polo is a wonderful event and he has enjoyed matches there. But, it is not providing as it did before a public benefit. It is really a private gain by expanding it if they go ahead

and vote to permit this to move to 1,000 spectators. There is only a private gain and not a public benefit, and that concerns me as well. So he will vote for this because it is King Family Vineyard. But, he would not vote for this if it was in a different venue. Therefore, he wants to go on the record as indicating that is the reason why he will support it.

Mr. Loach said he lives within walking distance of King's Family Farm. He thinks the paragraph Mr. Keller had staff read is what sets this apart. He did not see this as a precedent. If it was a precedent it has been going on for several years and he does not think it has led to anything else in the county. Finally, as far as private gain they heard Mr. King say that he did this starting with a couple of friends and it led to having people come visit to watch the games and now it has a fairly good following in and around the area. That is why specifically, as Mr. Randolph mentioned too, that there is a difference between the polo matches, the vineyard and the businesses at the winery. Probably the easiest way to point that out is that at 5:30 p.m. when they close they are going to have a wedding there, which is part of the vineyard and business. But, he sees them as two separate and distinct entities. He did not agree with Mr. Randolph because he thinks it does serve a public benefit not only for King Family Farm but the people who come into Crozet early and maybe do some shopping for the picnic, etc. Again, the last point he did not think is well made.

Being no further comments, Mr. Morris asked for a roll call since they have a motion and second.

Ms. Taylor called the roll.

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

Mr. Morris noted that SP-2015-00008 King Family Polo would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Old Business

Mr. Morris asked if there was any old business.

Mr. Dotson said as a follow up to this he thinks they may have discussed this before, but the thought occurs that it is important to keep our eye on the number and character of special events over 200 and where they are located. It almost seems like every time one comes before us part of that staff report should be an attachment that shows this is what we have done so far and where it is located. He was wondering if other Commissioners and staff think that is important and from staff is it doable.

Mr. Benish replied he was not sure staff has the information documented in a table form, but they can certainly do that. In part of staff's background they do locate what other approvals and existing activities are in the general area. So they certainly can do that in the future.

Mr. Dotson noted that he thought of the cidery they considered a few years ago. But, he also thought of a place in Crozet where people were riding off road vehicles, which is certainly a very different character than what they are talking about here. He thinks they ended up approving a special permit for that.

Mr. Morris pointed out it was a music venue.

Mr. Dotson explained his point is there is a diversity of activities and it would be useful to see all of those when they are considering a particular one. So when they say this one is being approved because it is special they sort of have a context for special.

Mr. Morris agreed it was a good point.

Ms. Firehock pointed out the Commission talked about that in the context when they were debating farm breweries in that they did not want them all automatically to go out there without knowing what was happening because of the cumulative issue. She assumes that is still our sentiment and it should be a matter of practice for the staff to tell us.

Mr. Keller agreed with Mr. Dotson that it was an excellent idea. He wondered if it could be part of the annual report when they get the other set of figures so it could actually be institutionalized and not be lost after this meeting request. He asked would the Commission need to make that in a form of a motion to ask staff.

Ms. Firehock said before they even go that far she would tack onto that. She thinks this is the kind of thing that could be put on the GIS. If she was going to move to a rural area and wondered what was going on out there she might really want to know if there are polo matches, off-road vehicles, concerts and 18 wedding events.

Mr. Keller added yard sales.

Ms. Firehock agreed that she would want to know and maybe she would pick a quieter part of the county or flock to that area to do all those fun things.

Mr. Randolph noted they can't depend on realtors to disclose that information.

Ms. Firehock said it seems they could be able to flag that stuff and know what is happening.

Mr. Morris suggested this was something that can be passed to staff so staff can look at it. They would like staff's opinion on it as soon as possible.

Mr. Benish replied that he thinks staff can do it and the focus is on special events or all special permits in the rural areas.

Ms. Firehock asked to add things that are licensed to hold events like weddings as an example. If you go to tour a rural farm on a Wednesday afternoon and you call it a quiet area she is going to buy here. Then you find out that every Saturday and Sunday there are 250 people at a wedding. That would be a huge detriment to some people.

Mr. Benish said it is the special events. He noted churches obviously have special events.

Mr. Loach suggested what you need to look at is in the area of a request and whether it is a cumulative impact. Regarding the King Family Vineyard, when they run their business he goes up and down that road all the time when there are matches or not and he has never seen any traffic problem. With that said, if the farm on the other side of the road decided to do polo on the same day at the same time it is a cumulative impact; albeit allowed on an equal basis would it overwhelm the road.

Mr. Benish replied that staff does look at the cumulative impact. As a practice they would look at what has been approved as part of the existing conditions assessment. What the Commission wants to have is a recorded piece in the document and perhaps an annual report of some sort.

Ms. Firehock noted that she would like to see it actually as a GIS layer. Right now she can look up where a leak occurred on my property and find all kinds of data. However, she cannot know that there are ten event venues within a mile of my house.

Mr. Loach suggested staff could get the information only if they get back to the board to pinpoint certain areas where by ordinance you would not want to have those agricultural businesses be because of the road conditions, such as a dirt road, etc. that still exist.

Mr. Benish noted that some of the uses that may be of concern to you don't require approvals, queries or inquiries. He asked if the Commission wants those on that.

Ms. Firehock replied that she would just want to know what is going on there.

Mr. Benish said it would not be just legislative actions they are looking at, but all of those types of business activities.

Ms. Firehock said if they are trying to evaluate traffic impacts it is the cumulative impact, and they need to have some way to evaluate this internally.

Mr. Loach asked if there are other data elements that come in that staff could follow and make some determinations.

Mr. Benish replied that they will be aware of them through various clearances that are necessary through zoning.

Mr. Dotson suggested if they had to start someplace his opinion is to start with special events, and then maybe add other things that happen more routinely that would also potentially be impactful.

Mr. Randolph asked to read from an article in the "The Press Democrat" which is in Napa County, California dated March 10, 2015. There were three questions asked in the article. "How much is too much when it comes to winery expansion. Critics argue that the county's 467 wineries are enough and that vineyards have gotten away from their mission of producing wine and making their wineries into event centers featuring everything from elaborate dinners to film viewings. Finally, besides potential threats to the land residents are concerned about traffic especially during special events. That is Napa, which is food for thought, which is the basis of the request here. If they don't start tracking them now he thinks they are going to be behind the curb.

Mr. Morris agreed that Mr. Dotson's point was well taken.

New Business

Mr. Morris asked if there was any new business.

- In July 14 meeting notice change request to UVA Golf Practice Facility.
- Request to track the number, location and character of all special events or business activities in rural areas with over 200 attendees. To address cumulative impact provide this information as a regular recorded piece in the staff report, annual report and also in GIS.
- The next joint City/County Planning Commission meeting will be held on Tuesday, June 23, 2015 at 6:00 p.m.

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

Adjournment

Mr. Morris moved and Mr. Randolph seconded to adjourn to the June 23, 2015 Joint City and County Planning commission meeting at 6:00 p.m. at City Hall.

The motion was unanimously approved by 6:0. (Lafferty absent)

With no further items, the meeting adjourned at 7:00 p.m. to the Tuesday, June 23, 2015 joint meeting with the City Planning Commission, at 6:00 p.m. at City Hall, Market Street, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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

ATTACHMENT 1

ZTA-2015-6 Wireless – Antenna size and mounting standards - Adopted Resolution of Intent

RESOLUTION OF INTENT

WHEREAS, County Code § 18-5.1.40, which is part of the Albemarle County Zoning Ordinance, establishes regulations pertaining to personal wireless service facilities ("wireless facilities") and transmission equipment, and it currently allows a maximum antenna size of 1152 square inches; and

WHEREAS, ZTA 2015-00006, Wireless – Antenna Size and Mounting Standards, which the Commission recommended for approval on June 2, 2015, would increase the maximum antenna size to 1400 square inches and make other amendments to the design standards for wireless facilities and transmission equipment; and

WHEREAS, with ongoing changes in wireless technology and the addition of various wireless services, transmission equipment continues to change and it may be desirable to further increase the maximum antenna size to up to 1800 square inches; and

WHEREAS, this change may allow wireless facilities to be more efficiently deployed in Albemarle County without materially adversely affecting the concealment elements that are fundamental to the County's performance standards for wireless facilities, and without creating material additional visual and other impacts on abutting lots, neighborhoods, and districts.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending County Code § 18-5.1.40 to achieve the purposes described herein; and

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

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