Albemarle County Planning Commission
February 6, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, February 6, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Daphne Spain; Pam Riley, Vice-Chair; Bruce Dotson, Karen Firehock, Jennie More and Bill Palmer, UVA representative.

Other officials present were Scott Clark, Senior Planner; Margaret Maliszewski, Chief of Community Development; Elaine Echols, Chief of Community Development; David Fox, Neighborhood Planner; Rachael Falkenstein, Senior Planner; Tim Padalino, Senior Planner; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

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

The meeting moved to the next agenda item.

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

Mr. Keller invited comment from the public on other matters not listed on the agenda.

Hearing none, Mr. Keller said the meeting would move on to the consent agenda.

Consent Agenda

Approval of Minutes: October 24, 2017

Mr. Keller asked if anyone wants to pull an item from the consent agenda for discussion. Hearing none, he asked for a motion to accept the consent agenda.

Ms. Spain moved, Ms. Riley seconded to approve the consent agenda, which was unanimously approved by a vote of 7:0.

The meeting moved to the next agenda item.

Public Hearing Items

SP-2017-00024 By Word of Mouth Automotive
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL(S): 061W0010C00100
LOCATION: 442 Westfield Road and 446 Westfield Road, Charlottesville, VA 22902
PROPOSAL: Motor vehicle sales as an accessory use to automobile repair service on 0.76-acre parcel.
PETITION: Motor vehicle sales and rental under Section 18-22.2.2-(8) of the zoning ordinance. No new dwellings proposed.
ZONING: C1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
OVERLAY DISTRICT(S): Entrance Corridor (EC), Airport Impact Area (AIA), and Steep Slopes – Managed.
COMPREHENSIVE PLAN: Urban Mixed Use – Neighborhood Service Center in Neighborhood 1, which allows for commercial, retail, and employment uses with supporting residential (3-20 units/acre).
(Tim Padalino)

Mr. Padalino presented a PowerPoint presentation to summarize the staff report that would include a brief description of the proposal, information about the subject property, a summary of the staff analysis, and staff recommendations for the Commission's consideration. He offered to answer questions.

Mr. Padalino said the applicant is Mr. Matt Stimart, the master technician at By Word of Mouth Automotive; and his request is to conduct motor vehicle sales and rental as it is listed in the ordinance at an existing vehicle maintenance and repair shop in the C-1 Commercial district. The proposal includes no new development or additions to the existing structure. The applicant proposes to designate three existing parking spaces to be used for the display of motor vehicles for sale.

With regards to the subject property, it is located in the development areas in the Rio Magisterial District in Neighborhood 1, which is Places29/Hydraulic. More specifically the subject property's location is at 446 Westfield Road and is identified by tax map/parcel 061W0-01-0C-00100. It is a 0.76- acre property. The property is also within the Entrance Corridor Overlay; however, ARB staff have indicated several months ago that it is not subject to ARB review due to not being visible from Route 29.

Mr. Padalino said with regards to the future land use map in the Places29 Master Plan this area is designated as Urban Mixed Use Neighborhood Service Center as shown on the screen. Looking a little more closely you can see the subject property highlighted with purple highlights around the property boundaries. The adjacent uses includes a motel, a clothing and sporting goods store, a hair salon, a veterinary clinic, an office building, and an auto repair shop, which also is permitted for motor vehicle sales.

Mr. Padalino pointed out the existing uses on site include a one-story approximately 8,400 square foot structure containing two commercial operations - a baseball training academy as well as By Word of Mouth Automotive Vehicle Maintenance and Repair only at this time. Looking at a couple of images of the existing conditions, Mr. Padalino noted an image taken of the existing entrance where you can see the signage, which would not be altered or enlarged, and the existing structure. Looking at the rear of the property he pointed out the mature landscaping and the topography that help to screen the existing conditions from the Berkley Subdivision, which is somewhat adjacent but not really touching this portion of the property. This image shows the approximate location of the three spaces proposed for the display of used motor vehicles for sale. As you can see on the concept plan, those spaces are also delineated in the rear of the property.

The travel way exhibit was included in the staff report as Attachment D, but Mr. Padalino explained that it is no longer pertinent. In working with the applicants, they have been extremely proactive in addressing the concerns articulated in the staff report. The applicants have provided photographs showing how they have recently painted the curbs bright yellow and installed several new no parking signs in the area of concern. Mr. Padalino said he believed this addresses staff's concerns about keeping travel ways open for safe and convenient access as shown on the approved site plan, and now the conditions on site match that and ensure that it will not be an issue.

With that in mind, Mr. Padalino said he could provide a summary of staff's analysis, and noted that a detailed analysis is in the staff report. However, by way of summary and with those recent updates on site, there are no unfavorable factors remaining.

A summary of favorable factors includes:

- This proposal is consistent with the Comp Plan; and
- Relative to the existing uses, this proposal represents a rather minor change in the appearance and the use of the site; and
- The proposed new use should not create any significant new impacts.

Therefore, staff recommends approval with the conditions as outlined in the staff report and as summarized on the screen. Mr. Padalino offered to answer questions now or after the hearing.

Mr. Keller invited questions from the Commission for staff.

Mr. Dotson said he had a question of staff and then the same question for the applicant when they step up. Regarding the concern with the intermittent compromised travelways, he asked if the yellow curb and no parking signs are effective and working.

Mr. Padalino replied that, to his knowledge, yes; however, he thinks this was done within the past seven days, was recommended in the staff report and he thinks the recent on-site improvements would be sufficient.

There being no further questions, Mr. Keller opened the public hearing and asked the applicant to come forward.

Steward Wright, representing Mathew Stimart the proprietor of By Word of Mouth Automotive, said he could not add much to Mr. Padalino's staff report since it is very thorough. There are a few things he would like to point out, while Section 22.2 in the Zoning Ordinance calls this out as two uses – motor vehicle sales and rental – my client has no desire to get in the car rental business whatsoever. The reason why we are requesting this is just because, by the nature of the business, frequently you have customers who have an older car that they get tired of sinking money into and don't want to keep it running any more and just want to sell it and get rid of it. He said that the cars are frequently offered to my client to purchase and he is more than capable of fixing and cleaning them up to turn around as a nice inexpensive used car. He said it is a good service to people who can't afford a $40,000 new car.

Mr. Wright said again, there would be no change to the site whatsoever because you have a parking lot right now with cars waiting to be repaired and you will still have a parking lot with cars waiting to be repaired with three cars that will be for sale from time to time. He pointed out this is not a constant thing and occasionally a vehicle worth keeping on the road comes up. He added that the county has approved almost two identical special use permit requests in the past two years. The most recent one was approved in August, 2017 and is actually located on the abutting property at 450 Westfield Road. The one before that was USA Auto Sales that was special use permit 2015-31 that was approved in July of 2016. Therefore, this is not an unusual request and they keep coming. He said if there were any questions, he would be happy to answer them.

Mr. Dotson said he just had the question asked of the staff that apparently in the past there had been some people leaving, parking and stopping their cars in the travel way and he just learned that within the last week you have put some yellow paint on the curb and no parking signs. He asked if just in that one week has that proven effective.

Mr. Wright replied yes, that has proven to be effective. He noted he did see the photograph that Mr. Padalino took that showed a car and pickup truck parked illegally, showed it to my client and we promptly got on that. It appeared that was just a parent who was picking up their kid from the baseball training facility and he was just too lazy to park in a correct parking space. He said he had been to the site numerous times over the years and had not observed that before. Again, Mr. Stimart is being proactive about it and they are walking the parking lot better to make sure nobody is parking there. He pointed out that it needs to be kept open especially if a tow truck is coming in bringing in a broken down vehicle so it is crucial to my client that travel way stays open also.

Mr. Dotson said that was helpful and thanked Mr. Wright.

Mr. Keller invited public comment. Hearing none, he invited the applicant for rebuttal. Hearing none, he closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Dotson said he was prepared to make a motion. He said for the reasons outlined in the staff report and with the analysis, he recommends approval of SP-2017-00024 By Word of Mouth Automotive – Motor Vehicle Sales/Rental with the conditions outlined in the staff report.

Ms. More seconded the motion.

Mr. Keller invited further discussion.

Ms. Firehock said she did not think condition #2 is necessary anymore since it is the one condition already met.

Ms. Echols noted that condition #2 needs to stay just so there is a record that needs to be kept.

Ms. Firehock agreed that condition #2 needs to stay.

The motion was approved by an unanimous vote of 7:0.

Mr. Keller said that the recommendation for SP-2017-24 By Word of Mouth Automotive – Motor Vehicle Sales/Rental will be forwarded to the Board of Supervisors to a date to be determined. He thanked staff for the presentation.

The meeting moved to the next agenda item.

SP-2017-00004 James River Runners Amendment
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 13600-00-00-012A0, 13600-00-00-014A0
LOCATION: 10092 Hatton Ferry Rd
PROPOSAL: Amend special use permit SP197800074 for canoe livery by expanding the camping area accessory to the canoe livery to allow 5 campsites on a new parcel of 1.8 acres (13600-00-00-014A0)
PETITION: Expansion of canoe livery with accessory camping under Section 10.2.2.29 of the Zoning Ordinance, which permits boat landings and canoe liveries.
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Flood Hazard Overlay District
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
(David Fox)

David Fox, Neighborhood Planner, presented a PowerPoint presentation and summarized the staff report on SP-2017-00004 James River Runners Amendment. The request is to amend SP-1978-74, which is a special use permit for a canoe livery. The request is to expand the camping area accessory to the canoe livery on to parcel 13600-00-00-014A0, which is adjacent to the current use. This property is at Hatton Ferry in the southern part of the county adjacent to the James River approximately 3 miles southwest of Scottsville in the Scottsville Magisterial District and the zoning is Rural Area.

Mr. Fox highlighted the parcels in question and the history of the parcel.

- Original SP-1978-74 for Parcel 136-12 approved in 1978.
- 1983 Subdivided 136-12A.
- 1991 zoning complaint about campground – Official Zoning Determination that camping is an allowed accessory use to the canoe livery under the County Ordinance.
- In 2008, the current applicants, Christopher and Page Wilkes, purchased the JRR business and property.
- Request is to bring into compliance five (5) existing primitive campsites on 136-14A with the permission of that landowner which is shown on the southeastern portion of the map.

In response to some of the requests for additional information from the Commission, Mr. Fox apologized that this information was not originally included in the staff report and that the map highlights some of the additional water features that are in play at this site. He pointed out: the County's Water Protection Ordinance Buffer, the extent of the 100-year floodplain plan and the jurisdictional floodway. Mr. Fox noted that both the existing

camping use and the proposed expanded area where there is existing camping are within the jurisdictional floodway and the floodplain and no permanent structures allowed.

Mr. Fox reviewed photographs to give an indication of the status of the site and pointed out the parking area at Hatton Ferry, the James River, the existing camp area approved under the zoning ordinance, and the proposed expansion area. He pointed out the vegetative nature of the bank along the James River below the camping area.

Mr. Fox briefly summarized the issues considered in the staff report and that came up in the public meeting:

- The applicant is requesting no additional uses, and only bringing into compliance a longstanding use.
- No structures or permanent changes proposed; this is primitive camping only with a seasonal use of picnic tables and portable toilets, which are removed when the boating season is not active (May to September).
- The camping is only available to participants in the canoe livery; it is not open to the general public.
- The conditions seek to protect the adjacent property owners and maintain a general quiet nature of the rural area.
- The applicant has demonstrated a continuous compliance with the Virginia Department of Health regulations related to campgrounds.
- No objection from VDOT for this use. One concern that came up in the public discussion is concerns about excessive speed on Hatton Ferry Road. Hatton Ferry Road is currently unclassified by the Virginia Department of Transportation so it defaults to a 55 miles per hour speed limit. The applicant has actually asked VDOT to reconsider this several times; however, they have not done that. Kevin McDermott, Transportation Planner, spoke to VDOT recently and they have agreed to revisit that issue in light of this proposal.
- Staff believes this proposal is consistent with the Comprehensive Plan by promoting tourism and rural opportunities for employment. In particular, the Comprehensive Plan also calls out boating access on the James River as a desirable goal.

With that staff is recommending approval with conditions:

1. Accessory structures within the floodplain shall be constructed and secured in accordance with County Code § 18-30.3.15.
2. The use of fireworks on the property shall be prohibited.
3. The owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 pm and 6 am.
4. No amplified sound or permanent lighting shall be installed or used on the property.

Mr. Fox said he would be happy to answer questions.

Mr. Keller invited questions for staff. Hearing none, Mr. Keller opened the public hearing and asked the applicant to come forward.

Chris Wilkes, with James River Runners, said he would be happy to answer any questions the Commission may have.

Ms. Firehock said that she had a few questions - first of all the campsites since they are primitive she assumes that means that they are not set up as pads, they just literally put a tent on the grass.

Mr. Wilkes replied that is correct – there are picnic tables and fire pits.

Ms. Firehock asked where trash is stored from that, and if that is up by the main building.

Mr. Wilkes replied it is; we have a separate building for storing trash inspected every year by the Department of Health that comes down and issues our camp permit.

Ms. Firehock said on the actual location sketch she was concerned about whether the campsites themselves are within the 100' buffer that we try to maintain along the James River. She asked if he knows the distance since she could not quite tell.

Mr. Wilkes replied that they were adjacent to the river and probably are about at 100'.

Ms. Firehock said she knows there was an incident in the last five years where one of the porta-johns actually escaped into the river during a high water event.

Mr. Wilkes replied that he did not believe it was one of ours since we have never lost one, however, Parks and Rec have one by Hatton and we have moved it for them in the past and notify them of high water.

Ms. Firehock said that it is in the floodplain and she was just wondering if he knows the distance and where the porta-john will be located.

Mr. Wilkes replied that the porta-johns are at least 100'; we keep those up against a tree line where in the event that water is coming up we can move them well across the tracks and out of the floodplain. He said depending on how fast the water comes up we have had to secure them to the trees with chains before; however, in my time there we have never lost one.

Ms. Firehock asked if he had his own equipment to go ahead and move them if he has to; and Mr. Wilkes replied yes.

Ms. More asked as they are currently operating are there staff there 24 hours a day or overnight.

Mr. Wilkes replied yes, when we are in season from approximately March to October.

Ms. More asked if that would continue, and Mr. Wilkes replied yes.

Ms. More said she noted in staff's report neighbors have raised concerns about special events or fireworks display; but, it does not appear as though as far as zoning there was any official complaints. She asked if he was aware of any and if that is something that you have allowed and now are not going to allow.

Mr. Wilkes replied no, we have never allowed that; however, we have adjusted our waiver that we have people sign off on in the past to agree to comply with state and federal law and have clarified that a little more to specifically include fireworks.

Ms. More said if there are other campers or neighbors that have a concern that they would have someone, they could reach out to at any hour.

Mr. Wilkes replied yes, absolutely we have somebody on site in season and then my direct contact as well is posted permanently on the front door of the building with cell phone and ways to contact me directly.

Mr. Dotson said just a further clarification on the staff that is on the site in what are their hours.

Mr. Wilkes replied we have people on site from 7:30 am to 7:30 pm on full staff and then there is one staff member on duty who stays there as long as there are campers on site. He pointed out if the campground is empty we do not have anybody there.

Ms. Spain said she was pleased to see this type of project because we do want to improve access to the river and recreational opportunities, but mainly for the river's health, she thinks it is good for more people to be on it and appreciate it. She said she was not clear about the 100' buffer and when Ms. Firehock asked about that, you said there would be campsites within that 100' stream buffer.

Mr. Wilkes replied that we are talking about 100' from the riverbank there are campsites there that have been there for 38 years.

Ms. Spain asked if the sites were already within that limit, and Mr. Wilkes replied yes.

Mr. Keller invited further questions. Hearing none, he invited public comment. Hearing none, he invited applicant for rebuttal. Hearing none, Mr. Keller closed the public hearing to bring the matter back to the Commission for discussion and action.

Ms. Firehock said obviously this use has been going on there for some time; camping along the James River is a desired activity and she has no objection to that as a general concept. However, she would like the sites to be stepped back out of the 100' wooded buffer. She noted that buffer has a purpose, which is to remove nitrogen phosphorous, and sediment from runoff that would enter the river and our Water Protection Ordinance is something that we try to enforce. She said it is structured such that if you already have cleared land it does not cause you to plant trees; however, she thinks that it is in keeping with the county's ordinance. She said given the large area of land that is available since it is not that they are constrained there, she would prefer that they move back the campsites 100' from the edge. She said even pitching tents there can compact the soil and she would like to allow the buffer to grow up naturally and fulfill its role in protecting our river from runoff. She said the James River does suffer tremendously from sediment input and that would be her personal preference. However, she understands if other Commissioners don't agree since it has been going on there for a while, but in this case it seems easy enough to move them back 100'.

Ms. Echols asked to provide a little bit of clarification on the 100' buffer since it is a little confusing. She said if you look at the image our 100' buffer is coincident with the floodplain boundaries so it is actually a lot further than the 100' and so if it were entirely out of the buffer it would be entirely off the parcel. She pointed out the floodplain boundary and then the 100' buffer is about the same. She said it sounds like maybe what she is saying that you would prefer that the campsites be at least 100' away from the river itself to help with that 100' between the river and the edge of the campsites for the filtering purposes and the purposes that a buffer does serve.

Ms. Firehock said that was correct and one of the purposes of our buffer ordinance. She said that 100' from the scientific literature removes more than 90 percent of the nitrogen phosphorous and sediment that would naturally run off the land so she would like the campsites to step back 100'. She understands this was a prior approved special use permit for the parcel on the other side; however, had she been sitting on the Planning Commission at that time she would have made the same request that it be stepped back 100'. As this is a special use permit, she believed it is within our privy to request that. This would not preclude the people going camping from sitting at the edge of the river and enjoying it; it just simply means that most of the occurrence would occur 100' back from the river's edge.

Mr. Fox said to address that concern without taking an exact field measurement there was a question if you measure from the bottom of the bank of the James or the top of the bank. However, he thinks 100' would essentially preclude the use of this existing parcel since it was only a little bit longer than 100' wide. He said he had discussed this issue at length with the county engineer and he did not recommend that we preclude camping based on the WPO buffer.

Ms. Firehock said she misunderstood; she thought that red line was just the area denoting where they wanted to have their tents; but, you were saying that is the actual legal boundary of the parcel, and Mr. Wilkes replied that is correct; that is the entirety of parcel 136-14A.

Ms. Firehock said given that she did not want to preclude them from camping at all and so she will withdraw her concern although she would still say for the record that we should protect the 100' buffer along the James River. She suggested that maybe they could plant a couple extra trees, but she would not ask that as a condition.

Mr. Keller asked if there was further discussion.

Mr. Dotson said he just had a comment perhaps for reaction from other commissioners or from the applicant. Mr. Dotson said he thinks my comfort level with conditions 2, 3, and 4, the fireworks prohibition, the quiet hours, the lighting, the sound and so forth are based on what the applicant indicated that a staff person would be present. He said that is considerably to my comfort level given the location and the difficultly of the county enforcing this really puts a lot of onerous on the owner's shoulders. Mr. Dotson suggested a condition that says staff must be on site during the time when camping takes place that would give us some greater assurance that those conditions would actually be achieved so he would be interested in commissioner, staff or applicant reaction.

Ms. Riley agreed with Mr. Dotson's suggested additional condition since she thinks the previous complaint was around fireworks. She said there is a real possibility of people camping and getting a little loud and out of hand and so thinks requiring a staff person there may not preclude these things from happening, but if there is an issue and there is a complaint there is somebody there to deal with it.

Ms. Firehock asked if it was possible to ask one other question of the applicant, and Mr. Keller replied yes.

Ms. Firehock said her question was concerning staff themselves since she was not sure exactly what the response time is for any emergencies from the Scottsville Fire Department; she was guessing it was 25 to 30 minutes.

Mr. Wilkes replied that Scottsville Fire Department is only about five miles away so he would say that is probably an over estimate. He noted that usually when we have had incidents with the rescue squad, which is even further away, they are generally there within ten minutes.

Ms. Firehock thanked Mr. Wilkes.

Mr. Wilkes noted that we do also continually plant trees along the bank on the proposed site there as well just to help with erosion.

Mr. Dotson asked if he would have any concern with a fifth condition that says staff must be on site during time when camping takes place, and Mr. Wilkes replied no, not at all.

Mr. Blair said that he had sketched out a fifth condition that "a staff member shall be on the premises at all times when individuals are utilizing camp sites on the property."

Mr. Keller asked if there was a motion.

Ms. Riley moved to recommend approval of SP-2017-00004 James River Runners Amendment with the conditions outlined in the staff report, as amended, including the additional of a fifth condition as stated by our attorney.

1. Accessory structures within the floodplain shall be constructed and secured in accordance with County Code § 18-30.3.15.
2. The use of fireworks on the property shall be prohibited.
3. The owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 pm and 6 am.
4. No amplified sound or permanent lighting shall be installed or used on the property.
5. A staff member shall be on the premises at all times when individuals are utilizing campsites on the property.

Mr. Dotson seconded the motion.

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

Mr. Keller thanked the applicant and said this request for SP-2017-00004 James River Runners Amendment is moving forwarding to the Board of Supervisors with a recommendation for approval.

The meeting moved to the next item on the agenda.

SP-2017-00018 Rivanna Solar Project
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 09400-00-00-017A0
LOCATION: Southeast of the intersection of Buck Island Road and Rt. 53 at 2631 Buck Island Rd
PROPOSAL: Solar-energy electrical generation facility, with solar panels occupying approximately 90 acres
PETITION: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance on a 149-acre parcel. No new dwelling units proposed.
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
(Scott Clark)

Mr. Scott Clark summarized the staff report, with Ms. Margaret Maliszewski, Chief of Planning, in a PowerPoint presentation. This is a special use permit request for a solar-energy electrical generation facility.

DETAILS OF THE PROPOSAL:

- 149-acre site, cleared in commercial timbering operation
- Proposed facility would include approximately 90 acres of passive solar photovoltaic arrays on the 149-acre property.
- Solar panels oriented horizontally, approximately six feet above the ground
- Electricity generated by the facility would be transferred to the adjacent substation
- Solar panel areas would be surrounded by chain-link fences
- Approximately seven inverters (contained in metal boxes approximately 14 feet long, 7.5 feet high, and 3.5 feet wide) and other electrical equipment would be located on the site.
- No buildings would be needed, no on-site staffing.
- It is just north of Buck Island Creek and the floodplain of that creek.
- The majority of the site has been recently cleared in a commercial timbering operation.
- In photos, staff pointed out the areas that have been cleared have been replanted with the small pines.
- Reviewed overall concept plan of the site.
- There is one particular area where the envelopes of the panels would come up close to Route 53 and there is some more detailed screening placed there.
- Pointed out existing substation and the existing powerline easement that crossing through the property and the connection from the proposed equipment yard over to the existing substation to connect to the grid.
- The second sheet of the conceptual plan has a more detailed screen and planting plan for the area that is adjacent to Route 53. Up near the road there is a line of shrubs to be planted which would be effective at interrupting the views from passing drivers and passengers so they are down more at the level of people in vehicles and then stepped back from that back out of the line of road right-of-way and the utility corridor that comes through here are some rows of lower trees and then higher species that are in front of the fencing that would be around this area of panels here.

Factors to be Consider for approving special use permits in this case:

No substantial detriment. **The proposed special use will not be a substantial detriment to adjacent lots.**

The main issue staff found was the noise from the invertors, which are not tremendously loud but they create:

Inverter noise:

- 70 decibels at a distance of one meter (3.28 feet) – comparable to "radio or TV audio" or a vacuum cleaner
- The decibel level decreases with distance from the source. However, the noise would be continuous during daylight hours
- Staff recommends an inverter setback of at least 100 feet from all property lines – would reduce noise level to approximately 40 decibels

Harmony. **The proposed special use will be in harmony with the purpose and intent of this chapter,**

The purposes of the RA zoning district include:

Preservation of agricultural and forestal lands and activities;

- The site could return to agricultural or silvicultural use after the solar facility was no longer needed. The applicant expects up to a 25 to 35 year life span for a facility like this. When it is done all of the equipment can be removed. In fact, staff are recommending separate conditions.
- Recommended conditions require a "decommissioning plan"
    - Removal of both above-ground facilities and below-ground panel supports

Limited service delivery to the rural areas; and

- Little if any demand for emergency services
- No need for drinking-water supply or septic fields.

Consistency with the Comprehensive Plan. **The use will be consistent with the Comprehensive Plan.**

Rural Areas Plan

- Rural Areas priorities:
    - agricultural and silvicultural uses and activities
    - natural and cultural resources.
- Proposed use would occupy approximately 90 acres of recently-clearcut forest land with an energy-generation use.
- However, the site could return to agricultural or silvicultural use
- Recommended decommissioning plan would ensure that this potential is achieved

Environmental Sustainability

- 1998 Sustainability Accords as important guiding principles.
    - community should "[p]romote the conservation and efficient use of energy resources."
- Natural Resources chapter
    - County should "continue to demonstrate leadership in energy and carbon reductions at the local level."
    - Local Climate Action Planning Process recommended that the community "promote wider awareness and adoption of cleaner sources of electrical energy (e.g., solar photovoltaic, co-generation, biomass, wind).

The proposed facility would be in accord with these policies, as it would supply energy from one of those "cleaner sources."

Visual Character

- The Rural Areas chapter of the Comprehensive Plan calls for "[r]ural and historic landscapes that enhance the visitor's experience."
- The site is located on Route 53, which is a major access route to Monticello and James Monroe's Highland
- The current conceptual plan shows landscaping and screening reviewed by the ARB.
- The ARB felt this design would effectively screen the most visible portion of the site (especially the portion directly adjacent to Route 53) without attempting to eliminate all possible views of the site. Staff believes that this level of screening is appropriate for protecting the visual character of Route 53.

Review for Compliance with the Comprehensive Plan

- As an electrical generation use that will provide energy to a public utility (Dominion Virginia Power), this proposal is subject to a Compliance with the Comprehensive Plan Review as required by the Code of Virginia (Section 15.2-2232).
- A compliance review considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan.
- The Planning Commission reviews it, and the Commission's findings are forwarded to the Board of Supervisors for their information. No additional action is required of the Board.

- For the reasons stated above, staff finds that the proposed use is in substantial accord with the Comprehensive Plan.
- Staff recommends that the Commission formally make the finding of substantial accord, in addition to the recommended action on the special use permit proposal itself.

SUMMARY:

Staff has identified the following factors favorable to this proposal:

1. The use is in accord with Comprehensive Plan policies for the Rural Areas and for encouraging use of sustainable energy sources.
2. The site can be returned to agricultural or silvicultural uses, unlike more permanent forms of commercial or utility development.
3. The proposed landscaping and screening effectively reduce the visibility of the site from Route 53, and long-distance visibility of the site from historic sites and the rural landscape in general is significantly limited by topography, distance, and the low-lying nature of the proposed facility.
4. Noise impacts can be managed by equipment setbacks.

Staff has identified no factors unfavorable to this proposal.

RECOMMENDED ACTIONS:

Staff recommends that the Planning Commission find the development of the proposed solar energy facility to be in substantial accord with the Comprehensive Plan.

Staff also recommends approval of SP-2017-00018 Rivanna Solar with the following conditions:

1. Development and use shall be in general accord with the following revised plans prepared by Draper Aden Associates titled "Conceptual Layout, Rivanna Solar Farm" dated January 5, 2018 (hereinafter "Concept Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:

    a. Location of solar development envelopes;
    b. Location of access/entrance improvements;

c. Location of equipment yard; and
d. Retention of wooded vegetation in stream buffers

Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.

2. Landscaping and screening shall be substantially as shown on the Conceptual Plan, and shall be planted as shown on a landscaping plan approved by the Director of Planning or his or her designee.
3. All inverters shall be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant shall submit a tree-protection agreement between the applicant and the landowner of Tax Map Parcel 09300-00-00-047E0 with the building permit application. This agreement shall prohibit the removal of shrubs or trees (except for non-native or invasive species) by either party within 475 feet of the rear boundary of this parcel until decommissioning of the solar energy facility on Tax Map Parcel 09400-00-00-017A0 is complete. The tree-protection agreement shall be subject to review and approval by the County Attorney, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle. Prior to issuance of a building permit, the tree-protection agreement shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

6. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:
    a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
    b. The identification of the party currently responsible for decommissioning;
    c. The types of panels and material specifications being utilized at the site;
    d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
    e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less; and
    f. An estimate of all costs associated with rehabilitation of the site.

The Decommissioning Plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning, and all landowners of the property included in the project. The Decommissioning Plan shall be subject to review and approval by the County Attorney and County Engineer, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle.

7. Prior to issuance of a building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
8. The Decommissioning Plan and estimated costs shall be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan shall be recorded in the office of the Circuit Court of the County of Albemarle.
9. The Zoning Administrator shall be notified in writing within 30 days of the abandonment or discontinuance of the use.
10. All physical improvements, materials, and equipment (including fencing) related to solar energy generation shall be removed from above ground and from below ground down to bedrock, or to a depth of at least 36 inches below the ground surface, whichever is less, and the site shall be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use.

11. If the use, structure, or activity for which this special use permit is issued is not commenced by [date two years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Mr. Clark noted staff had recommended motions for the Commission and would be happy to answer any questions.

Mr. Keller invited questions for staff from the Commission.

Ms. Spain suggested staff also add for the public that Monticello did approve of this in terms of its effect that it would have little to no effect on the view shed of Monticello and all of the Commissioners got letters to that effect.

Mr. Clark agreed and that they provided a letter to the Commission and the Board to that effect.

Ms. Spain noted that the chain link fence makes me a little nervous and she would like to know how long it would take the planted vegetation to cover the chain link fence.

Mr. Clark replied that the planting height for some of the trees at the front or closest to the road he believed were going to be in the order of 7' foot; that is going to be pretty effective and pretty sizeable trees to be screening of the fence. However, he did not recall whether that front fence is chain link. Mr. Clark noted the applicant could tell you more in detail about that. He said they are required to have fencing for their insurance purposes to protect the equipment in the facility.

Ms. Spain said she can understand that, but, whether it needs to be chain link or some other type fencing just facing Route 53.

Mr. Clark said the screen goal was to see the trees and not the fence.

Ms. Spain noted that would take a while for the trees to grow.

Ms. Maliszewski noted that part of the reason for what looks like that heavy landscaping there along the tree is because there is an Entrance Corridor guideline that says chain link should not be visible from the street. So that is one of the reasons it was not just the visibility of the solar panels but also the visibility of the fence.

Mr. Keller asked if there was further questions for the staff.

Ms. More said that she had a question about condition 5 about outdoor lighting. She said that it sounds like the site is not staffed and how often would there be lighting on the site at nighttime.

Mr. Clark pointed out that is just our standard condition just to make sure that the fixtures are full cut off and my understanding from the applicants is that there would be lighting on the site that could be switched on if they wanted to do repairs at night if something broke. He said but, no, there would not be office facilities or staffing on the site for there need to be constant lighting. However, he was sure the applicant could tell you more about that in more detail.

Ms. More asked if was not a security fixture or something like that; and Mr. Clark replied that he did not believe so but they can ask the applicant.

Mr. Dotson said the question about accessing the site once construction has been completed. He sees on the site plan temporary access would come off from Route 53.

Mr. Clark replied that the construction entrance would be on Route 53, but then that would be closed and would be actually covered up by the proposed landscaping on Route 53. Then a permanent entrance, which again would just be for occasional maintenance would be back here on Buck Island Road.

Mr. Dotson said a related question in terms of operating this facility a certain number of inverters would be involved and are those spread around the site or clustered in one area.

Mr. Clark replied that my understanding is that they are spread around the site but the exact locations will not be known until the final engineering is done on the exact layout on the panels. He said our main concern with those is just to keep them be back to some degree from the nearby residences which is why we are recommending a 100' setback, we are mostly concerned about noise when it came to the inverters.

Mr. Dotson said when you speak about noise that is noise made by the inverters during the hours of operation and you described it as continuous; and Mr. Clark replied that is correct.

Mr. Dotson said in terms of the panels tilting, and maybe this is a question for the applicant, is there however many panels there are here tilting simultaneously does that generate noise.

Mr. Clark said that he recalled asking the applicant about that a few months back. He recalled that the answer was that it happened so slowly that it does not produce much noise because they are talking about tilting from one angle to the other across the other across the entire course of the day, but they can answer that better than he can.

Hearing no other questions, Mr. Keller opened the public hearing and asked the applicant to come forward.

Seth Maughan, Director of Projects with SolUnesco, said his colleagues Joan Hilts and President Glen Telfer who works for J. Breeden who were doing engineering work for us joined him. He said also present is Carolyn Sweeney who is the landowner on this property. He acknowledged all the work the county has done to date; we have been working with them for a year and a half on this project. He said we know it is a new year and we really appreciate off the effort that has been put into responsibly embracing solar development in the county. He said Scott did a great job of giving an overview of the project. He has a couple of items he would like to ask to talk about somewhat commonly asked questions particularly to this project.

Mr. Maughan said he thinks we have had a good summary of this proposal and if you have questions, he would be happy to answer them. He presented a PowerPoint presentation that he wanted to share; this is a representation of what an 11 megawatts project would look like on the property. He pointed out the roads that Scott showed going north/south here and as he pointed out, they rotate slowly throughout the day and at that speed there is no real noise. He clarified one thing Scott said about the height was that 6'8" height is when they are at a maximum tilt and it is not the height they are when lying flat but are lower to the ground and a very low profile use. He said at the maximum tilt at the end of the day one edge will reach that height and then they will flatten back out for the night.

Mr. Maughan said as Scott mentioned we have worked pretty excessively with the ARB and staff to develop a buffer plan. He said there is a chain link fence there and it is 7' high, which is the reason that we are planting trees that are also 7' high; not all of the trees but a significant amount of the trees so that at implementation there is some decent coverage. He said we are also giving a setback of 85' to the fence and 100' to the panels that is beyond what is required there in addition to an extensive buffer plan that is quite a bit more than industry standard. He said we did this throughout several hearings of the ARB because of the Entrance Corridor. He noted he has learned since then that technically there is no Entrance Corridor standards and with that said we recognize and respect that this is an important street and the rural nature of the street is important to the county. He said we want to be good neighbors so we are not proposing any changes from what we came up with the ARB and we hope will go a long way in creating harmony with this property and the surroundings. He said we have also prepared a couple of simulations of what this buffer plan will look like. He pointed out in a shot from Route 53

with the trees granted after 5 to 10 years of growth; but when planted they will be 7' which is higher than the panels and equal to the height of the fence. He pointed out before and after photos. In addition, he said we understand that Albemarle County is known for its view sheds and Scott shared the analysis we had done to the left. In the analysis, the red areas are areas that theoretically have a line of sight to this project. He said one of the notes is that we used 40' average trees for this analysis which is quite a bit below what he understands what the actual average tree height is in Albemarle County. Therefore, this is a very liberal estimate in actuality and it may be very much better than this. He said as Scott pointed out you have to be quite a distance from the site before you get into the hills where you have the elevation where you could theoretically see over the surrounding vegetation. At that distance, we have demonstrated in our application it is very hard to see anything at all let alone matte black panels that are 4' off the ground.

Mr. Maughan said what we have also done is taken pictures from a drone that we had commissioned of the Louisa site in Louisa County. He noted that site is quite a bit larger than the proposed site. The first picture is at 2.7 miles and you can see off in a distance the actual site. Then the picture below is at 4 miles and again this area is the site that is nearly impossible to see at this distance. In fact, the lower right picture was taken to simulate the approximate distance in height from Monticello. He said we shared this picture with Monticello along with a glare analysis and a lot of other information. He said we have really enjoyed working with them and they were able to endorse this project. He said we were happy about that.

Mr. Maughan said the big question we always get is decommissioning and rightfully so; he certainly understands the counties don't want to see racks of garden panels that have been left for 50 years and that is certainly not the case here. First, of the entire landowner contract, we have an obligation to the landowner aside from our obligations with the county to decommission and that language is in the contract, which is also included with the application as far as our sight control documentation. He said also we have a number of conditions that have been proposed by the county all of which we are happy to adhere to, the conditions are fairly standard and stuff that we have agreed to in other counties including a decommissioning plan with a third party cost estimate and also updating that plan every five (5) years to ensure that conditions have not changed and we can still do the cleanup. In addition, with the conditions we are committing to full decommissioning and rehab as described in the application and in our contract with the landowner within 180 days of this project going off line. He said that is quick, usually we take a year; however, this is a smaller project and we believe that we can meet that. Therefore, we are happy to oblige there as well.

Mr. Maughan said we hope we have been able to effectively demonstrate that these projects pose little risk for negative impact to the county; but we would also like to highlight some of the benefits that these projects offer the county. Obviously, it is a revenue opportunity for the landowner and a way for the landowner to use their property in a way that generates revenue for them beyond what they could otherwise expect to earn off the land through alternative uses. In addition, there is expected to be an increase in real estate tax. Currently, this is in land use so the county will see a small increase. At present day values, it is a little over $6,000 per year plus five years back taxes and so a little bit of cash for the county. In addition, there will be construction jobs for the construction part of this project. These jobs are cropping up all over the state and in Central Virginia Piedmont. A Virginia Community College locally actually has a project now where they are training workers in this field. Therefore, we are glad to see that because it means there is opportunity to hire locally for this project. In addition to that, the county can expect that general economic boost especially during construction for services like rock quarries, landscapers and nurseries. There is a local EPC firm that specializes in building these sort of projects in Charlottesville, they have approached us and are looking forward to bidding on this project when it comes up. Finally, it provides the county with an opportunity to take a leadership role in clean energy role in Virginia. He said we know that is a priority from you based on your Comprehensive Plan and in participation in the Sol Smart Project you made a dedication to champion renewal energies and this is a great opportunity for you to do so.

Mr. Maugham pointed out there is a lot of due diligence still to come since this is sort of a generic step of a project since right now we are in county permitting and have to work with the state on what is called the DEQ. He said we have to do technical surveys to perform boundary surveys with the Army Corps of Engineers, historical

and archaeological surveys and then give reports to the state along with the mitigation measures that we deem necessary. He noted they would have to sign off on this project before it is built. In addition, we will be working with the county actually for the Virginia Stormwater Management Plan on this project for any wastewater management needed. With that, Mr. Maughan thanked the Commission and said he hoped they would agree with staff on the recommendation for the special use permit and was open to any questions they might have.

Mr. Keller invited questions for the applicant.

Ms. Firehock said the plan shows a stream on it with trees and obviously, the landowner left that after completing the forestry operation. She asked the applicant how wide that is and if he plans to maintain that water buffer.

Mr. Maughan replied that there is a stream buffer that shows up in the GIS, which was the main strip in the middle, and per the plan, we are leaving a 100' buffer that matches what is in the county's GIS system where we will not be disturbing anything.

Mr. Bivins asked to speak a little bit about the decommissioning plan. He said the plan right now is that there will be a review every five years.

Mr. Maughan replied that was right and that was actually proposed by the county.

Mr. Bivins asked if that five-year review will include the county attorney and the county engineer and if there were changes to it.

Mr. Maughan said that he believed the plan is to have a third party do a cost estimate every five years; and if we feel that there are any changes required of the decommissioning plan we will make it at that time and resubmit to the county. However, at a minimum he believed the requirement specifies that we will redo a cost estimate that he believes is the important piece and the one most likely to change.

Mr. Bivins said that would also be recorded as the other plan since my concern is that every time you do a reevaluation that piece makes it through the process set down in 6f to ensure it is put on the plat and gets recorded so that it sets some place so everybody knows what you are doing.

Mr. Maughan suggested that might be a question for Mr. Blair since we are supportive of the conditions, but did not offer them and did not know what the county requires there exactly. He said they would be happy to oblige.

Mr. Blair said that obviously we would review all documents that were to be recorded before they would be recorded. He would say this is sort of a novel process; this is the first such facility. The zoning text amendment occurred last year and this is the first facility to come under that special use permit so we have been looking at decommissioning practices across the country. Obviously, we would review these documents before they are recorded by our office as well as the county engineer's office. However, to be frank he said this is sort of a novel process.

Mr. Bivins asked how you are made aware if by some unfortunate moment a panel is stuck up when it should not be. In addition, he asked how long it takes someone to come and correct that.

Mr. Maughan replied that there is real time monitoring of these systems through a computer monitoring system that would come to someone's desk and they would send out a dispatch. As far as the response time on that he is not sure, but would assume it is possible because if a panel is not working correctly we are losing money. As far as possible other negative impacts of that he cannot think of one other than we are losing money. He said so even if a panel was stuck in a position that was not facing the sun he did not think that would be a detriment to the county or neighboring properties; it would just be a detriment to us so we would want to fix those as quickly as possible. However, he does not know what the exact response time is.

Ms. Riley asked Mr. Maughan for a little more detailed description of the landscaping and screening plan given the ARB's concerns and if he could talk about what areas in particular were the most challenging and how are you going to treat them.

Mr. Maughan pointed out that this was sort of a tiered approach. He said one of the obstacles we had here was that there is an electrical easement running along the entire frontage. He said this is the only frontage that actually abuts Route 53, which was the Entrance Corridor, and probably will be again soon, so we really wanted to focus on this area. He said what we have here is shrubs directly adjacent to the road, but not within the VDOT easement. He noted that we had a little bit of room there between the VDOT easement and the electrical line easement, and we felt that shrubs are appropriate because they fit and did not have an opportunity to grow up into the lines. He said we worked a lot with the county and the ARB on this matter and kind of agreed that was an appropriate fit for that little strip of land we did have and beyond that we step it up with some higher trees just on the other side and basically back to the fence. There is still a tiered approach with the trees closest to the fence being the tallest where you see the 7' range trees next to the 7' fence. He said those trees of course would get bigger quickly that you saw in the rendering. He pointed out another aspect of the property, as you saw; there are some small pine trees that have been growing for the last 3 or 4 years since it was clear-cut. In our application, we make it clear that we will also keep those in place where possible so in addition to the planted trees we will also have some trees that are currently about this high and will continue to grow that alone certainly do not cut it as far as the screening goes. However, those trees do county for something and we are happy to leave those in place as well. He noted those would be left in place all around the property and with the joint properties there is a 50' buffer and we will leave those pine trees and anything else that grows in there.

Ms. Spain asked along these lines is there any alternative to that chain link fence abutting 53 or anything that would be as cost effective or would fit with the chain link size that she would assume you would want to keep.

Mr. Maughan replied that we looked into this and understood it was a concern as part of the Entrance Corridor and the ARB issue, and what we found was an alternative solution as far as a different fencing type that was not chain link but we are still taking about a metal fence. He said he cannot remember but Glen looked into it and he thinks it was something like 10X and we abandoned that at that point since it put a lot of financial strain on the project. Instead, we moved the fence back from its original proposed position of 60' to 85' and we added another layer of buffer. Again, this buffer plan is way beyond engineering norms; it is frankly stressing the project as is financially and we are committing to it because that is what the county has asked us to do. However, he firmly believes that it will be adequate and between that and the distance, it will be adequate to screening this from the roadway.

Ms. Spain said the ARB clearly agreed, and Mr. Maughan relied yes.
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Mr. Keller opened for public comment.

Ms. Riley said we have three people signed up to speak, but anyone interested can speak. She invited the first person to come forward.

Eric Kirshnick said he had lived in Albemarle County for 53 years and was very familiar with this piece of property. He said Ms. Firehock asked about the stream buffers and pointed out that anything within your 100' is coming to the creek. He pointed out in the first motion the Commission heard about the amount of disturbance to the area, which was minor to the automotive business. He said that with all the people working here this is going to be a major thing and all their pictures from Route 53 he can see a long ways. Mr. Kirshnick said that the applicant said it would take 10 to 15 years for the buffer to grow up and let's just say that for the 10 years we are going to see this big field of panels. Mr. Kirshnick said the second motion that the Commission heard was about the James River and we want to keep rural area. He said it might generate some jobs; but for the landowners around it that have beautiful homes this is going to be an unsightly to look at every day. He said the amount of traffic that is going to be coming in and out of there from the workers is going to be dangerous. We just had a death out there and if you go out there and look where their easement there is a pine tree with ribbons on it where people died.

He said it is very sad that this is what is going to come out. He said this is just not the place for visitors to come from out of town. He said they have said Monticello has signed off on it but why are all of the pictures from five miles away. He asked are not there some neighbors that get to look at that and why didn't we get to hear from them and the Fluvanna site. He noted that at five miles everything looks a little out of focus. He said that with 90 acres you are going to see that even if it is lying flat on the ground. He heard them say that a panel makes as much noise as a vacuum cleaner; however, imagine 90 acres of panels and how much noise is that going to be. He said he did not think they were giving us the whole truth. He asked Scott before the meeting what is the damage to the land over the 25 years and was told we are going to be cleaning it up; however, we do not know what is going to be left behind. He said for the homeowners who have a beautiful home next to this property you do not know what it is going to do. He said they want this project to go through; but he bets they are not going to have to look at it. He said he travels 53 a lot and he is using a low estimate that for ten years this is what we are going to have to look at.

Mr. Dotson asked staff to put up the map so speakers could point out where they live.

Brenda Lee Sirvenska said she lives at 2605 and as a neighbor; she pays many taxes of about $4,500 a year and had moved to the country to be in the country and not next door to some type of situation like the one we are talking about here. The other concern is property value and we have heard noise pollution. She asked are there any contaminants within these panels that would pose any health risks and if so what studies have been done on that. She said that also we do not have wells. She pointed out we had an earth quake a few years ago, and for example if we had an earth quake is this company going to protect our water if these panels break. She did not know what type of contaminants or pollutants are within these panels, but if that goes into our groundwater all of the neighbors have wells and what happens to us. She said we do not have any advantages as far as being a neighbor in the county paying the taxes that we do to have this as a neighbor.

Alissa Bryant said she lives at 2655-Buck Island and the solar panels will be actually at my back door. She has no problems with it, and yes there are always accidents on 53 and a lot of it is due to falling asleep, drunk driving or whatever and it will continue to be after the panels go up. She said many people do not want them, but it is Ms. Sweeney's land and she has no problem with it. She noted they would be coming right beside my property and at my back door. She said William Kingray who lives two doors down she is sure he has no problem with it. She said that it would be great for jobs and the community.

Ms. Riley invited other public comments.

Calvin Frazier said he lives next door to Alissa and so this project will be in my backyard. He noted that his house was built on the farm itself and why you do not see it separated. When he heard about this project going on for the last year and a half he was and still is all for it. However, what he did not understand and the reason he came to this meeting is the notice has been up and 50 neighbors could have come up here tonight and said what they had to say and whether it would affect them or not. However, the only people that are here with us are all for it and the other two people here that are not for it are Ms. Sweeney's stepdaughter, Brenda, and Eric Kirschnick who use to go with Brenda's daughter, may still be, and worked on the farm at one time. However, out of all the people who could have come here and contested this projected it had to be her stepdaughter and a friend of her stepdaughter's daughter. He noted that all that boils down to is a family feud and does not have anything to do with this project. He said if it would affect any more neighbors then neighbors would be here to speak their part.

Travis Petrolia, with the Southern Environmental Law Center, thanked the Commission for the chance to comment here tonight and thanked staff for answering some of their questions about the proposal. He said we see this project as a great opportunity to advance the county's goals of pursuing cleaner energy, reducing greenhouse gas emissions and at the same time we help make this project the best it can be especially because it is the first of its kind through the gate and will influence how similar projects are accessed going forward. He said a big part of that is ensuring a careful review and mitigation of its impacts on the rural area. In our respect, we do have some questions about the proposal as well as a few suggestions to strengthen it. As an overarching point, it is a key that all the mitigation commitments that are truly important in the county are captured in the special use

permit conditions themselves. With that point in mind, we have a few recommendations. First, the application provides that the ground cover on the site will be grasses and fully permeable. However, that commitment is now made clear in the special use permit commitments. Since this project has a stream flowing through it and when remove large areas of existing vegetation that drain to that stream it is important that these protective measures are specified as actual commitments in the special use permit. Second, the conditions proposed in the special use permit reference tree protection areas being designated in a couple of different locations near Route 53 including the proposed 475' area on the adjacent parcel. We do not see any of these protection areas actually identified on the concept plan and recommend they be added to it. Third, the staff report indicates that the project will still be visible from several approaches along Route 53. We recognize that it may not be possible to screen it completely from view; but based on the ARB's feedback there do appear to be some discreet locations where additional screening would be useful. In those locations, we at least urge you to consider some type of barrier other than a chain link fence if only for particular sections. Finally, we are glad to see language in the special use permit conditions on the decommissioning and rehabilitation process for the site. However, some tweaks to the language particularly condition 10 should be made to more clearly specify that it is the applicant that is responsible for carrying out these activities rather than a passive voice which puts the obligation on no one in particular. In closing, he thanks the Commission for considering these comments and recognizing the importance of getting this one right. Thank you.

Jamie Graves said that he lived one property over from Ms. Sweeney's stepdaughter and just had a couple of questions. He asked what is this project going to do to the adjacent property value and how long would the construction take from the beginning to the end. He asked how long will people be coming in and out of the property. He asked would the speed limit be lowered on that road because right now the one stretch is 55 miles per hour, which is too high at this point. He said those were some of the concerns. He asked to reiterate the noise concern because they did say that at 7 decibels per unit but how many units would there will be. He said if you put 100 units together, that would be a lot of noise for the neighbors to hear. He said that was some of the questions that he had.

Mr. Keller said the Commission would have staff address those questions.

Ms. Riley noted there was no other public comment.

Mr. Keller invited the applicant back for rebuttal.

Mr. Maughan said he understands there are some family dynamics going on around here, but also he understands that any sort of new development in your neighborhood can be intimidating and he certainly wants to try to answer as many of the questions as he can. First, he wanted to clarify that those renderings of the buffer plan were 5 to 10 years and not 10 to 15 years. As he stated they are putting them up at 7' at planting many of the trees to deal with this. He pointed out that other counties require 3' at planting. He said that 7' of planting as he keeps saying is above and beyond industry norms and we are committed to doing so because we understand this is important to the county. The panel noise versus inverter noise for clarity he noted that only the investors are what we are talking about with the vacuum cleaner level of noise. He said there are seven of those, as Scott stated, spread throughout the site. As he demonstrated in the application for the spec sheets for these seven invertors that will be spread throughout the site, they met the 70 decibels when you are standing right next to it. When you back up about 50 feet, you are now below what the county requires as far as the noise ordinance, which he believes as 40' or 50', which has been described as a library whisper. Now we have doubled that distance as our minimum and we will obviously adhere to that and probably they will be quite a bit further and so he actually pushed back on the idea that anyone would be able to hear these off site.

Mr. Maughan said regarding the safety about highway 53 all notes that construction is only 3 to 6 months expected on this project and we are going to be doing this in alliance with VDOT to make sure everything is done correctly. In addition, he notes that during logging operations that same path was used as a temporary entrance, which in fact is why we chose it. The idea of contaminants he knows of no verifiable story where panels have broken and spilled contaminants. He said if Ms. Sirvenska has some concerns or reports on that, he invites her to

share that with me and he would be happy to address that at the Board of Supervisors meeting. However, he knows of no examples of such a thing happening. He said she also spoke about this having no advantages to the neighbor. He said this project could not benefit every single stakeholder. He said what we are obligated to do is to mitigate any impacts and make sure there are no negative impacts on stakeholders and he thinks we have demonstrated that we have done that. So there may not be an advantage or benefit to a neighbor but certainly he thinks we have demonstrated that we have taken reasonable measures to make sure there are no negative impacts on the neighbors. He said in her case we are not doing anything in the northeastern arm there and there is over 1,000 feet of fully vegetated forest between her and the farthest extent that were we are going to be allowed to build based on our concept plan. Regarding property values, he said there is not a lot of research done for solar. He said there is a lot of research done for wind, which is a much more disturbing use for neighboring properties and that research has come back largely negative. He said rooftop solar is obviously shown and that could make it negative as far as impact on property values. He said he was not aware of any good studies that show that it will have a negative impact on property values and he would be happy to address that at the Board of Supervisors meeting. He said he would be happy to answer questions.

Mr. Keller invited questions for the applicant.

Mr. Dotson said it has been said that this is something that is new in the county; it is a direction probably that he hopes we are moving nationally but it is a learning opportunity and you have mentioned programs possibly at PVCC relating to this. He asked what are the teaching opportunities of a site like this, he was imaging at one extreme it is a bunch of things in a field, and there is not much to go look at and learn about. On the other hand, he could imagine someone being there with a group of students and watching gauges how they perform in respond to clouds going over, monitoring the grid and other things since he was not knowledgeable. He asked is there a teaching opportunity in facilities like this.

Mr. Maughan replied sure, and in fact, in other projects we have even suggested that. He did not know that we have the resources to develop a program with that, but if the county were to approach this project with an idea, he totally agrees that there are definitely lessons that we can put on younger generations on the future of energy. Again, we do not have resources to develop a program like that, but we are certainly game if the county wants to present something to us.

Ms. More questioned condition 4 and the tree protection agreement. She said it speaks to 475' on the rear boundary of the parcel and she wondered if attachment F is helpful. She said what is shown in the middle of the property is the stream buffers so we will have the 100' trees that would stay there with the rear boundary. However, she wondered about going up into the point.

Ms. Maughan said as was actually brought up by the Southern Environmental Law Center there was concerns put forth by the ARB about neighboring properties and right now, there is vegetation that blocks any view and distance we argue up to 800' on some of these neighboring properties along the road. However, what we also argue is that on this parcel it is particularly bad because the backyard was clear-cut and the topography does not lend itself well to view sheds. From the road you can somewhat see through this as it stands and if she were to clear cut further or the back area again so we persuaded an easement on the timber and Ms. Sweeney agreed to not cut some of the timber again for the life of this project. The reason that this property was included and the other properties were not was because we have a relationship with the other property owners and most importantly, those properties are better crowned when you look at the topography. He said we have demonstrated through cutting through sections and looking at the topography with this section on it in our applications that these properties are pretty crowned and there is not a real risk even if they were clear-cut for those properties. With Ms. Sweeney's property it is a little bit different which is why we wanted to put something in place there really to convince the ARB that she can't clear cut. He said the risk of Ms. Sweeney clear cutting is kind of null and void.

Ms. More asked that he pull up attachment F so they can get a little more specific about the tree protection areas that are designated to clear up when he is talking about the 475'.

Mr. Maughan pointed out there are four properties to the north that run along highway 53 and the second from the left that has some clearing on it already basically the easement would allow those existing pines to continue to grow and that 475' extends about another 100' into the existing vegetation. So really, it is the majority of that parcel and we left the front yard alone.

Mr. Clark pointed out it was the rear portion as outlined.

Mr. Maughan explained they came up with a contract that Ms. Sweeney did sign. He said there were some problems identified by the county attorney just in the legally of the document. So that is why this condition is in there asking that the language in the document be tightened up. He said he would work with Ms. Sweeney on that assuming this goes forward.

Ms. Firehock said the only comment she heard from the public he did not answer was people asked about how long construction would take.

Mr. Maughan replied that 3 to 6 months is estimated for a project of this size.

Ms. Riley asked for more explanation on the stream buffer and how the ground cover on either end is going to be protected. She said he said there would be ground cover underneath the panels in general, but could you address the question about the stream buffer more specifically.

Mr. Maughan replied that they were obligated not to touch the stream buffer as he understands and beyond the stream buffer there that they are disturbing they are setting aside 100' on either side basically taking the county's GIS stream buffer and just overlay it on the project and committing not to touch it. Beyond that area, they are disturbing and putting panels there below and around the panels, on page 23 of our application, we discuss what is planned for there and that is native wild grasses and/or flowers. We worked with Rhett in the Environmental Division of the county to put together a list of possible grasses and possibly wildflowers that might be a little bit harder as we look at the legalistics involved. However, there are grasses that will grow under those panels and per our application we have committed to at a minimum using, the wild grasses and we provided a list of possible species that Rhett provided.

Mr. Clark noted the conditions staff has given them that would require those other three strips to remain those don't appear to be mapped streams and don't have water protection ordinance buffers on them. He said whether some later process with the state would do something with those we do not know; but we were focused on protecting the identified stream in the Water Protection Ordinance buffer. He pointed out originally the proposal included the entire section of property up here that would have had not only water impacts on the pond outlet but also visibility impacts up here and working with the applicants they agreed to pull back the envelope to this side of that drainage there so the visibility impacts would also be reduced. He said one thing we might consider in the conditions was just to be absolutely sure the way staff worded section d of condition 1 retention of wooded vegetation and stream buffers. He suggested that we could add the word "existing" before wooded there to make sure that what we are talking about is keeping the existing trees on those buffers so there is no doubt at all.

Mr. Palmer said just along the storm water vein that we have been talking about if the main entrance for after construction is on Buck Island Road there will be like a stream crossing on that buffered stream.

Mr. Maughan said they have actually engineered around that so it goes up and around it.

Ms. Spain said just clarifications for the minutes the person you worked with in the county is Rhett Gladly.

Mr. Maughan said he had one question for Mr. Blair on condition 11 it talks about us commencing and he would like to know exactly what that means and if commencing the use means operational in two years.

Mr. Blair said it would not mean fully operational and he thinks what we would typically do in that situation is refer to what is called the vested rights status in Virginia, which is 15.2.2307. What we would typically do there is look at have you taken steps that would in fact constitute what we would consider expending funds or due diligent efforts to develop the site in accord with the special use permit.

Mr. Maughan said that they were very satisfied with that.

Mr. Keller said he had a question in terms of clarification. He said he thinks he made a statement that the panels would be 1,000' away from each of the neighboring properties.

Mr. Maughan replied no, it was just from the one neighbor to the west who spoke, Ms. Sivanka just addressing her concerns specifically. He said in general 1000' would be too much for us to commit to, but in that particular case, it is just how it worked out for Ms. Sirvenska. He said as Scott just mentioned we agreed to pull out of that arm for a whole lot of reasons.

Ms. More questioned condition 10 and who would be responsible for carrying out the activities. She said it talks about the decommissioning plan and so it seems in condition 6b the identification of the party currently responsible for decommissioning is identified there. She asked Mr. Blair is he thinks that is adequate in identifying who would be responsible.

Mr. Blair replied yes, it would be spelled out in that decommissioning plan as well as Commissioner Bivins was talking about the updates and he believed that was in section 8. So if any of that changed that would be part of that update to the decommissioning plan.

Ms. More said it would cover condition 10, and Mr. Blair agreed.

Mr. Keller closed the public hearing to bring the request back for discussion and action by the Commission. He noted that they had two motions, the first one dealing with the Comprehensive Plan and the second with the special use permit.

Ms. Firehock said she would like to walk through the criteria for review of new uses in the rural area that is stipulated in our Comprehensive Plan. This complicated project both meets and does not meet some of that criterion. So one of the criteria that it would relate directly to the rural area and need a rural area location in order to be successful; the example given is a farm winery. The challenge here is that while it does not need to be in a rural area to produce solar power there is open space in the urban ring and so the open space that is available for such a use happens to be in a rural location. It must be compatible with and have a negligible impact on natural, cultural and historic resources. That one is another one that is both. It has a negligible impact on historic resources such as Monticello but it is debatable whether it has a negligible impact on some of the neighbors and also on the route to Monticello. It should not conflict with nearby agric and forestal uses. It does not actually conflict with nearby uses. It should reflect the size and scale and compliment the character of the area. She did not know how we would evaluate whether solar panels compliment of the character of the rural area. It must be reversible so the land could easily return to farming, forestry, conservation and other uses. It is most decidedly reversible although perhaps would be there for a long time. It must be suitable for existing rural roads and result in little discernable difference in traffic. It sounds like most of the traffic would be during construction and very little after that. It would generate little demand for fire and rescue. They have already established that the solar panels will not need much rescue. It must be able to operate without the need for public water and sewer. She said it must be sustainable with available ground water and that condition is met and also to be consistent with other rural areas policies. In addition, we go back to the challenge that it is not supporting a traditional agricultural use of farming and forestry. It is not necessarily the highest and best use of the land. Ms. Firehock said she was torn on this application and had not decided yet, but she thinks we are all sitting here under lights that are probably powered by coal, which is not clean and probably resulted in a lot of environmental destruction so we can sit under these lights. This proposal does meet other goals in our

Comprehensive Plan for responsible energy generation. Therefore, this is why it is a difficult situation because it both meets and does not meet some of the criteria that we have established for uses in the rural area.

Mr. Keller thanked Ms. Firehock for doing a good job of going through the points we need to be considering in doing that.

Ms. More said it has been made clear that this is new territory for us and she thinks staff has done a good job of outlining conditions. In moving forward, she asked would we look to other localities to set up guidelines and establish something that we have learned from this process moving forward. She said that would be her suggestion to staff to pursue that.

Mr. Keller said actually staff in the report does suggest that this might then become a model that would allow them to develop guidelines based on comments from the public.

Mr. Clark said staff has discussed using this as standard conditions for a template. There has also been some discussion in the past of whether or not we want to develop supplemental regulations for this use as we have other uses we could go that way as well.

Ms. Spain said this one seems like the cell phone issue with new technology and those 20 years ago we might not have thought about the need for cell phones but now we have to weigh conflicting parts of the Comprehensive Plan. Ms. Spain said she this as another type of technology that may or may not be increasingly evident in rural areas but one we will probably have to deal with again.

Ms. Firehock suggested that the location be considered strategically.

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Ms. Riley said she appreciates your comments specifically around location and she thinks that really should be something that we really look at. She thinks we may very much be limited by locations at least currently transmission substations being the only locations that these panels can be sited; but, she would be very interested to see what other elements we really want to consider as we consider that for the Comprehensive Plan.

Ms. More agreed with that and thinks Tim made a similar point moving forward that could be something we could consider where what makes a site appropriate and what does not. However, for the motion before us now is about this proposal. Ms. More moved to find the facility proposed in SP-2017-00018 Rivanna Solar Project to be in substantial compliance with the Comprehensive Plan.

Mr. Bivins seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call vote.

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

Mr. Keller said the Commission was now on to the second request and the specifics for this site.

Ms. More said she was comfortable with the conditions here even though she thinks they have already talked about moving forward and working with the work staff will do to guide us for future applications of this nature. The one thing she did want to bring up that was another comment from the public was about the ground cover or grass that would be planted actually within the panels themselves. She asked does staff feel that is adequately covered in our conditions. She pointed out we talk a lot about plantings, but it is more about screening.

Mr. Clark replied that staff did not apply a specific condition about the ground cover under the panels because there was still a fair amount of uncertainty about what was going to work best. Originally, we worked with the applicants and honestly pushed them a little bit about using native species to the greatest extent possible. But, it

seems like the standard practice is to use certain grass mixes under these facilities and we did not want to push one issue with native plants and then have the shading from the panels make those plants not survive and then cause a soil erosion problem because we picked the plants wrong. So we were more leaving the exact choice of ground cover to standard practice in the industry which from what we have gotten from research and talking to the applicants is generally speaking they are going to go and clear stumps and smooth out the surface. It is really not grading but they are going to pull stumps and things like that and then plant grass. It might be native grasses if they can manage it, but we did not feel comfortable enough with being sure that the species we might limit them to were necessarily the right species for long-term durability under the shade of the panels.

Ms. More pointed out she certainly would not want to limit it that much, but just wants to ensure that even though it is the industry standard that will happen on the site whatever type.

Mr. Clark noted there is nothing that he has seen that suggests that it will be bare soil that is going to run off. He said there is grass on all the facilities we have seen that is maintained and mowed so it is there to hold the soil in place.

Ms. More asked if anyone else has that concern.

Ms. Firehock said she thinks if you have soil exposed in Virginia stuff grows on it. Therefore, she was not so concerned and would be more concerned that it would be weed choked. However, she thinks that they are going to need to maintain it anyway just to protect the panels from getting things growing over it so they are going to be out there trimming.

Ms. Firehock said the view analysis was mostly from Monticello and places such as that and not as much consideration given to just whether a neighbor on a hillside who lived in the rural area for their whole life wants to look at a farm of solar panels when they anticipated a farm of cows, trees or meadows.

Ms. Riley said the question about the visual impact is something that we need to think more about. From my understanding of the potential noise impacts and the setbacks required in terms of the decibel levels is pretty well spelled out and those are related to the transmitter boxes as opposed to the solar panels themselves. She thinks it is more of a question of the visual impact.

Mr. Clark noted the noise ordinance requires the noise will drop to 60 decibels daytime at the property line. So that probably requires those invertor setups to be 50 feet or a little more to the property line to be sure of fitting that by the time the noise level drops off. Staff recommended 100 feet in this case just because it is a continuous source while it is not the occasional operation of equipment or something; it is going all the time while the sun is out.

Mr. Dotson said he had three comments that he understands and appreciates some of the landowners being concerned about the impact on property values and we don't really know one way or the other since it may be neutral and have no impact. He said or it may have no impact that is different from the impact of the clearcutting on the site, which has some impact on the value of abutting properties or the substation. Therefore, he does not think we can resolve it but he thinks given the significant lengths that the staff and the applicant have gone in trying to mitigate the visibility and noise he is inclined to think that they have mitigated the effect on the property values. He said he did not support totally trying to screen something out of any view from any angle, a total camouflaging or total screening. If it requires total screening then we should not be approving it. It is like in cell towers, sometimes people have suggested let's make it look like a tree – no, it is a cell tower and we need to relate it, it will be seen, but we don't want it to be more than a certain distance above the existing tree line and so forth. Therefore, option b of trying to totally screen it he thinks is not as good as trying to be a good neighbor and he thinks that is what in my mind the various mitigation measures which are substantial amount to as trying to be a good neighbor.

Mr. Keller asked if there was a motion.

Ms. Riley moved to recommend approval of SP-2017-00018 Rivanna Solar Project with the conditions outlined in the staff report.

Ms. Spain seconded the motion.

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

Mr. Keller thanked the public, staff and the applicant for thoughtful discussion this evening. He said this moves forward to the Board of Supervisors.

Mr. Dotson said he had a quick question of the applicant. He asked if the Board of Supervisors, Planning Commissioner or people in the audience wanted to go see a facility like this could you tell us since he mentioned Louisa County. He asked if that was the closest similar facility.

Mr. Wilkes replied that Louisa County's facility is a little bit bigger than this site, but it uses the exact same technology type. He noted that in Louisa you would see green grass underneath the panels. He said that is 30 miles from here. He said in fact they took the members of the Planning Department out there several months ago and if anyone wanted to go out there he would be happy to escort them. He said it was not one of our sites so we don't have access inside since that one is owned by Dominion at this point. We actually had an appointment with Dominion to tour at one point with planning staff, but it rained that day so when we all went out we just stood at the fence, which he thinks we still got a good view.

Mr. Dotson asked for a particular route or intersection in case they individually wanted to do a drive by.

Mr. Wilkes replied that he did not know off hand.

Mr. Dotson noted that Ms. Maliszewski is nodding that she has the information.

Mr. Keller said they have finished the public hearings and it is the consensus that we would like to take a break before the work session.

The Planning Commission recessed at 8:10 p.m.

The meeting reconvened at 8:21 p.m. and moved to the next item.

Work Session.

CPA-2017-00001 Willow Glen Industrial Area
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCELS: 03200-00-00-049B0 and portions of 03200-00-00-049I0, 03200-00-00-049J0, and 03200-00-00-049F0
LOCATION: On the east side of Dickerson Road, approximately 1000 feet north of the intersection of Towncenter Drive and Dickerson Road,
PROPOSAL: To amend the Comprehensive Plan designation for approximately 3 acres, from Urban Density Residential residential (6.01 – 34 units/ acre) and supporting uses such as religious institutions, schools, commercial, office and service uses to Office/R&D/Flex/Light Industrial which allows commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density).
ZONING DISTRICT: Planned Residential Development, which allows 3 – 34 units/acre with limited commercial uses and Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
AIRPORT IMPACT AREA: Yes

STEEP SLOPES MANAGED: Yes
(Rachel Falkenstein)

Ms. Falkenstein presented a PowerPoint presentation regarding CPA-2017-01 Willow Glen Industrial Area.

Purpose of Work Session:

CPA-2017-01 Willow Glen Industrial Area
To evaluate whether this applicant-initiated Comprehensive Plan Amendment (CPA) has merit for consideration, and if so, to provide feedback for specific elements to be addressed if this proceeds as part of the future CPA.

Background:
- Property fronts on Dickerson Road across from the airport. It also has an entrance off Town Center Boulevard. 23.7 acres
- Zoning: PRD (2007 ZMA)
- Portion zoned RA was not part of the 2007 ZMA
- Comp Plan: Urban Density Residential

- To date, one phase of Willow Glen development has been built.
- Willow Glen PRD approved for up to 234 units (9.8 du/ac)
- Phase 1: 34 units – mix of townhomes and single family units have been built to date with an entrance off of Town Center Boulevard
- Remainder of the property undeveloped (two previous units)
- Partially cleared for utility work
- Along northern property line is some vegetation,
- There is a stream on the northern portion of the property
- The approved application plan shows grading right up to the edge of the stream – including some portions being piped. There is no WPO buffer on the stream.
- At the request of staff, the revised plan pulls the grading and development a bit further away from the stream.
- Photos showing the existing entrance off of Dickerson Road; the area that has been cleared for utilities to serve Phase 1,
- Dickerson Road – existing two lane road – rural cross section, no curb gutter/sidewalk,

The Comp Plan Amendment is to change the land use designation on a portion of the site fronting on the northwest corner of the site along Dickerson Road from Urban Density to OF/RD/Flex/LI.

The proposed CPA:
- Change from Urban Density Residential to Office/R&D/Flex/LI
- 2.77 acres
- Portions of four (4) parcels

The Willow Glen application plan is oriented a little differently:
- CPA area (approximately) transposed over the 2007 Willow Glen Application Plan
- Orient – Dickerson Road, Towncenter Drive
- 2007 plan shows this area for residential uses
- Townhouses and condominiums as well as the outparcel.

- Area shown in red is now proposed for office/flex/industrial space
- Pointed out changes to other portions of the Willow Glen Development to unit types: Applicant is no longer proposing condominiums on the site – just a mix of townhouses and single family residential.

- These changes are not part tonight's CPA request; but the Commission could weigh in if you have concerns about the loss of this unit type (change in unit type will likely require approval of a future special exception)
- It was previously shown for residential development – building F is a condominium and building D are townhomes
- The rural area part of previous Willow Glen application.

The area for focus of tonight's discussion is the three (3) acre CPA:

- The proposed concept includes approximately 50,000 square feet of flex space in four 2-story buildings
- Applicant has not provided a specific user for the site; rather intends to build and design space specific to prospective future users.
- Separate entrance proposed off of Dickerson Road – to keep traffic separate from residential uses
- Amended proposal pulls building/parking grading away from the stream.

Staff has a few concerns with the proposed form:

- Proposal does not allow for relegated parking off Dickerson Road – rather has it fronting right on Dickerson Road.
- Showing potential loading areas adjacent to the residential uses,
- While providing for a good mix of uses adjacent to each other, the uses are not well incorporated (retaining wall around the site on 3 sides) nor well screened (doesn't appear to be ample room for screening trees if loading areas are intended to be adjacent to the residential as shown.
- No interconnectivity for pedestrians or automobiles to go in and out of the site.
- There is no opportunity for screening here with these tight spaces. So the loading areas would not be well screened from the adjacent townhomes.

Factors for consideration:

Favorable Factors:

1. Supportive of Economic Development goals + industrial inventory
2. Adjacency to airport
3. Improves the mix of uses
4. Stream protection

Unfavorable Factors:

1. Small size
2. Surrounded by residential
3. Neither well incorporated nor well screened from residential
4. Reversal of 2007 CPA decision

Items for Discussion:

1. Compatibility of uses, which may mean limiting the site to only Office and R&D uses, but not Light Industrial uses
2. Design considerations for compatibility, including screening of loading/storage areas from adjacent residences and interconnected streets/pedestrian facilities
3. Streetscape expectations for Dickerson Road including relegated parking
4. The appropriateness of different dwelling unit types for the remaining residential portion of the Willow Glen development (separate from the CPA area).

Ms. Falkenstein noted she had a motion for approval that she will show at the end. If the Commission wished to move forward, you would be adopting a resolution of intent. If you don't wish to move forward, there is no motion and the Commission just does not have to adopt that resolution.

Ms. Echols pointed out the discussion items are only relevant if the Commission decides that they want to go down the path. If you decide that there is no merit to this and do not want to go down the path you don't even need to discuss those items. However, if you think this might have some merit this is the feedback staff would like to get from you. Ultimately, there would be community meetings and a public hearing, we would be bringing text to you.

Mr. Keller invited questions and comments for staff.

Ms. Firehock said looking at uses across the road from where this would be located, it does not seem incompatible and the Light Industrial makes a lot of sense near the airport. She pointed out as someone who looking for similar space recently that she can testify that it is very hard to find smaller scale space in which to do start-ups or small light industrial operations. In addition, she does share the concerns that staff brought up about some of the screening. She thinks we could do a better job with that but she does not think a site plan is before us tonight any way and we are really just talking about whether the use is appropriate so that it could be integrated into that site. Therefore, she thinks it has merit moving forward and we can discuss the rest of it.

Mr. Keller invited the applicant to speak.

Valerie Long, with the Law Firm of Williams Mullens here representing the applicants and owners of the project Willow Glen, said George Ray is here, his business partner is Suzanne Jessup Brooks and they have been in business on this project long before 2007 with the first approvals so since 2002 or 2003. Also joining us is Steve Edwards, with Edwards Design Studio, who is the landscape architect and project leader and my colleague Nicole Scro as well. Ms. Long said she appreciates Rachael covering a lot of the basic information and she would be happy to answer questions at the end. She said to recap we obtained final approval back in 2007, changed the designation of the Comprehensive Plan for the property back then from Light Industrial to Urban Density Residential and thought that made sense then and now. She said we are only asking to change a small portion of it today. However, the property was zoned RA at the time; it was surrounded on three sides by residential and marketing the entire parcel for light industrial uses was just not feasible and the applicant would have to come in and rezone the property from rural areas to light industrial. She said while today that may not sound insurmountable times were very different then and that would have been incredibly challenging. At that time she was working regularly on various projects and it was challenging to get most anything approved but in particular, things like that which were perceived as so controversial. She said the times have changed and the county and community now has a greater appreciation that the scope of the types of light industrial and R&D type uses that are available and we will talk more about that.

Ms. Long pointed out the location was shown on the map and in addition to fronting on Dickerson Road it is very well integrated with the surrounding neighborhoods including the Hollymead Town Center has walkable distance to that location. She noted the side by side showing the Comprehensive Plan designation compared to the zoning and again Rachael went over this but it was designated for Urban Density Residential and was zoned Planned Residential Development. She noted that at the time the owners did not own or even control this property so it was left out; however, since then Mr. Ray has been able to work with the owners of the property and has it under contract. The next slide shows the current Comprehensive Plan for the property that was all Urban Density Residential and we are proposing a small change there. She noted that the piece that was not part of the original approval is just about 3 acres. She said this was the original 2007 approved plan with 234 residential units with a few changes not originally part of it. She said the small condominium buildings were quite popular at the time they were proposed and Mr. Ray has a similar development project off of Rio Road called Glenwood Station that includes small condominium buildings like this that were very successful. Unfortunately, the condominium market just fell out in this community so condominium are no longer a viable housing product certainly right now there is no financing or market for them. There is, however, a very strong market for townhouses and single-family detached units in this area. She pointed out the large 28-unit condominium building and that it was not really market viable at this time.

Ms. Long said this is our proposed plan and she would talk about the flex space in the front. She noted the changes are they obviously took the condominium buildings out there, replaced the 28-unit condominium with a row of smaller townhomes, and replaced the condominium buildings back here with other townhomes. She said Mr. Ray has been approached by several builders who were very interested in finishing out the project and the one he is leaning towards has suggested that more single-family detached units would be very successful and sought over there. So we are showing those on our illustrative plan as how we think that would probably be developed, but we will have a little bit of flexibility with the application plan. She said this reflects the existing development of phase one, which is a mixture of single-family detached and townhouses. She pointed out the acre in question that is just under 3 acres and we are proposing a range of 45,000 to 50,000 square feet of flexibility space. She said Mr. Ray has been in economic development for many years; he was the Director of Economic Development for the City of Charlottesville for many years, has been in development for a long time and has been learned as Ms. Firehock that it sounds like you knew through personal experience that this is a type, size and use of space that is in demand in the community. She said we all know that there is limited amounts of light industrial space in town and some of it that is there is not in a great location or is environmental contamination. She said the Research Park is not for everyone; it is a different price point and you need to have a connection to the University. She said George thinks this is a great location and several other commercial real estate brokers in town have told him that they have companies that are looking for small start-up kind of flexibility space, some light industrial more manufacturing type product development with some R&D. She said it was something like a carpet wholesaler who does not need a huge space but needs a loading dock in the back.

Ms. Long pointed out that the lines shown on the building are intended to show there is flexibility and somebody might just need one of those little slivers and someone might need two or three; obviously, it would depend on what various users are interested in. She said George is very confident that space will be very marketable. She said the staff report indicated it might not be the best compatible use but George has been working very closely with the residents of phase one Willow Glen and he has established a committee of existing landowners who are kind of his kitchen cabinet that he works with to get input and guidance. She said before we ever brought this forward he proposed this to the neighborhood group and they are supportive of it and you may have received some emails from folks. She said we had a community meetings last night because notices had been sent to all of the adjacent owners we did not people to be concerned about a proposal that maybe sounded a little bit alarming about light industrial in the neighborhood. She said we hosted a community meeting last night and actually had three people show up, two of whom were existing residents at Willow Glen. She said we hope that is a good sign that people are comfortable with it. She said the phase one residents have expressed to us their support for this; they know that it is conceptual at this point and if we move forward at the rezoning stage and the site plan stage there would be many opportunities to discuss the amount of appropriate screening in this area. She said we recognize there is not a whole lot shown now we were trying not to get into too much detail at this stage of the process but George is very committed with working with those residents to ensure that there is an appropriate amount of screening.

Ms. Long said with regard to the parking and the issue of relegated parking we worked very hard to keep it minimal; but, for the nature of the use we do need to have a little bit of front parking for visibility. She said the site slopes down as you move away from Dickerson Road so if the building were was pulled against Dickerson Road customers would have to park in the back and then hike up the hill. Therefore, we tried in some portions in a single row of parking and others it is double, but well screened with landscaping. She said we know there will be need for more landscaping and careful treatment of that area there. She noted we are trying to show that there continue to be pedestrian routes throughout. She said we are out of time but we are happy to leave the slide up but these are the type of uses that we have in mind; we tried to provide examples of conceptual architecture to demonstrate a little bit of what we have in mind. She noted just as a point of reference this is the new Carpet Plus Store that is located on Preston Avenue and we thought that was a good example of what something might look there in terms of scale and design. She pointed out we have other images we could show you if you are interested about some of the site amenities that are proposed for the rest of Willow Glen. She said if this were to move forward and be approved it will provide revenue to help the developers construct the amenities in the rest of the project, which they very much want to do and the neighbors obviously are very interested in.

Mr. Keller asked Ms. Long to finish scrolling through.

Ms. Long said we talked about the benefits of the flex space, increase tax revenue even though they are small areas and live/work opportunities for the residents of Willow Glen to live near where they work. She said we did eliminate that vehicular connection to Willow Glen to isolate that area a little bit, which is an element that is important to the existing neighborhood residents. She said we provided inventory for light industrial reduction in the residential units. She pointed out next is another proposed phasing plan just to show we want to do this section next although they may go at the same time as phase three. She said the next slide shows examples of the existing amenities, an aerial of the existing phase and some of the existing units. She said Mr. Ray built a tot lot for the residents that was not a requirement for the plan, but there is a large number of children in phase one. She said a clubhouse, sidewalks, trails, conceptual amphitheater and use the stormwater pond as an amenity for the neighborhood are proposed, and obviously, those are all issues that are related to the overall plan and not as much about our proposal to change the Comprehensive Plan designation. She said from our perspective they are all related because it will help improve the financial viability of the project and enable the developers to provide those amenities earlier than they would otherwise be able to. Ms. Long said if there are any questions that she would be happy to answer them

Ms. Spain asked why the reduction in the number of residential uses is a good thing.

Ms. Long replied that is an excellent question and we debated about whether to list that since some will say it is a good thing and some will say it is not a good thing. She said if you are talking about fiscal impacts on the community it would be a reduction in fiscal impacts. She said some would say it is less traffic in the area; however, she thinks it is debatable. She said we think on the whole that the benefits of adding this flexible space in the front while being very respectful of the relationship between that area and the proposed and existing residential units outweigh the benefits of leaving it the way it is.

Ms. Spain asked would that apply to the amount of tax revenues that would generate that is higher.

Ms. Long replied that is certainly significantly higher tax revenue as you know from your review of proffer legislation and fiscal impacts from residential units that unless you are talking about units with a price point of over $650,000, which none of these would be, there is a fiscal impact. She said you are removing those units, reducing the fiscal impact in that regard and at the same time, you are adding tax revenue in the form of the commercial and the other benefits of a few more jobs and spaces for folks to have their small businesses.

George Ray, developer and part owner along with Suzanne Brooks, said you asked about the reduction in the residential units. He said that in pulling out all of the condominiums because of current market conditions the condominiums are much denser than townhouses so that automatically reduces the grand total of residential units. He said in the aftermath of the recession the condominium market in Charlottesville just tanked and it is rebounding somewhat but very slowly. He said the other main reason for the reduction in the number of residential units is the additional of 14 more single-family detached houses in what used to be several rows of townhouses. He pointed out the six townhouses they built in phase one were partnered with Piedmont Housing Alliance and Stanley Martin Homes. He said they wrote down the cost of the land and the builder wrote down the cost of construction, and Piedmont Housing Alliance bought all six houses at a discount and they were responsible for filling them with their client who met the affordable housing guidelines. He said it is our intent to approach them again and if it is not PHA, we will try to partner up with some similar group.

Mr. Wardell asked at what percent.

Mr. Ray replied it would be 15 percent of the total houses.

Ms. Long said the county's guidelines is 80 percent, but we have not gotten that far.

Mr. Keller invited questions.

Mr. Dotson said the question on affordable housing in reading the staff report he was not sure whether you or the staff would explain but at one point there was 32 percent of affordable or workforce housing and then in the next paragraph it talks about 15 percent. He said that he could not follow the narrative there.

Ms. Long said she would try to explain. She said when Willow Glen was first conceived it was very early in our community's discussion about affordable housing and it may have predated the County's Policy in the Comprehensive Plan. She said George and Suzanne wanted to have this be a bit of an unique neighborhood and wanted to have work force housing in addition to affordable housing. She said work force housing is not an official definition but what we were assuming was it is those making a little bit more money than the folks who qualify for the affordable units. She said it was for the kind of the people who are stuck in the middle who make too much money for affordable housing but could not quite afford a market rate unit and in particular for first responders, teachers, etc. She said we worked with the county to see if we could get flexibility form the proffer policy at the time and if we committed to having a certain number of work force housing units in addition to affordable units. Unfortunately, we were not able to make progress on that issue and so ultimately in order to just keep the project going we made it 15 percent affordable and the rest was market rate. That being said, there has always been a variety of housing types here. Ms. Long said one thing she did not mention was we would still have two sizes of townhouses in addition to the single-family detached units. She said even though there are only two product type townhouses and detached we like to think of it as a bigger variety than that because there is a range of townhouse units and price points for those so hopefully some variety and choices for residents depending on their needs and interest.

Mr. Ray said there are actually three different sizes of townhouses, 16', 20' and 24' wide. He said with the exception of the 16' foot ones that are too narrow for a garage the line share of the two larger sizes have either a single garage or a double garage. He pointed out one of the projects we did a few years ago called Greenbrier Station you may remember the Recording for the Blind was there and now the Virginia Institute for the Autism is there; Suzanne and I bought the property and we build 3 buildings. He said in a similar way we subdivided the first lot and third lot and built a suite for VIA and Classic Furniture so they own their lot and buildings, and we have that same flexibility here of subdividing the 3 acres.

Ms. Firehock said we are looking at this subdivision because we obviously are proposing changes to it if we add light industrial. She said my overall reaction is that there is not an open space even if they use the storm water pond as an amenity. She said for the property to hold its long-term value there needs to be more thought to greenspace and not just tot lots. She said that otherwise it might become more traditional housing people live in for a short time and then move out and would like to see a much greener development. She said it was just some food for thought because it is not the final site plan, but she does not see park space or trails even though it is conceptual.

Ms. Riley said she was focusing on the potential change in the land use and the Office and Research and Development are uses that could very well be compatible particularly with live/work situations with the residential subdivision; however, she is concerned about some of the potential Light Industrial uses that might not be as compatible. She said today she looked at her land use chart but staff said there might be some way to limit what some of those uses are, but we use to say proffer out but we can't do that anymore. She asked are there certain uses in particular that you thought might be less compatible than others in terms of light industrial.

Ms. Falkenstein replied no, just industrial uses that are going to be bringing in a lot of truck traffic right back there against where the residential uses that might be noisy, use outdoor storage space, stacking pallets, dumpsters and things like that. She said there are a row of townhouses right behind this and what uses are going to be noisy. She suggested we could include language that would say industrial uses should not be included in this from the Comprehensive Plan if that is the desire of the Commission.

Ms. Spain said one example would be a kennel that would go into light industrial but that would be quite noisy if

it would be there so would be something to consider.

Mr. Bivins asked what uses are light industrial in their list of uses.

Ms. Long replied that would include some of the sales, showroom and service shops, contractor offices, research and development and the use George has heard a lot about is a carpet warehouse type facility or a R&D facility that is also producing product.

Mr. Bivins said he was in a similar place that he is having a hard time appreciating how anything with pallets and trucks, particularly trying to come off of Dickerson Road when trying to get to the airport getting stuck behind a truck trying to make that curve, and how you would bring that size vehicle into that space. He said that is a traffic issue. He asked how that space would work with children and young families right on the other side since he did not hear about any proposed barriers. He said he was having a hard time to understand how those multiple uses would work in what looks like a lovely community.

Ms. Long said obviously it would depend on the types of uses and Mr. Ray has talked about continuing to work with the existing Willow Glen residents to make sure that the mix of tenants is compatible with them. She said Mr. Ray would have an incentive as a landowner to ensure that any tenant mix is compatible so there are not conflicts. She noted an example was a glass blowing company that she worked with previously that made decorative glass, but it is light industrial use with a low impact with one employee that was pushed out by a body shop. She said they would like to have uses like the glass blowing company that kind of fall in the cracks. She asked George to come up to share some other examples of the types of businesses that you have heard about.

Mr. Ray said he had a list at home but one of the things he could envision would be a kitchen counter tops for instance and one of the people who has talked to one of the realtors has a showroom for granite and that sort of thing. He said we envision a showroom with parking up front and around back he would have a warehouse high ceiling space up under his showroom where he could fabricate his countertops. He said we have no problem in negotiating a way for uses that are not compatible since we don't envision any automotive use repair and just want flexibility to allow the uses that fall in the cracks.

Mr. Keller asked if the stream in the back all in a culvert under the parking lots.

Ms. Falkenstein pointed out that the stream starts in the back and runs along the property line and they are proposing to pipe a portion of it under this travelway and parking areas and continues to run along this property line. She said they actually have previous site plan approval for this whole site and had grading right up to the stream because there is not a WPO buffer along this stream because it was not designated previously for a buffer so engineering staff worked with the applicant to ask them to pull this back a little bit even though it is not required at this time.

Mr. Keller said my recommendation to the developer and representative would be to think about what you are hearing in Places29 and what the greater community is asking for in open space and connectivity. He said there is vehicular connectivity that we are constantly hearing about with adjoining properties not wanting that to happen – but it does seem that in terms of the pedestrian and alternative in other words bicycle, etc. that there is an interest in that. He said if we go back to what Rachael has invested in trying to think about these complete communities that he thinks there are ways that could be incorporated. He said so along those lines let's talk about design and the fact that you are showing a light industrial that has it back to townhouses - what about a double loaded kind of unit that has access through a center that could still be a non-heated external center so there are two fronts to it. He said there are design solutions both in terms of the land and in terms of structures that could make places like this extremely successful in our greater Charlottesville/Albemarle community and we are having visions that area starting to be put forward. He pointed out that Valerie was at those sessions yesterday. He said first we heard that the developers are taking all the light industrial away and saying there is a market for housing and now we are saying that it could actually be replenished and he is really positively inclined to want to support you. He said we are trying to up the bar so that these are integrated communities where

there is work, living, recreation and hope even in close proximity to schools. He said these pieces need more thought and work to get there, but the overall vision of this greater community seems to be going in the right direction.

Ms. More said that any changes that might happen to the neighborhood would have a process of their own and we need to respond to the four things staff needs to hear from us about this particular piece.

Ms. Echols said that was right and there would be through this process and this is just to initiate the process to get it started. She said there is the time where we work together to find the right words to the page and the right expectations for this would then come back for you to review again to decide if this is what you want to hold a public hearing on. She said once you are satisfied this is what the public hearing would be held on you would hold your public hearing and make a recommendation to the Board of Supervisors. She said there is time and opportunity to get this molded to be satisfactory.

Mr. Keller said he was thinking of the specific parcel there and in effect saying that in the non-proffer time since they have done a good time of collecting all the pieces that he thinks we have an ability to say if this, then how about these other things or in other words thinking of the bigger picture.

Ms. Firehock said you had a conversation about could we change the use of this rectangle to make it light industrial and then about loading bays and screening from the residents. She pointed out if she was the buyer she would be looking for a cool hip place a little different from something else the products had to offer, so when you showed the four pictures she would be saying well could my young families that work for me can walk here.

Ms. Long said we were trying to strike that balance; there would be pedestrian connections between the two for that very reason, but we were trying to address the concerns of not wanting to have truck or other traffic to have the best of both worlds. She said we definitely hope that it would be a place that would be attractive to the residents of Willow Glen or that perspective business owners would then think hey maybe I will just buy a house here to live right there.

She asked to put up our plan and explain the comments about maybe not having as much open space as you thought we should.

Mr. Keller said he would just like to correct that, it is not an amount of open space it is working with existing terrain, hydrology and topography – we need to be doing more of that and not losing those qualities of this county.

Ms. Long highlighted that we have sidewalks throughout and those are on the approved site plan. She said we do have the trails that Rachael pointed out and the connection to Town Center Drive was an exceptionally critical element of the project from the very beginning and took a tremendous amount of effort because the owners did not own this gap of land. She said we had to work very hard and we proffered that we would build that connection if that developer would grant us the ability to do so. She said it was quite a negotiation but we knew the importance of connections. She pointed out we did not have to do that because at the time there was also another entrance so we satisfied the two entrance requirement but we knew it was very important to be connected not only vehicular but also for pedestrians and bicyclists to Town Center Drive and all of the amenities and options in Hollymead Town Center and in other neighborhoods. She said the amenities that are shown are ones that George has worked with the neighbors. She said we added a pool here as a concept if there is interest, however, it might end up being more just open space. Likewise, the proposed amplitheater that could end up if the neighbors preferred just being more of an open recreation area. She said originally this whole area was a green lawn and with the clubhouse at the site plan level VDOT wanted to make sure that there was sufficient parking at the clubhouse so that cars were not getting too crowded here. She said so those are just some of the realities in that give and take and we are open to suggestions – we just did not get into as much detail on the 3-acre flex area because of the conceptual nature of this meeting. She said we know this is the very first step and are happy if you will let us move forward at the rezoning stage or whatever stage we are happy to get into more

detail we just have not done that yet because we were just bringing the initial proposal to you.

Ms. Firehock said one of our challenges as a county is that as we try to develop the urban ring we are not keeping up with the demands for open space but she was not saying that it is your responsibility to provide the entire county's park space. However, she just worked for a developer on a site and we redesigned the entire parcel and it already was approved for larger lots – we made smaller lots and got a significant park at that site. She said those lots are selling faster and for a better profit margin, got more 8 more units than the original and we got a gorgeous park that will now out compete other subdivisions around that don't have that. She said even listening to Chairman Keller's point earlier that some of the green spaces we have are still trapped green spaces or that a square you go to. She said we are not here tonight to design this, she is just saying that preference she would like to see even more imagination than what you have been able to bring to bare so far.

Mr. Dotson said he would like to build on what Commissioner Firehock said in the beginning of her statement that is creating a cool live/work space that would attract small businesses to both work and live there. He said one of the issues he sees is my gut feeling that this is sort of like spot zoning or a spot CPA. He said particularly the non-residential is sort of walled off and segregated so to create an integrated mixed-use project is the challenge here. He said there is no other light industrial that he saw on the map adjacent so this is not like taking 20 acres and making it 23 acres; this is a little spot. He said this is sort of a unique island and it should not be an island or if so, there should be bridges. He suggested pedestrian connections for instance; where the street would have extended through to Dickerson Road and perhaps make that a pedestrian connection there in addition to the blue line that you showed over by the entrance feature. He suggested like Tim was saying possibly some pedestrian connection that links to the stream that is along the other edge of that. He said a procedural question is if this came in as one application because you are making some changes to the residential portion as well as this if there was one application that showed this as one project rather than coming in with an LI rezoning and then six months later coming in to change the residential that it would be convincing if it all came in as a packet.

Ms. Long noted that our plan is actually to bring it in together if we are able to get to the next step. She said right now it is zoned Planned Residential Development, which does not permit anything other than residential and the only other zoning district that fits is the Neighborhood Model Zoning District so we would be able to create the Code of Development, identify the types of uses that are allowed in each area and that would all be subject to the Commission's and Board's review through that normal rezoning process. She said the challenge and response to your comment about is this a spot Comprehensive Plan amendment is there is not a Comprehensive Plan designation that is both. She said there is Office R&D Flex, Urban Mixed Use but not a Neighborhood Model equivalent that we thought was as good of a fit that worked well. So maybe at the Comprehensive Plan level it looks like it, but we hope at the rezoning level if we are able to get to that point we can integrate it more from the zoning perspective if that makes sense.

Mr. Dotson commented that if your proposal had been made back in 2007 probably it would have met a warmer reception than changing the whole thing to residential.

Ms. Long said the other thing that George pointed out is another big important change that has occurred since then is the construction of Berkmar Drive Extended has made this a much more marketable parcel for uses like this than it was in 2005 when we started. Again, we are just asking for the ability to take this to the next step and appreciate all your comments and input. She said we are happy to take all of that into consideration if we are able to move to the next step and come back with more detail. She said there was some members of the public present to speak if the Commission wants to take comment.

Mr. Ray said he wanted to mention the storm water pond does take advantage of existing topo. He said that is the low point on the site and we have rock to take out of there and it is our intent to line that, fill it and stock fish from Arkansas so it will be a neighborhood fishing place for kids and stuff. He said also in the central area at the bottom of where you see the pool and amphitheater, the amphitheater is intended for outdoor kind of activities and the clubhouse for the indoor activities, but there is a junior regulation soccer field for the green space right below the cross street for the clubhouse.

Ms. Riley invited public comment.

Jason Devillier, Director of Operations for the Charlottesville/Albemarle Airport, said the Airport Authority is not taking a position on this; however, this development is adjacent to the airport and immediately adjacent to property that is scheduled for development within the next few years. He said it was for additional hangars, additional aircraft parked in these hangars; additional noise and so you are going to see some increased activity immediately adjacent to this area. He said again the Airport Authority is not taking a position but the Federal Aviation Administration has published on numerous occasions that residential development immediately adjacent to an airport is not recommended and so he just wanted to state that publicly for you and can answer any questions.

Mr. Keller thanked him for weighing on this because we have had questions about these sorts of things before and have not had the proper representatives here so it is really great to have you come. He invited questions.

Ms. Firehock asked if you have comments on whether you have preferences for how this land would be developed and maybe it is in your crash zone and you would rather that it not be housing.

Mr. Devillier replied that it is not in the high noise impact area or on any extended approach or departure corridor from the airport runways. He said we just want to follow the Federal Aviation Administration's recommendations as closely as we can in this particular case and others residential development immediately adjacent to airports is not recommended. He said that would be our unofficial/official position going forward. He said the Federal Aviation Administration has stated that commercial development adjacent to airports is preferable over residential development.

Ms. Riley asked if there was anyone else in the audience that would like to speak.

Hearing none, Ms. Riley closed the public comment.

Mr. Dotson asked are we to consider this resolution of intent and does is that complete.

Ms. Echols said she would like to wrap up – and what she is hearing from the Commission is that you think this has merit and that the Commission would like to consider this as a potential Comprehensive Plan Amendment. Ms. Echols said she heard from most of you that there was a need for compatibility of design and the uses need to help to create a place where people want to be and want to potentially walk to work and have a close proximity of walking and living. She said some Commissioners said that there is a desire to have better relationships for loading next to the residential uses; however, we did not get to the streetscape expectations and we did not get to the dwelling unit types. Ms. Echols said that is not necessary at this juncture and the only thing that is necessary is for you to say yes we want to go forward, adopt a resolution of intent and staff will then develop the schedule for public process as well as the issues we need to work through to get this moving down its path.

Mr. Keller asked would a motion be helpful on that.

Ms. Echols replied yes, you have to do that in order to adopt the resolution of intent and there has to be a motion.

Mr. Dotson moved that the Planning Commission adopt the Resolution of Intent submitted by staff with the addition of two words be it further resolved that the Planning Commission shall consider and hold a public hearing on the Comprehensive Plan Amendment. He said that he was adding "consider and" hold a public hearing so what our ultimate decision will be would result from those considerations.

Ms. More seconded the motion.

The motion passed by a unanimous vote of 7:0 to adopt the following resolution of intent.

RESOLUTION OF INTENT

WHEREAS, the Future Land Use Plan and Transportation Network section of the Places 29 Master Plan includes land use designations within the Places 29 Master Plan for the Northern Development Areas within Albemarle County; and

WHEREAS, a petition was received requesting that the land use designation in the Places 29 Master Plan for Tax Map Parcel Number 03200-00-00-049B0, and portions of Tax Map Parcel Numbers 03200-00-00-049I0, 03200-00-00-049J0, and 03200-00-00-049F0 (hereinafter the "Property") be amended from Urban Density Residential to Office/R&D/Flex/Light Industrial; and

WHEREAS, the Property is located on the east side of Dickerson Road, approximately 1000 feet north of the intersection of Towncenter Drive and Dickerson Road; and

WHEREAS, upon a request by a property owner, the Comprehensive Plan may be amended by the Board of Supervisors, acting upon a recommendation by the Planning Commission, in response to criteria first adopted by the Board of Supervisors on April 17, 1985, and amended December 11, 1991, effective April 1, 1992; and

WHEREAS, one of the criteria is whether there has been a change in circumstances since the land use designation was established for the Property; and

WHEREAS, the Property's owner asserts that market conditions for the Property have changed, and housing demands for the Property's immediate area have changed; and

WHEREAS, the Planning Commission finds that changes in circumstances have occurred relative to the demands for residential and office/flex properties in the immediate vicinity of the Property.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land use planning practices, the Albemarle County Planning Commission hereby adopts a resolution to consider amending the land use designation of the Property from Urban Density Residential to Office/R&D/Flex/Light Industrial; and

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

Mr. Keller thanked the applicant and staff.

The meeting moved to the next item.

Committee Reports

Mr. Keller invited committee reports.

Mr. Dotson said he would email copies of the CIP final recommendations to Commissioners.

Ms. Firehock reported the Historic Preservation Committee met.

Mr. Bivins reported the PACC Tech Committee met and spoke about the next environment of Ivy

Road/Emmett Street.

With no further committee reports, the meeting moved to the next item.

Old Business

Mr. Keller invited old business. Hearing none, the meeting moved to the next item.

New Business

Mr. Keller invited new business.

Mr. Keller announced:

- ADJOURN TO JOINT MEETING WITH SCHOOL BOARD, BOARD OF SUPERVISORS AND PLANNING COMMISSION ON TUESDAY, FEBRUARY 13, 2018 FROM 3:00P.M. - 6:00 P.M., IN CONFERENCE ROOM 241.
- PLEASE NOTE: THE FEBRUARY 20, 2018 PLANNING COMMISSION MEETING WILL BE HELD IN CONFERENCE ROOM 241 BEGINNING AT 6:00 P.M.

There being no further old business, the meeting moved to next item.

Items for Follow-Up

Work Session topics. (Andrew Gast-Bray)

Ms. Echols distributed information from Mr. Gast-Bray for the Commission to review on work session topics. The Planning Commission asked that discussion take place at the February 20 Commission meeting under "Old Business".

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

Adjournment

There being no further business, the meeting adjourned at 9:31 p.m. to the Joint meeting with School Board, Board of Supervisors and Planning Commission on Tuesday, February 13, 2018 from 3:00 p.m. to 6:00 p.m. in Conference Room 241.

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Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 10-16-2018
Initials: sct