

**Albemarle County Planning Commission
FINAL Minutes Regular Meeting August 23, 2022**

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 23, 2022, at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Luis Carrazana; Lonnie Murray.

Members absent: David Bailey.

Other officials present were: Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office, Alberic Karina-Plun; Bill Fritz; Rebecca Ragsdale.

Call to Order and Establish Quorum

Ms. Firehock asked each present member to state their name. She established a quorum.

Other Matters Not Listed on the Agenda

There were no speakers.

Consent Agenda

Mr. Bivins moved to approve the Consent Agenda. Mr. Missel seconded the motion. The motion passed unanimously (6-0). Mr. Bailey was absent from the vote.

PUBLIC HEARING

ZMA202100003 and SP202100004 Clifton Inn & Collina Farm

Ms. Firehock asked to hear the staff report.

Ms. Ragsdale said this was application includes a rezoning and special use permit for expansions at Clifton Inn and Collina Farm. She said these two items could be held in a combined public hearing, but separate actions would be taken. She said there was a special exception for a critical slopes waiver that was also before the Board, which could have an action as well. She said this was a proposal that involved four separate tax map parcels that were shown on the current slide. She said Clifton and Collina were the parcels that had development with the existing inn at Clifton and the farmhouse at Collina. She said the parcels were very wooded, and the parcel between the two was the one requested for rezoning.

Ms. Ragsdale said the applicant also owned a property along the Rivanna River where the Old Mills Trail was proposed and the Milton boat launch. She said this SP would cover all four of these parcels to allow for some activity on each one. She said the adjacent parcels were the Rivanna River, the historic village of Milton to the south, the edge of Glenmore in the Rivanna Ridge development area. She said parcels along Richmond Road and North Milton Road. She said Stone-Robinson and Luck Stone were across the street.

Ms. Ragsdale showed another location map that gave a sense of the residential development nearby, including the people who received notice of the community meeting along with abutting property owners. The map shows the property north across Richmond Road that the Commission had received an email from. She said there were four separate parcels totaling 94 acres. She said some site characteristics outlined in the staff report were critical resources including the flood hazard overlay district, stream buffer, critical slopes, Southern Albemarle Rural Historic District, and the Monticello viewshed. She said the current zoning was Planned Residential Development of one parcel and the request was to rezone 28.04 acres to Rural Areas.. She said surrounding parcels were the Rural Area district, Natural Resource Overlay district for Luck Stone, and a triangle of commercial zoning at the location of Shadwell Market.

Ms. Ragsdale said the proposed changes would be accommodated across the four parcels if the rezoning and special use permit were approved. She said Clifton had some small incremental changes over the years that got them to 15 guestrooms, the most recent being in 2002. She said there was also a 52-seat restaurant and a 200-person cap for events and activities. She said when reviewing that, they realized there would be a point where expansions might be beyond what was appropriate in the rural area. She said this aspect was mentioned in the staff report.

Ms. Ragsdale said there were five guestrooms at Collina that were approved under the bed and breakfast provisions, which were now homestay provisions, within the existing farmhouse. She said the request was up to 71 guestrooms total, with 35 more at Clifton and a total of 100 seats at the restaurant and 16 cottages at Collina. She said there was also a request for a 5,000 square foot event space for up to 75 people, with the request they could go up to 200 people until the Collina structure was built. She said Collina requested 10,500 square feet for an events building for up to 300 people, 12 times per year, with no other limitation proposed with up to 200 people on other days.

Ms. Ragsdale said the rezoning between the two parcels was a Planned Residential district that was most recently amended in 2015 and established an application plan shown to the right on the slide and in the packet. She said it was up to seven residential lots, each with a drain field, reserve, and private road coming off North Milton between Clifton and the sensitive environmental areas. She said a concern with this application plan was that there were stream buffers that were going to be on residential lots where perhaps the owners would not realize there were restrictions. She said the rezoning was appropriate because it would rezone the property to Rural Areas, consistent with the comprehensive plan. She said there would no longer be the ability to do the development on the application plan. She said the entire area was within the Rural Areas of the comprehensive plan, so the recommendation was for approval of that rezoning.

Ms. Ragsdale said for Clifton, there were properties within the Southern Albemarle Rural Historic District and also registered individually, and that included the manor house and other outbuildings indicated in white. She said the proposed event structure and additional guestrooms were shown in orange on the map on the slide. She showed a side-by-side of the proposed changes between the older plan and the new concept plan. She said the concept plan offered an easement over the floodplain to allow for the Old Mills Trail and perhaps that would help with the establishment of an improved Milton boat launch, which was consistent with the comprehensive plan. She said Parks and Recreation was supportive of that. She said some parking areas were preexisting, and some of this special use permit would bring some things the new owner inherited from the prior owner into compliance with the zoning ordinance.

Ms. Ragsdale showed a side-by-side example for Collina that showed the existing house, parking, and outbuildings that had been partially removed, although they still appeared on GIS. She showed the proposed event space for 10,500 square feet and 300-person occupancy, the relocation of the entrance to move it further away from that intersection of Route 250 and North Milton which would make it safer, the parking areas, and the cottages around the edge of the stream buffer. She said there would be 16 rooms, but fewer structures built because they were double units. She said the tree clearing was needed to accommodate the drain field and support everything that would be proposed on this property. She said the staff report stated that this was a significant change in character and out of scale with the Rural Area.

Ms. Ragsdale said the Collina property had not been evaluated and was not designated as a historic resource but was generally considered historic in terms of its age. She said this property was rural and residential in character, and they felt this level of development changed that to commercial. She mentioned there was much analysis done for the property in terms of noise and feasibility for drain fields and wastewater. She said the final designs of that would come with site plan if this were approved, but it looked like this would need a central system to support the additional structures, which was discouraged in the policy and would require Board approval.

Ms. Ragsdale said evaluating this proposal as a whole, they were supportive of the rezoning but have concerns about the special use permit request. She said tripling the operation and scale in terms of noise impacts was a concern. There are decibel levels in the ordinance for amplified music, which was analyzed as part of the sound study to establish those ordinance limits could be met. She said staff felt that the best way to mitigate would be to have no outdoor amplified music. She said they recognized it was an improvement to address noise impacts for Clifton to replace their tent with a permanent enclosed structure.

Ms. Ragsdale said the size and scale of the proposed improvements at Collina were changing the character of the district. She said they recognized the comprehensive plan had many objectives and strategies that supported tourism and lodging and the request is in line with the economic development goals of the comprehensive plan. She said they indicated in the report the strategies and objectives related to preservation of historic structures and having them as economically viable properties to perpetuate the preservation. She said that they wanted to recognize that and that it was supportive of the request, but because this was the Rural Area, it was out of scale and not consistent with the Rural Area section of the comprehensive plan.

Ms. Ragsdale said there were supplemental regulations primarily related to historic preservation and maintaining the listing of the structures on the national register. She said in order to have this use, there must be a structure that was historically used as an inn, tavern, or restaurant, which this qualified for and was on the register. She said any additions would have to be reviewed by the Department of Historic Resources, who had preliminarily reviewed proposed plans and they had not indicated any concerns yet, but the final review would take place before any building permits would be issued, or possibly at site plan stage of development.

Ms. Ragsdale said there were a lot of critical slopes and wooded areas. She said the request for the critical slope waiver at the Clifton property was about 659 square feet where additions and parking would go. On Collina, slopes would be disturbed at the entrance that would be closed and replanted. She said the applicant provided diagrams of the proposed improvements and a detailed analysis in their request. She said staff had no objections to the critical slopes waiver if the special use permit was approved.

Ms. Ragsdale said they were not able to recommend approval of the special use permit. She said a positive aspect was that the applicant provided on their concept plan the shared use path that Transportation Planning indicated was part of the long-range plans with the trail. She said given the size, scale, and nature of the planned changes and impacts for noise and traffic, the recommendations about water and sewer in the rural areas resulted in no recommendation for approval. She said as far as water and sewer service, the jurisdictional area map provided for water service only to existing structures, so anything new would need to be served by a potential central system.

Ms. Ragsdale said there were draft conditions if the special exception was approved. She said one was the prohibition for outdoor amplified music. She said another was the request to change the time period from 24 months to five years or 60 months. She said staff did not object to that.. She said these conditions were considered drafted at this point because they recommended denial. She said as she mentioned, there could be a combined public hearing for the two that required it.

Ms. Firehock asked if Ms. Ragsdale could repeat what she said about the public hearing.

Ms. Ragsdale said they could have a combined public hearing for the special use permit and the rezoning, but they required separate actions when voting.

Ms. Firehock said she understood. She asked if there were questions for staff.

Mr. Carrazana asked if he understood correctly that the water and sewer was not a question that could be brought to the Board until after this vote today.

Ms. Ragsdale said that would be something that would be taken to the Board during site plan review on a central system request.

Mr. Carrazana said there had to be action here.

Ms. Ragsdale said no.

Mr. Carrazana said not for the water and sewer, but they must approve it to move onto the next phase.

Ms. Ragsdale said they would be approving the general uses and locations.

Mr. Carrazana said that would bring them to the water and sewer issue.

Ms. Ragsdale said that was the next step.

Ms. Firehock said they would still require permission from the Department of Health.

Ms. Ragsdale said they would need drinking water for the well.

Mr. Bivins said right now, Clifton had public water and sewer.

Ms. Ragsdale said it had public water only.

Mr. Bivins asked if that was true for Clifton.

Ms. Ragsdale said yes.

Mr. Bivins asked about Collina.

Ms. Ragsdale said just well and septic were at Collina.

Mr. Bivins asked if the applicant was asking for public water on both properties or the extension of public water at Clifton.

Ms. Firehock said neither.

Ms. Ragsdale said a central system was a private system, and if there were three or more connections to different structures, it required a higher level of review and scrutiny with the Board but would still be privately maintained. She said there was no request to change the jurisdictional area to establish more public water service or public sewer.

Mr. Bivins asked if, for Clifton, there were additional rooms.

Ms. Ragsdale said there were 35 rooms.

Mr. Bivins asked if those were part of the original structure.

Ms. Ragsdale said they were away from the manor house.

Ms. Firehock said they were small cottages.

Mr. Bivins said he was referring to the Clifton property.

Ms. Ragsdale said the new rooms would be away from the manor house.

Ms. Firehock said they could not get service because they were new buildings.

Ms. Ragsdale said that was intentional as far as historic resource preservation.

Mr. Bivins asked where the cottages were at Clifton currently.

Ms. Ragsdale said there were other buildings identified. She said those were what were referred to as the livery stable and the garden cottages in addition to the main house.

Mr. Bivins asked if the cottages had public water.

Ms. Ragsdale said yes. She said those were structures described in the jurisdictional area map are approved for water service. She said it was limited to the manor house and garden cottage and livery.

Ms. Firehock said they were existing and had water service, but anything new could not get water service.

Mr. Bivins asked if they would need higher permission.

Ms. Ragsdale said the Board would have to change the jurisdictional area.

Mr. Bivins said he understood. He asked if there was a possibility of having 200 individual guests at an event at Clifton today.

Ms. Ragsdale said yes. She said it was 200 total onsite.

Mr. Bivins asked if he could invite 200 people to that site.

Ms. Ragsdale said yes.

Mr. Bivins asked if at Collina, he could only have what was inside the house.

Ms. Ragsdale said for event activity, that would be limited to people staying in the guestrooms.

Mr. Bivins said they were adding an additional guest opportunity for an additional 200.

Ms. Firehock said Mr. Bivins was asking if they could have 200 guests at Collina under this new application.

Ms. Ragsdale said she did not think that situation would exist.

Mr. Bivins said that he was trying to understand how the 200 at Clifton would shift over there when they built this event pavilion.

Ms. Ragsdale said they were redoing everything in terms of the upper limits. She said typically these facilities focused on the number of special event attendees, but the way it was done for the special use permits at Clifton with the prior amendment, it was a cap on all activities.

Mr. Bivins asked if that included the restaurant and all other uses.

Ms. Ragsdale said that was right. She said it was more limiting than a number for special event guests.

Mr. Bivins asked what would happen when they built the 10,500-square-foot structure at Collina.

Ms. Ragsdale said the proposal was for 300 people allowed at special events, with an embedded assumption that most of the guests would be people staying in the lodging facilities, but absent a condition, they did not know how many were off-site or were staying there.

Ms. Firehock said they could not all stay there.

Mr. Bivins said he hoped the applicant understood there was confusion on the dais and could help them understand. He said in total, there were 15,500 square feet of event space between Clifton and Collina that this proposal was bringing forward. He asked for clarity as to whether it was 200 people at each location.

Ms. Ragsdale said there were limits that had not been proposed with this. She said there would be an increase from 52 seats to 100 seats and no counting of people. She said there would be an opportunity for 75 attendees for special events. She said there was an interim request for up to 200, but that would be in the interim until the Collina structure was built.

Ms. Firehock asked if at that point the 200 did not happen at Clifton Inn and only at Collina.

Ms. Ragsdale said the limit would be up to 300 at Collina, 12 times a year, but 200 all other days of the year.

Ms. Firehock said if they recommended that and it was approved, it could stay at 200.

Ms. Ragsdale said it could be 200, 12 times per year.

Ms. Firehock said Mr. Bivins was asking if 200 people could be at each venue at the same time.

Ms. Ragsdale said with everything built out, there would be 375 people.

Mr. Rapp said there would be up to 375 people up to 12 times per year.

Ms. Ragsdale said it did require scrutiny to understand.

Mr. Murray asked if these two properties were developed by-right, how many cumulative residential units could be built?

Ms. Ragsdale said she did not do the development rights analysis, but there was a determination and that Mr. MacCall might be able to provide that. She said she did an analysis for the PRD property, which would only be able to have one residence, but she did not do the analysis for the other properties. She said there was a letter of determination that included all these properties.

Mr. Murray asked if all these riparian and forested areas visible in the proposal would be dedicated in an easement to the County.

Ms. Ragsdale said the only easement on the concept plan was the area along the Rivanna River floodplain.

Mr. Murray said based on current policy, if this development plan were approved and the construction completed, they could remove that riparian area and there would be nothing stopping it.

Ms. Ragsdale said she was having trouble hearing Mr. Murray.

Mr. Murray said currently, their water protection ordinance came into effect when construction was underway, and erosion of sediment was occurring. He said once that was over, the water protection ordinance, as currently written, no longer applied, so there would be nothing stopping the removal of that buffer. He asked if that was correct.

Ms. Ragsdale said the stream buffer ordinance was not changing and they were not putting easements for the purpose of riparian buffers. She said the easement was for public trail access and public access on that portion. She said the concept plan showed development outside of the

stream buffers; there was a lot of forested area adjacent to those buffers, but they had not offered any additional easements over those stream buffer areas. She said it had been handled as showing limits of disturbance, which was an important element to stay in accord with the concept plan and why they asked for detail on this, so that the sensitive areas in relation to these proposed improvements would not be impacted. She said stormwater management was not shown, and there was a small facility t at Clifton but none at Collina.

Mr. Murray asked if they had any guaranteed stormwater facilities would stay out of the riparian area.

Ms. Ragsdale said they had to.

Mr. Murray asked if there would be permanent protection of those riparian areas.

Ms. Ragsdale said this concept plan showed what could happen in terms of the activities tied to the special use permit; everything else would be covered by the ordinance.

Mr. Murray asked if that could be required as a condition.

Ms. Ragsdale said she noted in the staff report some of the natural resource goals and that this was a special use permit and a sensitive site, so that could be appropriate, but there was no specific language and it had not been thoroughly vetted with the applicant. She said it was on the list of discussion topics.

Mr. Rapp said with a special use permit application, they were strictly tied to reviewing the proposed use and not the other elements of the site plan. He said it was strictly about the impacts of the proposed use, and tree and stream buffers were not under question with this application and its proposed use.

Mr. Murray said there was a comment in the application about the sensitivity of the site being next to the Rivanna River, and there may be enhanced stormwater controls and measures necessary to consider their natural resources.

Ms. Ragsdale said there was a difference between the use and what was needed to support this type of use, which was why they had a concern that there was a lot of impervious surface in the Rural Area. She said landscaping would be required as part of any site that had a parking lot as a part of the ordinance, but there were many natural resource objectives in the plan.

Ms. Firehock said they were not proposing any uses in the buffer.

Ms. Ragsdale said that was what Mr. Rapp was trying to say.

Ms. Firehock said if they were putting a boat landing in the buffer or a parking lot, they would talk about the use's impact on the buffer, but as shown, they were not in the buffer.

Ms. Ragsdale said that was correct.

Mr. Murray said there was nothing stopping them from removing the buffer once construction was completed.

Ms. Ragsdale said they would be held to this concept plan and the ordinance, so they would not be allowed to put guestrooms or anything like that there. She said those were major elements of the plan and much of it was already covered by the ordinance.

Ms. Firehock said they were not designing the site plan. She said if they wanted to do a forestry operation in the buffer, by state code, forestry was exempted, so they would be able to do that. She said she would hope they would not.

Mr. Murray said if one of those cottages wanted a beautiful view of the river, those trees were obstructing the river.

Ms. Firehock said she hesitated to give information as to how to get around the buffer ordinance.

Ms. Ragsdale said there were 13 development rights in total, and they were broken across the other parcels into groups of 4, 4, and 5. She said those were theoretical because of building site requirements and other things.

Ms. Firehock asked Ms. Ragsdale to repeat herself.

Ms. Ragsdale said there were 13 theoretical development rights.

Mr. Murray asked if that was on both sites.

Ms. Ragsdale said parcel 24B was five development rights, which went to Collina, parcel 36 had 4 development rights, which was the parcel near the river, and the Clifton property had only four. She said there were no development rights associated with the one in the middle because it had been zoned planned development since 1980 so it was never assigned any development rights and only had one.

Ms. Firehock requested the applicant come forward.

Ms. Kelsy Schlein, Planner for Shimp Engineering, said Mr. Justin Shimp was the civil engineer for the project, and Elliot Estes was with Clifton Ownership, and both were present at the meeting.

Ms. Schlein said Clifton Inn had been operating as an inn since the 1980s, and it had hosted weddings and other special events on the property. She said for the majority of the inn's existence, it was owned and operated by a single owner, and in 2017, the property was acquired by Clifton Inn LLC. She explained that since acquiring the property, the LCC had made significant improvements to the property in response to long-deferred maintenance issues. She said an interior renovation of the manor house and guest structures had been completed, and many structural issues had been rectified. She said the core of the building was over 200 years old.

Ms. Schlein said an expansion at the inn was appropriate and necessary for many reasons. She said the main reason why the expansion was requested was due to the burden placed on the manor home during special events. She said special events were the main economic driver for the inn and were critical for its operations and success. She said within the bounds of the existing special use permit, ownership was limited to where and how the special events could be hosted.

Ms. Schlein said when events took place on the property, the existing restaurant had to shut down to accommodate the events. She said the catering and all other operations were sourced from

the manor house to support 200-person events. She said the events were sited onsite in a tent structure, so it was difficult to mitigate noise impacts and for staff to travel between the workspace and the event space. She said the ownership saw itself as a steward of the property, and the property itself was historic. She said the historic nature of the property was its main economic driver. She said the owners wanted to build a permanent structure for events at another location on the property.

Ms. Schlein said the context of the site was important. She said the property was sited between two development areas—the edge of the Pantops development area and the Village of Rivanna development area. She said Luck Stone and Stone-Robinson Elementary were adjacent to the site, and industrial and commercial uses and preschool uses were in the vicinity. She said there was a lot of activity in the area. She mentioned Keswick Hall.

Ms. Schlein said there was no better location or infrastructure to support the type of use. She noted the property had frontage on Route 250 and was about 0.2 miles from Route 22 and 2.2 miles from the Exit 124 interchange of I-64. She said the site was accessible from major transportation corridors with adequate infrastructure to support the transportation needs of the events. She noted travel for the events typically happened in off-peak hours. She said VDOT did not express concerns during its review other than a favorable review of moving the entrance on the Collina property further away from the intersection of Route 250 and Milton Road.

Ms. Schlein said the Clifton Inn had operated on TMP-79-23B and the former ownership acquired an additional three properties adjacent to the Clifton Inn. She explained the Clifton property was named to the Virginia Landmarks Register in 1988 and to the National Register of Historic Places in 1989. She said there were four contributing structures and two contributing sites in historic designation. She said the owners were committed to maintaining the designation. She said there were ongoing discussions with DHR through the review, and as a result, one of the proposed conditions called for an archaeological study on the site.

Ms. Schlein said there had been incremental changes to the property over its history. She said the changes were due to the way the original special use permit was drafted—she said the restaurant and inn were not permitted to expand outside of the historic structure and the uses were limited to the manor house. She said the ZTA of 2013 and 2015 were critical to allow the expansion, and they only applied to the Clifton Inn property. She said Section 10-22.27 of the zoning ordinance had two qualifiers for properties that could apply for that type of use in the rural area. She said Section A related to the historic structures, and Clifton Inn was the only property that operated under that designation. She noted the tavern could be eligible if it wanted to expand.

Ms. Schlein explained Keswick Hall currently operated according to zoning ordinance Section 10-22.27(b). She said the zoning ordinance specifically allowed the present application. She displayed an aerial view of the site and noted the location of the proposed expansion—it would expand one of the garden cottages and wrap around the nearby courtyard in a U-shape. She said the new special events structure would be built where the existing tent was located. She said the special events structure was for special event and spa use, and it was limited to 75 attendees.

Ms. Schlein said the existing farmhouse on the Collina Farm property would remain. She displayed an aerial image of the Collina Farm site and noted where parking would be constructed. She said there would be a 100-foot buffer along Route 250 after productive conversations with the neighbors. She noted the location of the new special event structure at Collina Farm and said

it would host events with up to 300 attendees 12 times per year and events with up to 200 attendees would occur at other times per year.

Ms. Schlein said the condition that stated, “no outdoor amplified music was permitted” was incredibly restrictive. She said the other historic inn operation did not have a similar limitation, and it was more restrictive than conditions for a winery or special event operation. She requested the Planning Commission consider the language in the ordinance for winery events. She said for Condition 8 addressing the archaeological study, they requested additional language to note the study was occurring specifically in and around the historic core of Clifton. She noted Condition 9 and that it was especially difficult to complete construction within 24 months, and the applicant requested an extension from 24 months to five years.

Mr. Missel noted how the entrance to Collina Farm was moved. He asked why the entrance was moved, and if a traffic study had been performed.

Ms. Schlein responded that the entrance was close to the intersection of Milton Road and Route 250, so they were attempting to meet entrance spacing standards. She said Clifton Inn owned the land on the inside of the curb, so they were able to get site distance. She said the spacing was based on VDOT entrance spacing standards.

Mr. Missel asked if a traffic study was performed to show the impacts of events at full capacity.

Ms. Schlein said a turn lane warrant analysis was performed. She said the turn lane would be triggered at the site plan depending on the scale of events. She said VDOT would evaluate the need at the time of the site plan.

Mr. Missel asked if the applicant had considered a limitation on volume for outdoor amplified sound. He said it could be determined by the maximum decibel level at the property boundary.

Ms. Schlein said they worked with a sound consultant who recommended a house sound system. She said an issue with controlling noise was that people brought their own equipment, so a house sound system would mitigate the impacts.

Mr. Elliot Estes said he was one of the owners and asset managers responsible for operations at the property. He said the wedding receptions were currently held in the tent structure which was higher than the rest of the site and was not enclosed. He said with the transition from the tent to a permanent structure, the site would be lower, and the proffers were meant to mitigate impacts.

Mr. Murray said staff noted there were opportunities to revise the concept plan to further define and minimize such things such as clearing for drain fields, new cottages at Collina, and limiting the internal access road. He said a note could be added to the concept plan regarding the use of local, native plants and enhanced storm water strategies as well. He asked if the applicant had a response to those suggestions from staff.

Ms. Schlein said in regard to the riparian buffers, there were notes in the concept plan that had been adopted and specific areas of the plan called for wooded areas to remain. She said to operate the use consistent with the concept plan, the wooded areas had to remain. She said Clifton ownership would be willing to include the specification to use native plants.

Mr. Schimp said stormwater management discussion happened on a lot of projects. He said there were instances where there was concern for erosion, such as on a riverbank. He said for the proposed project, the footprint was light on the land, and there was not a lot of clearing and grading. He said the nature of the use was light, so they did not feel the need for enhanced stormwater management.

Mr. Schimp mentioned the buffers. He said if a stream buffer was established for a project, then the buffer would continue to exist after use. He said there were projects that were developed prior to the stream buffer ordinance, so the ordinance was not applicable. He said the stream areas would already be preserved by the ordinance and the concept plan stipulation to maintain the wooded areas.

Ms. Firehock clarified the concern with Condition 8 was that the archaeological study should only happen where there was archaeological significance.

Ms. Schlein said there was no issue with performing an archaeological study, but the condition should specify the area where the study would take place.

Ms. Firehock said the condition was currently broad and would require the evaluation of the whole property, not just disturbed areas. She mentioned the outdoor amplified music. She asked if music was played in the tent structure and if sound leaked out.

Ms. Schlein said yes. She said it was not a walled structure.

Ms. Firehock said a structure would help mitigate noise. She said 10 p.m. was late to be hearing music from an event. She said she did not support a late hour for noise. She said 200 people outside at a garden party was loud. She said they needed to consider the noise level condition.

Mr. Carrazana said the structure would be enclosed and the condition only applied to outdoor music.

Ms. Schlein said it was explained in the sound study. She explained the sound study was evaluated because the idea with the architectural design was to allow the outside to come in. She said the walls moved so the event could happen inside and outside at the same time.

Mr. Carrazana clarified the structure would not be a tent, but it would be open.

Ms. Schlein said the structure could be opened, but it could also be entirely closed.

Mr. Missel said the applicant would not want to overlook historically sensitive areas by limiting the scope of the archaeological study to areas near contributing structures. He said there were areas that could be sensitive archaeological sites that had not been identified. He said the area of study should be more defined.

Mr. Bivins said he wanted clarification about what development would happen at each of the sites. He clarified that the current tent structure would turn into a permanent event space and spa. He asked if the total capacity for the space—the spa and the event space—was 75 people.

Ms. Schlein said the application presented it as 75-person events at Clifton. She said if there was a luncheon being hosted, then the spa would not be operating.

Mr. Bivins said event space and spa space did not work well together.

Mr. Estes said the space that would replace the tent was similar to a pool house or an event center in a neighborhood.

Mr. Bivins asked if there would be facials at the spa.

Mr. Estes said yes. He said there could be treatment rooms. He said when the property was purchased, the owners inherited the operations and opportunities. He said spa treatments were currently available, but they were moving massage tables from room to room. He said they wanted to create more private, intimate, and professional settings for guests.

Mr. Bivins asked how old Collina Farm was.

Ms. Schlein said they believed the farm was built around the 1930s.

Mr. Bivins clarified the property did not yet qualify for historic designation.

Ms. Schlein said the qualification was 50 years.

Mr. Bivins said the new structure built on the farm would be an event space and only event space.

Ms. Schlein confirmed it would be only an event space.

Mr. Bivins clarified events that used to be held at Clifton would instead be held at Collina.

Ms. Schlein said that was correct.

Mr. Bivins asked how people would be fed at the events and how food would be prepared.

Ms. Schlein said the event space would include a kitchen.

Mr. Bivins clarified there would be a commercial kitchen at the event space. He asked what the source of Hurts Pond was. He said the pond was completely enclosed within the two parcels.

Ms. Schlein noted on a map where the stream crossed and where it came into the property. She noted the location of a dammed structure. She said the pond was stream fed.

Mr. Bivins confirmed the pond was a created body of water.

Ms. Schlein said that was correct.

Mr. Bivins asked if the applicant knew what restrictions were on the Boars Head Inn or Keswick because it was a similar use.

Ms. Schlein said she believed Keswick did not have an outdoor amplified music condition as part of its use. She said Keswick also did not have a condition limiting the number of attendees at events.

Mr. Bivins said the Keswick use was more similar than a winery, brewery, or distillery. He noted that 17 additional houses could be constructed on the entire property by-right.

Staff confirmed that it was 13 development rights plus the PRD unit, so 14 total.

Mr. Bivins asked the applicant how many new structures they proposed.

Ms. Schlein said between both locations, about 11 new structures were proposed. She said there would be 16 guestrooms.

Mr. Bivins clarified the applicant was requesting an additional 10 structures, but the by-right allowed 14 residential structures.

Ms. Schlein said that only included the rural area parcels and did not include the PRD.

Mr. Estes said there were seven residential sites on the Clifton site and four on the Collina site. He said the intent was to relocate the same number of sites and lessen the environmental impact. He said the sites were moved to higher ground and accessible by golf cart or a narrow trail instead of an access road. He said they wanted to decrease the footprint of the site.

Mr. Bivins asked how people with limited mobility would navigate the site.

Mr. Schimp said because it was a commercial structure and new construction, all aspects had to meet ADA requirements. He said building code would dictate 95% of the Commission's requests. He said there would be a trail between the two properties that would be accessible by golf cart.

Mr. Bivins clarified that the foot trail would be turned into a trail that could be used by a golf cart.

Mr. Schimp said that was the intention. He said someone with a disability could travel between the sites.

Ms. Schlein clarified the new path would not follow the exact path of the existing foot trail. She said the foot trail would remain, and there was an old roadbed that could be utilized. She said the service road alignment was closer to Milton Road.

Mr. Murray asked if the applicant knew the average gallons-per-day usage of the site and if they had the anticipated figures once the buildout was complete.

Ms. Firehock clarified that was not a topic taken up by the Commission.

Mr. Murray noted staff brought up concerns about the additional water and sewer capacity. He asked how much water 13 houses would consume. He said he wanted to know if the water used by the site was more than the water used by 13 houses.

Ms. Schlein said the hotel use was a typically higher water use than residential uses. She said a comprehensive water-lease study was performed. She said if a high level of pretreatment were provided, then all of the development could be accommodated onsite. She said it was more water usage than 13 homes. She said it was only comparable for the guest rooms. She said the event spaces had short times of peak demand and typically did not have high volumes of water usage.

Ms. Firehock opened the hearing for public comment. She said people in attendance in person will speak first followed by the people wishing to comment remotely.

Mr. Ricky DeJesus said he was speaking as the Manager of the Clifton Inn and as a Charlottesville resident. He said the approach of the proposal was to be a better community member. He said the proposal would provide the inn with business viability and sustainability, and it would continue to preserve the historic nature of the property. He said the weekends were occupied by frequent weddings. He said the house needed delicate and careful attention to maintain. He said lessening the impact of foot traffic from guests would help to preserve the structure. He said hosting wedding guests frequently closed the cocktail bar and restaurant. He said the proposal would provide more jobs in the community. He said they were committed to a healthy work culture.

Ms. Liz Russel said she was Director of Planning at Monticello, and she was speaking on behalf of the Thomas Jefferson Foundation. She said Monticello appreciated the opportunity to work with property owners to ensure the historic views of Monticello were protected. She said they appreciated the County's consideration of the impacts on the viewshed. She said in March 2021, she met with the owners and operators of the Clifton and Ms. Schlein to discuss the application, concept plan, and narrative.

Ms. Russel said at discussions, the facility was conceived of having an inward focus as opposed to clearing trees to take advantage of views. She said they discussed the use of muted colors to mitigate visibility from Monticello. She said the structures did not intend to distract from the historic property. She underscored that trees would screen many of the views of the proposed modern structures and additions.

Ms. Russel added that Monticello supported the intended dedication of river frontage and affiliated parking. She said the area was not a viewshed item, but it would increase public access to the Rivanna River. She encouraged the Commission to consider the Parks and Recreation request for the proposed public easement to be expanded to include the area adjacent to the parcel owned by the County to allow better parking and trailhead access.

Ms. Lorie Hackney said they were [inaudible 04:20:24] of Clifton and Collina. She said they had worked with the applicants and County staff to express their concerns. She said there were still concerns. She noted the site on Collina had shifted, but there was a concern regarding the open sides of the event space. She said they heard all of the events from Clifton since they were in tents. She said if the sides were open, then they would still hear the events.

Ms. Hackney noted they were able to view the farmhouse at Collina, and they would be able to hear noise from the parking and see lights. She said the new facilities would potentially be visible. She said they were concerned because it would change the character of their property. She said her dad had lived on the property since he was 7—about 68 years. She said it would increase traffic in the area. She said Ms. Ragsdale forwarded her concerns via email to the Commission.

Ms. Firehock closed the public hearing. She said the applicant had the chance for rebuttal.

Mr. Estes clarified the nature of the structures. He said there would be four walls, and three or two of the walls may be moveable, garage doors, or collapsible, but they would have the ability to enclose the structure. He said they started closing operations at 9 p.m. to meet the 10 p.m. shut-off time in the conditions. He said a sound moderation system was evaluated as part of the sound study. He said the structure would have walls and be at a lower elevation.

Ms. Schlein clarified that there was an existing flat pad for the tent, and it would be reused for the replacement event structure. She said surrounding the pad were critical slopes, so all of the surrounding trees would remain as wooded areas. She noted a tree line and the 100-foot buffer along Route 250. She said one of the major elements of the plan was the preservation of the wooded areas and buffers.

Ms. Firehock closed the public hearing. She noted several conditions were discussed and there were two items to rule on. She clarified that they only needed one public hearing but two votes.

Ms. Ragsdale said that was correct. She said she had suggestions and information regarding the topic of outdoor amplified music.

Ms. Firehock summarized the request was to rezone the area to Rural Area to expand the use at the Clifton Inn and Collina Farm.

Mr. Murray said it was a more intensive use than the by-right development. He said had concerns about the additional water and sewer capacity as noted by staff. He said there could be ways to mitigate those impacts.

Ms. Firehock asked Mr. Murray what forms of mitigation he was considering.

Mr. Murray said there were lots of ways to reduce water use.

Ms. Firehock mentioned low-flow appliances, conservation measures, and cisterns to capture rainwater.

Mr. Murray said demonstrating conservation measures would be helpful. He said it would show a willingness to meet the comprehensive plan.

Ms. Firehock said it would require them to treat less wastewater.

Mr. Clayborne said he was in support of the rezoning, but he grappled with the scale of the project.

Mr. Bivins said he was in support of the project. He said he supported the 200-person event limit but struggled with the 300-person event limit. He said the capacity could be increased because there would be a nicer facility that would allow operations 12 months of the year. He mentioned Running Deer Lane. He said a project was brought forth that proposed a large development that was radically scaled back. He said the proposal before the Commission did not match the scale of the proposal on Running Deer Lane which would have just below 100 houses. He said the intensity when compared to the area was less, and it would freeze the utilization of the area. He said he was not concerned about the intensity. He said the property would easily be able to accommodate the cottages.

Mr. Bivins said the County was morphing as a tourist destination. He said he wanted the tourist dollars to stay in the County, not go to the City. He said he wanted to create an environment with opportunities for a host of local people to have jobs. He noted CATEC had culinary training. He mentioned part of the ownership group of the property was from Virginia. He said he was still concerned with the 300-person event sizes. He said he would be more comfortable with a 200-person limit. He said he supported the project.

Mr. Missel said the site was on the fringe of the development area, and it was a good benchmark. He said the fact that the site was somewhat buffered was helpful. He said he was initially concerned about the traffic generation, but he considered that the trips would not be occurring all at the same time. He said there would be mitigating factors that would be helpful. He mentioned the Health Department would have a report on the water and sewer, and the capacity would be informed by that. He said compared to a PRD development, the site was light on the land. He said it was important to not limit the archaeological study. He said the conditions regarding sound limitations needed to be clarified. He said he was supportive of the proposal with the staff's proposed conditions.

Mr. Carrazana said the applicant should consider ways to mitigate light and water pollution. He said minimizing the footprint on the site would make for a better project and a better experience for the guests. He said in regard to the archaeological study, areas of major disruption should be studied. He said it should not be limited to adjacent to the historic property.

Ms. Firehock said she was leaning in favor of the proposal. She said in regard to the archaeological study, she suggested the language, "to conduct archaeological studies for any areas to be disturbed for construction or access." She said the language included any activity on the site. She noted cemeteries of enslaved people were often located in out-of-the-way locations. She said in terms of outdoor amplified sound, she could not support outdoor amplified sound and she thought it would cause too much disturbance.

Ms. Firehock agreed with the staff recommendation that there be no outdoor amplified sound. She said amplified was a key term, and music was still allowed acoustically. She said there would be some disturbance to the neighbors because 200 guests generated a lot of noise. She mentioned the property was well-buffered. She said it sat across from an elementary school, a quarry was nearby, and Milton Landing received a lot of use. She said she appreciated the applicant's contribution of access to the County.

Mr. Bivins said the property used to be Peter Jefferson's home. He said there was a high possibility that enslaved people were buried somewhere on the property. He said he hoped the management group would identify those spaces.

Ms. Firehock said she agreed with Mr. Bivins' comment. She said she agreed that if 13 houses were constructed on the property, they would be large, expensive real estate with 3 to 4 car garages. She said the proposed use was less intense than the potential residential use.

Mr. Carrazana said the road access alone would be intense.

Ms. Firehock said Monticello did not get to say, they got to ask. She clarified the number of motions required.

Ms. Ragsdale explained there would be three separate motions—the rezoning, the special use permit, and the critical slopes waiver.

Ms. Firehock allowed the applicant to approach the Commission.

Mr. Estes clarified the 300-person event limitation. He said they were only in season 6 months of the year. He said 300-person events were permitted for 12 days a year to allow events to occur two days per month during the regular season.

Ms. Firehock clarified that 300-person events would occur twice a month six months out of the year.

Mr. Carrazana clarified events were limited to 200 people for the rest of the season.

Ms. Ragsdale clarified that approval of events with 300 people were historically rare. She said there were other event categories, and a limited number of special events had been approved with over 300 attendees.

Ms. Firehock mentioned there were other projects and applications that wanted to host large events, but they were on sites with much larger impacts. She said the proposal before the Commission was a much more insulated site. She said the new site would be even more recessed and buffered.

Ms. Ragsdale said the proposal was site-specific.

Ms. Firehock said because of the location and the traffic access, it was a good use of the site.

Mr. Missel moved to recommend approval of ZMA 2021-00003 Clifton Inn for the reasons stated in the staff report. Mr. Clayborne seconded the motion. The motion carried unanimously (6-0).

Mr. Missel requested to view the draft conditions and the requests from the applicant.

Ms. Ragsdale said the Commission appeared comfortable with Condition 5. She said the Commission needed to determine if it would prohibit or allow in some manner outdoor amplified music. She said staff would work on the condition language that would address hours, sound monitoring, and decibel levels. She said they discussed the 60-month extension. She said the condition for the archaeological survey was intended to cover all the properties where there would be a disturbance. She said they were draft conditions, and the final versions would have to be reviewed by zoning and the County Attorney's Office before the Board of Supervisor's hearing.

Ms. Firehock said she had recommended for Condition 8 a revision to change "in the project area," to "any areas to be disturbed for construction or access."

Ms. Ragsdale said that was good.

Mr. Missel said for Condition 6, his recommendation would be to allow for outdoor amplified music with restrictions. He said the restrictions could be determined by staff as appropriate.

Ms. Ragsdale said the restrictions would address hours of operation and sound monitoring at a minimum.

Mr. Herrick said the form of the motion may be to move to recommend approval with the conditions presented by staff as modified by the Commission. He said Mr. Missel could list the additional modifications to the conditions.

Mr. Missel moved to recommend approval of SP2021-00004 and SE2022-00014 with the conditions as presented by staff and amendments to include Condition 6, where amplified music is permitted with conditions formed with staff input, and Condition 8, to replace “within the project area” with “any areas to be disturbed for construction or access,” and Condition 9, to change “24 months” to “60 months” from the date of Board approval.

Mr. Herrick suggested the outdoor music condition be made more specific and the special exception for the steep slopes be separated into its own motion.

Mr. Missel asked what the applicant’s recommended hours were.

Ms. Ragsdale responded that the applicant suggested hours that mirror the provisions in the Farm, Winery, Brewery, and Distillery section of the ordinance.

Ms. Firehock said the applicant stated it would be until 10 p.m., and the practice was to be stopped by 9 p.m.

Ms. Ragsdale explained more recent use categories had a number of provisions to address outdoor amplified music. Prior to outdoor amplified music, is zoning clearance review and approval for farms, wineries, breweries, and distilleries, and the hours of operation were in the ordinance. She said there were requirements for neighbor notification in the event there was a sound complaint, the neighbor could contact the property owner directly to address the concern. She said the motion could state the amendments to the condition be consistent with the farm, winery, brewery, and distillery regulations. She said those regulations included sound monitoring via a sound meter or permanent equipment.

Mr. Bivins said they should not use the farm, winery, brewery, and distillery nomenclature.

Mr. Missel said it could be used as a reference point.

Ms. Ragsdale said it was where the code was in the ordinance. She said it was in there for agricultural operations as well.

Mr. Bivins said in terms of agricultural operations, he was fine with it.

Mr. Missel clarified that Condition 6 should state outdoor amplified music was permitted consistent with farm, winery, brewery, and distillery regulations.

Ms. Ragsdale said that would cover it.

Mr. Murray asked if it was possible for Condition 1 to include use of local native plants and enhanced stormwater strategies.

Mr. Bivins explained the Commission did not have oversight of such conditions, and they typically occurred at the site review stage.

Mr. Murray asked if it were a condition that could be added.

Mr. Rapp explained the condition could not be added to the concept plan. He said Condition 1 represented the concept plan and what had been submitted. He said native plants were not

included in the concept plan; it was not for the Commission to recommend. He said they could encourage the applicant to use native plants.

Ms. Firehock said sometimes they encouraged applicants to consider certain items before appearing before the Board. She said it was not germane to the impacts of the use.

Mr. Murray said it was germane because of the additional water usage on the site.

Ms. Firehock said she was referencing the native plant part.

Mr. Murray said it was a water conservation strategy.

Mr. Missel clarified they were recommending native plants and enhanced stormwater management be considered.

Ms. Firehock said they could make a comment, but it would not be in the motion.

Ms. Ragsdale said it would be in the transmittal memo but not in the motion.

Mr. Missel moved to recommend approval of SP2021-00004 with the conditions as presented by staff and amendments to include Condition 6, where amplified music is permitted consistent with farm, winery, brewery, and distillery regulations, and Condition 8, to replace “within the project area” with “any areas to be disturbed for construction or access,” and Condition 9, to change “24 months” to “60 months” from the date of Board approval. Mr. Carrazana seconded the motion. The motion passed unanimously (6-0).

Mr. Missel moved to recommend approval of SE2022-00014 to allow the square footage of critical slope disturbance as provided in the staff report. Mr. Carrazana seconded the motion. The motion carried unanimously (6-0).

Ms. Firehock said the item would appear before the Board at a date to be determined.

Adjournment

At 10:20 pm the Commission adjourned to September 13, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Alberic Karina-Plun; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 09/27/2022

Initials: CSS