

Albemarle County Planning Commission
June 16, 2015

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

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

Staff present was Claudette Grant, Senior Planner; Megan Yaniglos, Principal Planner; Rachel Falkenstein, Senior Planner; Wayne Cilimberg, Director of Planning; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

c. SP-2015-00008 King Family Polo

PROJECT: SP20150008 King Family Polo

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 05500-00-00-08000

LOCATION: 6640 Roseland Farm, Crozet, VA

PROPOSAL: To allow up to 1000 spectators at polo events on Sundays from end of May through second weekend in October.

PETITION: Farm winery events under Section 10.2.2 of zoning ordinance. No dwellings proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential (0.5 unit/acre in development lots); FH Flood Hazard Overlay.

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots.

(Rachel Falkenstein)

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

Purpose of Public Hearing:

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

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

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

- Polo events on Sundays from end of May through second week in October
- Limit to 1,000 spectators
- No new structures, no lighting, no amplified sound
- Open from 10:00 am to 5:30 pm with polo beginning at 1:00 pm. It typically lasts about two hours.
- VDOT certified traffic controller at main entrance from 11am-4pm

- Managed in accordance with approved public safety plan. This is a new feature of the special use permit, which has been reviewed and approved by Fire Rescue personnel.

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

Factors favorable to this request include:

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

Factors unfavorable to this request include:

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

RECOMMENDED ACTION:

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

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

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

Mr. Morris invited questions for staff.

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

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

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

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

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

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

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

David King, one of the owners of King Family Vineyards and the property, thanked the Commission for considering our proposal. He wanted to rehash what they have already seen. He noted the polo part is not actually business. The polo community here in Charlottesville is a very loose group that is actually centered at the UVA Polo Center, which was south of town. They have 25 to 30 members depending on the time of year, and they have used our farm for these matches since the field was built. However, they don't lease the land from us. It is simply a private use of the farm for this bad habit of mine and my friends. Since the 10 years that they have been doing this it has become more popular. What they have done is opened the farm to whomever wants to come. It is not simply winery customers. So they do not charge. What they see is that most people come from outside of this area, which is one reason that makes it difficult to limit the actual numbers. Our experience has been as it was last week. As an example, they had about 300 cars that was probably about 600 people within what we know about who shows up. He would mention one other thing that the people who have been on the farm have been extraordinarily respectful. They don't put out trash cans. In all the years they have been doing this he may have collected a couple of handfuls of trash. To me that means they are willing to do it to open our farm, which is where we all live and work. If it were anything other than that they would not be doing this. It is a little counter intuitive. They are just running a county park in some respects, which they are happy to do because people have been so extraordinarily respectful of the place. He would be happy to answer questions.

Mr. Morris invited questions for Mr. King.

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

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

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

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

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

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

Mr. King replied that would not be a correct assumption. He said my horses are kept on the farm. He has an employee, Jake Brown, who works at the winery who also plays with us and his horses are stabled in the barn at the north end of the field. Other than that all the horses come there from the UVA

Polo Center and the local group, which most of them live in Albemarle County. Also, the stabling is non-commercial since they don't have any commercial stables.

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

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

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

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

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

Mr. King pointed out that he was doing great.

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

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

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

Mr. Morris invited discussion.

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

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

Ms. Falkenstein agreed and read the following: "The request for up to 1,000 attendees at events held up to 21 times per year is for larger and more frequent events than what is recommended in the Rural Area by the Comprehensive Plan. Though this frequency and scale would likely not be appropriate for most Rural Area properties, several of the site's characteristics outlined above, such as its adjacency to the Development Areas, its proximity to public safety services and the availability of infrastructure, will help to

lessen impacts to the Rural Area. Staff does not feel that the proposed use will be in conflict of the overall goal for the County's Rural Area of having thriving farms and forests, protected scenic areas and preserved natural resources."

Mr. Morris invited further comment.

Mr. Randolph commented that he had been out to the site for the pink ribbon polo events and if there is any venue in Albemarle County that can handle the size of the crowd that is requested here it is this venue. However, he is really troubled by the precedent that can be established with a positive vote. That does not mean that he is going to vote against it. But, he is troubled by the precedent. He thinks it is very important that the public record show clearly that Ms. Firehock as well as Commissioner Keller have made it clear they are only supporting approval of this request because of this venue. He would like to echo that. He was very concerned because there are other venues in the county that could handle these numbers and once this is published assuming that the Board of Supervisors approves it that in all likelihood they will get an application in the next year or year and a half from one of those venues. The second thing is that by doing this the county is in essence saying if you go into the agricultural business in Albemarle County the more land you hold the more of an advantage you have in terms of selling your wine on site. For every vineyard you want to be able to sell on site because you don't have outside marketing costs and you don't have to give a wholesaler or a distributor a piece of that. They are creating, he fears, a tier system in the county of the winners, which are the big vineyards by acreage and not the losers, but the less advantaged because of the smaller venues. The third thing is this use to be a venue that was attached to having a large turnout for a public event related to UVA and raising money for cancer research. There is no fund raising related dimension to this and this is a sporting event the people are coming to. He happens to think polo is a wonderful event and he has enjoyed matches there. But, it is not providing as it did before a public benefit. It is really a private gain by expanding it if they go ahead and vote to permit this to move to 1,000 spectators. There is only a private gain and not a public benefit, and that concerns me as well. So he will vote for this because it is King Family Vineyard. But, he would not vote for this if it was in a different venue. Therefore, he wants to go on the record as indicating that is the reason why he will support it.

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

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

Ms. Taylor called the roll.

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

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

Old Business

Mr. Morris asked if there was any old business.

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

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

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

Mr. Morris pointed out it was a music venue.

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

Mr. Morris agreed it was a good point.

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

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

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

Mr. Keller added yard sales.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Business

Mr. Morris asked if there was any new business.

- In July 14 meeting notice change request to UVA Golf Practice Facility.

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

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

(Recorded and transcribed by Sharon Taylor, Clerk to Planning Commission)