

**Albemarle County Planning Commission  
Final Minutes August 22, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, August 22, 2023, at 6:00 p.m.

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

Members absent: None.

Other officials present were: Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Mr. Clayborne established a quorum.

Ms. Shaffer stated that she would be back in person in a couple of months.

Mr. Clayborne said that it was great to hear, and they looked forward to seeing her.

**Other Matters Not Listed on the Agenda**

Mr. Tom Olivier stated that he was a resident of the Samuel Miller District. He said that he had come this evening to comment on the importance of addressing limits in the comprehensive plan update. He said that the basics were simple. The earth was finite, and being mammals, they required biological and physical inputs for their sustenance, and limits existed to their presence on earth. He said that in recent centuries, technological advances had allowed them to expand their presence, and of course technology had not erased earthly limits, it had simply allowed them to claim more of the planetary pie.

Mr. Olivier said that in 1972, the Club of Rome published a report titled "The Limits to Growth," and the reports presented findings of a model of the world built by scientists using system dynamics and computer simulations. He said that the model explored interactions of population, natural resources, industrial and agricultural production, and pollution. He said that the modeling showed that growth could not continue indefinitely, and if they did not change their ways, ecological crises and a collapse of society, likely in the 21<sup>st</sup> century, would take place.

Mr. Olivier said that the report warned 50 years ago that entirely new approaches were required to redirect society toward goals of equilibrium rather than growth. He said that the limits of growth had stood the test of time, and indeed local computer models drawn on reports of the Intergovernmental Panel on Climate Change made clear that they now had scant time left to reduce their impacts on the planet and to reduce their planet's ecosystems.

Mr. Olivier said that as someone who trained and worked as a life scientist, he was perplexed and dismayed by the lack of acknowledgement in the comprehensive plan update of the extent of ecological crises now, the need to protect natural systems, and the need to live within ecological

limits. He said that for example, at the Planning Commission work session last week, why were there not toolkits for natural resource conservation and climate action. He asked if they were still so mired in magical thinking about the feasibility of endless growth that they were unwilling to face the limits of growth and address ecological crises in this comprehensive plan.

### **Consent Agenda**

Mr. Clayborne said that he noticed the agenda he was provided had Item B removed, which was the VA202300003 3676 Twin Creek Road. He said that he wanted to make sure the agenda they approved was correct.

Mr. McDermott apologized and said that the printed version was not the online version, but he understood that these copies were the only ones available in this room, but the online version was what was included.

Mr. Clayborne asked if the online version was the correct one.

Mr. McDermott said yes.

Mr. Clayborne asked if there was a motion to adopt the consent agenda as presented.

Mr. Bivins motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Missel. The motion passed unanimously (7-0).

### **Public Hearings**

#### **ZTA202300005 Countywide Certificate of Appropriateness**

Ms. Margaret Maliszewski, Planning Manager, stated that she did not often present to the Commission and spent most of her time with the Architectural Review Board working with entrance corridors. She said that tonight, she was going to present to the Planning Commission an entrance corridor-related zoning text amendment. She said that entrance corridors were first established in Albemarle County in 1990, were defined as streets that ran to or through historic areas of the County and the City and were established to help ensure that the character of new development was consistent with the historic character of the County. She said that that was done by establishing an Architectural Review Board that applied design guidelines to the review of new development in the corridors.

Ms. Maliszewski said that any development that fell within the entrance corridor overlay and required a site plan or a site plan amendment or a building permit required approval from the ARB. She said that that approval was called a Certificate of Appropriateness. She said that when entrance corridors were first established and for many years thereafter, every application that fell into those categories was presented to the ARB in an ARB meeting. She said that in 2009, they took steps to streamline that process, and in 2010, the Board of Supervisors approved a ZTA that established a new class of Certificate of Appropriateness, which was called a Countywide Certificate of Appropriateness.

Ms. Maliszewski said that the process was streamlined by making 11 types of development available for staff-level entrance corridor review. She said that those 11 categories were types of development that were relatively small in scope or that were expected to have lesser visual impact

on the entrance corridor streets. She said that for each category of Countywide certificate, the ordinance required the ARB to first establish design criteria that would be used for the review of the subsequent Countywide applications. She said that the ARB established the design criteria and then staff reviewed individual proposals against those criteria.

Ms. Maliszewski said that in 2021, a 12<sup>th</sup> category was added to the list, done as part of the ZTA to establish the Rio 29 form-based code. She said that that streamlined staff-level review was available for form-based code development proposals that also fell within the entrance corridor overlay. She said that tonight's proposal was to add another category to the list of Countywide certificates, which would be for sites subject to a public-private partnership agreement executed by the County of Albemarle. She said that adoption of the ZTA would allow for streamlined entrance corridor review of any development subject to such an agreement.

Ms. Maliszewski said that in the staff report it could be seen that the ZTA had been reviewed for all of the typical factors that the Board wanted to be considered for a ZTA, and in most cases, the addition of this category of Countywide certificate had no direct impact on those factors. She said that those factors would have already been evaluated at the time the Board considered establishing the partnership. She said that before the Planning Commission tonight was a request to make a recommendation to make an addition of the one line of text highlighted on the slide, adding that to the entrance corridor overlay section of the code to allow for more efficient review of development proposals on properties subject to public-private partnership agreements that had been executed by the County.

Ms. Firehock clarified that this was not giving a blank check for the use at a particular location, but simply was for the design criteria that would apply to that already-approved use in whatever that location was.

Ms. Maliszewski said that was correct.

Mr. Missel asked if staff determined that the item needed to come before the ARB, they could still do that as a part of this process.

Ms. Maliszewski said that was correct.

Mr. Missel commented that as having been a part of the ARB, he found the Countywide Certificates of Appropriateness very helpful in terms of streamlining the process, so he definitely supported this.

Mr. Clayborne opened the public hearing.

Mr. Clayborne asked if there was anyone present who would like to speak on the item. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said there were none.

Mr. Missel moved that the Planning Commission recommend approval of ZTA202300005 Countywide Certificate of Appropriateness. Mr. Murray seconded the motion, which carried unanimously (7-0).

### **SP202300003 Millcreek Lot 11-Independent Office I industrial**

Mr. Andy Reitelbach, Senior Planner, stated that before the Commission was a request for a special use permit, SP202300003 Mill Creek Lot 11. He said that to provide context on the location of this property, it was located in the industrial section of the Mill Creek planned development off of Stoney Ridge Road. He said that the subject parcel was highlighted on the slide, noting Southern Parkway going east to west across the bottom of the screen and Avon Street going diagonally from the southwest to the northeast, up to I-64 on the top right portion of the screen.

Mr. Reitelbach said the next slide displayed a zoomed-in aerial view of the property, with Stoney Ridge Road on the west side of the property and the parcel also had frontage on Five Springs Road on the east side of the property. He displayed another aerial view to show some of the nearby businesses, which included an auto paint supply shop, a tree service business, a dental office to the south, and a dog daycare to the south-southwest of the subject parcel.

Mr. Reitelbach said that this parcel was known as TMP 76M1-11, was 1.35 acres in size, and had frontage on two roads, Stoney Ridge and Five Springs. He said that the zoning was Planned Unit Development or PUD, specifically the Mill Creek PUD and was in the designated industrial section. He said that the parcel had managed steep slopes in it and was in the airport impact overlay area district. He noted that this was the last undeveloped parcel in the industrial section of the Mill Creek PUD, and in the Southern and Western Urban Neighborhoods Master Plan, the property was designated for industrial uses.

Mr. Reitelbach said that the next slide showed the zoning of the site, PUD, in an aqua color, a parcel to the west zoned Light Industry, and some residential homes farther to the east. He said that the residential section of the Mill Creek PUD on the south side of the Southern Parkway could be seen at the bottom of the screen. He displayed a map that showed additional context for the Southern and Western Urban Neighborhoods Master Plan, showing the subject parcel and all of the surrounding properties were zoned for industrial uses. He said that some of the more peripheral uses included institutional where the armory and jail were located, Urban Density Residential, which was the Lakeside Apartment Complex, and Neighborhood Density Residential, which were some of the homes in Mill Creek.

Mr. Reitelbach said that the specifics of the proposal were that it was a request for a special use permit to allow the construction of an independent office within a structure not established or vested until after April 3, 2014. He said that since this parcel was undeveloped currently, there was no building established or vested before that date. He said that he had provided some definition so they could understand what an independent office was, especially since this property was in an area designated for industrial use. He said that an independent office was an office located within an industrial district that was not an industrial office.

Mr. Reitelbach said that an industrial office was defined as an office that was owned and operated by the same business entity engaged in the list of industrial uses, located in the County or in the City of Charlottesville where the office provided services to the industrial use, but which need not be on the same site as the industrial use. He said that essentially, an independent office was an office for any type of commercial use that was not related to a designated industrial use in the County's comprehensive plan.

Mr. Reitelbach said that the applicant was requesting to put a building on this parcel, so they were looking to have a by-right warehouse use of 8,300 square feet proposed on a lower level of the building, accessed from Stoney Ridge Road on the west side of the property. He said that the

special use permit would be for the upper level of the building, which was where the applicant proposed to put this independent office use that would not be associated with the warehouse on the lower level. He said that the independent office use was for 8,900 square feet on the upper level and would be accessed from Five Springs Road on the east side of the property.

Mr. Reitelbach said that as indicated on the slide, the concept plan showed the proposed building with the driveway on the west side of Stoney Ridge Road, the way that the owner accessed the warehouse use, and on the east side of Five Springs Road where that entrance and the parking lot would serve the independent office use on the upper level. He said that the next slide showed a screenshot from the concept plan provided by the applicant which displayed the elevation of the building and how the slope of the land and the way the building was built into that slope, which was how the access from the lower-level office could use Stoney Ridge Road while the independent office could access the upper level from Five Springs Road.

Mr. Reitelbach said that factors for consideration that staff found in its analysis were further described in the staff report, with several positive aspects of the independent office use proposal. He said that these were that the proposed use would provide a mixture of uses in the area, which was something that a PUD promoted. He said that also, the proposed use did not prevent by-right industrial uses from also operating on the site, which was proven with the applicant intending to provide the by-right warehouse use on the lower level, and even though the proposed use was for an independent office, that would not prevent the property owner from renovating the office use for some other use in the future, perhaps some use that did serve an industrial use. He said that no adverse impacts were expected to nearby or adjacent properties, and there were no concerns identified with the request.

Mr. Reitelbach stated that staff recommended approval of Special Use Permit SP202300003, Mill Creek Lot 11, with conditions. He said that the first condition was the standard condition put on special use permits in that the development must be in general accord with the concept plan provided, especially the essential major elements of the location of the proposed building, location of the parking and loading areas, and location of the sidewalk.

Mr. Reitelbach said that the sidewalk connected the two sides of the building between the warehouse and proposed independent office use. He said that the second recommended condition was that the independent office use must not exceed 9,000 square feet of space in the proposed building. He said that since the applicant was requesting the 8,900 square feet, they decided to round it up to 9,000 to allow flexibility at the site planning stage and as they built out the building.

Mr. Reitelbach said that he also wanted to provide some updates on this application. He said that since the staff report was published, the applicant had indicated an interest in increasing the maximum square footage of the independent office use from 8,900 square feet identified in the project narrative, concept plan, and staff report to 11,000 square feet, or an increase of about 2,100 square feet. He said that his understanding was that the applicant did intend to discuss this proposal in their presentation, however, he wanted to let the Commission know that staff had not had an opportunity at this time to review any sort of revised plans based on this proposal, and staff could not provide a full analysis of this proposed change of increasing the independent office by 2,100 square feet. He said that staff's analysis and recommendation in this presentation remained based on that original request for the 8,900 square feet of independent office space.

Mr. Missel said that there was a public CAC meeting to discuss the proposed 8,900 square feet, but there had not been an opportunity for public input for the new 11,000 square feet. He asked if this meeting counted as that public input opportunity, or if there was another way to communicate this to the neighbors.

Mr. Reitelbach said that his understanding was that this would be a public input opportunity.

Mr. McDermott said that if the Planning Commission wanted to move forward with this, there would not be any additional opportunities for the public to comment, until it went to the Board, and if at that point the Commission were to recommend the approval of the additional square footage, that would be part of the staff report when it went to the Board. He said that would be the only opportunity for any neighbors or the CAC to make comment on that.

Mr. Missel said that he was at the CAC meeting and there were no comments.

Mr. Reitelbach said that he had not received any comments from neighbors on this proposal.

Mr. Bivins said that if a music studio and recording operation went in there, that was not out of sync with manufacturing, storage, and distribution. He said that while it was electronic, they were still making something, and assuming that it was recorded and was distributed, it was not out of sync with what was there. He said that it was just a different way of working in an industrial space, so he would say that it was an appropriate use for that space, because it was a different type of manufacturing.

Ms. Firehock said that her understanding from the CAC meeting they had was that it was the office space part was the part that was not allowed.

Mr. Reitelbach said that the office space was the part that required the special use permit, and it was determined by the Zoning Division that a music recording and operation studio would fall under that independent office designation.

Ms. Firehock said that perhaps the zoning definitions should be fixed at some point.

Mr. Clayborne opened the public hearing.

Ms. Kelsey Schlein, Planner with Shimp Engineering, stated that she was before the Commission representing Emmanuel Zunz, the contract purchaser of Tax Map Parcel 76M1-11, the subject of this special use permit request. She said that also with her tonight was Dick Abidin with Artisan Construction, who was also working with the property owner on moving this project forward. She said that Emmanuel Zunz was the founder of ONErpm, a music marketing company and digital distribution and fan engagement platform. She said that they had arrived at this proposal before the Commission tonight for a request for an independent office within an industrial-designated portion of a Planned Unit Development.

Ms. Schlein said that this had been after a long search for a piece of property for Mr. Zunz to realize his vision, and after quite a bit of investigation into the history of this property in coordination with staff to determine whether an office would be permitted by right in this zoning district. She said that Mr. Zunz had been looking for a warehouse property to garage his vehicles for quite some time, however, when he came across this property, he saw the vision and opportunity for something more, which was a space for warehousing, storage, garage space for

his vehicles on the first floor and a space on the upper floors for the operation of his music business, music collaboration, and inviting in local artists to work on their craft and market themselves as local musicians.

Ms. Schlein said that the property was part of what was formerly known as the Forest Hills PUD back when it was originally approved in 1985. She said that this property being adjacent to the Forest Hills PUD was then incorporated into what they now knew as the Mill Creek PUD in 1995. She said that since there was no provision in that 1995 zoning or listed permitted uses within the PUD adopted application plan, the by-right uses within this district defaulted to the planned development and industrial district, and after a ZTA in 2014, independent offices became by special use permit, which was largely why they were before the Commission tonight.

Ms. Schlein said that looking at the surrounding context, this Mill Creek PUD industrial area and the adjacent Light Industrial portion, over time since its original adoption had adapted into a mixture of uses, industrial and commercial. She said that the PUD was adopted when this area was designated as industrial, and after the construction of the Builders FirstSource, it was the FedEx Property that developed next.

Ms. Schlein said that those large parcels where the topography was able to be managed to serve those larger industrial uses did come online first and served that intent of the industrial designation portion of the PUD. She said that over time, especially for the properties such as the subject parcel that were in between Stoney Ridge Road and Five Springs Road, the topography was much more extreme, and over time a lot of the users in this area had developed, and several of the uses within the PUD had been subject to prior special use permits and zoning map amendments.

Ms. Schlein said that the surrounding context of the site showed that right across from Saba Knife, they were looking at the property from Five Springs Road. She said that nearby was the Southside Offices, which was a building two stories above grade and build into the hillside, so it was three stories tall in the back and two stories tall from the front. She said that she had some building renderings to share tonight to show what they were proposing, but wanted to call attention to the existing context and what surrounded the area.

Ms. Schlein said that the photographs on the slide showed the parcel from the view of Five Springs Road, and the trees indicated the property and the yellow line showing the grade change across the property. She said that she would provide further detail on that grade change with a cross-section. She displayed an aerial view of the site area, noting that the elevation at one end of the property was approximately 490 feet, and the other end was 454 feet. She said that it was a relatively significant topographic change across the property, and that was why they saw many of the buildings here nestled between Five Springs Road and Stoney Ridge Road had been built into the hillside and many were a story over basement or two story over basement.

Ms. Schlein said that as indicated on the slide, the site concept displayed the access from Stoney Ridge Road to the warehouse and garage, and the access from Five Springs Road would be primarily for the music studio use. She said that after further coordination with the project team and finalizing calculations after the staff report was released, they would like to request that the Commission consider a condition to permit the office space for up to 11,000 square feet as opposed to 9,000 square feet as written in the staff report.

Ms. Schlein said that the conceptual rendering on the slide was from the view of Stoney Ridge Road. She said that on the ground floor, there was the warehouse area, and it was three stories from Stoney Ridge and two on the other side. She said that the office area was on the second floor, including the music studio, and on the third floor was an additional office space imagined as collaboration space and an interesting space for artists and musicians to gather and collaborate with one another.

Ms. Schlein said that the rendering showed a terrace up there, and at the time when they originally submitted this, they were solidifying how much of the area would be enclosed, so the 11,000 square feet provided them with enough flexibility at site plan and permitting where they could enclose some additional area along that third floor. She said that she presented the rendering so they would understand where that additional 2,000 square feet in the request was coming from. She said that as far as the footprint presented in the concept plan, that remained the same, and the additional square footage was largely focused on the third floor and how much space would be closed.

Ms. Schlein said that regarding impacts, they understood that the additional 2,000 square feet was being considered, but in this area, they believed impacts to be minimal. She said that she was calling out from the IT Trip Generation Manual, 11<sup>th</sup> Edition, the difference in peak hour trips was evaluated to be an increase of three peak hour trips in the morning and five peak hour trips in the evening. She said that as far as a music studio use, she did not think that traffic would be quite as high, but for the purposes of evaluating the impacts of the use proposed, this information was presented to the Commission.

Ms. Schlein said that they were not requesting any increase in height from the by-right district and clarified that with the additional square footage they would still be within the 65-foot height maximum. She said that this was the last undeveloped property within the industrial-designated portion of the Mill Creek PUD. She said that to the left on the slide was the site in the year 2013, before the ZTA which required offices by special use permit was adopted. She said that a lot of the site was already developed, which they saw today, and that remained the case. She said that these properties in between Five Springs Road and Stoney Ridge Road were likely the most challenging to develop due to the topographical challenges, but those topographic conditions lent themselves much better to smaller buildings and to a different type of user than a typical industrial user.

Ms. Schlein said that this remained the only undeveloped parcel, largely because this type of user was the ideal user for the site but had to go through some additional approvals to get to that point. She noted that when the Board adopted the ZTA in 2014, the driver for that according to the staff report and the minutes was to preserve industrial land and to prevent conversion of industrial properties to commercial. She said that in this case, the property likely would never serve that industrial purpose as a whole for a large economic industrial driver, and they felt that this was a good use and proposal for the use of the land, which was the last undeveloped parcel in the Mill Creek PUD.

Mr. Bivins asked if there was a known elevation for Five Springs Road. He said that it would be a different footprint than the box next to it.

Ms. Schlein said that she could provide that information to Mr. Bivins but did not have it available at this time.



Mr. Missel said that Ms. Schlein had mentioned that there was no impact on the building footprint. He said that he knew that they were not looking at the site plan per se, because it was a concept, but he would like to know if there were impacts on the number of parking spaces and if they had to go beyond 10 for the other 2,000 square feet.

Ms. Schlein said that the final parking calculation and the final square footage of this building would ultimately be in large coordination with staff, and designating either the net area or coordinating with them on an exact study of how many people were going to be accessing the site every day. She said that the additional square footage was not really creating any additional workspace but was creating additional flexible collaboration space.

Mr. Missel asked if they had performed a study to see if this was visible from the entrance corridor at all.

Ms. Schlein said that she believed the topography was such that it was not visible from Avon Street, and it was currently not in the overlay district.

Ms. Firehock said that she was not concerned about the traffic to the site. She said that she was concerned about the trip generation calculation. She said that she understood that it was from a professional manual, but it seemed as if people were working on recordings and music things, people worked for 2 or 3 hours and then they left, so she would assume there would be more coming and going than an office use that would theoretically have people coming at 9:00 a.m. and leaving at 5:00 p.m.

Ms. Schlein said that it was a good point. She said that they looked at the IT manual as the standard because they were requesting office space and evaluating it. She said that as far as the music user, she believed that that type of user may in a day be comparable to an office, but the times that people came and went may be different. She said that rather than an office where everyone arrived and left at the same time, for this type of user, they would have smaller trips coming and going throughout the day rather than a whole crowd coming and going.

Ms. Firehock asked if they assumed 15 or so people would be doing stuff in there at once.

Ms. Schlein said that that would probably be the maximum in a day.

Ms. Firehock said that some of the top floor was open space, and it was not visible from Avon Street. She said that it was an industrial area, but she would like to know if there was potential for people to be out in the open space making noise. She said that she was unsure if there was concern about the impact of that, because when she saw it at the CAC, she thought it was a two-story, completely enclosed building, but this did not look like what they saw. She said that she knew they had seen a very basic rendering, but she was trying to understand if there would be any impacts from the open-air top part.

Ms. Schlein said that she could not imagine that there would be any impact beyond a normal office where people went outside to have lunch. She said that perhaps people would play guitar or something outside. She said that throughout the day, there was noise from other users, and while it may be pleasant to have lunch outside, it would not be more pleasant to do more than that. She said that there were various noises coming from the area, so as far as noise coming from this user, it would not be any more impactful than nearby users, and would be typical of having lunch, collaborating, or talking through music outside.

Ms. Firehock said that if this were a recording studio, she assumed they would have adequate soundproofing in the building so that in case the music was disruptive to others.

Ms. Schlein said that was correct. She said that it was both for the purposes of sound dampening from the music as well as to block noises from the outside environment.

Mr. Clayborne asked if the ground floor warehouse was auto storage or would also be for repairs.

Ms. Schlein said that there would be no automotive repair, it was mostly for collectible cars.

Mr. Clayborne asked if there was anyone present who wished to speak on the item. Seeing none, he asked the Clerk if there was anyone signed up online to speak.

Ms. Shaffer said that there were none.

Mr. Clayborne asked if the applicant had any further information to provide.

Ms. Schlein said that in answer to Mr. Bivins' earlier question, the front floor elevation was conceptually at 468 feet, and at Five Springs Road they were at 490 feet, so lower than Five Springs.

Mr. Clayborne closed the public hearing.

Mr. Reitelbach clarified that the prepared motions were based on the conditions for the 9,000 square feet as originally included in the staff report and not for the 11,000 square feet that the applicant was requesting.

Mr. Missel asked if the motion should be amended to include the agreement to go to 11,000 square feet.

Mr. Herrick said that was correct if the Commission wished to do so.

Mr. Missel moved that the Planning Commission to recommend approval of SP202300003 Mill Creek Lot 11 with the conditions as recommended by staff in the staff report, and the amendment to include 11,000 square feet maximum as opposed to 9,000 square feet maximum for the independent office use. Mr. Carrazana seconded the motion, which carried unanimously (7-0).

### **SP202300001 Covenant School Tennis Court**

Ms. Rebecca Ragsdale, Planning Manager, stated that she would be presenting the staff report for this item. She stated that the proposal was a special use permit amendment associated with the existing Covenant School located off of Hickory Street in the County, and the proposal was to incorporate a recently acquired parcel to the school's campus. She displayed an aerial photograph of the existing school's campus, outlined in yellow, and the proposed parcel had frontage on Stagecoach Road. She said that the parcel was 2.61 acres in size and the existing campus was 25.93 acres. She said that the primary entrance to the site was from Hickory Street and there were existing athletic fields with parking to the rear of the primary school academic building.

Ms. Ragsdale said that the parcel and other parcels to the north were zoned R-2 Residential, nearby was the Southwood community, and the area shown in white, zoned Rural Area, was the land for the future Biscuit Run Park, which would also have some access and parking from Hickory Street. She said that the parcel was recommended for future land use as Neighborhood Density Residential in the comprehensive plan. She said that the existing school was approved in 1999 and the early 2000s, and a number of private schools had come before the Planning Commission in Neighborhood Density and Urban Density designated areas, as they were a typical secondary use that the comprehensive plan anticipated, provided that impacts to abutting property owners were addressed.

Ms. Ragsdale said that the applicants provided them with a narrative in the concept plan which showed the intended use of the property, as indicated on the slide. She said that it was introducing athletic fields closer to nearby residential units and there would be access off of Stagecoach Road. She said that the primary access for parking and those going to the courts would be from existing parking from the Hickory side of the campus. She said that it was an introduction of six tennis courts and about six parking spaces, limited primarily to ADA or service vehicles.

Ms. Ragsdale said that the applicant had worked to reduce that from the original proposal of 12 spaces to six spaces. She said that the plan did provide for some buffer and screening along the property line with the closest dwellings. She said that the special use permit was originally approved in late 1999 or early 2000 and included a requirement that commercial buffer and screening requirements be met. She said that it was an area where it was reduced but the screening would still be provided.

Ms. Ragsdale said that a community meeting was held in March, and they heard from some of those closest neighbors about concerns including lighting, noise, and traffic. She said that the applicant had worked to address that in the proposal, and staff had recommended some additional conditions specific to the tennis courts that were getting closer to the neighbors' properties. She said that their primary concerns were the noise and lighting, and the applicant provided a lighting plan, but that was not one of the conditions that they had originally introduced. She said that they had some updates to the recommended special use permit conditions which were intended to get at those considerations for abutting property owners, impacts, and change of character. She said that they noted that it was somewhat of a concern as it was getting close to a neighborhood there.

Ms. Ragsdale said that the updated condition 1 was that the property must be developed in general accord with the concept plan with regard to the location of buildings, parking areas, and athletic facilities, location of entrances, and location of buffers and screening. She said that this was an update to the existing conditions and would replace those in order to modernize them to their standard language. She said that as stated in the staff report, they limited those that were references to ordinance requirements already or things that had already been satisfied.

Ms. Ragsdale said that what they had maintained or modernized was the condition for general accord with the concept plan, and the applicant was not proposing any changes to the existing campus or an increase in enrollment, so that would remain at 550 students maximum. She said that the condition for compliance with commercial setbacks and buffers and screening was maintained, but that exception must be made where it was narrower. She noted that the commercial requirement was a minimum of a 20-foot undisturbed buffer with screening, so it would be reduced in terms of the buffer, but the screening must be provided.

Ms. Ragsdale said that to address some of the concerns about noise and lighting, they recommended a condition for the hours of operation, based on the conditions for noise-generating activity in other parts of the code. She said that they were learning about other racket or paddle sports and the potential increase in noise impacts, so those had been prohibited in this case and would be limited to the quieter tennis courts. She said that it had been presented by the applicant that this would be tennis courts that were an accessory use for school activities and not open to other tennis organizations. She said that there had been some questions about lighting that they had just received yesterday, so they sent those concerns to the applicant and were contemplating a seventh condition.

Ms. Ragsdale said that in terms of the lighting ordinance, it required full cutoff for lighting above 3000 lumens, so they suggested a condition that regardless of lumens that lighting shall be fully cut off. She said that the plan that they provided did demonstrate compliance with the ordinance, but in terms of spillover, the ordinance allowed half a foot candle to adjacent properties, so they recommended that there be no spillover allowed to properties under different ownership. She said that the 2.6 acres had been incorporated with the existing parcel and school campus, so they had included a provision where that had not applied, and the spillover could take place.

Mr. Moore said that in regard to condition 6, which limited the use of the tennis courts to school activities, when they had resources like a bunch of tennis courts that were new and nice, it would be nice to have those available to other organizations if the owner was amenable to that. He said that he would like to know why that was an important thing to include in the list.

Ms. Ragsdale said that it was to limit the intensity of activity closer to neighbors and the school's needs.

Mr. Missel asked if the maximum enrollment not exceeding 550 students was amending the existing special use permit that had that requirement on it, and if it were not, he would ask why it was on there.

Ms. Ragsdale said no. She said that there was a typo in the report that said 501 but it had 550 now, and it was not changing that.

Mr. Missel said that he was curious as to why they had the limit to enrollment in this application. He asked if it was not covered under another.

Ms. Ragsdale said that this was amending the special use permit condition and would replace the 1999 special use permit.

Mr. Missel said that he understood. He asked if it was correct that a 20-foot buffer was a requirement.

Ms. Ragsdale said yes, except for the exception was noted.

Mr. Missel asked if that was 20 feet for parking adjacent.

Ms. Ragsdale said that it did apply to parking.

Mr. Missel asked if the reason they were limiting the use of the tennis courts because of the perceived reality of pickleball balls having a clicking sound that was louder, or if there was an

actual decibel level measured that caused this to trigger some sort of limit on the County's tolerance for sound. He said that it seemed arbitrary.

Ms. Ragsdale said that it was based on recent experience and sound measurements taken at other facilities, as well as complaints from neighbors of facilities that started with just tennis. She said that pickleball was a very social sport, so they had some recent experience with that and that was why that was added.

Mr. Missel asked if it had triggered a decibel level above the County requirement or if it was just a nuisance.

Ms. Ragsdale said that it was more of a nuisance. She said that she did not recall what the decibel levels were. She said that there had been instances where they had exceeded it and added sound attenuation fencing, but it went back to that as this was presented, the tennis courts were to serve a school use. She said they understood that it could be an amenity, but in terms of neighbor impacts, that was why these additional conditions were suggested.

Mr. Missel said that he had wondered if it was subjective or objective, and this sounded like a bit of both.

Mr. Moore said that he had quickly searched for information regarding the two measurements of 100 feet from the court, and it seemed like the hard surface of pickleball was close to 70 decibels from 100 feet away while tennis was more like 40 decibels.

Mr. Missel said that that was good to know.

Mr. Carrazana asked if the 10:00 p.m. to 7:00 a.m. limitation was assumed throughout the week, and if consideration was given to different hours for weekend activities.

Ms. Ragsdale said that time period applied to any day of the week.

Ms. Firehock said that at the CAC meeting, the applicant was repeatedly asked about the need for lighting, and they did not receive a satisfactory answer, but maybe they would when the applicant presented tonight. She said that they had said that most of their matches would end by 5:30 p.m., so it was unclear why they needed lighting. She said that she could imagine a scenario in which it was getting dark, the game was going late, and it needed to be lit until 6:00 p.m., but she did not see why it would now need to be until 10:00 p.m. when at the CAC meeting they provided information that they would not be having evening matches. She said that she did not understand that condition and if she had been staffing, she would have made that condition 6:00 p.m. or 7:00 p.m.

Ms. Ragsdale said that the recommendations were up for the Commission's discussion. She said that the narrative indicated that there would be a need for lighting, and it was proposed on the concept plan in terms of the winter months.

Ms. Firehock said that the applicant had repeatedly stated in the meeting that they would not be playing tennis at 7:00 p.m., 8:00 p.m., or 9:00 p.m. at night.

Ms. Ragsdale said that this was a starting point for discussion and staff developed that condition based on a noise lens, and with conditions of approval they did not want to be overly restrictive

so that the applicant had to come back to amend it if they had morning practices before school, and she was not sure how late practices went, but the matches were most concerning in terms of traffic and noise impacts. She said that this was their starting point.

Mr. Bivins said that one of his questions was about an adjustment to the overall SUP. He said that at one time when they did the original SUP, there was still going to be a reserve held by the school and perhaps by the County to help with the resurfacing or redevelopment of Hickory Street. He said that he wanted to make sure that that was in fact did not negate that the school would hold funds for that.

Ms. Ragsdale said that Hickory Street was a private road and had a private maintenance agreement consisting of three parties. She said that it included the Covenant School for a certain portion, Southwood, and now Biscuit Run Park of the County as a part of that.

Mr. Bivins asked if the original agreement was still in place.

Ms. Ragsdale said yes, it was still in place.

Mr. Bivins asked if there was a conversation between staff and the applicant about why they needed two additional courts when they had been playing on four courts. He said that while their program was an emerging one, he questioned if they had the time and need for two additional courts if they had been playing at those four courts already. He said that it seemed like one way to mitigate the impact on the neighbors. He said that this piece of property sat between 5<sup>th</sup> Street and the police department, and he wondered if the police department and emergency response vehicles that left there used their sirens, because if they did, then this was a property that had noise on the west side at all times of night as opposed to some noise from people playing, particularly now that there was prohibition against pickleball on the other side.

Mr. Bivins asked again if they had talked about the number of courts and whether they should be aware that this was next to a police station, where the property was situated in an area with a lot of activity. He said that there were multiple other athletic fields on the property, so this was an area where a lot of sports were going on at all times. He said that the baseball diamond was right behind a whole bunch of people's houses, and the football field was as well.

Mr. Bivins said that there was a bunch of stuff over there related to school, so if they could hear something from the applicant about what it was like to have school sports over there and how they engaged with their applicants. He said that he wondered why they needed six tennis courts rather than four courts. He asked why they needed an entrance off of Stagecoach Road and why they could not have an entrance built into the back of the school. He said that they could have a bollarded entrance for an emergency, but he questioned why they had to have a dedicated entrance off of Stagecoach Road. He said that he did not expect Ms. Ragsdale to answer any of his questions but was just putting it out there.

Mr. Clayborne asked the applicant to address the Commission.

Mr. Eric Woolley of Woolley Engineering said that he enjoyed the healthy dialogue and would be presenting the proposed tennis courts for the Covenant School. He said that he was joined by Frank Berry, the CFO and COO of the Covenant School, and they were very appreciative of Ms. Ragsdale's efforts in getting them to the position, and she did an excellent job of giving them the basics. He said that he would give an overview of the background of the project and the key

design considerations that made this layout the way it was presented today. He said that first, Mr. Berry would tell the Commission about the school.

Mr. Frank Berry said that he would provide a brief overview of the Covenant School if they were not familiar. He said that the Covenant School was founded in 1985, they were a Pre-K through 12<sup>th</sup> grade day school and had two campuses. He said that their lower school, or elementary school, was at the Old McIntire High School near the bypass, which served Pre-K through 5<sup>th</sup> grade. He said that the campus under discussion, the Hickory campus, was where they had their middle school and their high school.

Mr. Berry said that the total enrollment was 740, and the Hickory campus had 425 students right now. He explained that the school provided 40% financial aid in order to keep the school accessible to the community, and community service was very important to them. He said that it was emphasized to their students to ask what kind of life they wanted to live, to live well, and to give back to their community.

Mr. Berry said that their tagline was “teaching the next generation to live well,” and they emphasized with their students that they needed to be good neighbors and be present in their community. He said that they exemplified this with their community service, which he discussed earlier. He said that the tennis courts had been something the Covenant School had been thinking about for about 25 years, because it was an important part of their athletic program, which Mr. Woolley would walk them through.

Mr. Woolley displayed a map of the campus on the slide. He said that for orientation, north was the top of the screen, with Stagecoach Road going north. He said that they had already seen some other exhibits that showed Hickory Street off the page here, the entrance coming into the school and existing parking lot. He said that the school originally had 12 parking spaces, and they heard from the CAC meeting that there was a lot of resistance to that, and people were fearful that it would generate a lot of traffic. He said that it was welcome news to the school because they did not want to put in 12 spaces, but 12 spaces was the County-mandated minimum. He said that the school proposed requiring all of the visiting teams, visiting parents, students that played, and all of the visitors to park in the existing parking lot of the school and then walk up two new pathways. He said that one would be stairs and one would be a long, steady walking path up.

Mr. Woolley said that the idea was that the parking lot that served the tennis courts was doing this for ADA and anyone who had difficulty going up a significant amount of change in grade. He said that the light green areas on the map indicated the existing vegetation that they intended to have remain, the dark green areas were new vegetation they were proposing, and towards the middle of the screen was a small building that would serve as storage for the tennis facilities as well as two bathrooms. He said that interconnecting all of the courts would be ADA-accessible pathways all leading from an ADA-accessible parking lot. He said that the site would also have access from Stagecoach and would be gated, so it would only allow for access to the school and emergency department services.

Mr. Woolley stated that the next slide showed the grading plan, which was a bit better than a concept and was more of a preliminary plan. He said that they could recognize the two-foot contour intervals, and they could see several of them, illustrated the grade change between Stagecoach Road and the Hickory School campus, which was about 30 feet of grade change. He said that it was a significant drop from this parcel to the other, which was one of the main tenets

of why they wanted to consider using the existing entry off of Stagecoach Road because it allowed the ADA accessibility at the top. He said that the next slide.

Mr. Woolley said that the next slide gave a bird's eye view of what the courts would look like. He said that they had three batteries, each fenced in, and they would have two courts each in order to provide six courts. He said that his understanding was that for high school athletics, six courts was the ideal amount because it allowed 12 matches to occur back-to-back, allowing the parents to go in and out before dinnertime, which was key regarding driving considerations.

Mr. Woolley said that he would highlight some information about the existing parcel. He said that it was a survey they had done of the topography, and they could see the existing driveway comes off of Stagecoach, and it hugged the property line along the edge. He said that they had talked about this buffer quite a bit with Ms. Ragsdale and other staff, and then it ventured down towards the existing residence. He said that a few photographs of the existing residence at 449 Stagecoach Road, which was a modest two-bedroom, one-bathroom slab on grade served by a private well and septic system. He said that the intent was to demolish the structure and replace the utilities with public utilities through the Covenant School's parcel.

Mr. Woolley displayed the land map of the parcel on the slide and noted how the driveway was shifted further south, allowing the buffer area, which was 12 feet wide and not 20 feet. He said that they proposed magnolia trees along the edge and eastern boundary after discussions with that bordering property owner. He said that the green shapes along the boundaries were existing mature trees. He said that they had their surveyor locate every tree that was six inches in caliper or larger because one of the core goals when they laid out this plan was to keep as many of the existing trees as possible. He said that the trees down at the bottom were significant oaks and wanted to keep them. He said that if they were to push the driveway down even further, they did not think they would be able to keep those trees, so there were some trade-offs. He said that they thought this to be a more appropriate proposal.

Mr. Woolley said that displayed on the slide was a section view and indicated the neighbor to the north and tennis courts to the south. He indicated the magnolia trees shown to scale, with the size of the tree they intended to plant on day one. He said that it was not a growth factor, and the intent was to allow this to grow fully over time and hopefully fully screen the neighbors from the activity.

Mr. Woolley said that tennis was an untimed sport, so the intention was to have the matches between 3:30 p.m. and 6:00 p.m., but some of the matches went longer, and there was both a five-week period at the end of the fall season and the beginning of the spring season where daylight savings time provided an opportunity. He said that some of the matches went up until the point where it was almost dark. He said that they definitely wanted to make sure that they realized that they were there to answer questions, because they had covered quite a lot of things.

Mr. Woolley said that the United States Tennis Association recommended 30-foot candles as a minimum, which was difficult to do in a situation like this where ideally, they would like to have a 40-foot-tall light pole, which did not fit with the character. He said that the minimum size was 20 feet tall, and given the restrictions, this was about the lowest temperature of lighting that they could apply. He said that they tried to stay away from all of the blue lights. He said that on the screen as a rendering of what that may look like. He said that they had no problem keeping the dark sky compliance at the boundaries.



Mr. Clayborne said that he would provide Mr. Woolley a couple of minutes to finish the information about the lighting. He said that it was where a lot of the concern was that they had heard thus far.

Mr. Woolley said that ideally, they would like to have 35-foot to 40-foot-tall light standards to light a tennis court, for the reason that it provided a consistency of light. He said that they had a limitation like this one where they were trying to keep the light poles as low as possible to keep from having glow impacts on the neighbors; they got a situation where they had a larger undulation, with peaks and troughs, so this layout was as efficient as they could get it, as indicated in the upper lefthand corner of the slide. He said that next on the slide was a perspective view of where the light standards would be and was efficient and with the least amount possible with a 20-foot-tall pole.

Mr. Woolley said that in order to get a minimum of 30 feet, they would have to have some zones that were closer to 50 feet and even touching 60 feet. He said that they had had some consultants who told them that 75-foot candles was ideal for high school, so they did not feel that this was inappropriate, but the key that they were looking for was making sure that they could get this within the site so that they had no spillover to the neighbors. He said that they also included a rendering of what the light spill should look like from the site.

Mr. Murray said that in the application, one of the things mentioned was that the applicant planned to use nutrient credit trading to address stormwater quality. He said that that was certainly allowed, but as a suggestion, his understanding from staff was that they were allowed to not just use that one parcel they had acquired but use the existing school campus as well to treat stormwater. He said that they had a lot of areas where they could put in swales or other ways to treat that, and even if they did purchase nutrient credits, he strongly encouraged them to make use of the County's ACAP and VCAP programs to come back and do things on the rest of their campus to try to address the quality of stormwater. He said that it would be a great educational opportunity for their students, and they had other examples in the County where they had stormwater facilities that had been valuable educational opportunities for students.

Mr. Woolley said that he could not agree more. He said that he worked on this project in the late 1990s and they had developed a site plan for the original parcel and did account for future growth. He said that there were three existing biofilters on the school site. He said that the stormwater regulations had changed, and even though they had a banking system accounted for in their bean-counting exercise with the older site plans, the new regulations were telling them that the grandfather effect that those valuable resources that the school put in during the late 1990s and early 2000s could not actually be used to offset the impact.

Mr. Woolley said that it did not mean that they were not being used, it meant that they could not use them to justify their calculation. He said that the County and the environment would get double credit, because not only would the system in place treat this stormwater, but the only way for them to solve the equation was to purchase the credits also. He asked Mr. Murray if that answered his question.

Mr. Murray said that it did. He said that he was thinking in particular that there was a road that went along the south of where those courts were going to be. He said that they could very easily put a linear vegetative swale before that road if they wanted to.

Mr. Woolley said that the system would flow from an area in which they would have storage for underground quantity, so quantity would be solved on-site. He said that the topography was

limited in some areas, and the system would outfall into an existing pipe system that went underneath the baseball field and zone just referred to, and just beyond the soccer fields was a very large biofilter. He said that they had probably only used about 40% of its total effect with what was on site currently. He said that this system would be going through that biofilter and would be treated, but they were also going to have to buy credits in order to satisfy the state standards.

Mr. Murray said that because of their site constraints, it made sense why they chose the Green Giant Arborvitae, but it would have been nice if they could have used the native Arborvitae instead.

Mr. Woolley said that they would discuss that with their landscape architect.

Mr. Moore thanked Mr. Woolley for his explanation of the grading being a cause for still needing the ADA entrance off of Stagecoach Road. He said that thinking about the considerable investment that went into this kind of thing, and if there were other tennis organizations or locals in the neighborhood who wanted to use the courts and no sort of use assumption that the school would want to open itself up to that kind of use, he was curious if that was a consideration the school was interested in or was solely for the high school program.

Mr. Woolley said that the school had opened it up to the immediate neighbors, which was a condition within the written conditions. He said that in the CAC meeting, there was a lot of resistance to the opportunity of allowing it open to other people. He said that there was a comfortability with the school because they were there all the time and controlled who was there, could limit the noise, and tell someone that they were not supposed to be there or playing paddle ball.

Mr. Woolley said that by opening it up, they lost some control, and in a residential setting in which neighbors were trying to be considerate, the light and noise considerations were taken very seriously. He said that they had no intention of staying beyond practice and matches, and while they would love to open them up because there was a shortage of tennis courts around, if they did that the tradeoff could be negative to the people who actually lived next door.

Mr. Moore said that he understood the difficulty of it turning into a quasi-public park situation.

Ms. Firehock said that it sounded like the applicant did not need the hours to be until 10:00 p.m. at night even though staff was providing an expansive number. She said that there was no reason to light these courts until 10:00 p.m. at night.

Mr. Woolley said that to his knowledge, no there was not.

Ms. Firehock asked if 7:00 p.m. be acceptable.

Mr. Woolley said that he did not think 7:00 p.m. would be enough. He said that the reason the six court layout was the most ideal was because it allowed six matches to play and finish and then six more matches came on. He said that if two of those games went long and they had to add a half hour, they were well within the 7:00 p.m. or 8:00 p.m. timeframe. He said that he did not think that would happen very often, but they would hate to cut a match off short, especially when they had teams traveling from long distances. He said that the school was very excited to be able to host matches, and they wanted to provide an avenue for the kids to come from Richmond, Lynchburg, or northern Virginia and complete the match while they were there.

Ms. Firehock said that she understood. She said that she received a letter from a CAC member saying that kids were going to bed in residential homes in the area at a certain time. She said that she did not think that they needed 10:00 p.m. She said that they could discuss what the time was, but she was not comfortable supporting that generous of that use, and she thought that the kids should stop playing tennis before 10:00 p.m. to give consideration to homework.

Mr. Woolley said that the applicant was comfortable dropping it to 9:00 p.m.

Mr. Missel asked if they would have photo sensors or timers for the lighting controls, and if that was planned if there were no people there to turn them on and off.

Mr. Woolley said that the pictures they were proposing had that ability, but that was not the intent. He said that the intent was to turn these on when they were needed and off when they were done, and they would not be coming on on a regular cycle.

Mr. Missel asked if it would be possible for someone to forget to turn them off. He asked if a timer would be helpful.

Mr. Woolley said that he was sure that that could be done.

Mr. Missel asked if the applicant had reviewed the updated staff conditions.

Mr. Woolley said they did.

Mr. Missel asked if the one that said 0-foot candles at the property line was able to be accommodated with their lighting plan.

Mr. Woolley said that they asked for de minimus. He said that the County Code suggested that 0.5-foot candles at the boundary was code requirement, and his understanding was that that was put in place to protect the de minimus amount of light that could be coming from anywhere. He said that he had walked around with a light meter at night because this came up in a lot of situations, and it was hard to find 0.0. He said that in their theoretical studies for plans, they had to project how much light would come out. He said that they believed that they could do it, but it would be challenging. He said that they would have to be very careful with the way that they shielded these lights and may actually have to put more screening in a few areas, so when they presented the photometric plan, they discounted the landscape at the boundaries.

Mr. Missel said that the one that he saw in the application was still at 0.5-foot candle. He said that there were some areas that were zero and there were some 0.5-foot candles. He asked if that were the plan that they had in place, and if now they were going to zero, would they achieve the 30-foot candles on the courts they needed to play the game.

Mr. Woolley said that it was brand new, and they had not routed it, but theoretically they believed they could. He said that if they could get down to 0.01, that was not no and was not zero, which was why they asked for de minimus to be in the language and not zero.

Mr. Missel said that they were using the RSX1 fixtures. He said that a lighting expert had said that those were really great fixtures and were easy to control, and they recommended glare shields. He asked what Mr. Woolley's thoughts were on glare shielding and if it could be built into the fixture.

Mr. Woolley said that they looked at the elevation of the landscape that they were putting in at the boundaries in relationship to the top of the actual lighting unit itself, and they were really close. He said that they understood there was a zone glare that would occur at straight verticals in the first 10 degrees. He said that they believed that the screening would take care of about 80% of that, and the remainder they were hoping glare shields would attenuate.

Mr. Missel said that in the applicant's presentation, the images shown were said to be to scale.

Mr. Woolley said yes.

Mr. Missel said that he understood the intention was to plant them at that height. He said that he did not see anything included in the staff conditions that addressed height. He asked if the applicant would be open to putting something in there that addressed that.

Mr. Woolley said yes.

Mr. Carrazana said that he did not quite appreciate the topographical challenges that they had in two directions. He said that a lot of his concerns had already been asked regarding the lighting and how they would mitigate that. He said that he appreciated all of the measurements and calculations taken. He said that one of his main concerns regarding the schedule was that there was a different impression at the CAC in terms of how long these matches would go, so going from 5:30 p.m. to 6:00 p.m. to 10:00 p.m. was a big jump. He said that they would have more conversation about the proposed 9 p.m. cutoff on the dais. He said that he was left with parking and buffer. He said that the drawing on the screen showed the path going from the lower parking lot up and around the back of the courts. He said that he was assuming that they tied into the center court because of the handicap access to the center court. He asked if there were ramps.

Mr. Woolley said yes, there were ramps. He said that they were working with an architect that specialized in tennis courts, and he suggested an 18-inch vertical separation between each battery as the ideal site line for viewing tennis. He said that they worked meticulously on the dimensions seen between the courts in order to provide ADA accessibility with ramps. He said that each north face was level, and then it pitched towards the south at 1%. He said that there was no problem with ADA accessibility through that portion, but it was the 18-inch climb between the two batteries.

Mr. Woolley said that they not only wanted to provide accessibility for anyone to watch a match from the baseline as well as the ability to come between the courts. He said that there was a ramp, a flat area, another ADA path for at least halfway. He said that they could not provide an ADA pathway all the way to the end because the grade was dropping north to south, so they had to have a couple of stairs there. He said that there was not really enough room to put ramps on this side, but they would have ramps from each flat zone.

Mr. Carrazana said that he figured that there were ramps there and it was more complex than he could see at that scale. He asked if the angle of the separate path they were creating with the parking could be combined with the path they were already creating on the northwest side of the courts. He said that if they were to do that, they would get more buffer if they shifted the parking. He said that it seemed an awkward situation to create two paths, and it seemed that if someone were in a wheelchair that it would be a lot to traverse. He said that if they could combine those paths, the parking, the access for handicap, and the sidewalk they were creating on the southeast

side of that parking with the tennis court, it might provide them the opportunity to create more buffer and move parking down. He asked if that made sense.

Mr. Woolley said absolutely. He said that this concept plan had been designed almost to its final state in terms of the level of calculations they put in this. He said that one grade fell around 5% to 6%, and they needed to get it down to another point, and the County had restrictions. He said that any time they had parking directly adjacent to the drive aisle, they could not exceed 5% in any direction, so that was kind of a limiting factor. He said that if they had more space through there, they probably would drop this more and make it steeper through there, and then they could achieve what Mr. Carrazana had talked about. He said that there was a retaining wall along an edge.

Mr. Carrazana asked if that one path had a double line and the other two did not.

Mr. Woolley indicated the knee-wall. He said that it was about the perfect height for someone to sit and watch, but that was the grade change difference between this battery and this set of parking. He said that they would have liked to have done what Mr. Carrazana had just described. He indicated another retaining wall that they would like to get replaced, but they had not achieved it.

Mr. Carrazana said that they were already going through their retaining walls, so he would think there was a way of trying to create more buffer than the minimum 12 feet. He said that he knew there were topographical challenges, but they were already doing retaining walls. He said that he approved of the access for handicap and for creating that buffer, but he would encourage the applicant to look at this closer.

Mr. Woolley said that they had looked at it quite a bit and were happy to keep discussing it. He clarified that one section could be given a buffer and it was only where their driveway came down. He said that this was something that they had site meetings with the Fire Marshal's Office about, and this design was not only the most efficient in terms of getting down but was also the exact orientation and length that the Fire Marshal was comfortable with.

Mr. Woolley said that it would be difficult for them to shorten the driveway. He said that right at the pinch point, they barely got enough room to get a minimum with drive aisle through the existing parcel. He said that one of the reasons why was because of its history. He said that this area was the area that the original Stagecoach Road ran through, and that was why the existing driveway was right on the northern boundary line, and the old Stagecoach Road went all the way to Lynchburg but was moved in the 1950s.

Mr. Carrazana asked what the dimension of the drive aisle was.

Mr. Woolley said that it was the minimum width, which was 20 feet. He said that it was not only County Code, but the Fire Marshal would not accept anything less because safety vehicles had to be able to get in.

Mr. Carrazana said that he appreciated how the applicant was trying to navigate it, but they were still asking them to approve going from 20 feet to 12 feet with the buffer.

Mr. Woolley said that he understood. He said that that was one of the reasons why they suggested to put something substantial in. He said that they could have large width with some smaller,

younger pieces of vegetation, or they could come in and put the biggest magnolia, which was evergreen and would screen all year.

Mr. Carrazana said that they had to hope that the tree would survive, because as the roots grew underneath the road, they would be getting driven over. He said that it created a difficult situation.

Mr. Bivins asked if the applicant could speak about how the other athletic fields at the school were lit during the year.

Mr. Woolley said that this would be the only facility.

Mr. Bivins asked if the football field was not lit.

Mr. Woolley said that that was correct.

Mr. Bivins asked if the baseball field was not lit.

Mr. Woolley said that that was correct.

Mr. Bivins asked if the other football field or soccer field was not lit.

Mr. Woolley said that was correct.

Mr. Bivins asked Mr. Woolley to help him understand why this one had to be lit and those others did not. He said that people played football late in the afternoon, too.

Mr. Woolley said that in an ideal world, the buses would get there on time, kids would arrive when they were supposed to, the matches would be done, and everyone would be home by dinnertime.

Mr. Bivins said that he was leaving the tennis subject alone but was wondering why this was the only field to be lit when it likely had the least number of people showing up for it. He said that tennis was not driving their sports activities like football and basketball, where they had a lot of energy according to the school's website. He said that he wanted to know that since there was all of this stuff on the website why those were not lit. He asked if this was not a backdoor entrance into lighting all of the athletic fields.

Mr. Woolley said that they were two good questions. He said that his understanding was that the tennis battery situation required matches to occur stacked, so unlike a football game that had one game and one field, with tennis, unless they had 12 courts, they had to stack them in order to have two games back-to-back, which was why it took longer.

Mr. Bivins said that he did not have a problem with the number of courts, because they were amidst the other courts around town. He asked if they could get to a yes on lighting the tennis courts, whether they would then have to wrestle with lighting all of their other fields.

Mr. Woolley said that when they had their preapplication meeting with the County, they came in assuming that they would do one special permit for the new parcel they had purchased, but because they were interconnecting the two uses with the shared use path and shared parking agreement they were pursuing at the site plan level, that was what forced them to go to a rezoning for the entire school, and folding this parcel into the school. He said that what they were doing was giving the County a special permit for everything on the school parcel and the new parcel.

He said that by special permit, this was the only one that would be allowed. He said that if more lights were wanted some time in the future, they would have to come back.

Mr. Bivins said that at one point the school owned both pieces of property, then they sold it. He asked if the applicant could share information about why they determined this property was the best place to put this.

Mr. Woolley said that he had played tennis recreationally in the past but had not understood fully all of the components, and one of the big components was sun angle. He said that the ideal alignment was somewhere close to what had been shown on the plan. He said that they could see that the three batteries fit almost ideally within this parcel. He stated that the school had had a longstanding relationship with the previous owner, and they had discussed the potential and what they wanted for the future. He said that when they discussed this with the previous owner, she was pleased to know that this was where the tennis courts would be.

Mr. Bivins asked if it was known what the engagement was of the four other houses around there.

Mr. Woolley said that the school had had conversations with all of them.

Mr. Bivins asked if they had had a few conversations with all of them.

Mr. Woolley said several. He said that they alerted them before they ever submitted the application, had shown them concept plans, and had a lot of interactions.

Mr. Clayborne asked if there was anything that prevented the matches from starting earlier other than children potentially missing a few hours of school.

Mr. Berry said that with the matches that took place, school ended at about 3:30 p.m. or 3:40 p.m., and they tried to start everything by 4:00 p.m. He said that Mr. Woolley was correct that with tennis, in order to complete a high school match, it was about matches and not about practice, and there would be eight home matches in a season, girls in the fall and boys in the spring. He said that they were stacked so matches started at 4:00 p.m. He said that this was helpful for the school because they currently had to travel to courts, and courts were becoming more difficult to rent because a lot of courts were being converted to pickleball and it was very challenging.

Mr. Berry said that their school was traveling from Virginia Beach, Richmond, northern Virginia, Roanoke, and Lynchburg, so it took a while to get there, and they were definitely leaving school early to get there. He said that the matches across athletic conferences started at 4:00 p.m., they played a pro set of 8 games, a match would take 60 to 75 minutes, potentially longer. He said that they stacked them by playing six singles first, and then went to doubles, so it was actually three doubles matches that played right after the singles. He said that if they stacked those, typically the matches would run until 6:30 p.m.

Mr. Berry said that where they ran into an issue was during daylight savings time. He said that there was a five-week period at the end of October and early November with girls' tennis where they did not want to get into a match and then stop at dark. He said that particularly the girls were at playoffs at that point, and they were required to finish matches by a standard for playoffs. He said that the boys' tennis was really at the beginning of the season, right at the end of February and into March.

Mr. Berry said that March 10 was when daylight savings would begin in 2024 and would be a three-week period where they wanted to make sure that they could finish matches. He said that he agreed that they wanted the kids to go home and what they were talking about earlier when Ms. Ragsdale was emailing them earlier and they said that they could back the time down to 9 p.m. He said that they just wanted to make sure that they could meet that if the match went longer than 7:00 p.m. or if someone wanted to stay after with the coach and hit a few serves, they wanted to be able to do that and meet the requirements.

Mr. Clayborne asked if they had to start at 4:00 p.m. and could not start at 3:00 p.m.

Mr. Berry said that if they started at 3:00 p.m., then they were pulling the opponent teams from school much earlier, so the guidance and agreement among all athletic directors was that they should start at 4:00 p.m.

Ms. Firehock said that she was still trying to understand how many matches there were. She asked how many days of the year they would be running matches at that site. She said that she was not as concerned with kids practicing tennis after school as a part of their tennis regimen.

Mr. Berry said that he would say 20. He said that he did not go and count, but he would be cautious. He said that he believed it was eight to 10 home matches and they traveled for the other matches. He said that the only thing that could change that would be with playoffs, but typically when they got to playoffs, they were going to central facilities that all of the schools could travel to, almost always in Richmond.

Ms. Firehock said that the whole concern of the lighting being on later was only happening when the matches were happening, so therefore if they put a limit of some type of 20 matches per year or some number that would assure them that even though there were impacts of light spillage or noise, someone playing tennis until 9:00 p.m. at night was unusual.

Mr. Berry said that it was accurate that it was an unusual situation, but they wanted to make sure that in those crossover periods when they were having matches that they could complete the match.

Ms. Firehock said that it was not often if it was 20 times per year, and she did not particularly have a problem with that. She said that she was still struggling with the impact of generally having tennis going on in what was essentially a couple of people's backyards. She said that by having that residential lot turned into tennis facilities, they were now abutting two landowners who were not abutting a sports field before. She said that she was curious if they felt comfortable characterizing whether the residents and homeowners who they spoke to had supported or not supported it.

Mr. Berry said that Ms. Morris had passed away and they purchased the property from her heir. He said that the first thing that they did was talk to the neighbors, the Brays, Bakers, and the Crawfords. He said that they explained what they were doing and met with the Brays three times and the Bakers and the Crawfords six times to make sure that they would be involved in every step of the process. He said that most of what they had done was based on their input, so that when they finished with them, they were comfortable with what they saw, but as far as their support, he did not know if it would be appropriate for him to say. He said that it was a positive relationship with all three.



Mr. Clayborne asked if the applicant could discuss the estimated number of spectators. He said that he saw 10 small benches proposed.

Mr. Berry said that over the last four years, he had been to more than half a dozen of their matches, and they were lightly attended by local parents and grandparents, for a total of 8 to 12 people. He said that it was not the most highly attended of the events, but it was still important to them because the tennis program was strong for both the girls and boys, and it was an important part of their program.

Mr. Clayborne asked if parents from the away-teams attended.

Mr. Berry said that they did not see more than typically two or three parents that traveled.

Mr. Clayborne said that condition 6 stated that the tennis courts could not be used by other tennis organizations. He asked if that did not preclude the Southwood community from using the courts if they had a tennis organization that wished to use them, and if that related to the community service aspect of the school.

Mr. Berry said that they had a long history with Southwood, and every summer they ran a soccer camp for the kids. He said that the courts were utilized for school activities, and there may be a time in the summer where they had a camp or clinic, but they had not done that before because they had never had those facilities. He said that Mr. Moore had asked about opening it up to everyone and opening it up to the public was a concern raised by the immediate neighbors. He said that there was concern about it being put up on the Charlottesville USTA site, and they were very concerned about traffic coming in and out of the school hours when they were not there, and that was out of respect to the neighbors. He said that they had not done that before because they had not had the facilities, so it could be a possibility. He said that they had done that before with soccer and baseball.

Mr. Clayborne said that the language did not preclude them from doing that if the school wanted to.

Mr. Berry said that he did not have it directly, but it was school activities or school events.

Mr. Missel asked if there was other lighting on the site at all, such as for parking or the access road.

Mr. Woolley said that both the access drive coming off of Hickory was lit and the parking lot was lit.

Mr. Missel asked if it was part of this site plan.

Mr. Woolley said yes, in this site plan they were proposing one light fixture to light the parking and sidewalk area.

Mr. Missel said that he had missed that. He said that he understood.

Mr. Clayborne said that one person had signed up to speak in person for this public hearing.

Mr. Harold Timmeny said that he lived at 480 Stagecoach Road, which was across the street and one lot to the north and east. He said that he overlooked the County Police Department parking lot, which was very quiet because the County Police were not allowed to use their sirens in that residential area. He said that he was surprised that this was not a rezoning request. He said that it turned out that private school athletic facilities by code were allowed by special use permit. He said that he would like them to reject that for the reason of noise.

Mr. Timmeny said that Mr. Woolley cited in the application that tennis created 58 decibels of sound, which referred to the noise of a ball on a racket but did not include the reaction of the players or the onlookers, which according to the internet went up to 120 decibels. He said that he was concerned that at whatever time in the morning, it should not be allowed at 7:00 a.m. because it was ridiculous to think that anyone would be out there playing at 7:00 a.m. in the morning, and at night it seemed to him that 8:00 p.m. might be reasonable, but certainly not past that. He said that most people were getting ready for bed at that time. He said that there should be some restrictions not only in terms of hours but of noise.

Mr. Timmeny asked what level should be allowed and said that athletic noise from athletic facilities were exempt from the County Code according to Ms. Ragsdale. He said that he was surprised at that. He said that this was not a good use for a residential property, and this was R-2 and should be houses for people, not extraordinary noise. He asked for each Commissioner to think about how they would like to have a tennis court next to their house, and if they thought it would be enjoyable or affect the value if they were selling it and had a buyer come while there was a lot of noise and yelling. He asked if they thought it would affect the buyer's opinion of the worth of the property.

Mr. Clayborne asked if Mr. Timmeny could conclude his comments.

Mr. Timmeny asked how the rules would be enforced, such as if the neighbors would have keys to the gate and if they would also be restricted in hours, and who would be enforcing that.

Mr. Clayborne asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said there were none.

Mr. Clayborne asked if the applicant had a response to the public comment. Hearing none, he closed the public hearing. He called for a 7-minute recess.

### **Recess**

The Planning Commission recessed from 8:07 p.m. and reconvened at 8:14 p.m.

Mr. Clayborne said that some of the topics to address regarding the item included the timing in the staff report in the conditions, lighting, buffer, and noise. He asked if there were any other issues they should talk through as they brought this to a conclusion.

Mr. Bivins asked for clarification regarding the timing that Mr. Clayborne had referenced.

Mr. Clayborne said that in the staff report, the timing was from 10:00 p.m. to 7:00 a.m. He said that the applicant had suggested they put it back to 9:00 p.m., but he would like the Planning Commission to discuss what they thought would be most appropriate in light of the design conditions they saw before them.

Mr. Murray stated that he could not imagine that later than 8:00 p.m. or 8:30 p.m. He said that four hours was a long time to play.

Mr. Clayborne said that regarding the surrounding neighbors, they may have different neighbors coming in over time who may or may not have children. He said that 10:00 p.m. did not seem appropriate.

Ms. Firehock said that they had discussed the CAC when they met last, and the members of the CAC had expressed the same concerns that they had before, and they did not want it lit at all. She said that she would be comfortable with something like 8:00 a.m. to 8:00 p.m. as a window for that space to be lit. She said that four hours was long enough, but she was okay with 8:30 p.m. if they wanted to go to that. She said that they received another letter from a CAC member today that said that they had small children and usually put them to bed between 8:00 p.m. and 8:30 p.m., and that was some of the justification for why they did not want late matches. She said that this was along with the cars coming and going and people packing up, so it was not just the game itself but cleaning up and leaving.

Mr. Missel said that he was sympathetic to the points made by his colleagues. He said that he had been around tennis his whole life and had recently learned a lot about lighting tennis courts, and what he had come to realize was that the real issue were the shoulder seasons, which were late fall and early spring. He said that they were not necessarily talking about 12 months, but about maybe one month on either end where the daylight savings time caused issues. He said that other than that, the need for lighting was going to be minimal, but he was sympathetic to those rare matches that did push over, and there was not really a way for them to say it was 8:00 p.m. and they had to call this match and end it.

Mr. Missel said that it was rare, and if this were a municipal court where they were playing and signing up right until the last minute, he would say that was a concern, but his sense was that it was not going to be like that. He said that he would put in the conditions the need to add timers to the lights so that if there was no one there that they shut off. He said that there should be light sensors to the two light fixtures in the parking lot so that when someone drove in, they came on, otherwise they were off as well. He said that 9:00 p.m. was reasonable if they did not want to go with 10:00 p.m. because it gave a buffer to the timeline for the school, and he did not know if there would ever be a time when the lights were on that late.

Mr. Clayborne said that it sounded like they were between an 8:00 p.m. and 9:00 p.m. time range. He said that regarding the lighting, Mr. Bivins had brought up a good point in that there were no other fields lit. He said that also, if there were lights, how did they feel about the condition in the staff report that said there was no spillover. He said that technically it was the de minimus language that said it was cut off at the boundary. He said that there were two points there that he would like to have discussion on.

Mr. Missel said that he would support the term of de minimus because achieving zero was almost impossible.

Mr. Bivins said that he did not have a problem with de minimus. He said that he also supported the 9:00 p.m. time because he understood it would not be every day, or even every Friday night such as football games. He said that while the school may hope that tennis would be one of their breakout programs, he did not think it would happen, and while he was concerned with the number

of courts at first, he was not as concerned now. He said that he would have liked to have seen it someplace else, but it was not his role to say that.

Mr. Clayborne said that he had a note about tree height.

Mr. Bivins said that Mr. Carrazana had made a good point that as the trees matured, particularly if they were that close to the road, they should investigate the impact on their lifespan. He said that while magnolias were wonderful trees, they were not easy to get to 50 or 100 feet and it took them a good 20 years to get to that height to provide buffer. He said that he hoped the applicant would look at different ways of providing effective buffering with wooden fences or other trees chosen by staff. He said that he would feel uncomfortable if the buffering solution were Virginia magnolias.

Mr. Murray said that magnolia grandiflora wasn't native to Virginia. He said that there was a tradeoff to planting a larger tree initially, meaning that the more they stunted and stressed the tree, the less control they had over its growth habit. He said that while it seemed like planting a larger tree would get them something, it would not get them as much as they thought it would. He said that if anything, he had seen the Green Giant Arborvitae, they sprouted up and gave instant satisfaction because they gave screening, but then they eventually died and fell over. He said that as a temporary solution, if they were putting something like that in, there should be something else behind it that would fill in. He said that there needed to be a more robust screening solution that took into account the lifespan of that buffer, not only providing instant relief.

Ms. Firehock said that they may consider a layered buffer, with bushy stuff to get started and smaller trees that had more likelihood of survival to adulthood. She said that if they took a tree that had been in pots with its roots bound, it was not going to do well. She said that it would look good for about six years and then would start to decline.

Mr. Carrazana said that that was what he was trying to get to with his comment about the parking and the access. He said that he understood why they were getting them there because of the topographical challenges, but it was that 12 foot when they were asking for reduction from 20 that was minimal, and to try to get any kind of layered buffering would not happen without agreement from neighbors to plant on their property.

Mr. Murray said that at least the part that was not by the parking lot, they could do more layering than shown. He said that there was the other area where the parking stopped and there was a lot of white space.

Mr. Carrazana said that there was, but they were missing the topography, which was why they were putting in the retaining wall. He said that there definitely could be more robust and interventional grading.

Ms. Firehock said that the more vegetation that they were able to put on site, even on slope, the more sound attenuation they were going to get. She said that they did not have a landscape plan beyond that one row of magnolias.

Mr. Carrazana said that it was a good point that there were a lot of trees coming down, and it was opening up noise from the other sports. He said that right now there was a buffer there, and that property likely served as a buffer, and they were losing that with these courts. He said that he believed that opposite that was the soccer field and baseball field.

Mr. Moore asked if the topography provided a buffer because it rose 30 feet or so from the lower fields.

Mr. Carrazana said that the topography did rise about 30 feet, and it was all green and forested.

Mr. Missel said that one of the things the applicant mentioned was that once they extended the buffer past the parking area, they could build that out with a layered buffer. He said that looking on the planned south side of the entrance road, before getting to the parking there was a larger section in there that could potentially have plantings. He said that depending on what they were actually buffering, which was probably a little bit of everything, they could buffer from the courts along the stretch of the parking spaces that was the smaller buffer. He said that the wind screens on the courts would help with the lighting off of the courts as well.

Mr. Clayborne asked what a wind screen was.

Mr. Missel said that it was tight mesh that went on the chain link fence that prevented wind from affecting the ball play.

Mr. Bivins asked if it helped with sound.

Mr. Missel said that it helped with sound and ball play.

Mr. Moore said that regarding condition 6, with the use of the tennis courts being limited to school activities, he wanted to make sure that when it came to access that the school would like to provide, such as summer camps, that that was written and counted as school activities.

Ms. Ragsdale said that it was not intended to prevent the school itself from hosting tennis camps or clinics, but not to allow it to be leased for other tennis organizations, of which there were a number in the community that were looking for facilities for their own separate programs.

Mr. Murray said that the term school-sponsored or school-endorsed would apply.

Mr. Missel said that the public commentor brought up a good point. He asked if this were open to three adjacent properties by invitation of the school, who would police whether or not they were turning the lights on and off at a certain time and that they were obeying the rules. He said that he did not know how they did that.

Mr. Bivins said that they did know that the lights were going to go off sometime between 8:00 p.m. and 9:00 p.m.

Mr. Missel said that was true.

Mr. Bivins said that if the houses were close enough, he hoped that people would walk over to play tennis and would not have to mess with the bollards or anything like that. He said that for the three houses which were there, there was an offer of which only one may use it instead of all three of them, the offer was there for them to come but they were not going to extend the lights just because they were a neighbor, and theoretically the lights would not come on because there was no match. He said that he had understood that people were free to use the tennis courts, but they were not going to turn on the lights for people to continue to use it after dark.

Mr. Clayborne said that it sounded like the Commission was supportive but had conditions. He asked if there was consensus for the cutoff time for lighting.

Ms. Firehock suggested 8:30 p.m.

Mr. Clayborne asked if the 7:00 a.m. lighting time should be changed.

Ms. Firehock asked if there were children at school at 7:00 a.m.

Mr. Bivins said that high schoolers playing sports had to either come in early or stay late. He said that there would not be many people doing this and he did not have a problem with that.

Mr. Clayborne said that it sounded like from 8:30 p.m. to 7:00 a.m. was an agreeable timeframe. He said that his other notes included a condition regarding tree height, adding layered screening beyond the parking lot and perhaps on the south side of the entry road, adding timers to the lights so they shut off automatically, adding the word de minimus to the condition around spillover and the lighting foot candles.

Mr. Carrazana said that in terms of the timing, he was less inclined to limit the time to 8:30 p.m. because this was not happening every weekend, but it did give them flexibility for the one match that just went on, and gave them the ability to keep the lights on past 8:30 p.m. He said that beyond that time, they also needed safe passage back to the cars, the ramps, and steps, so they would need light when people were leaving, even though there may not be many people.

Ms. Firehock said that she had assumed that they would be done and leaving after four hours.

Mr. Carrazana said that that was probably true 99% of the time, but there may be one or two games that may go over, and 9:00 p.m. would give them that buffer.

Ms. Firehock asked if the coaches there would turn it off or if they would wait for a timer that turned itself off at 9:00 p.m. She said that there were other sports fields in the County that were lit up without any games going on.

Mr. Carrazana said that the timer could go off well before 9:00 p.m. if there was no match.

Ms. Firehock said that she hoped that it was not a timer that stayed on until 9:00 p.m. for no reason. She said that they wanted the lights to go off when the game was done.

Mr. Moore said that he was inclined to go towards 9:00 p.m. He said that there were probably fewer than 10 days per year where it was actually needed.

Mr. Missel moved that the Planning Commission to recommend approval of SP202300001 with conditions as stated in the staff report and as shown on the slide.

Mr. Herrick asked if the motion was to approve the item with conditions as listed on the slide.

Mr. Missel confirmed that that was correct.

Mr. Moore seconded the motion, which carried unanimously (7-0).

## **Review of Board of Supervisors Meeting: August 16, 2023**

Mr. McDermott stated that the August 16, 2023, meeting included the discussion of the Community Development Department fee restructuring with the Board of Supervisors, which the Commission had a work session on. He said that they were generally happy with what was presented, which was similar to what the Commission had seen, so they would be moving forward with the fee restructuring and it would be coming back to the Planning Commission for a public hearing.

Mr. McDermott said that the Board also held a public hearing for an Albemarle County Service Authority jurisdictional area amendment for Hunter's Way. He said that he did not believe that that item would come before the Planning Commission, but the jurisdictional area was the area provided through ACSA and RWSA. He said that this request was to expand into an area on Hunter's Way, which was adjacent to Route 250 and to the east of town to provide for fire suppression only, and it was approved.

Mr. McDermott said that the final hearing was on Park Road Manufactured Home Park, which was in Crozet and was a request to add 14 units to the existing mobile home park there. He said that the Board did approve that and had included a lot of suggestions as discussed at the Planning Commission, such as the pedestrian path adjacent to the Park Avenue on the frontage there. He said that it also included the requirement to satisfy the recreational requirements, with at least one recreational requirement of their choosing.

Mr. McDermott said that at the last meeting, they got so tied up in their discussion of AC44 that he did not give the update on what happened at the August 2, 2023, Board of Supervisors meeting. He said that that meeting included the Community Christian Academy Special Use Permit that had come to the Planning Commission, which was very well-supported and had no changes at the Board. He said that there also was the Miller School special use permit that the Board supported as well.

## **Committee Reports**

Mr. Murray said that at the Crozet CAC meeting at which someone came to talk about transportation. He said that they got a lot of great feedback, and it was interesting to hear that the community had come so prepared with very detailed suggestions of improvements. He said that it appeared that some of those improvements may be considered sooner rather than later because there had been some great discussions about traffic calming that could be happening. He said that it was a very productive meeting. He said that there was also discussion about the riparian buffer overlay district, and he reminded people to look over that policy in detail because it was going to be coming before the Planning Commission at some point, and to make sure that they provided feedback on that.

Mr. Firehock said that the 5<sup>th</sup> and Avon CAC met, and she had already said that they talked about the other two proposals the Commission heard tonight just because they were coming up. She said that they also talked about the long-range transportation plan and overarching desires, and the County reminded everyone that it was open to the public on the County's website to comment on.

Mr. Missel said that the US Route 250 Ivy Road project focus group kicked off yesterday, and they talked about the area where the triangle-about used to be. He said that he was participating in that as an adjacent owner but also reporting that to the Commission.

Mr. Bivins said that he would push for St. Anne's lower school to do what it had agreed to do when it got the SUP for expansion, which was to manage the traffic coming in and going out at those various times so that there was not stacking on Route 250. He said that from his understanding in reading their SUP, they were supposed to actively engage in the moderation of arrival and departure times to minimize that.

Mr. Missel said that the head of the school was a part of this focus group, too.

Mr. McDermott said that yes, Dr. Autumn Graves was on that focus group.

Ms. Firehock asked if that was something that needed follow-up.

Mr. McDermott said that they had had discussions with them about ensuring that they were adhering to their conditions of approval for the SUP, which included staggering their times to help manage the traffic loads and stacking.

Mr. Bivins said that the Hydraulic Rio CAC had new leadership that he did not know because he did not attend, but he understood that they elected a new president, vice president, and the secretary decided to continue her job. He said that he could provide those names to the Commission.

Ms. Firehock said that her CAC noted that they did have vacancies for both hers and Mr. Bivins' districts, and they would love to have more citizens to step up and volunteer to serve.

Mr. Moore said that he was sure that at some point soon they would get the Home Depot outdoor garden center proposal, which was proposed at the Rio CAC meeting. He said that there was also a proposal to increase the density of zoning on a parcel of a few acres on Berkmar to increase the number of units that they could build.

Mr. Carrazana asked if the Planning Commission had already seen the Home Depot proposal.

Mr. McDermott said no. He said that they were required to have a special use permit for their outdoor storage only, so they could build the Home Depot by right, but if they wanted to have that outdoor storage it required a special use permit.

Mr. Carrazana asked if they had never come before the Commission.

Mr. Bivins said no.

### **AC44 Update**

Mr. McDermott said that there was not much to report since staff was just with the Planning Commission a few weeks back for a really productive meeting. He said that they would be going to the Board of Supervisors on September 6 to present that same information, and as soon as they had that report, they would provide that to the Planning Commission, so they were aware of what was going on. He said that essentially, they had revised the recommendations for not the



activity centers but the other three items that they talked about. He said that based on the feedback of the Planning Commission, they had given explanations of what they heard as well as providing minutes and a summary of all of the Planning Commission comments at that meeting, which would be going before the Board for their consideration on September 6, 2023.

Mr. Clayborne asked if there was any feedback about how that recent meeting was conducted. He said that they appreciated any feedback so that as they had more work sessions, they knew how to continue to curate them.

Mr. Bivins said that he was pleased and thought the conversation was a lot more pointed and focused in a way that he was not expecting it to be. He said that he thought that the options presented from all of them as colleagues felt as if they had been hearing each other talk about many of these things and that there was more to do, but he was not surprised and it was quite refreshing to realize that they had been listening to each other and that there may be a place where some of them fall away from a certain decision, but he did not feel as if he was anticipating any significant cracks.

Mr. Carrazana said that it was a full conversation and he assumed that staff got what they needed. He said that it was interesting that there were a lot of opinions, and it was not a monolith, and he hoped that it was more representative of the community. He said that he appreciated the different voices and how they came from slightly different views. He said that there were some agreements, but they also definitely had some different viewpoints that he appreciated hearing.

Ms. Firehock said that she thought they had done a good job with editing the recommendations, and sometimes taking part of something staff said and another piece they wanted to modify. She said that she was very satisfied with the conversation.

Mr. Bivins said that there was more to come, and they would have opportunity to go deeper into what they had brought up previously.

Mr. Clayborne said absolutely. He said that he had wondered if they were on the right track with that first meeting, and it sounded like the general consensus was that the approach was positive.

Mr. Murray said that he looked forward to seeing how the conversation they had was translated to the Board of Supervisors, whether their amended questions were included, and what that looked like. He said that the success of that discussion all came down to how it was presented to the Board of Supervisors, so he was eager to see that.

### **Old Business/New Business**

Mr. Clayborne said that one item he wanted to bring up was when looking at different presentations to have, staff had locked in economic development for the October timeframe. He said that more details were to come, but that would precede one of their work sessions before they could dive into economic development. He said that they would have that in October, then have a work session in November. He said that then there was a joint work session with the City of Charlottesville Planning Commission, with the time to be announced. He said that at the Planning Commission's next meeting, he and Mr. Missel would both be absent, so he wanted to make sure they had a quorum.

Ms. Firehock asked what the date of the next meeting was.

Mr. Clayborne said that it was September 12. He said that he wanted to make sure there was a quorum, and the Commission would have to elect a chairperson at the beginning of that meeting. He said that Mr. McDermott would walk them through that process on the day of.

### **Items for follow-up**

There were none.

### **Adjournment**

At 9:00 p.m., the Commission adjourned to September 12, 2023, Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium.



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Kevin McDermott, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 09/12/2023
Initials: CSS