

Albemarle County Planning Commission
March 21, 2017

The Albemarle County Planning Commission held a public hearing on Tuesday, March 21, 2017, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Karen Firehock, Vice-Chair; Daphne Spain, Mac Lafferty, Pam Riley, Jennie More, Bruce Dotson and Bill Palmer; University of Virginia Representative.

Other officials present were Scott Clark, Senior Planner; Bill Fritz, Manager of Special Projects; Andrew Gast-Bray, Deputy Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Public Hearing Items

4a. SP-2017-00001 North Garden Farmers' Market

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 08800-00-00-006A1

LOCATION: Monacan Trail Road (US 29) and Red Hill School Road (Route 760)

PROPOSAL: Farmers' market

PETITION: Farmers' market under section 10.2.2.54 of the zoning ordinance

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT(S): Entrance Corridor

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

(Scott Clark)

Scott Clark summarized the staff report for SP-2017-00001 North Garden Farmers' Market in a PowerPoint presentation.

This is a request for a farmers' market in the Rural Areas zoning district located at the intersection of US 29 South and Red Hill School Road. In an overview view of the area, you can see Route 29 through the middle of the map; Red Hill Elementary School is just off to the west; Red Hill Quarry is to the east of the red spot in the center, which is the proposed site. It is a 4½-acre site at the intersection of 29 and Red Hill School owned by North Garden Fire Department with an existing entrance at the southeast corner.

Just to clarify in our zoning ordinance a farmers' market is specifically for vendors who are engaged in production of agriculture in the county. This is not a generic farmers' market for an agriculture produce mini-mart, but a market for local producers. The request is for a farmers' market that would happen once a week from April through November. There would be space for 20 members, parking for 45 customer vehicles and use the existing entrance as shown on Red Hill School Road.

In the conceptual plan for the use, he pointed out the existing entrance and that about one-half of the property is taken up by the pond that is used as a water source by the fire department. The area around that pond is in a county mandated stream buffer and there will be signage to prevent vehicles going in that area. There is also an unpaved informal entrance for fire trucks that would be blocked during the farmers' market operation. He pointed out the four sided area, three sides of which are taken up with sales booths and parking for the vendors; and, the rest of the area is taken up with travel ways and parking. Again, this is an existing grassed site; there would be no pavement or no marked sites. The layout shows how the farmers' market would be laid out on the grass area.

As far as the criteria for the approval:

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

- It is an occasional use and seasonal.
- There is no construction proposed.
- There will be no lighting or amplified sound.

The impacts will be the traffic and the activity one day a week.

The character of the district will not be changed by the proposed special use.

- This provides sales opportunities for local agricultural products to be sold to local customers to support the character of the Rural Areas District

Consistency with the Comprehensive Plan. The use supports our Comprehensive Plan goals for the Rural Areas by providing an outlet for local produce.

- Farmers' markets in the Rural Areas support agricultural uses and the viability of agricultural land.

SUMMARY:

Staff has identified the following factors favorable to this proposal:

1. Farmers' market support local agricultural production and therefore are supportive of Comprehensive Plan goals.
2. No permanent improvements are needed for the use.
3. The site has an existing permitted entrance on Red Hill School Road, allowing the use to operate without generating conflicts with higher-speed traffic on US 29.

Staff has identified no unfavorable factors to this proposal.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP-2017-00001 North Garden Farmers' Market with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "Red Hill Farmers Market" prepared by Shimp Engineering, P.C., and dated 03-01-2017 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.
2. The use shall operate only through the months of April through November of each year.
3. The use shall operate no more than one day per calendar week.
4. The use shall operate no earlier than 8:00 a.m. and no later than 8:00 p.m. That is just the window in which it could incur.
5. No amplified sound and no lighting shall be installed or used for the market use.
6. If the use, structure, or activity for which this special use permit is issued is not commenced by [date two years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

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

Mr Keller invited questions for staff.

Ms. Spain said there was mention about the placement of the toilets and she saw that they were by the shrubbery. She asked are they going to be there all the time or just when the market is open.

Mr. Clark replied that the applicants can answer that for sure, but he believed the toilets were going to be there all the time because it would be impractical to bring them in and out every week. However, the comments that we received both from a neighboring landowner and from our design planner were for the original location, which you can see over in the area very close to Red Hill School Road; and, we wanted to remove those farther away from the view of the adjacent landowner and farther from the Entrance Corridor. Therefore, the current location as shown is intended to do both.

Mr. Dotson said he had a question about the condition about April through November and maybe he would ask the applicant the same question. He asked does staff have a

reason for wanting it to be April through November or is that what the applicant asked for.

Mr. Clark replied when staff asked the applicant if they intended to have a particular season of operation that is what they replied. He pointed out it gives the site some time off from being used so it can recover. Also, it helps, not that you would want to, but you don't end up with a holiday market or something that is happening in December when you might have bad weather causing more erosion on the site. He said it just limits the time of year in which there is a rest of use.

Mr. Dotson noted that he was just thinking about Christmas trees locally grown in December, but maybe the applicant can respond to that. The other question is what kind of signage is allowed for an activity like this. Is a sandwich board by the entrance, or what kind of signage is allowed under our ordinance? It is a matter of curiosity; it is not a condition here.

Mr. Clark replied that he was not an expert in signage; however, there are sign permits that are available through a standard process with the Zoning Division and the ARB. He would expect there would be temporary signs either direction along 29 to direct people. That would be something the applicants would go through in specific detail if the special use permit were approved.

Mr. Keller invited other questions. Hearing none, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Erma Mahone, thanked the Commission for considering our special use permit application. She noted she was one of three on a task force including Reverend Neal Halvorson-Taylor and Madison Cummings. We are a self-appointed task force that decided to explore this option in our community for the idea for what we are now calling the Red Hill Farmers' Market. It started with the question is there something we can do in our community to support our young local farmers. Therefore, we just started having that conversation in the community and she would just like to say that the Cove Garden Ruritan Club has given us their blessing. That is where Madison volunteered to help develop this. We have the cooperation of the North Garden Volunteer Fire Company because the venue that we wanted to have this market is on their property. Now we also have the blessing of the North Garden Area Christian Community, which includes 17 little local churches. So we feel like we have the blessing of the North Garden community on this venture and we certainly hope that you will seriously consider our application tonight.

Reverend Neal Halvorson-Taylor said he was the Priest at Grace Church Redhill just down the road from the proposed site. We have a draft of a market mission statement and he would read it to the Commission. "Red Hill Farmers' Market serves as a center of activity in North Garden by providing a variety of high quality local product and other local products. Vendors seek to create an enjoyable atmosphere that serves not only as a market but also as an entity that contributes to a prosperous local food and product

scene and promotes a sense of community. The mission is to support a healthy diet through fresh nutritious local seasonal foods. This serves to support sustainable agriculture as well as the health and economic well-being of our locality. The goals and visions of the farmers' market encourages, supports, and promotes the entrepreneurial efforts of local independent and small scale farmers, local growers, and local artists who seek to sell their products directly to consumers. It creates an opportunity and an environment for people to meet, eat and share stories, recipes and knowledge in a place dedicated to cultivate local products and talents. It strives to create an atmosphere that serves not only the market but also contributes to the prosperous rural area and promotes a sense of community." Thank you.

Madison Cummings thanked the Commission for hearing the request. He said those of you that know me may remember that he ran for the Board of Supervisors in '09 and one of the planks of my platform was supporting local agriculture and the beauty of Albemarle. He explained this request is one of the ways that we are trying to do that and support local agriculture. He said he also served as a member of the School Board and so he has always been about kids and wants to see young men and women go into farming or also those who are in farming have more of an option for selling their product. Being a long time Albemarle County resident he said he loves the place and wanted to enhance it with this application.

Ms. Mahone said we are very thankful for the work and volunteer contribution of Shimp Engineering and Justin Shimp has helped us with this application process.

Justin Shimp, the engineer for the farmers' market, said he was here to answer any questions and he will throw a plug in for you and staff's time because he had never dealt with a farmers' market or a country store kind of thing. When these folks first came to me, he said special use permit, \$1,500 fee, site plan, and survey. Then he told them no, you cannot do this. However, little did he know that staff had actually worked out a simplified process over time as a site plan waiver where you can go and draw a sketch like this to operate a market. He said that is great and if there are any questions about the layout he would be happy to answer them.

Mr. Keller invited questions for the applicant.

Mr. Dotson noted his question was just on the time-period each year instead of April through November strikes me it might be beneficial to throw in December also for Christmas trees, wreaths and things grown locally.

Reverend Neal Halvorson-Taylor thanked Mr. Dotson for that suggestion and investment in this proposal. He thinks if it is okay with the Planning Commission, we would be happy to change that to consider it.

Ms. Spain asked how many vendors do you have lined up already.

Reverend Halvorson-Taylor replied that they have no vendors lined up at this point. He said they have many people that are interested, but we want to make sure that we have approval before proceeding.

Ms. Spain said when you mentioned the stakeholders that you consulted who had given this project their blessings you mentioned the Ruritan Club, and Reverend Halvorson-Taylor replied yes.

Ms. Spain noted they are representing the farming community in that area.

Ms. Firehock pointed out she had attended the community meeting and asked do you have a market manager or somebody on site each time the market is open just kind of making sure things run smoothly.

Ms. Mahone replied yes, we have a volunteer manager for this first year. However, the long-term hope is that it can be successful enough that we can actually pay a manager sometime in the future.

Ms. Firehock said she assumes you will be creating your own ground rules for rules of the pull, if you will, and will you be restricting the vendors to people who have produce from Albemarle County or products made here mostly.

Ms. Mahone replied we have not finalized all the policies for this market yet. We are readying all the neighboring farmers' markets and all their policies and reviewing them, but we have not had our final decisions about exact policies.

Ms. Firehock pointed out that is not required for your site plan, but is just a word of caution. She noted that Charlottesville does have some vendors from very far away counties who are larger corporate so you just want to be careful that you do not get overshadowed.

Ms. Mahone replied that we definitely want to make it a local event and had been advised about that.

There being no further questions for the applicant, Mr. Keller invited public comment. Hearing none, Mr. Keller invited applicant rebuttal. There being no applicant rebuttal, Mr. Keller closed the public hearing to bring the matter before the Commission for discussion and action.

Ms. Firehock said she attended the community meeting and she really did not hear anything but favorable comments and thought that the folks running this endeavor were very receptive to ideas and hearing no complaints she asked if anyone was for it and they all said yes, we really want to see this happen. To Commissioner Spain's question, Ms. Firehock pointed out there were actual farmers there who would like to sell at the market and actually, she had bought from them in the past in other locations. So at least we have one or two farmers ready to go if they get going.

Mr. Keller asked if there was a motion and do we want to include Mr. Dotson's suggestion, which seemed to have met with favorable response from the applicant, in that motion.

Ms. Firehock moved to recommend approval of SP-2017-00001 North Garden Farmers' Market with the conditions outlined in the staff report, as amended, to add one change to the months it will be open in condition #2 to you shall operate only through the months of April through December of each year.

Mr. Dotson seconded the motion.

The motion passed unanimously by a vote of 7:0.

Mr. Keller thanked the applicant for providing this community service. He said this request would be moving on to the Board of Supervisors in a timely manner.

The meeting moved to the next agenda item.