

**Albemarle County Planning Commission**  
**March 5, 2019**

The Albemarle County Planning Commission held a meeting on Tuesday, January 29, 2019, at 6:00 p.m., at the Albemarle County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Daphne Spain, Chair Tim Keller, Jennie More, Vice-Chair Julian Bivins, Pam Riley, and Luis Carrazana, University of Virginia (UVA) representative. Karen Firehock was absent.

Other officials present were Christopher Perez; Mariah Gleason; David Benish, Chief of Zoning; Rebecca Ragsdale; Bart Svoboda, Chief of Zoning; Andrew Gast-Bray, Assistant Director of CDD/Director of Planning; Andy Herrick, Deputy County Attorney; Marsha Alley; Marsha Cutright; and Stephanie Banton.

**Call to Order and Establish Quorum**

Mr. Keller called the meeting to order at 6:00 p.m. and established quorum. Mr. Keller said that there may have been members of the public present to speak about rezoning for Woolen Mills – Light Industrial Park (ZMA-2018-00017) but said it has been pulled due to an advertising error. Mr. Keller said anyone who wanted to talk about the item could feel free to do so during matters not listed on the agenda from the public.

**Other Matters Not Listed on the Agenda from the Public**

Mr. Keller invited public comment on other matters not listed on the agenda from the public. Hearing none, the meeting moved to the next item.

**Consent Agenda**

**Approval of Minutes:** February 5, 2018, February 20, 2018, April 17, 2018, May 8, 2018, August 21, 2018, November 20, 2018, December 18, 2018 and January 15, 2019

Mr. Keller asked if any Commissioner would like to pull an item off the consent agenda. Ms. Riley said she wanted to pull the February 5, 2018 minutes because she was responsible for reviewing them but had not had time. Mr. Keller asked if anyone else had an item. Hearing none, he asked for a motion.

Ms. More moved, Mr. Dotson seconded for acceptance of the modified consent agenda, which was approved by a vote of 6:0 (Ms. Firehock was absent).

**Item recommended for deferral**

Mr. Keller noted that the Woolen Mills item had been pulled from the meeting and would come back before the Planning Commission on April 9, 2019, tentatively.

### **Public Hearing Items**

#### **SP-2018-00020 WVIR-TV Replacement of Existing TV Broadcasting Tower**

Chris Perez addressed the Commission and stated that the item before them was a television broadcasting tower that has been proposed for the top of Carter's Mountain. Mr. Perez said there was an existing tower that was built in 1973 that was a television antenna that has been proposed to be removed and replaced. Mr. Perez said the current tower did not have the structural capacity to hold new equipment with regards to the Federal Communications Commission's guidelines on weight, as well as all the different things required for the tower to function. Mr. Perez said the property was owned by Crown Orchard, LLC, the applicant was Virginia Broadcasting, LLC, and the special use permit specifically related to communication transmission facilities in the Rural Area zoning district.

Mr. Perez said the existing tower from 1973 was built prior to the requirements for a special use permit and only needed a building permit. Mr. Perez said as part of this current request, a special exception was needed to permit the setback reduction because there was a one-to-one setback from all property lines. Mr. Perez said the current facility was within 35 or 40 feet from a property line from one adjacent owner, so the applicant will go ahead and request the special exception. Mr. Perez stated he has reviewed the special exception request and he found it acceptable and he will review the reasons why.

Mr. Perez showed a slide indicating that the Carter's Mountain parcel was around 300 acres, predominantly covered in orchards, and the public was allowed on some portions of the land -- with Mr. Perez pointing out the section of the property where the antenna farm was located. Mr. Perez said the existing antenna was located within the existing antenna farm at the top of the mountain. He stated that most of the surrounding properties were large and zoned for rural uses, with some properties being 400 acres and one other being 800 acres. Mr. Perez showed an aerial view with many trees and said the top portion of the property was where there were smaller trees in the orchards, with a bald spot at the top of the mountain. He showed a close-up view that included the closest property, TMP 91-18A, which was owned by Mr. Wood. Mr. Perez said the property was where there were antennas owned by public television and that the WVIR television replacement tower was located really close to the property line and was unable to make the one-to-one setback based on its existing location. He noted that all of the other towers in the antenna farm were also clustered using a conservation technique to allow them to be put at the top of the mountain instead of being all over the mountain, which would mean more tree clearance increased visibility of the towers.

Mr. Perez showed a slide depicting a survey from Tom Lincoln that showed that the current tower was about 35 feet from the property line, noting that a star signified the location of the tower that was to be replaced.

Mr. Perez said the current tower was a 314.25-foot-tall facility, with the tower itself being 240 feet and the additional footage being where the television broadcasting antenna exceeded the height of the tower. Mr. Perez said the width of the self-supporting facility was 26 feet wide at the base and three and a half feet wide at the top. Mr. Perez said the current tower was held up with guy wires, and that was currently prohibited by the county's wireless policy. Mr. Perez noted that the current tower was not a wireless facility subjected to 5140 but that he wanted to recognize that the wireless policy prohibited guy wires in towers.

Mr. Perez showed a slide depicting what the tower looked like from Piedmont Virginia Community College. Mr. Perez showed a slide depicting what the proposed tower would look like from that perspective compared to the existing tower and noted that there were very few distinguishable differences from that distance. He presented a slide from the back side of the tower and noted that the star signified the tower that was to be replaced and that it would be replaced with an almost identical tower. Mr. Perez said the tower would be self-supporting and a little wider, but would be the same height and the same color based on FCC guidelines.

Mr. Perez said that staff found there would be no detrimental impacts to adjacent properties and that reducing visibility by eliminating the guy wires was a positive finding. He noted that an additional favorable factor was that this was a redevelopment and so no additional trees would be removed, there was no increase in impervious surfaces, and this use would help spur economic growth.

Mr. Perez referenced a slide depicting recommended conditions and noted that the ones listed in the presentation were modified from the one in the staff report after input from the County Attorney's Office. He stated that these changes were not substantive and were the result of wordsmithing. Mr. Perez also noted that there were conditions for the special exception allowing for the 35-foot setback reduction. He displayed a list of potential motions and noted that the applicant approached him and said they would in the future also bring an application to further decrease the setbacks to 30 feet in order to give them more flexibility in case the builder needed more space. Mr. Perez said he did not find any additional impacts based on where the antenna currently was, the height of the antenna, and the uses on the adjacent property -- which also had towers on it.

Mr. Perez asked the Commission if there were any questions.

Mr. Keller asked the Commission if there were any questions for staff.

Mr. Dotson inquired about Condition D that stated there would be no additional antennas or support services at the site, asking if there were a physical reason for the condition since the county encouraged colocation.

Mr. Perez responded that he was mimicking conditions placed on the adjacent tower, which was owned by a sister company, and they were generally the same conditions. He said his logic was related to the county's wireless antenna policy, and putting additional facilities on the

tower might increase the bulk and visibility so this condition would prohibit that from happening.

Ms. Riley said she wanted to follow up on Condition G, which pertained to the colocation of emergency communication systems, and noted that this might negate Condition D. She asked Mr. Perez to describe further.

Mr. Perez explained that Condition G was intended to give the county some flexibility in terms of allowing emergency communication systems to be put on the tower, provided the county entered into an agreement with the applicant. He said that this condition would prevent the county's hands from being tied in the future if there were a decision to place emergency communications facilities on the antenna.

Mr. Perez noted that this condition was also replicated in the most recent similar application.

Ms. Spain noted that Mr. Wood was concerned at the community meeting about whether the guy wires on his property would be removed.

Mr. Perez said they would be removed from Mr. Wood's property and that when the tower first went up in 1973, no survey was conducted -- but once one was conducted, it was discovered the guy wires were on Mr. Wood's property. Mr. Perez said this existing condition would be eliminated with the new tower because it would be self-supporting.

Ms. Spain asked if the tower replacement would prevent Mr. Wood from building a new home on his property with the new one-to-one setback.

Mr. Perez responded that he asked that question of the zoning office and they said that it would not prevent Mr. Wood from building a house there. Mr. Perez said the only thing that would prevent him from building a house there was if the county put conditions on the new tower of a one-to-one fall zone to put an easement over the area. He stated that without that condition, Mr. Wood could build a house there if he met all of the other requirements. Mr. Perez said there was currently an existing tower there, but if it were to be removed and Mr. Wood wanted to build a house there, there would be nothing in the current application that would stop him from doing so.

Ms. Spain asked if the county typically designated a fall zone for towers and that it never occurred to her that they could blow over.

Mr. Perez clarified that this new tower would be self-supporting in that would fall onto itself, but that did not weigh into his decision to not require a fall zone. Mr. Perez said there were two reasons why he did not require a fall zone, and one was that there was an existing tower on the adjacent property that would have a fall zone within the same area, meaning a like use to like use situation -- which he said was why he would not put the condition on one and not the other. He added that there was not a second reason.

Mr. Keller opened the public hearing and invited the applicant to speak.

Mr. Greg Duncan stated that he was representing WVIR-TV and was joined by Harold Wright, general manager of the television station. Mr. Duncan said that Mr. Wright had brought local television to Charlottesville and Albemarle County. Mr. Duncan said that WVIR now employed nearly 100 people and had been in the community for 45 years. Mr. Duncan said one of the main reasons for the application was because Congress had ordered the FCC to reshuffle the bandwidth available to television stations so the excess bandwidth could be sold to the cellular industry. Mr. Duncan said that as part of that process, WVIR was shifted to Channel 2 and they have been ordered to be on the air on Channel 2 no later than September 6, 2019. He stated that in order to meet this deadline, the station needed to replace the 1972 guy wire tower with a new tower -- and given Albemarle's dislike of guy wires, they chose a self-supporting tower. He noted that the current tower did not support the new Channel 2 antenna either from the FCC or Federal Aviation Administration regulations for ice load for new antennas of this weight. Mr. Duncan said the current antenna atop the tower weighed 2,660 pounds, and the new antenna would weigh 14,661 pounds.

Mr. Duncan commented that staff had done an excellent job with their report and that he would adopt their findings and conclusions in the special use application. He said that he hoped the Planning Commission would recommend the special use permit, and WVIR had also asked for a special exception for the lot line setback. Mr. Duncan said that when WVIR first erected its tower in 1973, it was represented to them that the lessor of the property owned all of the apple orchard -- but that turned out to be untrue. He stated that the tower that was erected in 1973 sat in very close proximity to the adjacent lot, but it was important to note that there were no houses or any other structures on the lot within 314 feet of the tower except apple trees that had been there for over 50 years. He emphasized that the existing tower had been in harmony since it was built, and the new tower would continue to do so. Mr. Duncan said it was his understanding that the adjacent landowner did not object to the special exception and that changing the towers would benefit him because it would result in the removal of a guy wire that had been encroaching that property for many years.

Mr. Duncan commented that staff had done an excellent job with the special exception but he didn't support the condition of 35 feet from the adjacent property line. He said the goal was to put the antenna -- all 78 feet of it -- in exactly the same position in the air that the current antenna was in. He stated that this may necessitate the shifting of one or more of the feet of the tower, and a cushion was needed for the builder of the new tower so that the 35-foot setback wasn't breached. Mr. Duncan stated that the setback of 30 feet was recommended in advance to ask for permission now rather than forgiveness in the future. He thanked the Commission for their time.

Mr. Bivins asked if there were members of the public who wished to speak on the matter.

Mr. Hunter Wood stated that he was the owner of the adjacent lot and that his address was 135 Somerset Farm Drive. He stated that he did not have an objection to the tower now that the guy wire was going way, and his only concern related to the fact his lot was a residential lot and his only buildable area was on top of the point. He stated that he wanted 100 percent assurance that anything done with the tower did not impede his property at all, and he supported the variance as long as it did not stop him from building on his property in the future.

Mr. Bivins asked if any of the members of the public wanted to speak. There were none.

Mr. Keller invited the applicant to speak again.

Mr. Duncan said he had nothing else to add.

Mr. Keller asked if commissioners had any additional questions. There were none, and Mr. Keller closed the public hearing.

Mr. Bivins asked what the process would be for rebuilding if there were an active incident such as the tornados that hit sections of Alabama over the previous weekend.

Mr. Perez clarified that Mr. Bivins was asking about whether the tower had fallen down, stating that the applicant would just need to come back for a building permit and that the special use permit would still stand.

Mr. Herrick said that was correct and that the special use permit would run with the land, so the holder of the special use permit would have the ability to reconstruct the tower in the same location under the same conditions.

Mr. Perez said the facility was not tied to a reference tree and was not a Tier II Personal Wireless Facility.

Ms. Spain asked if there were a way to make sure that he had the ability to build in the future.

Mr. Perez said he got an email from zoning that stated that the question was in the file and that it was possible that Ms. McCulley could write something declarative -- but to Mr. Perez, the approval of the permit would not prohibit anything unless the county was to put a fall easement on the neighboring property.

Ms. Spain said she thought a note clarifying this point from the head of the department would be reassuring to Mr. Wood.

Mr. Keller asked if there was any further discussion from the Commission. Hearing none, he called for a motion. He asked for Mr. Perez to redisplay the list of motions on the screen.

Ms. Riley made a motion to recommend SP-2018-00020 with conditions as stated in the staff report.

Ms. Spain seconded the motion.

Mr. Keller asked if there was further discussion. With none, Ms. Blanton called the roll.

The motion was approved by a vote of 6:0 (Ms. Firehock was absent).

Mr. Keller said the matter would be moving onto the Board of Supervisors.

Mr. Herrick asked Mr. Keller if the Commission would entertain a motion on the special exception as well.

Mr. Keller said yes and asked if there was a motion.

Ms. Riley made a motion recommending approval of the special exception to modify the setback for the reasons outlined in the staff report, with the condition that it now read for a 30-foot setback. Ms. Spain seconded the motion.

Mr. Perez said that the presentation had changed some of the conditions of the staff report for both the item and noted that it was a little different.

Mr. Herrick asked the Commission for clarification as to whether the motion was to adopt the conditions as listed in the printed staff report or if in the presentation. He said if the Commission's wish was to adopt the conditions in the staff report, that would be different.

Ms. Spain asked which interpretation indicated a 30-foot setback.

Ms. Riley said she thought it was the interpretation.

Mr. Perez said that neither stated 30 feet, but a request from the applicant and both the presentation and the staff report said a 35-foot setback -- and the Commission could set it at 30 feet.

Mr. Keller said the Commission could possibly have a discussion.

Mr. Herrick asked if there was an interest in reconsidering the prior motion regarding the special use permit or if the reconsideration should be related solely to the special exception.

Ms. Riley said she thought the only changes in the conditions were related to the special exception. She asked if she should restate the motion.

Mr. Keller said yes.

Ms. Riley moved to recommend approval of the requested special exception to modify the required setback to 30 feet for the reasons outlined in the staff report, with the conditions outlined therein.

Mr. Herrick said the last part was probably inconsistent up until the 30-foot requirement being a condition.

Ms. Riley moved to recommend approval of the requested special exception to modify the required setback to 30 feet for the reasons outlined in the staff report.

Ms. Spain seconded the motion.

Mr. Keller asked for any further discussion. Hearing none, Ms. Blanton called the roll.

The motion was approved 6:0 (Ms. Firehock was absent).

Mr. Keller said he felt the Commission had gotten it, and the matter would move on to the Board of Supervisors.

Mr. Dotson had a question on the previous action. He stated that staff had indicated there were minor changes in wording in the conditions that the County Attorney's Office had provided, and he wanted to know if the Commission moved the printed language or the modified attorney's language.

Mr. Keller responded that his interpretation was that the Commission had approved the latter.

Mr. Herrick said his recollection of the motion was that what was approved were the conditions in the staff report, which were the printed conditions rather than what was in the presentation.

Ms. Riley said she read it from the staff report and said she should redo the first motion as well.

Mr. Herrick said there would first need to be a motion to reconsider because the Commission had already adopted a motion for the printed conditions.

Mr. Keller asked if there was a motion to reconsider.

Mr. Bivins made a motion to reconsider.

Ms. More seconded the motion.

Mr. Keller asked if there needed to be a vote.

Mr. Herrick said yes.



Ms. Blanton called the roll and the motion to reconsider passed 6-0, with Ms. Spain abstaining.

Mr. Keller noted that it was moving on to the Board of Supervisors.

Ms. Riley said that she need to make a motion to proceed and needed to see the version of the motion on the screen to match the appropriate vote.

Ms. Riley made a motion to move approval of SP-2018-020 WVIR-TV Replacement Tower with conditions stated in the presentation.

Mr. Keller and Ms. More seconded the motion.

Mr. Keller asked if there was any further discussion.

There being none, Ms. Blanton called the roll.

The motion was approved by a vote of 6:0 (Ms. Firehock was absent).

Mr. Keller noted that this first night without Sharon Taylor and that this was the first time in his five years that they had done any vote like that one. He thanked all the parties and said the Commission did have it, and that the tower was recommended from the Commission to the Supervisors for approval. He thanked the applicant and the audience.

#### **SP-2018-00022 Dogtopia**

Mr. Benish introduced Mariah Gleason, who he said had been on staff for four months now and was doing a wonderful job. Mr. Benish said this would be Ms. Gleason's first presentation to the Planning Commission and that she was a graduate of the University of Virginia.

Ms. Gleason said she had received both an undergraduate in Environmental Sciences and a graduate degree from UVA from the urban planning program. Since graduation, she said she had been working in Portland, Oregon for a private architectural firm doing master planning work for a high-tech company.

Ms. Gleason introduced herself to the Commission and said she was the lead reviewer for the special use permit for Dogtopia, which had a proposed location along Route 29 north of Lowe's next to Kegler's Bowling Alley and Schewel's Furniture. Ms. Gleason said the special use permit was to expand the commercial uses on the site to allow a commercial kennel in an existing space that would offer daycare, grooming and boarding services. She stated that the proposal was to build an outdoor play space adjacent to the building space. Ms. Gleason noted that the use aligned with zoning and the Comp Plan, and the site was surrounded by other commercial uses and thus would have little impact on the current character and function of the district.

Ms. Gleason said the proposed use would be in an existing tenant's space within an already fully developed strip commercial shopping center -- with other tenants including Anytime Fitness, Dunkin' Donuts, Lee's Nails and others. She showed a slide depicting the applicant's concept plan, which showed the area they would be occupying in reference to the site plan. She said the Architectural Review Board would have the final approval of what the fence would look like, as well as the vegetation around it.

Ms. Gleason displayed a list of recommendations from staff related to the approval of the special use permit. She noted that there was a problem with the numbering of county code sites, and an adjustment had been made at the request of the applicant to ensure that there was not any noise that was adverse to the other tenants. She noted that the original code citation related to industrial uses, and the change to a commercial citation was more appropriate. Ms. Gleason said that was the only change that had been made to the recommendations from the staff report and that as with the prior motion, the correct recommendations were the ones in the presentation and not the staff report. She concluded the staff report and noted that the recommended motions were displayed on the screen.

Mr. Keller welcomed Ms. Gleason and asked if there were questions for staff before the public hearing was opened.

Referencing the slide listing the existing characteristics of the site, Mr. Bivins noted that the Market Street Wine Shop was no longer there and Hurley's Tavern was now Pho III. He said it might be helpful to make those changes before the matter went to the Board of Supervisors.

Ms. Gleason thanked Mr. Bivins.

Mr. Keller opened the public hearing and invited the applicant to speak.

Ms. Valerie Long said she was representing the applicants in their special use permit request. Ms. Long introduced John Houston and Mickey Houston and noted that the applicant's name was officially "Mickey's Furry Friends." Ms. Long thanked Ms. Gleason for her help, especially with the last-minute request to adjust the condition of the approval related to sound and noise. Ms. Long said the wrong names of former businesses listed was probably her error because Ms. Gleason had pulled the information from the application. Ms. Long thanked Mr. Bivins for his correction.

Ms. Long said she had slides to show but they would not be different from the staff slides. She said she believed everything had been addressed and that there was a comment about ensuring sufficient parking. Ms. Long said she had been working with the landlord, who was also the property manager, and he had assured the applicant that he had never seen the parking lot half or three-fourths full. Ms. Long said that traffic for the Dogtopia business would be limited to mornings, with drop off spread out over several hours. Ms. Long said that most of the other businesses in the shopping center other than the Dunkin Donuts opened much later. She noted that the Dunkin Donuts was at the opposite end of the center and that most of their

traffic was drive-through, so no parking problems were anticipated by the landlord. Ms. Long said the applicant knew they would have to demonstrate that as part of the site plan. She stated that the applicant was comfortable with the condition related to noise at the outdoor play area because they already owned two Dogtopia facilities in the Richmond area, one of which was located 500 feet from residences and they have not had any problems. Ms. Long said the dogs did not make a lot of noise in the play area and most of the play activity took place inside the facility, noting that the franchise regulations required internal soundproofing during the fit-out process. Ms. Long said the applicant was comfortable with the conditions as recommended in the presentation.

Mr. Keller asked if there were any questions.

Mr. Dotson said he was present at the community meeting and many of the people there were curious about how the business would operate. He asked Ms. Long to describe how the indoor and outdoor space would be used. Ms. Long asked Mr. Houston to explain.

Mr. John Houston said he was the owner of Dogtopia in Midlothian and Chesterfield and the proposed owner of Dogtopia Charlottesville. He said a typical day started at 6:30 a.m. when an attendant came in and let the dogs out who were boarding, noting that the start time was actually 6:00 a.m. when the stores opened for regular business. Mr. Houston stated that the boarding dogs were let out, fed, and then the attendant got everything situated for the daycare business, which started at 6:30 a.m. and ran until 7:30 p.m. He said that dogs went outside for about 30 minutes a day per playroom, and the rest of the time was indoor play time. Mr. Houston stated that the rooms were separated by dog age and temperament, and each playroom had attendants in the room. Mr. Houston said he could address any specific questions, but the day was literally waking the dogs up and then playing with them.

Ms. Riley said this was not an average boarding situation whereby dogs were penned up indoors. She stated that Dogtopia's description was more of an indoor playground environment and asked if the hours listed for outdoor were intended for the dogs to be able to go outside and relieve themselves.

Mr. Houston said he was not sure what hours Ms. Riley was looking at for the outside time.

Ms. Riley read that typical outdoor play time would be between 10:00 a.m. to 11:30 a.m. and 3:00 p.m. to 4:00 p.m.

Mr. Houston said that was correct and the outdoor time was intended to change the energy of the room and manage the energy of the dogs by getting them outside into a changed environment, which reduced their stress levels. He noted that this was also for the pet parents who wanted to see their dogs outside through webcams, which were kept on all day.

Ms. More asked if the dogs who were let out first thing in the morning were let out just to relieve themselves and not for play.

Mr. Houston responded that it was for both reasons.

Ms. More said one of the conditions was that outdoor play hours would be restricted to no earlier than 8:00 a.m. and no later than 7:00 p.m.

Mr. Houston said they did not necessarily take them out in the morning as there would be too much going on. He clarified that when he said “take them out,” he intended to say out of the crates in which they spent the night. Mr. Houston said they could not typically get the dogs outside before 10:00 a.m. because there was too much traffic coming in, and 10:00 a.m. was when things were calming down.

Mr. Houston said the business was primarily daycare and boarding was an extension.

Mr. Keller asked where the dogs were relieving themselves.

Mr. Houston said it was on a specialized floor.

Ms. Spain said that she had used a service like this and there was a need for more of these types of businesses in the community, so she could imagine Dogtopia would get a lot of customers if the Board of Supervisors approved the special use permit.

Mr. Houston said that each room has a specialized air conditioner so there was no odor or smell.

Mr. Bivins asked if anyone would be on the premises overnight to monitor the boarded dogs.

Mr. Houston responded that there would not be, and the last person left at 11:00 p.m. -- with someone returning at 6:00 a.m. He noted that the dogs would not rest if someone was on the premises.

Mr. Houston remembered that he wanted to state that that there were indoor potty patches in each room so that there was an area that had a fire hydrant on top that had a drainage system involved that the dogs could use. He said they could not make the dogs do this but they encouraged them to use the system.

Mr. Keller thanked Mr. Houston.

Mr. Bivins asked if there was anyone from the public who wanted to speak to the SP.

Hearing none, Mr. Keller invited the applicant to come back to the podium. Mr. Keller asked the Commission if there were further questions and hearing none, he closed the public hearing.

Mr. Dotson moved for approval of SP-2018-00022 Dogtopia with the conditions as displayed in the presentation from staff.

Ms. More seconded the motion.

Mr. Bivins said he had one question related to a childcare center being located within the same shopping center. He said he knew there was a chocolate business there but also said there might be a childcare center there. He stated that if there was one, he would like staff to look into how traffic for the childcare center would be coordinated with the morning times for dog drop-offs.

Ms. Gleason responded that she had gone to the site on the previous Saturday and the childcare center had closed and moved to a new location, so that space was currently unoccupied.

Ms. Long said that was correct, but the landowner and landlord were actively marketing the space for a new childcare facility. She said when she was speaking with him about the parking issues, the landlord explained the drop-off and pick-up times would be spread out over a few hours and that there had not been issues previously. Ms. Long said the prior tenant for the Dogtopia space was a mattress store, which was very different and had much lower traffic, but the landlord was comfortable with the new use given the fact that the center was overparked at the moment. She noted that the other businesses in the center, except the Dunkin Donuts, opened later.

Mr. Keller asked if the Commission was ready for a vote. Ms. Blanton called the roll.

The motion was approved by a vote of 6:0 (Ms. Firehock was absent).

Mr. Keller thanked the applicant and said the business would be an addition to the community and that he agreed with Ms. Spain that the community could use more businesses like this. Mr. Keller thanked Ms. Gleason.

### **Worksession**

#### **ZTA-2019-00002 Agricultural Operations Amendment – Phase I**

Ms. Rebecca Ragsdale said this item was a work session that was primarily informative in nature, to review the changes that were proposed to align the agricultural operation events regulations with those adopted for farm wineries, breweries and distilleries. Ms. Ragsdale said staff wanted the Commission to become reacquainted with all of the regulations, which were extensive, and it had been a while since the Commission worked on them. She stated that the work session was a way to make sure the Commission knew what the proposed changes were before the public hearing.

Ms. Ragsdale said that staff had wanted to give an overview of the background, provide a reminder of where staff had been with ordinance changes for the rural areas related to events, and give a reminder about the Comprehensive Plan and the state code limitations.

Ms. Ragsdale said the work session was for events only and was not for agricultural productions or agricultural activities themselves. She said the Comprehensive Plan in the rural areas prioritized farming and agricultural activities as the primary activity, and events were intended to promote and support agricultural activities as a secondary use that was subordinate to the primary use of agriculture. Ms. Ragsdale said that information about rural area uses was in the staff report. She noted that production, harvesting, manufacturing, sales and tasting types of activities were protected in that they must be by right. She stated that restrictions and provisions in the ordinance were intended to address substantial impacts that might arise from events, and the county code defined substantial impacts as traffic and noise -- and that was what the provisions for events focused on.

Ms. Ragsdale said that provisions for events at agricultural operations were added to the ordinance in 2014 following a series of work sessions and round tables that established the framework that staff wanted to update with this zoning text amendment. Ms. Ragsdale said that since 2014, there had been a similar process with work sessions and roundtables on events for farm wineries, breweries and distilleries. Ms. Ragsdale said the Board of Supervisors had adopted a resolution of intent in January to align those regulations to agricultural operations and add updates from some of the provisions learned from working with the farm wineries, breweries and distilleries, as well as working with some of the agricultural operation applications.

Ms. Ragsdale commented that the work session was intended as a refresher and an opportunity to ask any questions and go over what the alignment and code clarifications included. She said the hope was to have a public hearing in April and then a Board public hearing following that. She said that staff liked to discuss why every zoning text amendment was being worked on, and this one built on prior ones to get some consistency in the regulations to address any impacts from the activity on neighbors. She noted that the provisions in the ordinance typically had things that established the relationships of the events to agriculture, and they were intended to be supportive and an accessory use.

Ms. Ragsdale said the first change was related to outdoor amplified music, which was already regulated, and the proposal was to add a curfew provision developed for farm wineries, breweries and distilleries. She said the second change was to add a neighbor notification requirement when a zoning clearance was needed for events; another change was to update the setback requirements; another was to mirror the farm wineries, breweries and distilleries by adding a requirement for a minimum of five acres of onsite production.

Ms. Ragsdale said the county regulated outdoor amplified music with a daytime decibel limit of 60 decibels when measured from the property line and 55 decibels in the evening. She said there were currently no curfew provisions currently for outdoor amplified music agricultural

operation events, and this change would add those curfew provisions. She stated that the hours would be 10:00 p.m. to 7:00 a.m. on weekdays and 11:00 p.m. to 7:00 a.m. on weekend hours. Ms. Ragsdale said that staff had found from experience that it was helpful to mitigate noise on the front end before events even started and have provisions for the neighbors.

Ms. Ragsdale said the other provision that would be added with the ZTA was the neighborhood notification requirement, which was added to farm wineries, breweries, and distilleries. She stated that this notification was also done for certain family day homes or major occupations, and this particular kind of notification was intended to establish a point of contact at the farm for events if there was a concern from neighbors. She stated that the intent was to allow neighbors to speak directly to property owners to mitigate concerns. Ms. Ragsdale said the notice was one that the property owner sent, and the county received a copy and provided a template to the owner so they knew the minimum notice requirements. She said the notice was informational and that if property owners had questions about the regulations, they would call staff -- adding that the zoning clearance was a one-time process.

Ms. Ragsdale said another area to update related to setbacks, and there were a number of different provisions that would bring these changes in line with other sections of the ordinance. She stated that those were related to agricultural operations having a provision for a building separated from a dwelling unit. She stated that staff wanted to update that to be set back from the property line, and 125 feet was the number used consistently for events at farm wineries, breweries and distilleries. Ms. Ragsdale said the ordinance amendment would also be updated to make it clear that event structures and activity areas such as portable toilets, parking, outdoor activities, and tents would also be subject to the setback. Ms. Ragsdale said this was not included in the language but staff felt it was important to make a clarification. She noted that the event structures would be subject to the primary structure setbacks, and there was already a special exception process that was consistent with the two sets of regulations already.

Ms. Ragsdale said staff included a table in the staff report that showed where the changes were related to accessory structures used for events. She stated this would not affect buildings for production or those things that were for agricultural activities. Ms. Ragsdale said there would also be a change in the requirement for a building separated from a dwelling unit to property line setback requirements.

Ms. Ragsdale said the last change would be to add the event eligibility requirements, and in order to have events or agritourism events, the requirement was to have the agricultural operation as the primary use first. Ms. Ragsdale said the farm wineries, breweries and distilleries provisions included a five-acre minimum as well as some other items that were unique to that category of uses, related to regular tasting room hours and beverage production. Ms. Ragsdale said this zoning text amendment would only to apply to events and would not apply to farm sales as well as certain educational and agritourism type of events. Ms. Ragsdale noted that preexisting uses would be exempt from all of these regulations except for outdoor amplified music.

Ms. Ragsdale said staff wanted to make sure that the Commission had an opportunity to clarify what the proposed changes were, and the primary purpose was to provide consistency in the regulations and align them with farm wineries, breweries and distilleries.

Mr. Keller thanked Ms. Ragsdale.

Ms. Spain said she applauded this effort and it made sense, and she asked Ms. Ragsdale staff to give an example of an agricultural operation that would be subject to this ordinance that would have the events or the tents.

Ms. Ragsdale responded that it would be any agricultural operational that wanted to have events. She said the definitions were included in the ordinance and asked Ms. Spain if it were the types of events she was asking about.

Ms. Spain responded that she saw that information but asked for an example of a place in Albemarle County that this would apply to, such as Carter's Mountain or some of the orchards.

Ms. Ragsdale said that Carter's Mountain and Chile's and a lot of established locations predated these requirements. She said she did not have a list and that staff has not processed many of these types of clearances. She stated that there was a mushroom farm in the county that did not have events but did hold educational workshops.

Mr. Keller gave the example of goats.

Ms. Ragsdale elaborated that someone could go pet the goats now and buy goat cheese, but this new set of regulations would apply to additional events that were specifically defined. She said there were a lot of day-to-day agritourism types of activities that it didn't apply to because the county could not regulate them, and that these uses did not generate that kind of impact.

Ms. Spain said the mushroom farm and the goat place would be two examples and thanked Ms. Ragsdale.

Ms. More said she wanted Ms. Ragsdale to clarify what she had said about the curfew for amplified music.

Ms. More explained that would be the only new regulation that would be applied to those that were already existing, but asked if the neighborhood notification and the setback updates would apply to those businesses in operation now.

Ms. Ragsdale responded that businesses that had already been through the zoning clearance process to establish events would not have to do so again, and that staff had approved structures for use that did not meet the setback. She said the new regulation would apply to any new structures on the property and that any new property coming in for a new clearance would be subject to those requirements. She stated that the outdoor amplified music was



technically a separate clearance so if a property had not yet established that, if there was a clearance issue that predated this it could potentially be subject to that. Ms. Ragsdale said this was one thing that would need to be clarified before they go to the public hearing.

Mr. Bart Svoboda introduced himself and explained that staff would honor the existing approvals and this would not be retroactive. He asked Ms. More if that answered her question.

Ms. More said she thought it did, but some of the existing farm wineries, breweries and distilleries generate have had noise complaints. Ms. More asked for clarification that staff had said the curfew would apply to those as well as any new ones that came along unless they'd been given special permission to be noisy late at night.

Mr. Svoboda confirmed this.

Ms. More noted that the process was complaint driven.

Mr. Svoboda said if the property owner was in compliance with their current approvals then those current approvals would stand.

Ms. More asked if there were examples of places that existed with no limits on amplified music.

Ms. Ragsdale replied that there were a few wineries that predated the outdoor amplified music requirements that were added to the ordinance, and she identified Keswick as one of these. She stated that staff had processed a few of these clearances for farm wineries, breweries and distilleries -- and there had only been one agricultural operation that had a zoning clearance for outdoor amplified music at events.

Ms. More said she wondered how that would correlate and if there was a connection between a particular winery or space that was getting the most complaints and whether that was about noise.

Ms. Ragsdale responded that these places would still be subject to the decibel level limits, and staff usually at that point would try to work with the wineries on their sound management. She noted that Castle Hill Cidery went through the special use permit process, but prior to that had put in some sound-mitigating and sound-monitoring measures.

Ms. More said it was her misunderstanding that previously the goal was to make events more neighbor friendly in places where they might not be. She commented that when the county got into requiring five acres and things like that, it would apply to those moving forward from the dates provided.

Mr. Dotson said he thought the aligning of the various regulations made good sense and said his question may or may not directly relate to the matter. He stated that he was on an Internet list-serve and bulletin board where people posted questions from the neighborhood, and

recently a young man had asked if anyone knew of a farm where he could hold his wedding for up to 200 people -- and he was looking not to go to wineries because of the cost. Mr. Dotson said this young man was looking for somebody who might allow him to host the wedding on a more casual basis and asked what the zoning situation would be for that person.

Ms. Ragsdale responded that weddings were not found to be a usual and customary activity at agricultural operations, but weddings were usual and customary for farm wineries, breweries and distilleries. Ms. Ragsdale explained that if the property was not licensed as one of those and met the requirements of the ordinance, then the young man would have to find a farm with a special use permit for special events if he wanted to be compliant.

Mr. Dotson said he felt better about it having heard her response.

Mr. Keller asked Mr. Herrick to speak to the legislation that failed in the 2019 General Assembly.

Mr. Herrick reported that there was a proposal that would have made weddings potentially a permitted use on agricultural operations and working farms. Mr. Herrick said this legislation met with opposition and was defeated. He stated that it was originally set at a limit of 12 weddings a season, then got amended at some point to unlimited and was then defeated. Mr. Herrick stated that the idea had been floated in the General Assembly to make weddings a permitted use at agricultural operations, but that had failed in the most recent session.

Ms. Riley asked staff if they could point to where in the code the information was about the definition of events and customary uses that would state what events were allowed.

Ms. Ragsdale said there was a definition for agritourism and a definition for agricultural operation events and it was stated in frequently asked questions in the zoning clearance where it was made clear the determination was that weddings were not found to be usual and customary. Ms. Ragsdale said the definition of farm wineries was different from the definition for agricultural operation events to make that distinction as well. Ms. Ragsdale displayed the county's definition of agricultural operation events.

Mr. Bivins asked staff to walk through some hypothetical examples as well as to answer a question about notifications. Mr. Bivins referred to the slide about notice and said that he assumed that when an entity came before the zoning staff and wanted to know if they could hold events, he said staff would tell them they would have to give notice to the surrounding property owners that they wanted to hold events on their property. He asked if this was correct.

Ms. Ragsdale responded yes and that would happen during the zoning clearance process.

Mr. Bivins said it was a one-time process and that is point was that if this step was to provide information about who the neighbors should approach -- and if there was a change in

ownership or personnel, he wanted to know if there was any obligation for the owner of the property to renew that information so that the neighbors were always informed. Mr. Bivins commented that sometimes things changed.

Mr. Bivins then raised the issue of setbacks. He asked staff to display a chart previously shown to the Commission. Mr. Bivins said the tents for the outdoor events sometimes would be 125 feet from the boundary in rural areas where clusters of small buildings tended to be along larger boundary lines of larger tracts of land. He stated that if 60 decibels was the limit from the boundary lines, the property owner would hear that in his bedroom. Mr. Bivins asked if it were really consistent to have 60 decibels and 125 feet, as there was not a good noise buffer between a party in a tent and someone else's property. He said that unlike a farm winery or brewery where there was an existing activity with a lot of white noise, there were situations like that at King Family Vineyards where people were upset about big fans. Mr. Bivins said this activity was really about agriculture and the event was the anomaly as opposed to the harvesting of the grapes or the reaping of the hay or things like that. He stated that while he might be used to the agricultural white noise of a working farm or farm brewery or distillery, a property owner next to a working farm may not be used to hearing Creedence Clearwater Revival in his ear at 10:00 p.m. at night. Mr. Bivins asked if for agricultural events and the outdoor event activity area, there should be a larger setback for that.

Ms. Ragsdale said for this zoning text amendment, staff did not propose to revisit anything that had not already been fully vetted through the roundtables and the public process. She said if the county were to make substantial changes to the setback, they would need to revisit that holistically for all of the uses. Ms. Ragsdale said that if noise was the primary concern, it had been brought up along the way and that 60 decibels was the right decibel limit. She said revisiting this issue would be a bigger can of worms.

Mr. Dotson noted that Ms. Ragsdale's voice was typically at about 52 decibels.

Mr. Svododa said that when county staff measured noise, they measured it at the property line -- so even if the setback were increased and the use was moved further away, the acceptable limit was still measured from the property line. Mr. Svoboda said if they kept the sound same but moved it farther from the property line, the sound may or may not be less audible, but it depended on the terrain. He noted that the sound at the source could be turned up higher and still meet the requirement.

Ms. More referred to Mr. Bivins' comment about the fans at King Family Vineyards and said she was not familiar with that incident.

Mr. Bivins said he could talk offline with Ms. More about it.

Ms. More said she did know there was an issue in Crozet where there was a really loud noise that no one could figure out what it was, but that was not associated with King Family Vineyard.

Mr. Keller said it was a squadron of helicopters that were brought in to different wineries.

Ms. More said there was another loud noise issue and she wanted to make sure that was not associated with that.

Mr. Bivins said he was referring to the helicopters that were brought in to deal with frost and this was what wineries did.

Ms. More said she understood that and did not want to associate them with the other loud curious noise event in Crozet because that was not King Family Vineyard.

Mr. Keller thanked Ms. Ragsdale for how the presentation was organized and stated that it was similar to the homestay ordinance presentations, noting that it was helpful to have charts and see things relative to each other. Mr. Keller said he had agreed that because the county had made different entities of the distilleries, the breweries, the cideries, and the wineries more or less parallel, it made sense. He stated that some of the areas that were really congested now were agricultural operations that predated the legislation -- and that was their right. Mr. Keller said he was sure those entities were trying to deal with the congestion issues also because it affected how many people could get to their operation.

Mr. Keller said it would be helpful for legal staff to give a sense of whether this was something that would be a by-right use in the future in agricultural areas because if it was, then he said the Commission should think about addressing the issue now. Mr. Keller said he could imagine someone doing an agriculturally-themed wedding using products from an area that could justify that wedding occurring. He added that he could think about ways to do that and that this could rebut the arguments staff had made so far.

Mr. Keller asked the Commission and staff to think about setbacks in the rural area, stating that in these times the community was beginning to think about the place-based demographics of today in the rural areas and that often there were vestiges of communities associated on the fringes of larger rural landholdings. He said he could see how those communities could be dramatically affected by the setbacks called for here. Mr. Keller said he did not have an answer to the issue but has tried to come up with alternatives because there were so many different sizes of properties and so much topographic variation. He commented that there were ones that had tree and other vegetative buffers, others that had elevational challenges where sound remained trapped.

Mr. Keller said he did not know if there was an answer to it, but he did believe that allowing a place that was a generator of people and sound on a larger parcel more likely to be an agricultural operation -- adjacent to a community of smaller traditional values -- could have a negative effect. He stated that he did not know how many of those there would actually be or if it were something for the Commission to think about, but he said all of the commissioners could think of some instances where this could be problematic. Mr. Keller said if there were activities in the primary structures and they were not increasing the setbacks, it would seem to

him that it would put them awfully close to where there could be five small houses on the edge of a large holding that would have this kind of operation.

Mr. Keller asked the Commission if they should hear from the public.

Mr. Neil Williamson of the Free Enterprise Forum applauded staff for bringing forth a very clear document and told a personal story about searching for a venue for his daughter's wedding, which would take place in June 2020. He said he and his family looked at two locations in Albemarle County and one in Greene County, and the wedding would be done in Greene County on a farm that didn't have a brewery or a winery but had over 150 acres and an event barn and heads of cattle. Mr. Williamson said this property was an agricultural operation but they did 14 or 15 weddings a year and could probably do a few more. He said he was discussing this operation question at a meeting earlier in the day, and someone had begun to suggest that a property could do five weddings in a single weekend. Mr. Williamson told this person that he knew at one point some of the wineries could do three weddings in a weekend in one space, but that went away as more people offered weddings. He said the market took care of that.

Mr. Williamson said that the wedding business was big business in Albemarle County, and he tended to agree with Mr. Keller that it would make more sense to move forward with objective metrics for those events in conjunction with these events rather than say they won't be able to do that without a special use permit. Mr. Williamson said there were absolutely farms in Albemarle County that were holding weddings today and doing it successfully. He said he was hopeful that the noise ordinance was in place for very good reasons and that some who had had issues in the beginning have worked diligently with staff to develop viable solutions. He said he hoped this zoning text amendment would be balanced and that the performance metrics that were in the staff report were solid. Mr. Williamson said that while he liked the idea of maintaining a point of contact for the farm, he said he was curious how that would be done and it could harm the process. He said that perhaps there could be a way to set up a mechanism procedurally in zoning, and he applauded staff for bringing this forward and was hopeful that it could be made to work out.

Ms. Carol Courtenay introduced herself as a new associate attorney with the Southern Environmental Law Center and said she would be working with Morgan Butler and Travis Pietila on the Charlottesville-Albemarle Project, which promoted sustainable land use and transportation decisions in the community. Ms. Courtenay said the SELC generally supported the county's efforts to standardize regulations for events at agricultural operations with those that applied to farm wineries, breweries and distilleries. She stated that there were clearly a lot of similarities between these uses on these types of properties, so it made sense to treat them similarly in the zoning ordinance. Ms. Courtenay said the setback requirements and the neighborhood notification requirements were equally applicable to the types of impacts that agricultural operation events might have. She stated that carrying over a minimum acreage requirement for the amount of onsite land devoted to agricultural operations was also reasonable and would ensure that bona fide agriculture remained the property's primary use -- similar to the requirements for farm wineries, breweries and distilleries to have a minimum of five acres devoted to agriculture to be able to host these types of events.

Ms. Courtenay said that unlike those uses, however, staff was proposing that the five-acre minimum could be waived through a special exception in the case of agricultural operations. She stated that the SELC understood that additional flexibility might be needed, given the broad range of agricultural operations and their differing size and space requirements, but the SELC had concerns with allowing the acreage requirement to be waived without making sure that there was some kind of minimum objective standard in place as a backstop. Ms. Courtenay said that as an example, the county could consider allowing a waiver through special exception down to two or three acres, or some kind of alternative approach, to set a minimum standard. Ms. Courtenay said that given the scale and frequency of events enabled by the ordinance, the SELC believed it was important that the county ensure there was sufficient agricultural use occurring on the property to warrant the allowances.

Mr. Bivins asked if any other members of the public wished to speak. Hearing none, Mr. Keller brought the matter back to the Commission for follow-up questions and direction to staff.

Ms. Riley said she supported Ms. Courtenay's proposal to set some minimal acreage for the special exception to the five acres; otherwise, people might come in with smaller properties such as 0.25 acres.

Ms. Ragsdale said the property owner would still be required to have agriculture as the primary use of the property and would still have to meet the county's "devoted to bona fide agricultural production" test. She noted that Ms. Courtenay had said there was a range of agricultural activities with this category of uses and there were varying parcel sizes in the rural area.

Ms. Ragsdale said there might be a one-acre parcel surrounded by property owned by the same owner, and county staff could not predict every circumstance so the standards for the special exception in this case would be: no substantial detriment to the abutting lot; no harm to public health, safety or welfare; and written consent provided by the owner of the abutting lot. She stated that the zoning text amendment was to address substantial impacts to abutting property owners. Ms. Ragsdale said that special exceptions could be conditioned, and staff would analyze each application to see if there would be any appropriate conditions to mitigate impacts and ensure that agriculture remained the primary use and events were secondary. She noted that some types of agricultural production such as beekeeping did not require as much land.

Ms. Riley asked if a beekeeper were coming in and only needed two acres to be agriculturally productive, what other conditions would be in place to get the special exception.

Ms. Ragsdale said the criteria being proposed for the special exception provision had been pulled from other places in the ordinance, but that provision for a special exception to waive the acreage requirement was not in place for farm wineries, breweries and distilleries. She stated that there were provisions for special exceptions to some of the other eligibility requirements, such as reducing setbacks. She said those would be a consideration of no substantial detriment to the abutting lot; no harm to public health, safety or welfare; and

written consent provided by the owner of the abutting lot owner for the reduction of the setback. She stated that there was a provision to reduce the dwelling unit separation requirement.

Ms. Ragsdale said that she and Ms. Riley may be talking about two separate things, but staff was pulling some of the setback reduction language into the minimum on-site acreage reduction language -- and it would be the same criteria.

Ms. Riley said she was more confused and Ms. Ragsdale said she was confused herself. Ms. Ragsdale searched for the language for the special exception criteria.

Mr. Carrazana said it seemed that the intent was to provide some flexibility in places where there may not be any detriment to surrounding properties. He stated that perhaps the property owner owned other property or there were woodlands around, and instead of having five acres they had four acres. Mr. Carrazana said he was not clear on why there was a distinction between there being this special exception provision for agricultural operations and not for farm wineries, breweries and distilleries.

Mr. Svoboda said it was related to the way some agricultural uses operated. As an example, he said there might be a tasting room at a place that may have a greenhouse that only took up one or two acres, or hydroponics or beekeepers. Mr. Svoboda stated that the operation may be a little different in that location and that the county was easing into this as far as the exceptions, and when the second phase of this zoning text amendment was done, it would level things out. He said the first phase was really focused on what the pure agriculture was as far as those smaller users, such as the mushroom farm referenced earlier. He said the mushroom proprietor had a small building that was 20 by 80 feet, and in order to have an agricultural event they could have open houses. Mr. Svoboda said those instances were few and far between, and generally county staff had experienced the larger parcels -- with the special exception provision being for the fringe areas where parcels were either located within a larger parcel or adjacent to a farm. He mentioned that there used to be a small farm by Chris Greene Lake that had a few greenhouses on a three-acre lot. He noted that the exceptions could be conditioned so traffic trips and other things could be limited as part of the exception in order to deal with specific circumstances.

Mr. Keller asked if there was any further discussion. Hearing none, Mr. Keller asked staff if they had what they needed.

Ms. Ragsdale responded that they did.

Mr. Keller thanked staff.

### **Committee Reports**

Mr. Dotson distributed a report from the School Division's Long-Range Planning Advisory Committee and said that one of his interests in being appointed to that committee was to try to

blend and merge the time perspectives that school representatives and land use/transportation people used. Mr. Dotson said that school representatives had typically used long-range planning on a 10-year timeframe, and land use/transportation people planned 20 and 30 years. Mr. Dotson said he wanted to try to create a bridge in thinking between those two perspectives. He stated that what he had been learning was the complexity of operating a school system, and he was most impressed with the staff and the members of the committee. Mr. Dotson said he understood why it was difficult to plan even as far as 10 years ahead with the school system, even with his desire for a longer-term perspective. He noted that in the past, he had served on the Metropolitan Planning Organization's various transportation committees and thus was knowledgeable about the MPO working on the next long-range transportation plan. As a result, Mr. Dotson said the traffic modeling was built on traffic zones and that for each of those traffic zones, it projected out 30 years of population and employment data. Mr. Dotson said he saw a connection between those population projections and how that would relate to children. He said there might be a set of projections that might be useful for thinking about schools.

Mr. Dotson said that he had presented the concept and an example at the last meeting of the long-range planning committee, using just the elementary schools in the western feeder pattern. He stated that the group was interested and asked him to apply the method to the other elementary schools as well, and he stated that this was reflected in the handout. Mr. Dotson said the top sheet was a map that had all of the traffic analysis zones. Mr. Dotson said the numbers written in them were the increase or decrease in population forecast between 2015 and 2045; the dark lines were the elementary school attendance areas overlaid on top. Mr. Dotson said he then collected those numbers and if the center of a traffic zone fell within the elementary boundary, that would potentially be the population that would be served by that school in the future, assuming the attendance area boundaries did not change.

Mr. Dotson directed commissioners to locate Crozet on the map with the number 5808, which he stated was the 30-year population growth in that portion of Crozet. He asked commissioners to turn to the second page, which listed the names of the elementary schools along with three columns of numbers representing the school division's student analysis. Mr. Dotson noted that Brownsville had a capacity of 764 students but currently had 817 students and was over its limit, with trailers on site. Mr. Dotson said looking out 10 years, Brownsville was expected to be over capacity at 142 students, which might indicate that Brownsville needed attention.

Mr. Dotson said the next columns were based on the long-range transportation plan population numbers, which Mr. Dotson called the "what might be" analysis. He stated that any time you looked that far ahead, there could be lots of variance in the estimates. Mr. Dotson combined Brownsville and Crozet and looked at the data, and currently the population was 8,643. He stated that they would add another 8,000 people between 2015 and 2045, roughly doubling that level. He said he had asked how population increases would convert to new students, and 0.14 elementary students for every one person would possibly result in 1,000 more students. He stated that elementary schools under current approaches should be between 600 to 700 students. Mr. Dotson said he acknowledged that the yield rates had been going down and that his own numbers were probably high. He noted that the long-range planning commission had



not yet discussed what they thought the right numbers might be, but he said it looked like if you went beyond the 10-year problems and challenges, there were additional challenges as the community looked out to 2045. Mr. Dotson said this work would go before the committee the following week to discuss, then they would move on to middle schools and high schools.

Mr. Keller said he thought it was great that Mr. Dotson had gotten to do the work he had wanted to do, which was fascinating.

Ms. More said she was going to report on the Albemarle Conservation Easement Authority, which she said she rarely commented on. Ms. More said she had missed the last authority meeting because she was ill, but since the Commission has had its annual report, it would be a good opportunity to report. She stated that a total of 422.37 acres in easements was approved and recorded in 2018, and there were two not yet recorded that were smaller properties. Ms. More said the authority now held or co-held 158 easements, which equaled over 19,000 acres of land, including donated easements, ACE easements and rural preservation development tracts. She stated that at the end of 2018, the county reached a benchmark where there were over 100,000 acres under easement in Albemarle across all easement holders. Ms. More said that was the second highest locality in the state for acreage under conservation easement, which she was pleased about.

Ms. More stated that at the last Crozet Community Advisory Committee, there was an overview of the new development pipeline dashboard but she was not able to attend the all-CAC meeting, so the Crozet CAC presentation was a repeat for those who were not there. She said the dashboard was impressive and she hoped all CACs would receive the presentation. Ms. More said that Rosalyn Schmidt, chief operating officer for Albemarle schools, came to the meeting and did a presentation on the school capacity and enrollment for the Western Albemarle feeder pattern. Ms. More said this was an hour-long presentation with a lot of charts and graphs, and it had allowed time for questions. She stated that Ms. Schmidt reported on other anomalies around the county and not just those that affect the Crozet area. Ms. More said Ms. Schmidt had worked through how the school division looked at their projections. Ms. More said the school division preferred to use the term “learning cottages” rather than the term trailers. She noted that a lot of people at the Crozet CAC had asked how permanent the learning cottages would be and that there was one that did not have a restroom in it. She recommended that commissioners reach out to Ms. Schmidt if other groups wanted to hear about their own feeder patterns.

Mr. Bivins said there were palm cards placed at each of the commissioners’ seats that contained information about Project ENABLE, which he said were handed out at the last Economic Development Authority meeting -- and he thought the commissioners should have the palm cards to because they were also ambassadors of the county. Mr. Bivins encouraged commissioners to give the palm cards to people who wanted to know about Project ENABLE.

Ms. Spain said the Places29-North CAC meeting had a presentation from Michaela Accardi on the joint CAC meeting and an overview of the development dashboard. Ms. Spain said the topic of greatest interest to the CAC members was the proposed senior living facility in the Brookhill

development, which was by right. Ms. Spain said the proposal was for 87 units on 17 acres for 5.1 dwelling units per acre. She stated that the Commission had previously approved a senior living facility on West Rio Road sometime in the last year, and this would be the second new one to come in that Ms. Spain knew about, reflecting the changing demographics of the area and the nation.

Ms. Spain said one of the members of the Pantops CAC, Jason Inofuentes, was a master's candidate in the urban planning program at the University of Virginia and he wanted to conduct a project with the department chair on the level of information that typical citizens had about the difference between zoning and Comprehensive Plans. Ms. Spain said the people who attended the CAC meetings were interested in what was going on in the county as a whole. She stated that one of the residents of the Overlook Condominium development had presented what she called an "alternative land use report" for the area around State Farm Boulevard and South Pantops Drive. She said that was one of the issues that had come up in the master plan review. Ms. Spain said that the Comprehensive Plan designated land near the Overlook as green space, but the zoning allowed highway commercial uses by right and the residents of the Overlook would like to propose that the use be more in keeping with the plan. She stated that Rita Krenz had given a persuasive presentation on how that area could be green space and tie in with the trails. Ms. Spain said that Cal Morris had told the Pantops CAC that the land was private property, and the CAC did not have any control over how the land might be used.

Ms. Spain said Ms. Lisa Green of the zoning department gave a report on a zoning violation on Free Bridge Lane from the residents of Riverside Village about too many vehicles on one property. She stated that the zoning department was trying to work with the owner to achieve compliance, and the most valuable piece of information related to the process and what the county could and couldn't do in terms of zoning violations. Ms. Spain said the presentation was sobering to the residents of Riverside Village because they wanted a quick fix about the runoff from abandoned cars into the Rivanna River.

### **Old Business**

Mr. Keller asked if there was any old business.

Mr. Dotson said he had noticed that on March 6, the Board of Supervisors would be discussing a presentation from County Attorney Greg Kamptner on the inventory of state enabling authority to promote active and vibrant development areas. He said he had requested that a similar presentation be made to the Commission.

Mr. Herrick said that was possible, and he suggested that Commissioners could watch the video of the presentation live or at their convenience. Mr. Herrick said he would be happy to speak on the issue.

### **New Business**

Mr. Andrew Gast-Bray said there was a tentative schedule for future meetings, and staff had

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been trying to do two meetings a month because of the need to get a new recording clerk for the Planning Commission. Mr. Gast-Bray said he hoped to get the Planning Commission's 2018 annual report before them already, but he noted that the last one was even later. He said it was difficult to acquire the data, and that the report was technically written but was waiting for data. Mr. Gast-Bray said the report should come before the Planning Commission at their March 19 meeting. He stated that as a part of that report, the Commissioners' concerns about metrics had been heard and county staff agreed, but the metrics had been agreed to. Mr. Gast-Bray said the dashboard presentation would also come before the Commission as a potential metric. He stated that there was no authorization under the Community Development work program to spend too much time or financial resources on further metrics, and the goal was to get higher performance metrics that would demonstrate how well the county was doing in achieving its Comprehensive Plan.

Ms. Spain asked Mr. Gast-Bray if that would mean bringing back Elaine Echols.

Mr. Gast-Bray responded that Ms. Echols would be working on the Rivanna River plan soon.

Mr. Keller asked if there was anything else.

Mr. Dotson thanked the people who were listening to all of the discussions and creating a perfect record of them.

Mr. Keller said it seemed to him that there were a number of things that the Commission could talk about, and the best idea was to email him and Mr. Bivins.

Mr. Keller said there had been discussions of whether they would have regular joint meetings with the Board of Supervisors or the Economic Development Authority. He said it seemed a joint meeting with the Charlottesville Planning Commission was overdue given the item that was pulled from the menu -- which was definitely an important city-county interconnection. Mr. Keller noted that at some points, the Commission has talked about getting a legislative update at the end of the session. He said there has been a first update from Mr. Carrazana on planning at the University of Virginia, but formalizing updates would be good. He added that there were supposed to be formal updates from the School Board on a regular basis, but they had yet to hold the first one.

Mr. Keller said there had been a number of interesting projects that had been done through the Thomas Jefferson Planning District Commission, such as the Jefferson Area Bike-Pedestrian Plan, the first phase of the Rivanna River Plan, and the regional affordable housing study. Mr. Keller asked commissioners to send him ideas and suggested that this list could be discussed under new business at the next meeting to help Mr. Gast-Bray establish the number of meetings needed the rest of the year.

Ms. Spain said she did not have any other items to add to the list but said that when there were joint meetings in the future that the agendas were kept simple and to one topic. She said that prior joint meetings had been overloaded, and the groups ended up rushing through issues and

not even addressing others. Ms. Spain said doubling the amount of people who wanted to say something can be counterproductive.

Mr. Keller said that was an excellent point and staff had tried to reduce the scope of the meeting for Southwood. He stated that it had been discussed from Planning Commissions in the past whether the joint meetings were staff-driven or Commission-driven.

Mr. Gast-Bray stated that the annual report would include the meetings that were done and the extra topics that were covered. He said he understood that the Commission wanted to be engaged and wanted to do lots of things, but they sometimes took on too much. Mr. Gast-Bray said when Commissioners saw all of the things they tackled last year and all of the things on the list, the list could begin to grow faster than desired. He encouraged commissioners to prioritize so staff could get the more urgent issues to the Commission quicker.

Mr. Keller thanked Mr. Gast-Bray and said they could discuss priorities when they had a complete list.

### **Adjournment**

At 8:02 p.m., the Commission adjourned the meeting to March 19, 2019, 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.