

**Albemarle County Planning Commission
May 5, 2020**

The Albemarle County Planning Commission held a virtual public hearing on Tuesday, May 5, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph (arrived at 6:33 p.m.); Corey Clayborne; and Luis Carrazana, UVA representative.

Other officials present were Tori Kanellopoulos; Andy Reitelbach; Charles Rapp, Planning Director; Jodi Filardo, Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular meeting to order at 6:00 p.m. and established a quorum. He said this was a virtual meeting that was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said the public could access and participate in this electronic meeting by following the link available at www.albemarle.org/calendar, or by calling 877-853-5257.

Mr. Bivins asked Mr. Andy Herrick (Deputy County Attorney) to move the Commission through Item #2.

Resolution adopting procedures for public meetings under section 6 of Albemarle County's Ordinance to ensure the continuity of government during the COVID-19 disaster

Mr. Herrick said the Board of Supervisors adopted an Emergency Ordinance first on March 27, then an amended ordinance on April 15 that allowed for a number of special operations during the COVID-19 emergency.

Mr. Herrick said of special interest to the Planning Commission is its ability to conduct virtual public meetings during the emergency. He said those are spelled out in Section 6 of the ordinance. He said the Board of Supervisors has granted the authority for bodies such as the Planning Commission, Board of Zoning Appeals, Architectural Review Board, and other public bodies associated with the County to meet virtually.

Mr. Herrick said they have prepared a resolution by which the Planning Commission would accept the County's authorization to meet electronically. He presented the proposed resolution to the Commission, noting that it included a number of "whereas" clauses that recite the circumstances in which they find themselves. He said the provision at the bottom said, "The Commission hereby approves the conducting of this meeting through real-time electronic means consistent with Section 6 of the ordinance."

Mr. Clayborne moved to adopt the resolution proposed by staff.

Mr. Dotson seconded the motion, which carried unanimously (6:0). (Mr. Randolph was absent from the vote.)

Consent Agenda

Mr. Bivins asked if anyone cared to pull the item on the consent agenda.

Mr. Clayborne moved to approve the consent agenda. Mr. Dotson seconded the motion, which carried unanimously (6:0). (Mr. Randolph was absent from the vote.)

Public Hearing Items

SP201900012 Field School of Charlottesville

Mr. Andy Reitelbach, Senior Planner, presented. He said the purpose of the public hearing is the applicant's request for an amendment to the existing Special Use Permit SP201500024. He said this Special Use Permit was originally approved on March 8, 2017 and permitted a private school in the Rural Areas Zoning District, which is required under Section 10.2 of the Zoning Ordinance.

Mr. Reitelbach said the purpose of the amendment is to reduce the area of the Special Use Permit and that its conditions apply to from 24.57 acres (the current size of the parcel) to an area of 21 acres. He said the reason for this is the applicant has proposed to do a boundary line adjustment with an adjacent parcel in the future, and that the boundary line adjustment would only occur if this Special Use Permit is approved.

Mr. Reitelbach said the reasoning behind this is conditions run with the land, not with the parcel numbers. He said if the Field School and adjacent neighbors did this boundary line adjustment, the neighbors did not want the conditions applied to the Field School apply to what would become their backyard.

Mr. Reitelbach said there are a few other elements of the Special Use Permit that are being amended as well, as a result of the proposal to reduce the size of the Field School's parcel, which includes shifting the location of Tree Buffer B, which is the tree buffer along the southern property line of the Field School, which is adjacent to the neighbor with the proposed boundary line adjustment. He said there are other elements, including that the drain field locations will be shifted due to the loss of those 3.5 acres. He said the final location of those drain fields will be determined at the site plan stage, with the Health Department.

Mr. Reitelbach said the dining hall building would be reoriented by 90 degrees, but would stay in the same general location as it was approved with the concept plan of SP201500024.

Mr. Reitelbach said six parking spaces would be moved from where they are currently shown near the dining hall in the existing concept plan, to an area of faculty parking near the proposed athletic and academic buildings that are more central to the campus.

Mr. Reitelbach noted that with this amendment request, student enrollment is not changing, and will remain at the previously approved maximum of 150 students. He said the entrance onto Barracks Road is also not proposing to change, and would remain in the same location as shown on the concept plan from 2015.

Mr. Reitelbach presented an overview of the location of the Field School property. He said it is on

Barracks Road, approximately 400 feet southeast of Colthurst Drive, and about 700 feet west-northwest of Montvue Drive. He said it is about 1,000 feet or so outside of the Development Area boundaries which, in this case, is the Southern and Western Urban Neighborhoods in the Hydraulic area.

Mr. Reitelbach said the current size of the parcel is 24.5 acres, and is proposed to be reduced to 21 acres. He said the proposed VLA is with Tax Parcel 60C-0E-10, which was labeled and outlined at the bottom of the aerial view on the screen.

Mr. Reitelbach said the zoning for the property is Rural Areas, and that it is mainly surrounded by Rural Areas. He said there are a few other residential zoning districts (R1 and Planned Residential Development (PRD)) to the southeast. He said the Comprehensive Plan designation is Rural Areas. He indicated to the bottom right corner of the map, noting that the boundary of the Development Areas is in Neighborhood 7.

Mr. Reitelbach presented an overview of one of the pages of the concept plan, showing the proposed area that will be transferred from the Field School property to their neighbor, and the area that is proposed to be removed from the conditions of the Special Use Permit. He said the map also shows the tree buffers, including an area identified as minimally disturbed Buffer D on the concept plan. He said as he has recommended in the staff report, the 50-foot tree buffer should remain the same width; however, instead of the entire 50 feet being minimally disturbed, a portion of this should be a preserved tree buffer similar to the rest of the tree buffer on the southern property line. He said the remainder of the 50 feet would be minimally disturbed.

Mr. Reitelbach said the reason the applicant has proposed doing a minimally-disturbed buffer in this location is that with a proposed boundary line adjustment, the location of their proposed picnic pavilion (which would remain the same as was originally approved) would be surrounded on all sides by preserved environmental features such as the Water Protection Ordinance buffer, critical slopes, and the tree buffer. He said the proposal for this minimally disturbed buffer is to allow both temporary construction access to the site to eventually build the pavilion, as well as to allow for nature trails to be cut through to reach the pavilion from the main school campus.

Mr. Reitelbach presented an overview of the revised concept plan for the plan of development of the school campus, showing the location of the new tree buffer as well as the 3.5 acres proposed to be transferred to the neighbors. He said it also shows the location in the central-right portion of the concept plan of the dining hall, which has been rotated 90 degrees. He indicated on the map to the parking spaces.

Mr. Reitelbach said the applicant, at the site plan stage, would have to be in general accord with this concept plan.

Mr. Reitelbach said there were two recommended revisions from staff. He said the first is a correction for consistency, and appeared to be a typo, where on the concept plan, it was labeled as a 50-foot Tree Buffer C and everywhere else, it had previously been a 25-foot tree buffer. He said in the previous Special Use Permit concept plan, it was 25 feet.

Mr. Reitelbach said the second recommended revision was that with Tree Buffer D, it should be changed to be a partially preserved tree buffer and allow the remainder to be the minimally disturbed buffer.

Mr. Reitelbach said there was a factor favorable that with no enrollment increase being requested and no changes to the entrance or traffic circulation being requested, the proposed changes are not expected to have an impact on the surrounding area. He said no unfavorable factors were identified.

Mr. Reitelbach said staff recommends approval of the Special Use Permit, provided that the two above-mentioned recommended revisions are made to the concept plan prior to a public hearing with the Board of Supervisors. He listed the nine conditions for the Special Use Permit. He said the only condition that has changed from the original SP201500024 is the first condition so that it refers back to the new concept plan that was included in the staff report, rather than the original concept plan. He said Conditions 2 through 9 remain exactly the same as they were when originally approved.

Ms. More said in the recommended revision, it seemed vague to her. She said it wasn't saying exactly what needed to be preserved, and that simply the remainder can be minimally disturbed. She said she was concerned this was not giving the applicant clear direction.

Mr. Reitelbach replied that it was left intentionally vague to allow for more discussion with the applicant as well as with the neighbors who would acquire the proposed 3.5 acres to determine how much they felt was appropriate. He said in speaking with the applicant and the applicant's representative since the staff report, approximately 25 feet to be preserved tree buffer, and 25 feet to be the minimally disturbed tree buffer, would seem reasonable.

Ms. More expressed it was important that everyone agreed on the amounts.

Mr. Clayborne said he saw in the staff report that the hours of operation are 8:00 a.m. to 4:00 p.m., and that it also says it is 9:00 a.m. to 5:00 p.m.

Mr. Reitelbach replied that the correct hours of operation would be the ones in Condition 3.

Mr. Clayborne said his understanding was that the sewer is using drain fields, and that water is part of the Albemarle County jurisdictional area. He asked if this meant it was County water supply and if there were no issues with sprinklers.

Mr. Reitelbach replied that the water supply is in the jurisdictional area with the Service Authority, which has reviewed the application and has no concerns. He said there is a central sewage system that was approved by the Board of Supervisors in April 2017, along with the original Special Use Permit. He said this would allow the drain fields, which would require approval of the Health Department at the site plan stage.

Ms. Firehock said she was curious why Condition 4 lists that for occasional non-sporting events, they could occur at any hours on Saturday or Sunday. She said she has not ever seen that timeframe anywhere. She asked if there was a reason for this.

Mr. Reitelbach replied that he was not sure about that, and would have to go back and look at the minutes and discussion from when SP201500024 was originally approved. He said he had not changed Condition 4 with this amendment, so it is the one that is currently in effect for this property.

Ms. Firehock said she recognized that the moving of the parcel boundary and dedicating some

land to a different parcel has nothing to do with Condition 4. She said nevertheless, she found it alarming, and did not know if they needed to do anything about this.

Ms. Firehock said she did not understand the purpose of the boundary line adjustment in the first place. She asked if it was simply to gain some revenue by selling some land to the neighbor, or if the land was unusable by the applicant. She said she may have missed the rationale in the application.

Mr. Reitelbach replied that there are some critical slopes on the property that would not be usable by the Field School. He said he knew the applicant and representative of the Field School, Mr. Todd Barnett, was present and may be able to provide more information on why the Field School would like to pursue the boundary line adjustment with the adjacent property owner.

Mr. Todd Barnett, Head of School, said he was available to answer questions.

Mr. Bivins said there was a question concerning about the rationale around the boundary adjustment, and that perhaps Mr. Barnett could also provide clarification about the time available for events on Saturdays.

Mr. Barnett said regarding the first question, part of the property is across a creek and not anything the school ever imagined they would be able to use. He said a neighbor wanted the acreage, and so they made a transaction to pass this on to that neighbor.

Mr. Barnett replied that regarding the time question, he believed that when the original application went to the Board of Supervisors years ago, "any hours" meant that there were no restrictions during the day. He said he didn't think they meant to imply that events would go on all night. He said the school does not generally have events that take place all night, although there is one that does. He said otherwise, they operate during regular school hours.

Mr. Barnett said there were restrictions placed on the application, and when it got to the Board of Supervisors, they decided not to place those restrictions on it. He said the Board felt that the school should not be bound by restrictions that other schools under similar circumstances were not bound by. He said they removed some of the restrictions, and it may have been that the Board was trying to emphasize that daytime hours were available for the occasional non-sporting school-related events.

Mr. Barnett said this was a simple request the school was making to cut some unneeded acres out of the original Special Use Permit. He said because those acres were covered by that Special Use Permit, the school has to ask permission to take them out before making the boundary line adjustment.

Mr. Bivins closed the public hearing.

Mr. Clayborne referred to the recommendation for action #3, which was about whether or not the Commission should consider allowing flexibility to have school on the weekend or Saturday in light of extenuating circumstances (like the pandemic). He asked if there was any value in having that conversation.

Mr. Bivins asked if Mr. Herrick could consider the language used there, moving forward.

Mr. Herrick said this was something to be considered, but that he would defer to Mr. Reitelbach and the Planning Director as to whether they might modify those conditions at this stage, or if they could be modified before going on to the Board of Supervisors.

Mr. Rapp said staff could modify the language to open it up to weekend hours, at the direction of the Commission, before taking it to the Board.

Mr. Randolph said he recalled that within the Board, there was some discussion about weekends and any noise generated from events. He said he worried they may be complicating the application by adding this factor. He said he understood Mr. Clayborne's sensitivity and concern, but that fundamentally, he saw this as a case of housekeeping on a fairly minor set of details on this application that does not substantively change the application that the Commission and Board had approved.

Mr. Randolph said he would be concerned that they not put anything in there, thinking that they are being helpful, that could then result in a discussion that might not be particularly productive and could result in people coming out. He said rumor would be that Field School is trying to operate on weekends and that there will be special events. He said Mr. Barnett has made it clear that this is not the intention of the school.

Mr. Randolph said he appreciated Mr. Clayborne's concern, but that Mr. Barnett has not made an argument that evening as to any reason why the weekend usage pattern would change substantively. He said he referenced one late night or all-night affair the school hosts, but that he didn't think this was anything intrusive for the neighbors.

Ms. More said she agreed with Mr. Randolph, and that as this goes to the Board and the Supervisors read the discussion from the Commission, they can take it under consideration. She said she didn't think they should complicate the matter as it was only about a boundary line adjustment. She said she would like the Board to consider it if they like, but not make it an issue.

Ms. More said the wording in Condition 4 about "any hours" came from the Board in the original application. She said she would like to push that back to the Board to determine if they want to refine that language.

Mr. Keller agreed with Mr. Randolph and Ms. More that this was a simple boundary line adjustment and that this was what the Commission was being asked to do that evening. He said the record would show for any Supervisor who wishes to go through and read the discussion.

Mr. Carrazana added that in the spirit that Mr. Clayborne recommended the flexibility, this could be needed in the future. He said as a UVA representative, he knew that UVA was in the midst of considering many options on delivery of services for the fall. He said there may be schools that need to modify activities, and that there may need to be some flexibility in how they look at some zoning restrictions put in place in the past. He said there could be mechanisms they could use to move things along faster and provide flexibility to organizations.

Mr. Dotson observed that the preamble Condition 1 does allow some flexibility as long as there is consistency with the broad intent. He said if they are in a pandemic situation, the Planning Director could find some activity outside normal hours still within the intent in that timeframe.

Mr. Bivins said since this is in his district, he had a conversation with Mr. Reitelbach and

Supervisor McKeel to determine if the changes required going to the Community Advisory Committee. He said one of the reasons they felt that this was a special use that seemed quite standard was that they simply were speaking about the boundary adjustment. He said it did not seem as if it was a change in the way that the school was going to operate. He suggested that if this is something the school wishes to do, it should be something that goes forward if, in fact, it feels compelled to do so.

Mr. Dotson moved to recommend approval of SP201900012 Field School of Charlottesville with the conditions as stated in the staff report, and with the two revisions to the concept plan as recommended by staff.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Bivins said the recommendation would move forward to the Board of Supervisors.

Ms. Shaffer noted that Mr. Williamson had submitted a question. She read the question aloud: "If the public schools went to weekend school, would they be required to apply for permission to operate on the weekend?"

Mr. Bivins asked if Mr. Dotson could speak to this.

Mr. Dotson said he suspected Mr. Williamson heard the comment that Condition 1 allows for modifications by the Planning Director that are consistent with the intent. He said if there were extraordinary circumstances, this would give latitude.

Committee Reports

There were no committee reports.

Old Business

There was no old business.

New Business

Mr. Bivins said if anyone were interested in receiving a hard copy of the Commission's materials, he and Mr. Randolph were receiving copies that Friday, and that anyone else could let him know if they were interested.

Ms. More said she usually does not use hard copies unless there are applications with many attachments.

Mr. Bivins said he understood there would be two extra copies if anyone was interested.

Mr. Carrazana said he would like a copy.

Mr. Keller asked if they were sticking with the same agenda that was proposed in the spreadsheet that Mr. Rapp had sent some time ago, indicating that he would not need hard copies for those three items.

Mr. Rapp replied yes, with the exception of the high school that was removed. He said there were some minor modifications happening with that plan.

Mr. Keller said it would be nice if the week before, staff could ask the Commission each time and save on paper on the less complex applications.

Mr. Rapp said the agenda for next week was already online, so for any Commissioners who want to take a look at the two items online and decide they would like paper copies, they could make that request.

Adjournment

At 7:10 p.m., the Commission adjourned to May 12, 2020 Albemarle County Planning Commission meeting, 6:00 p.m. via Zoom.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: May 19, 2020
Initials: CSS