

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 14, 2013, at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. William B. Craddock, Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 6:03 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Boyd said that he wanted to pull the Proclamation for Equal Rights/Women's Equality Day from the agenda. He said that he was not anticipating it being on the agenda and if it is not pulled then it would get routinely passed.

Ms. Mallek said the Board has adopted it in the past, and that it is what the vote is for.

Mr. Boyd said that it is not on for a vote because proclamations are not up for votes, they are just read into the minutes for history.

Ms. Mallek reiterated that the Board has voted and adopted it in the past.

Mr. Boyd said that he was opposed to the proclamation last year and that he does not feel it is an appropriate thing for the local Board to deal with. He said that he is in favor of recognizing women's equality, but that is already provided in the Constitution.

Mr. Rooker **moved** to adopt the agenda.

Mr. Boyd asked what that meant, given that he wants the item pulled for a vote.

Mr. Rooker said that it is not on the Consent Agenda, so his assumption is that the Board will vote on it.

Mr. Davis suggested that the Board take up the matter prior to the proclamation to determine whether or not the majority wants to adopt it.

Ms. Mallek reported that the mapping software used by Century Link and the E911 system needs some work by staff to ensure that the E911 system is actually putting people where they need to be, as she had encountered an incident with the system that showed her location as Ruckersville instead of Earlysville.

Ms. Mallek said that she also wanted to discuss the Board's interest in widening the ability of long-established commercial properties in the rural area to move to another commercial use that is less intensive than the one that has historically been there.

Mr. Rooker then **moved** to adopt the final agenda, with the Equality Day item removed for separate consideration. Mr. Snow **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members.

There were none.

Agenda Item No. 6. Recognitions: Proclamation Recognizing August 26, 2013 Women's Equality Day.

Ms. Mallek said that the Board had before them a long version of the proclamation along with the short version they had passed the previous year.

Mr. Boyd said that he did not have an issue with the first “whereas” clause indicating that the County is celebrating the 93rd anniversary of the 19th Amendment to the U.S. Constitution giving women the right to vote and recognizing August 26 as Women’s Equality Day, but he did not want to include the other clauses. He said that he did not have a problem recognizing the 19th Amendment anniversary, but he did have a problem indicating that there are not equal rights for women in the Constitution.

Mr. Rooker said that the proclamation does not say that there is not equal rights for women in the Constitution; but it does point out a myriad of ways in which women have it more difficult in society today than men do. He stated that the long form amendment addresses the problems women face and recognizes that those things still exist and still impact women disproportionately.

Mr. Boyd stated that that is an advocacy for the equal rights amendment and he does not think that is an appropriate thing for Supervisors to endorse as a Board. Mr. Rooker responded that the proclamation is not an advocacy for the equal rights amendment.

Mr. Snow said that he would find it much more meaningful to have a discussion of the issues in the community and a resolution supporting those specific things – such as the Sexual Assault Resource Agency and reaffirming the County’s position on the Equal Pay Act of 1963. He suggested that the Board talk about specifics rather than presenting a broad statement and voting on it.

Mr. Rooker said he would be happy to discuss concrete steps beyond the proclamation. He said that the National Organization for Women has asked for the resolution because they feel it’s a meaningful measure for localities to pass. He stated that sometimes symbolic things are important in a community, and he feels that the proclamation is an important symbolic issue for women in the community.

Mr. Boyd said that he disagreed with Mr. Rooker. He stated that the proclamation is advocating for the Equal Rights Amendment and that is why NOW brings it to the Board every year. He said that the proclamation implies that those issues are going on in the community here in Albemarle. Mr. Boyd emphasized that he was not talking about assaults on women as that is a different situation than saying that Albemarle has women who are not equally treated in the workplace today because there is no equal rights amendment. Mr. Rooker replied that the proclamation does not say that.

Mr. Boyd said that if you “read between the lines” that is what the proclamation is for.

Mr. Rooker **moved** to adopt the long-form amendment, and said he that would join Mr. Snow at any time to look at the specific issues highlighted in the resolution.

Mr. Craddock said that the Board had received the proclamation only a few days after he was appointed, and in reading through the long-form version he would not want to have his children read it or have it as a proclamation. He stated that he read both versions and does not agree with the sentiment that women are not protected in the Constitution. He stated that the proclamation is another “national-type” item taking up the time they should be spending on local projects. Mr. Craddock said that the Constitution has done a good job of protecting everybody for the last 300 years or so, and he does not support the proclamation.

Mr. Rooker stated that the Constitution does not protect against private acts of discrimination at all, only against discrimination by the federal government and through the 14th Amendment by state government action. He said there are some specific statutes that deal with certain areas of the law.

Mr. Snow **moved** to table the item and come back with a resolution that would mean something, rather than passing something that has “absolutely no value” to it.

Mr. Rooker said that he already had a motion on the table to be decided.

Ms. Mallek **seconded** Mr. Rooker’s motion and said that she believes that supporting the ERA would help a lot for her daughters and grandchildren, and also supports doing more specific local measures in the future.

Ms. Mallek clarified that the motion was for adoption of the long form.

Roll was called and the motion failed by the following recorded vote:

AYES: Ms. Mallek and Mr. Rooker.

NAYS: Mr. Craddock, Mr. Snow, Mr. Thomas and Mr. Boyd.

Mr. Snow **restated** his motion. Mr. Boyd **seconded** the motion.

Mr. Rooker commented that NOW feels that the proclamation has some meaning in the community, but he is interested to see what Mr. Snow would bring back.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.

NAYS: None.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Helen Swift-Dovel addressed the Board and thanked them for their choice of option #2 in reviewing the Comprehensive Plan. She stated that she was a little confused with the executive summary because it stated that one of the attachments included a summary of changes from the current Comprehensive Plan and when she read it, it was recommendations to the proposed Comprehensive Plan. She said the crux of the matter with the Comprehensive Plan is wording. Ms. Swift-Dovel said that the Comprehensive Plan is intended to set County government policy that helps guide public and private activities, establishing a blueprint for further decisions. Ms. Swift-Dovel commented that there is nothing currently that shows the difference between the existing plan and what changes are proposed.

Mr. Rooker clarified that staff is preparing a chart that will show the comparisons between the old plan and the new plan, but it is not ready yet.

Ms. Audrey Wellborn addressed the Board, stating that she has lived in the Jack Jouett District since 1979 and has always been very involved in the community. Ms. Wellborn expressed concern about how private property rights are addressed in the new Comprehensive Plan, and said that she has been involved with the process for the last two years. She said that she attended almost all of the Comp Plan meetings, and there were opportunities to speak sometimes but "something is wrong with the process." Ms. Wellborn explained that as a member who was involved with it for a long time at the TJPDC level, there were questions she had along with the terminology and phrases used. She said that she kept raising the issue at Planning Commission meetings, but her questions were never answered, and there are lots of terms in the Comprehensive Plan that are not understandable. Ms. Wellborn stated that she does not want to be dictated to as far as what she can do with her land, and there are things in the plan that seem to do that.

Ms. Lena Seville addressed the Board, stating that she would be talking about the local public transportation system. She said that Charlottesville Area Transit (CAT) would be presenting to City Council the following week but would not be doing anything in the County. She stated that there was a recent citizen survey showed that respondents felt the one area of the community needing improvement was transportation. She said that she has spoken with a number of people who would like to see public transportation go further out in the County to connect with U.S. Bicycle Route 76. Ms. Seville stated that there are a lot of areas that some minor changes to the bus system would make a big difference, such as ½ hour stops at Pantops instead of just on the hour.

Dr. Charles Battig addressed the Board and stating that a solution to the comp plan is to eliminate all of the strategies because that is where all of the micro-management has been put in. He stated that the goals let the Board decide what needs to be done as it comes up. Dr. Battig thanked the Board for considering his concerns regarding WiFi in the public school. He mentioned that some parents may not be aware that there are some issues in the country and in other countries as to the health and safety of WiFi in grades K-12. He stated that there is no health and safety standard that covers WiFi exposure for K-12 school children, who are in a school environment for five days a week, five to six hours per day for 10 years. Dr. Battig said that none of the School Board's information supports their claim that they have determined it is safe to have this exposure, and there is no conformed consent from parents to allow their children to be subject to this. He stated that there has been no implementation of the precautionary principle, but the Schools have gone full speed ahead with WiFi because it's "so convenient and it works so well for the children. Dr. Battig said that the FCC is accepting comments on the use of WiFi, because they do not know exactly what the risks are.

Mr. John Cruickshank addressed the Board, stating that he is speaking as a representative of the Virginia Chapter of the Sierra Club. Mr. Cruickshank said that the Sierra Club recognizes the need to improve the transportation system around the state, with many existing roads and bridges in need of repair; and public transportation along with sidewalks and bicycle paths are in need of expansion. He stated that there are four highway projects around the state that the Sierra Club feels are wasteful, and one of them is the Route 29 Bypass. Mr. Cruickshank said that the Route 29 Bypass will fail to solve the worst congestion problems on Route 29 at a cost of over \$250 million, and will be dangerously close to six area schools – exposing thousands of students to noise and air pollution. He stated that the road will encroach on historic African-American communities of significant importance, require the demolition of over 40 residences, and adversely affect nine established neighborhoods impacting over 1,500 homes and two senior healthcare facilities with air and noise pollution. Mr. Cruickshank said that the Route 29 Bypass will increase risks to the public water supply at the South Fork Rivanna Reservoir and decrease safety at the intersection of Ashwood Boulevard and Route 29 at the northern terminus. He stated that the community worked for several years on a master plan for Route 29, and the Places 29 plan is a common sense solution to traffic congestion, and is far more cost effective and much less destructive to the natural environment.

Ms. Carole Thorpe addressed the Board, stating that she wanted to thank the Supervisors who raised concerns about the proclamation for women's equality, as she found the wording highly disturbing, especially its errant assertion that "there is still no reliant protection in the U.S Constitution for women against sex discrimination in general." Ms. Thorpe said that she feels her rights as a woman are protected in the U.S. Constitution, and said that she knows it from firsthand experience. She stated that she also appreciated the Supervisors who demonstrated the correct perspective on the proper role of local

government, and encouraged them to stay focused on Albemarle County business and remain vigilant against those who will use the Board as a political tool. She said that proclamations have power and speak for the whole of Albemarle County and asked Board members to use that voice sparingly and carefully; and to always look at proposals for them through the lens of appropriate local government; and ensure that they speak for the majority of citizens before they are validated. Ms. Thorpe also said that she agreed with the Board's decision to take the longer review process with the Comp Plan.

Mr. Kirk Bowers addressed the Board, stating that he is Chair of the Transportation and Conservation Committees for the Sierra Club and would be talking about the Route 29 Bypass. He said that the Board did a great job on the Place 29 plan and that he does not understand why it was abandoned. Mr. Bowers noted that the Places 29 plan costs about \$170 million, with the Route 29 Bypass costing \$305 million and not solving congestion problems as 85% of traffic is local. He said that the main priority should be local traffic, not getting people from out of state around the town. He said that the bypass goes by five schools with about five thousand students in those schools. He said that it has been shown repeatedly that the affects of urban arterial highways on school systems is very negative, with pulmonary problem, autism amongst other things. Mr. Bowers said that the County could do much better with the Places 29 plan as the light synchronization and interchanges would relieve the congestion. He emphasized that Supervisors need to admit their mistakes and do the right thing.

Mr. Mike Basile addressed the Board, stating that he has been a resident of the County since 2006. He said that his skills lead him to factory work in Orange County and because there is not much of that here in Albemarle County. He said that people need to learn skills in manufacturing jobs, and the County seems to be running them out of town. Mr. Basile stated that the target industries in the Comprehensive Plan indicates that there is not much of that type of manufacturing, and economies will thrive when people have the individual freedom to build the businesses they choose to build. He said that the County should spend less time trying to plan out what everyone else should be doing, and let people in the community do their own planning.

Mr. George Larie addressed the Board, stating that he would be speaking about the Route 29 Bypass has many unresolved problems, and the current cost estimates will certainly go much higher. He said that the Skanska design-build contract took the southern interchange to a two-level intermediate flow with stoplights and an 11% grade, and truckers have said it is not acceptable to them so they would not use it. Mr. Larie said that there are safety concerns related to the weaving and Ashwood Boulevard, along with issues because of the historic African-American cemeteries currently being evaluated by the Bureau of Historic Resources. He emphasized that the environmental assessment is based on the old design, not the design that was accepted in the Skanska bid. Mr. Larie said that the Federal Highway Administration is six months late in their approval, and they also need Army Corps of Engineers approval.

Mr. Randy Salzman addressed the Board, stating that he is appalled that they are about to spend over \$300 million when the nation is \$17 trillion in debt, to build a highway that does not decrease congestion, does not make the road safer, and instead brings 18-wheelers into the community from Lynchburg and Danville. He said that the Taxpayers for Common Sense call the bypass one of eight worst projects in the entire nation, and a libertarian former *Virginia Business* editor calls it "the road to wealth destruction." Mr. Salzman said that if the County would build overpasses at Rio and Hydraulic Road, as Places 29 calls for, it would cost less than half of the bypass amount and would provide better congestion relief and more safety. He said that the Environmental Protection Agency is telling American cities that if they have a school within ½ a mile from a major highway, they need to start studying the impact on children's lungs – and yet they are about to build a new highway that they can't afford within ¼ mile of six schools.

Ms. Erica Herz addressed the Board, stating that she and her husband have been homeowners in Albemarle County for the past 14 years and have two elementary school students. Ms. Herz said that she is very concerned that the County leadership is not standing up publicly against the very inadvisable investment in state dollars in the proposed western bypass. She stated that the County must support Virginia investments that provide solid returns for the community, and must prioritize children's health over saving drivers a few minutes of time. Ms. Herz presented data reported in the LA Times in March, which stated that "a recent study examined children's health in 10 cities and concluded that 14% of chronic childhood asthma cases could be attributed to near-road traffic pollution – and this is the first time that medical researchers have made such a direct link. She said that she is amazed that they would consider putting this proposed bypass next to several elementary schools, a junior high school and a high school, when they are aware of the effects of vehicle exhaust. Ms. Herz stated that they are showing they care more about saving drivers a little time than they do about children's health, and recommended that proponents of the bypass imagine that it was their child or grandchild that had to endure the noise of trucks braking or the smell of exhaust daily. She said that it will be a sad day when another person dies in the Hollymead area due to the unacceptable interchange there, and the proposed bypass as designed will simply not work.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that the last time a comprehensive traffic analysis was done for the bypass was March 1990 – and that was the last time it was compared against alternatives. He said that the conclusion at that time was that the bypass should only be considered after improvements were made to Route 29, but a Commonwealth

Transportation Board member maneuvered the bypass ahead of those local improvements. Mr. Werner said that the community has been working with VDOT on the Places 29 plan, and people who have studied the bypass have shown that it does not make sense. He stated that all of the projects needed for the bypass total about \$300 million, with the cost for the alternative plan for the bypass at about \$170 million, including the improvements on 29 that 20 years ago VDOT told the County were necessary to alleviate congestion.

Agenda Item No. 8. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Mr. Craddock, to approve the consent agenda, with the exception of Item 8.9 (for further discussion). Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

Item No. 8.1. Approval of Minutes: March 11, March 13(N), April 10A and June 12, 2013.

Mr. Boyd had read the minutes of March 11, 2013 and found them to be in order.

Ms. Mallek had read the minutes of March 13N, 2013 and found them to be in order.

Ms. Mallek had read the minutes of April 10(A), 2013 and found them to be in order.

Ms. Mallek had read the minutes of June 12, 2013 and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. Resolution authorizing the issuance of revenue bonds by the Industrial Development Authority of the Town of Louisa, in an amount not to exceed \$7,000,000 for the benefit of the Region Ten Community Services Board, Inc.

The following letter dated August 1, 2013, from Mr. Richard L. Hulbert, Jr., Kaufman & Canoles, to Ms. Ella Jordan, Clerk, was received:

"This will confirm our recent discussions with respect to our request that the Board of Supervisors ("Board") of Albemarle County, Virginia (the "County") consider and adopt two Resolutions, the first concurring with and approving the issuance of up to \$7,000,000 of bank-qualified, tax-exempt conduit revenue bonds by the Industrial Development Authority of the Town of Louisa, Virginia (the "2013 Louisa IDA Bonds"), and the second concurring with and approving the issuance of up to \$7,000,000 of bank-qualified, tax-exempt conduit revenue bonds by the Economic Development Authority of Fluvanna County, Virginia (the "2013 Fluvanna EDA Bonds" and, collectively with the 2013 Louisa IDA Bonds, the "2013 Bonds"). The proceeds of the 2013 Bonds will be loaned to Region Ten Community Services Board, Inc., ("Region Ten") which provides counseling, mental health, and related services throughout central Virginia.

The 2013 Bonds are being issued primarily so that Region Ten may realize debt service savings based on the prevailing low interest rate environment, as the 2013 Bonds will refinance certain outstanding higher coupon indebtedness of Region Ten, incurred in December 2006, in the form of two series of revenue bonds issued by the Louisa IDA (collectively, the "2006 Bonds"). The 2006 Bonds financed and refinanced, among other assets, certain facilities of Region Ten that are located in the County (the most prominent of which is the Region Ten property located at 500-504 Old Lynchburg Road). Because the 2006 Bonds financed or refinanced property located in the County, applicable federal and state law required that the County concur with and approve the Louisa IDA's issuance of the 2006 Bonds. The Board provided such concurrence and approval on December 13, 2006.

Since the 2013 Bonds refinance that same property that was financed/refinanced with the 2006 Bonds, the same concurrence and approval as was obtained in 2006 is necessary for the issuance of the 2013 Bonds. Because the 2013 Bonds are being issued by separate bond issuers (due to bank-qualified bond limitations in Fluvanna County and the Town of Louisa), we have prepared and submitted two separate Resolutions for the Board to consider, one for each series of the 2013 Bonds. It also bears mentioning that concurrence with and approval of the issuance of the 2013 Bonds will also be sought from the City of Charlottesville and Nelson County. In addition, the Board of Supervisors of Fluvanna County will approve the issuance of the 2013 Fluvanna EDA Bonds, and the Town Council of the Town of Louisa will approve the issuance of the 2013 Louisa IDA Bonds.

Please let me know if there are any further questions or concerns about the request for Board action in connection with the issuance of the 2013 Bonds for the benefit of Region Ten. I would be pleased to meet with County representatives, and to attend the Board meeting on August 14th to present these Resolutions in person, if that would be helpful or desired. Thank you for your usual courtesy and professionalism."

By the above-recorded vote, and at the above-noted request, the Board adopted the following resolution:

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of the Town of Louisa, Virginia (the "Authority"), has been requested by Region Ten Community Services Board, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$7,000,000 (the "Bonds") to assist the Company in (A) refinancing the Authority's \$7,601,200 Community Services Board Facilities Revenue Bond (Region Ten Project) Series 2006 (the "Series 2006 Bond"); and (B) paying all or a portion of the costs of issuance of the Bonds. The Series 2006 Bond was issued by the Authority on December 21, 2006, with the proceeds thereof being applied by the Company to: (1) refinance the Industrial Development Authority of Albemarle County, Virginia's \$5,000,000 Variable Rate Community Services Facilities Revenue Bonds (Region Ten Community Services Board, Inc.), Series 1999, issued on August 31, 1999 to finance and refinance (a) several Company facilities located in the City of Charlottesville, Virginia at 800 Preston Avenue, 1907 Cedar Hill Road, 720 Highland Avenue, 719 Shamrock Road, 100 Burnett Street, 2000 Michie Drive, and 401 4th Street NW; and (b) Company Facilities located in the County of Albemarle, Virginia at 4312 Dickerson Road; (2) finance the acquisition, construction, renovation and equipping of the property known as Mountainwood, to house the Company's administrative offices and community services, located on an approximately 9 acre tract of land on Old Lynchburg Road, in the County of Albemarle, Virginia; and (3) finance the acquisition, construction, renovation and equipping of the Nelson County Counseling Center located at Tanbark Plaza, Lovingston (Nelson County), Virginia (the projects described in clauses (1)-(3) above are collectively referred to herein as, the "Project");

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance bonds;

WHEREAS, a portion of the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as (the "Virginia Code"), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the County on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and concur with the Authority's inducement resolution regarding the issuance of the Bonds (the "Resolution"); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Board concurs with the Resolution adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as and to the extent required by Section 15.2-4905 of the Virginia Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.
4. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Albemarle, Virginia this 14th day of August, 2013.

Item No. 8.3. Resolution authorizing the issuance of revenue bonds by the Economic Development Authority of Fluvanna County in an amount not to exceed \$7,000,000 for the benefit of the Region Ten Community Services Board, Inc.

By the above-recorded vote, the Board adopted the following resolution:

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Economic Development Authority of Fluvanna County, Virginia (the "Authority"), has been requested by Region Ten Community Services Board, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond in an amount not to exceed \$7,000,000 (the "Bonds") to assist the Company in (1) refinancing that certain \$4,711,400 Region Ten Community Services Board, Inc. Taxable Note (Region Ten Project), Series 2006, which was issued by the Industrial Development Authority of the Town of Louisa, Virginia ("Louisa IDA") (the "Series 2006 Note"), (2) financing the costs of construction and equipping of up to 12,000 square feet of additional space at, and further renovation and equipping of other portions of, the Company's existing facility located at 800 Preston Avenue, Charlottesville, Virginia 22903, (3) financing all or a portion of the costs of issuance of the Bonds in permissible amounts, and (4) paying capitalized interest on the Bonds for a period not to exceed one year after the date of issuance of the Bonds. The Series 2006 Note was issued by the Louisa IDA on December 21, 2006 to finance and refinance a portion of the costs of acquisition, construction and equipping of the Company's headquarters facility located at 500, 502, and 504 Old Lynchburg Road, Charlottesville (Albemarle County), Virginia 22901;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance bonds;

WHEREAS, a portion of the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as (the "Virginia Code"), the Authority is issuing the portion of the Bonds relating to the portion of the Project located in the County on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and concur with the Authority's inducement resolution regarding the issuance of the Bonds (the "Resolution"); and

WHEREAS, a copy of the Authority's Resolution, a certificate of the public hearing, a reasonably detailed summary of the comments expressed at the public hearing, and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Board concurs with the resolution to be adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Virginia Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Project or the Company.
4. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
5. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Albemarle, Virginia 14th day of August, 2013.

Item No. 8.4. FY 2014 Budget Amendment and Appropriation.

The executive summary states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total increase to the FY 14 budget due to the appropriation itemized below is \$15,219.88. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of one (1) appropriation as follows:

- One (1) appropriation (#2014025) totaling \$15,219.88 for an Emergency Communications Center grant.

Staff recommends approval of appropriation #2014025 to provide funds for a local government project and program as described in Attachment A.

Appropriation #2014025 \$15,219.88

Source: Federal Revenue \$ 15,219.88

This request is to appropriate \$15,219.88 to increase the amount budgeted in federal revenue and related expenditures for the Emergency Communications Center's (ECC) Local Emergency Management Performance Grant (LEMPG) grant. The ECC's appropriated FY 14 budget included \$10,232.00 for this grant and the ECC has been notified by the Virginia Department of Emergency Management (VDEM) that the annual amount the ECC receives will be increased by an additional \$15,219.88. This funding will be used towards the ECC's Public Outreach Initiative and additional training for the Assistant Emergency Management Coordinator.

By the above-recorded vote, the Board approved appropriation #2014025 to provide funds for a local government project and program.

COUNTY OF ALBEMARLE			
APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2014025	3-4100-33000-333000-330210-9999	15,219.88	EMERGENCY SERVICE GRANT
2014025	4-4100-31045-435600-310000-1003	10,000.00	Professional Services
2014025	4-4100-31045-435600-550100-1003	1,000.00	Travel/Training/Education
2014025	4-4100-31045-435600-600000-1003	2,000.00	Materials & Supplies
2014025	4-4100-31045-435600-601700-1003	2,219.88	Copy Expense
TOTAL		30,439.76	

Item No. 8.5. Road name change of Anchorage Farm to Farm Vista Road.

The executive summary states that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following:

That the landowners of more than fifty (50) percent of the parcels served by the road have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with the road name guidelines set forth in the Manual.

The landowners of the property served by a road named Anchorage Farm submitted a request to change the road name of Anchorage Farm to Farm Vista Road and have signed a letter agreeing to the new road name (Attachment B). Staff finds the request to be consistent with Part 1, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual.

There is no anticipated budget impact. The landowners will be responsible for the costs associated with new signage.

Staff recommends that the Board approve changing the road name of Anchorage Farm to Farm Vista Road and authorize staff to implement the change.

By the above-recorded vote, the Board approved changing the road name of Anchorage Farm to Farm Vista Road and authorized staff to implement the change.

Item No. 8.6. ZMA-2012-00004. Avon Park II (Signs #89&91) (At request of applicant, defer to September 11, 2013).

By the above-recorded vote, the Board accepted the applicant's request to defer ZMA-2012-00004 until September 11, 2013.

Item No. 8.7. ZMA-2013-00006. Estes Park- Proffer Amendment (**At request of applicant, defer to September 11, 2013**).

By the above-recorded vote, the Board accepted the applicant's request to defer ZMA-2013-00006 to September 11, 2013.

Item No. 8.8. Resolution to accept road(s) in Langdon Woods Subdivision into the Secondary System of Highways.

At the request of the County Engineer, and by the above-recorded vote, the Board adopted the following resolution:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 14th August 2013, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Langdon Woods Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 14, 2013**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Langdon Woods Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 14, 2013**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Langdon Drive (State Route 1758)** from (Route 1759) Langdon Woods Drive south to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3771, pages 198-206, with a 50-foot right-of-way width, for a length of 0.21 miles.
- 2) **Langdon Woods Drive (State Route 1759)** from (Route 1758) Langdon Drive south to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3771, pages 198-206, with a 50-foot right-of-way width, for a length of 0.38 miles.
- 3) **Langdon Drive (State Route 1758)** from (Route 663) Simmons Gap Road south to (Route 1759) Langdon Woods Drive, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3771, pages 198-206, with a 50-foot right-of-way width, for a length of 0.11 miles.

Total Mileage – 0.70

Item No. 8.9. Resolution for the abandonment and addition of roads as a result of the John W. Warner Parkway construction.

(Discussion: Ms. Mallek said she would like to pull this item so that she can get an answer about the abandonment of the roads at the end of the Parkway.)

Agenda Item No. 9. **PUBLIC HEARING: SP-2012-00021. Faith & Grace Christian Fellowship (Sign #77&80). PROPOSAL:** Request for a special use permit to convert an existing residence to a church on 1.38 acres. No dwellings proposed. ZONING CATEGORY/ GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) SECTION: 10.2.2.35 Church building and adjunct cemetery. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots). ENTRANCE CORRIDOR: YES. PROFFERS: NO. LOCATION: 3917 and 3935 Rock Branch Rd. TAX MAP/PARCEL: 087B0-00-00-001A0, 087B0-00-00-00200.

MAGISTERIAL DISTRICT: Samuel Miller.
(Advertised in the Daily Progress on July 29 and August 5, 2013.)

Mr. Scott Clark, Senior Planner, addressed the Board, stating that this is a special use permit request for a church in the rural areas zoning district, located near the intersection of US 29 South and Taylors Gap Road across from the Red Hill Elementary School. Mr. Clark presented an aerial view of the site, which is accessed from Rock Branch Road and not US 29, and noted the view of Taylors Gap in proximity to 29 and Rock Branch.

Mr. Snow asked if the trees would remain. Mr. Clark responded that they would. He presented images of the existing dwelling at the center of the property and the proposed church building to its right, with the parking planned for between the two structures. Mr. Clark said that the nearest dwelling, located on an adjacent parcel, is about 65 feet away.

Mr. Clark reported that the proposal is for a church in the existing 1,200 square foot building that could be expanded up to as much as 1,740 square feet, and the existing building in the center of the property would be used for church board meetings, Sunday school classes, etc. – but not as an area of assembly. He said that the applicants have calculated that there would need to be 23 parking spaces, and that is what they have proposed.

Mr. Clark presented a conceptual plan for the use, noting the existing building where the church itself would be and pointing out the entrance locations at the corners. He noted the second page of the plan showing the existing trees on the site, and said that some augmented plantings would be installed along Route 29. Mr. Clark said that favorable factors include the fact that VDOT has approved the proposed access, and the conceptual plan does propose additional screen plantings on the side of the property facing the Entrance Corridor.

He said that at the Planning Commission meeting on May 21, there were two major issues that came up – including noise and other impacts on the adjacent dwelling – and the Commission directed staff to work with neighbors and the applicants to draft a condition requiring fencing or landscaping between the two properties to help screen. Mr. Clark said that the Planning Commission added an eleventh condition at the hearing to address use of amplified sound on the property, and they voted unanimously to recommend approval with 11 total conditions.

Mr. Snow asked if the noise concern was related to amplified music, or some other aspect of the proposal. Mr. Clark responded that the two noise concerns were related to amplified sound and people being outside on the grounds for church activity.

Mr. Snow asked how often they met. Mr. Clark said they met primarily on Sundays, but the applicant could address that further.

Mr. Snow also asked how light would be an unfavorable issue if there were no parking lights. Mr. Clark responded that new lights installed could spill over into other properties, but they have addressed that with the condition requiring cutoff and shielded fixtures. He also said that his understanding is the applicant does not intend to install any amplified systems, but the Commission had a concern about it so they added a condition to address it.

The Chair opened the public hearing.

Ms. Dana Rexrode addressed the Board, stating that her husband Samuel is the pastor of the church, which is located in North Garden. Ms. Rexrode thanked staff for their assistance, and stated that the church is a small family church serving people in the rural southern part of the County. She said that they have been meeting for about five years and after a great deal of searching they found the property presented for the special use permit. Ms. Rexrode said that the property was originally built as an auto garage, and was converted to residential use in the 70s. Ms. Rexrode stated that the members of the church love the rural nature of the area and are not seeking to change that, with the only request in the SP being the same types of uses that other churches in the rural areas of the County engage in. She said that they have spoken with neighbors and most reaction has been positive, and since the Planning Commission meeting the church has tried to address some of the concerns raised there – specifically those related to traffic and noise. Ms. Rexrode said that VDOT has approved the traffic access on the road, and it empties onto the same intersection that Red Hill Elementary empties onto but at a different time of day.

She stated that the church proposes no external sound system and has no plans to blast loud music or host loud parties, and agreed with the Planning Commission's condition to address that. Ms. Rexrode said that the properties directly next to the church and across the street have significant vegetative buffers, which will help alleviate some of the noise concerns, and the property already backs onto Route 29. She stated that the church has agreed to build a six-foot tall privacy fence, although it is an added expense for them. Ms. Rexrode said that it is the church's intention to use the additional building – the house – for Sunday school rooms and not as a separate area of worship, but they are under lease with the renters.

Ms. Mallek commented that the tenant is usually protected by the term of their lease.

Mr. Davis asked if the church's intent was to establish the church use and have the residential use continue. Ms. Rexrode responded that it was. Mr. Davis clarified that that's not what is envisioned by the conditions of the permit.

Ms. Mallek asked if the existing house would be used for residential use only until the lease ran out.

Ms. Rexrode said that at some point in the future the church had planned to convert the home to Sunday school rooms, but they need the rent from those tenants and did not realize it would be an issue. She added that the renters are under lease until next June or July of 2014.

Mr. Rooker asked if there were two parcels. Ms. Rexrode clarified that there are two parcels at the moment, and one of the conditions is that they become combined – and they currently share a well.

Mr. Clark said that one of the recommended conditions requires that the properties be combined so the accessory issue does not come up, and the accessory uses for the church need to be on the same property.

Mr. Rooker asked if it is necessary for the properties to be unified for the plan to work. Mr. Clark confirmed that in order to make the proposal work, the properties would need to be unified.

Mr. Davis stated that if the accessory structure is going to be used, it must be on the same parcel.

Mr. Rooker said that if the intent is to use the structure for residential, perhaps it would be better not to combine it.

Mr. Clark said that it is not just the structure, it is the parking and entrances also.

Mr. Boyd asked if it creates a problem for the applicant if they continue to lease out the property. Mr. Davis responded that staff's analysis had not taken that into account, so it would need to be addressed.

Mr. David Benish, Chief of Planning, said that staff was not aware there was a residential use intended with the expectation being that the single use would be what is approved on the site being reviewed.

Mr. Snow asked if the church could continue leasing it until it grows and needs the building.

Mr. Craddock asked the applicant if they were going to lease it and do Sunday school.

Ms. Rexrode said that their intention is for all church use to be in the one proposed building until such time the church could afford to not have someone living in the house next door.

Mr. Boyd said he is trying to determine if the applicant needs to defer.

Mr. Rooker asked if, from a legal standpoint, an applicant can have a residential use on the same parcel as a church approved through a special use permit process. Mr. Davis said that the zoning would allow a residential use and a special use for a church in the RA zoning district, so he does not think there is a legal reason to prohibit it.

Mr. Benish said that as long as it's one or the other use, it could be permitted.

Mr. Davis said that he did not think any of the conditions specifically prohibit continued use of a residential structure, but staff did not evaluate it on that basis.

Mr. Clark clarified that it is a zoning requirement that accessory uses need to be on the same property as the main use.

Ms. Mallek said that it would not matter if it was residential, but since they are converting the use into a church, it needs to be combined.

Mr. Davis said that the driveway and parking share that property, so in order for it to be used for the church, it must be on the same parcel.

Ms. Millie Payne addressed the Board, stating that she lives next door to the church and has some concerns about the church. Ms. Payne said that she has had concerns about the noise, which the County has tried to address, and that the church's opinion about the children being outside is different from that of the neighbors. She stated that she has been in church her entire life, and it is a place of reverence – not a place where children can run around outside and scream the whole time they are having service. Ms. Payne said that she has concerns about the property line and have asked the County to meet her at her house to make sure that the line is where it should be, but no one has come out. She stated that it remains to be seen how they will use the place between the two buildings, and her other concern is that the church has reported positive feedback from the neighbors – but that may not exactly be the case. Ms. Payne said that no one in the neighborhood has really been listened to except for the people who have bought the property.

Mr. Snow asked Ms. Payne if the fence going down the property line is between the church and her house, and whether it would be adequate enough to mitigate some of the noise. Ms. Payne responded that it remains to be seen, because the church has tried to tone the kids down on a quiet Sunday morning. She said that she has very little time to herself given her job demands, and she likes to

have some peace and quiet at home – not listening to screaming kids on Sunday morning. Ms. Payne stated that she has no problem with the church, but she wants some respect. She said that she does not want her trees touched, and she wants to be sure that the boundaries are clarified.

Mr. Snow said that Ms. Payne's home looked very nice when he visited, and he was also concerned about where the fence is going.

Ms. Payne said she had asked Mr. Clark to come out but he could not do it, and she stated that she and her neighbors have made multiple phone calls to County staff.

Mr. Snow stated that in the future, she should call her Supervisor.

There being no further public comment, the Chair closed the public hearing and placed the matter before the Board.

Ms. Mallek asked if a six-foot solid fence must be six feet back from the property line. Mr. Benish responded that there is not a setback requirement for it, and the applicant just needs to make sure it is located on their property.

Mr. Thomas said that normally it is a foot off the property line.

Mr. Rooker pointed out that the County does not establish boundary lines, as they are established by private properties and deeds, and the chain of title in the surveys.

Mr. Craddock said that generally, you put the fence on your land about a foot or so, so you can get around to the other side and do maintenance without infringing on the other person's land – and he assumed that the church has had the lot surveyed so they know where to put the fence.

Mr. Clark stated that one of the conditions requires that trees that are more than 3" are not removed, to ensure that existing screening on either side of the line is not touched for the installation of the fence.

Mr. Snow asked how soon the fence must be installed if the special use permit is approved. Mr. Clark responded before they can begin to operate.

Mr. Davis said that the conditions state that the applicant must build the fence before they establish the church use, so they would be in violation of the special use permit if they continue to have services there before the fence is constructed.

Mr. Rooker mentioned that they are in violation today by conducting church services on a property without having a special use permit to do so. Mr. Davis confirmed that seemed to be the case.

Ms. Rexrode explained that the property is currently rented to a woman who lives there and attends the church, and she hosts a "Bible study" there on Sunday mornings. She said that they are not in violation of zoning, and what they currently have is a Sunday morning bible study. Ms. Rexrode said they have had a survey done, and they were able to find iron rods marking the property lines. She stated that the church has met with the neighbors and showed them where they intended to put the fence.

Mr. Rooker asked if this church was in existence today. Ms. Rexrode responded that Faith in Grace Christian Fellowship had been a church group for about five years, and explained that the only thing they have is a Sunday morning Bible study at the proposed church building but there is someone living there.

Mr. Rooker said that it sounded to him like they have been conducting a church there.

Ms. Rexrode said that they have worked it out very carefully with Zoning, and once the woman moved in the property where they hold the service, they were no longer in violation.

Mr. Snow said that technically, all of the church members are showing up and they are still having services there – so to be fair to the neighbors, they need to fulfill the requirements of the conditions in the SP. Ms. Rexrode agreed that they need to, and said that their plan is to meet all of the conditions as quickly as possible.

Mr. Snow said that he would like to move approval of the permit, but he would like to see an additional condition added that no services of any kind be held there until the conditions of the special use permit are met.

Ms. Rexrode asked if they could not have a Bible study there. Mr. Snow responded that it is one thing to have three or four people, but it is another thing to have the whole congregation there – whether it is called a "Bible study" or a church service. He asked how many people were coming for the Bible study.

Ms. Rexrode said it varied from 15-35 adults, plus children.

Ms. Mallek said it could be upwards of 50, which is a pretty big group until the conditions get squared away.

Mr. Clark stated that condition #10 provides that the church use shall not commence until the fence is installed, and there are other conditions phrased as “you shall not commence.” He said that as long as the group is in line with what zoning terms to be a “private gathering,” they would not have to do what’s stipulated in the conditions before starting church services.

Mr. Rooker said that the compliance issues are up to the Zoning Department to determine what constitutes church services, and he suggested adding language to condition #10 so that the fence is installed “and maintained in good condition by the applicant.”

Mr. Craddock asked if that was inherent to a permit that an applicant would have to come back and replace things like trees that die, or in this case a fence in the event it gets blown down. Mr. Davis said that it would depend if it is shown on the site plan, so Mr. Rooker’s addition to the condition is a good one.

Mr. Snow then **moved** approval of SP-2012-00021 with the conditions as modified.

Ms. Mallek asked if staff had seen a plat that is properly surveyed and recorded that shows the exact boundaries of the property. Mr. Clark said that the conceptual plan for the use is drawn on top of the plat, and confirmed that the neighbors were able to determine where the property line is and where the fence will be.

Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

(The conditions of approval are set out below:)

1. Development and use shall be in general accord with the conceptual plan titled “Faith and Grace Christian Fellowship,” prepared by Nathaniel Rexrode, dated January 13, 2013 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development and use shall reflect the following major elements in the approximate location, number and extent as shown on the Conceptual Plan:
 - location and size of the church building
 - the location of the parking areas and the entrances from the public road
 - location and extent of plantings
- Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The structure labeled on the conceptual plan as “1 Story w/Basement” shall not be used for worship services.
3. The use shall not commence until all parking spaces have been delineated by the use of parking stops.
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
5. There shall be no day care center or private school on site without approval of a separate special use permit.
6. The use shall not commence without written approval from the Virginia Department of Health of the water supply and septic system.
7. The use shall not commence without approval from the building official and the fire official.
8. The use shall not commence until a plat combining tax map parcels 087B0-00-00-001A0 and 087B0-00-00-00200 has been recorded.
9. The use shall commence on or before August 14, 2015 or the permit shall expire and be of no effect.
10. The use shall not commence until a fence is installed along the full length of the property boundary with parcel 08700-00-00-03300 (provided that the fence shall not be placed to interfere with sight distance from the church entrance). The fence shall be a solid board fence, shall be six feet tall, shall be between the church building and the property boundary, and shall remain unpainted. The fence shall be installed and maintained in good condition by the applicant in a location that does not require the removal of any trees of more than three (3) inches diameter at breast height (DBH) between the church building and parcel 08700-00-00-03300.
11. Outdoor amplified sound is prohibited and for any indoor amplified sound the windows shall be closed.

Agenda Item No. 10. **PUBLIC HEARING: SP-2013-00005. The Field School of Charlottesville (Sign #65). PROPOSAL:** Private school on 62.1 acres. ZONING: RA Rural Area -- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); FH Flood Hazard – Overlay to provide safety and protection from flooding. ENTRANCE CORRIDOR: No. COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/ acre in development lots).

LOCATION: 1717 Polo Grounds Road. TAX MAP/PARCELS: 04600-00-00-02200, 04600-00-00-022C0, and 04600-00-00-098A0. MAGISTERIAL DISTRICT: Rivanna.
(Advertised in the Daily Progress on July 29 and August 5, 2013.)

Mr. Scott Clark reported that this is a special use permit request for a private school on a 62-acre site on Polo Grounds Road, and noted the location of the site on a map. He said that the property is located between the Hollymead community and Neighborhood Two, at the confluence of the South Fork Rivanna River and Powell Creek. Mr. Clark pointed out the location of those water bodies, the hundred year floodplain, and the existing SOCA field to the west. He said that the access would be on Polo Grounds Road.

Mr. Clark reported that in 1990 there was a special use permit approved for an 800-seat church on the site, but that was never built, and later that year an SP for a 300-seat church was denied. He said that in 2006 there was an application for expansion of the SOCA facility – with a large indoor soccer arena, an outdoor synthetic turf field, and 96 parking spaces on 10 acres – and that was denied. Mr. Clark clarified that the current proposal is on the entire 62 acres of the property, not just the 10 in front, and said the proposal would include a total of 30,000 square feet of buildings and a per-building limit of 12,000 square feet. He said that all new structures will be within the school campus area on the conceptual plan, and there will be two play fields along with approximately 49 paved parking spaces and 76 additional pervious parking spaces for occasional events. He said that the school would be able to have fundraisers and other events no more than 12 times per year.

Mr. Clark presented a conceptual plan of the entire property, and explained that the developed portion would be on top of the ridge and toward the front of the property – leaving the rest of the property undeveloped. He showed a closer view of the developed portion of the site, noting the location of Polo Grounds Road and the location of the athletic fields. Mr. Clark said that there is an existing house that would remain in the area, and the new buildings would be in the “school campus” area, with overflow parking in the drain field area in the back of that.

Mr. Clark said that favorable factors include the fact that the defined building envelope is restricted, so that the total disturbance on the site is such that the majority of the site is left undeveloped. He said that another favorable factor is that it provides an additional school option for County residents.

Mr. Clark said that at the time they presented this to the Planning Commission, unfavorable factors included concerns over traffic, and VDOT had issues with the traffic study that was provided and needed more information. He said that VDOT described the increased delays at US 29 and Polo Grounds Road as unacceptable, and in comparing traffic generation from by-right residential use to school use found that it would be higher with the school. Mr. Clark stated that staff recommended denial at the Planning Commission meeting based on those unfavorable factors, and the Commission voted 4-2 with 11 conditions, and since that time staff has added a condition #12 to clarify that the 800-seat church could not be built and operated at the same time as the school.

Ms. Mallek asked if the church permit was still active. Mr. Clark responded that it is still there.

Mr. Boyd said that the reason the church permit is still active is because it was approved prior to the sunset rules where a permit expires.

Mr. Davis said that there was a 1992 zoning administrator determination that said the permit had met all of the requirements to continue, so it is likely that the church use would be permitted as a special use under the permit granted in 1990.

Mr. Rooker asked if the applicant could extinguish the existing church permit, as the owner has joined in this application. He said that an 800-seat church is a big church, and it is possible that it would have a greater substantial traffic impact a few times a week than a school would. Mr. Davis said that a condition of establishing the school use could void the prior special use permit and all other uses, but until that happens they would have the option of doing either the church or the school.

Mr. Clark reviewed the 12 conditions approval:

1. Development of the use shall be in general accord with sheet C3 of the Conceptual Plan entitled “Special Use Permit Application Plan for The Field School of Charlottesville, prepared by Shimp Engineering, P.C., revision #2, dated 6/20/13, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development and use shall reflect the following major elements as shown on the Conceptual Plan:
 - Locations of buildings and facilities within the indicated building envelopes
 - Total building footprint of 30,000 square feet
 - Maximum footprint of 12,000 square feet for any single building
 - Retention of the existing house on the property

Minor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impacts on adjoining properties and roadways. Buildings and parking may be developed in phases

2. The maximum enrollment shall be 150 students.

3. Classroom instruction shall not begin before 8:00 a.m. and shall not continue later than 5:00 p.m. These hours shall not apply to sports events. Classes shall not be held on Saturday or Sunday.
4. Non-sporting school-related events shall with more than 50 attendees not occur more than 12 times per calendar year and attendance shall not exceed 200 persons. The facility shall not be used for events not related to the school use.
5. No construction for the use shall begin without written approval of the proposed entrance location and design from the Virginia Department of Transportation.
6. No construction for the use shall begin without written approval of the proposed water-supply well and septic facilities from the Virginia Department of Health.
7. Construction of the parking area shown as "Overflow Pervious Parking Area" shall not commence without written approval of the proposed surface materials from the County Engineer.
8. No outdoor lighting of sports fields shall be installed for this use.
9. Any new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or her designee for approval
10. A Phase I archaeological survey and any appropriate mitigation measures as approved by the Planning Director shall be completed for areas to be graded for this use prior to issuance of a grading permit.
11. The use shall commence on or before [date five years from Board approval] or the permit shall expire and be of no effect.
12. The use of Tax Map 46 Parcels 22, 22C, or 98A, or any combination thereof, for both a private school authorized by this special use permit and the church use authorized by SP 90-35 is prohibited.

Mr. Snow asked if the existing house that would remain on the property is part of the 30,000 square foot total. Mr. Clark replied no.

Ms. Mallek asked about the 12,000 square foot maximum on buildings. Mr. Clark responded that it was the applicant's idea, but staff supported it because it breaks up the bulk of the building mass.

Mr. Boyd said that there are limits on non sporting events but there are no limits on the numbers of people or number of cars, or numbers of times they could have sporting events – and those were conditions the Board put on MonU Soccer.

Mr. Rooker said that there is a requirement that there be no lighted sporting fields, which would help limit the hours.

Mr. Boyd said that the late light in summertime might encourage the school to have events at the same time as SOCA, because they don't have lights either.

Mr. Clark stated that it would be helpful to have the applicant explain the timing.

Ms. Mallek asked if plays and musical concerts of students considered one of the 12 events per year or is it considered normal operation of school.

Mr. Rooker said there are no parameters explained for "events," and asked what constitutes an event. Mr. Davis responded that it is not a defined term, so it would have the normal meaning of the word as interpreted by the zoning administrator.

At this time the Chair opened the public hearing.

Mr. Todd Barnett, founding head of the Field School, addressed the Board. Mr. Barnett said that the school has been trying to find a new site, as they currently rent the old Crozet High School building from the County on a year-to-year lease basis. He stated that it works well in the short term, but at this point they must search for a long-term home because they worry about the stability of the building and its intended use as a community center. Mr. Barnett mentioned that the earthquake two years ago condemned a room in the building temporarily, and if they were forced out of the building they would have no choice but to shut down because the SP process takes about eight months.

Mr. Barnett stated that in the Zoning Ordinance, Rural Area designation does not allow a by-right private school use anywhere, but public schools are common – with 14 in the rural area, 10 of which are in the growth area. He said that there are also 14 private schools in the rural area, and only three predate the 1971 Comp Plan – Oakland, Little Keswick, and Miller. He said that those three have all been before the Board seeking expansions. Mr. Barnett stated that the Field School's plan for their property is to leave 50 of the 62 acres in the parcel undeveloped, with trails connecting the growth areas, and to treat 12 acres as the development area. Mr. Barnett stated that the school building will be sited entirely outside the floodplain and off the critical slopes, and away from the river and Powell's Creek, and toward two large Field School supporter properties: SOCA and W.A. Wells.

Mr. Barnett said that school bus trips are profoundly safer than car trips for kids – seven times safer – and the shuttle, which he drives, has a perfect safety record. He stated that he does not think Polo Grounds Road is unsafe up to the point where they would be taking kids, and there are other areas of concern along his route when he is driving the shuttle. Mr. Barnett said that he cannot think of another private entity that transports as many kids as Field School does, and the school is taking cars off the road

every day. Mr. Barnett added that the school has been attentive to traffic issues that arose with the neighbors, and was successful in getting the stoplight regimen changed during soccer-related backups. He said that their goal is to be an excellent community member, as they are in Crozet.

Mr. Barnett stated that VDOT recommended allowing the development to move forward with participation in a right turn lane improvement at Polo Grounds Road, and Chuck Proctor suggested that \$25,000 would be a fair pro-rated amount, so the school agrees to proffer that amount whenever they started building as long as that potential project does not delay the school's opening. He asked those in support of the Field School to stand up.

Mr. Kelly Strickland, of Shimp Engineering, addressed the Board, stating that he has been working with Mr. Barnett for three years. He said that condition #6 states that "construction shall not occur before Health Department approval," and they would like to put the word "building" in front of construction so they can put a ball field in before the building goes in. Mr. Strickland also distributed a letter from soil scientist Steve Gooch related to the claims about lack of septic availability on site, and he claims that the site is perfectly adequate for septic.

Mr. Boyd asked if the 12 acres the applicant planned to use includes the ball fields. Mr. Strickland responded that the intent is to use 12 acres and keep the 50 acres in the back in conservation easement.

Mr. Boyd said that he wanted to clarify whether the entire site use was 12 acres, not just the buildings. Mr. Strickland confirmed that the footprint of the project uses only the 12 acres.

Mr. Craddock asked what the house on site would be used for. Mr. Strickland responded that he anticipates it to be used for administrative offices.

Mr. Strickland presented slides showing the site and the 12 acres, noting the location of the proposed trail to go from Hollymead Town Center to the Meadow Creek Parkway. He presented a conceptual plan, pointing out the location of the existing house and the school site, as well as a waste area used by Dr. Hurt. Mr. Strickland said that the 12,000 square foot building is proposed as a gymnasium and dining hall. He presented a plan that was used in 2007 for the SOCA expansion, and that building is 45 feet from Polo Grounds Road and is 34,000 square feet. Mr. Strickland said that the main concern from the staff report is that the building is not suitable for the rural areas, but there are nine existing schools in the rural areas and this seems to be one of the most logical uses. He also pointed out that the by-right uses for private schools are extremely limited – to about 50 acres in downtown Crozet – which is comprised of 40 or 50 parcels.

Mr. Strickland pointed out the location of the existing site in Crozet and noted that there were only six cars in the parking lot, which he said was typical for the school. He said that there is a queue at the traffic light based on the traffic impact analysis they submitted, which was resubmitted after the Planning Commission because of their concerns – and the school changed some of the classifications used in the analysis. Mr. Strickland reported that the result is that they would be adding about two cars into the line of traffic trying to turn left onto 29 South between 8:50 a.m. and 9:00 a.m. He said that based on VDOT concerns, they recommended adding a right turn lane, and the Field School lets out at 4:00 p.m. with no vehicles exiting by 5:00 p.m. Mr. Strickland noted that occasionally there are after-school sporting events, but there are only about 15 people per side so the traffic is very minor.

Mr. Craddock asked about the small right-turn area leaving the school. Mr. Strickland said that there is only one lane there, and sometimes people use the shoulder and grass slightly to get north. He added that it would not be difficult to put in a hundred-foot turn lane and taper there.

Mr. Nat Howell addressed the Board, stating that he has lived on Polo Grounds Road for about 20 years. He said that there has been a lot of discussion and a great deal of emotion about the proposed Field School and the special use permit needed for it, much of it focused on the Field School's approach to education and its laudable vision of developing young men. Mr. Howell emphasized that the issue before them is not the school, and the decision cannot be based on emotion. He said that the real issue is whether the Board intends to manage the County's future growth responsibly and in a manner consistent with the laws and policies in place. Mr. Howell stated that as elected representatives, it is their obligation in evaluating special use permits to interpret facts, comply with County and state law, and maintain consistency with the guiding principles they and their predecessors have established for development. He said that over the last month, the neighbors have spent a substantial amount of time collecting data and trying to identify a consistent underlying pattern and principle regarding guided development along Polo Grounds Road. Mr. Howell stated that neighbors have studied meeting minutes of the Board and Planning Commission dating to the early 1990s and have reviewed summaries from the County's professional staff, and have personally spoken with County staff, state officials, federal regulators, law enforcement agents, and residents.

Ms. Donni Long addressed the Board, stated that she has lived in Bentivar off of Polo Grounds Road for approximately 14 years. Ms. Long said that the many residents there have come to three conclusions, the first being that there have been a series of decisions by the Board and their predecessors regarding parcels along Polo Grounds Road that have resulted in exceptions to the adopted and stated intent as to how rural areas should be preserved. In some cases over the years, she said, inconsistencies have been created from one decision to the next – and in granting these exceptions the Board has deviated from the County's Comp Plan, which clearly states that "County land use decisions should be based on a consistent set of policies adopted by the Board of Supervisors. Decision-making should always include a consideration of a proposal's cumulative effects on the rural area and the County as a whole. It is therefore very important for the County to have a coherent idea of the desired future of its rural

lands.” She stated that indications are there have been only brief discussions of the cumulative effects of the development of the rural areas around Polo Grounds Road with County residents as a whole, and it is critical of the Board’s decision on this request that they understand the cumulative effects. The second conclusion the neighbors have reached, she said, is that those most affected by the Board’s deliberations and decisions have an obligation to provide them with important factual information relative to the decision they are asked to make – and their presentations will do that. She added that the Board may have made their decisions without all the facts, and hopefully this information will provide new facts that require them to disapprove the proposal. Ms. Long said that their third conclusion is that not enough attention looks beyond the present moment to consider future implications of various decisions. She stated that Anne Mallek stated in April 2007, when she opposed the SOCA mega-complex on Polo Grounds Road, “Land use decisions detrimental to one rural area have a corresponding impact on all rural areas.” Ms. Long added that residents could not agree more.

Ms. Kasia Otterbein addressed the Board, stating that she and her neighbors are concerned about the safety issues on Polo Grounds Road. She stated that VDOT traffic data shows that traffic volume on Polo Grounds Road has increased 255% since 1997, and almost 90% of that has occurred since 2001 – coinciding with the establishment of SOCA and the Montgomery Ridge subdivision. Ms. Otterbein said that the traffic count data were taken at a time corresponding with lower activity at SOCA, which could indicate that the traffic increase is due to daily commuting traffic. She stated that this will soon be further exceeded by the addition of the MonU soccer fields. Ms. Otterbein said that a study of Polo Grounds Road by VDOT in May 2013, performed at County request, estimated some 600 additional vehicle trips daily when SOCA is fully operational. She said that a recurring question that’s not been answered by the Commission or Board is how many traffic accidents have occurred on the road, and the most recent records available going back to 1999 indicate there have been 62 accidents reported to the police on Polo Grounds Road and/or its intersection with Proffit Road and Route 29. Ms. Otterbein added that it’s expected those numbers are higher, given unreported accidents.

Mr. Fred Gerke addressed the Board, stating that he lives near the eastern terminus of Polo Grounds Road with Proffit Road. He said that for 29 years he has been driving to and from work into town on a daily basis, and using Federal Highway Administration methodology along with Albemarle County Police and VDOT data yields an accident rate that is 32% higher than the state average of 115.6 accidents per million miles on rural roads. Mr. Gerke stated that this particular road is so dangerous that more than ½ mile of the 2.8 mile road is designated as safe only with a 15 mph speed limit, and VDOT’s improvements to the road in the early 2000s have had negligible effects on accident statistics. He said that the underpass is positioned at a 90-degree turn in the road, which means that drivers approaching in either direction have no direct sight of traffic approaching from the opposite direction. Mr. Gerke stated that the underpass is within the 15 mph zone and those who drive it daily would indicate a significant noncompliance rate with the posted speeds.

Ms. Lauren Bien addressed the Board, stating that she resides on Walnut Ridge Lane in Bentivar and pointed out that a 100-year flood event would submerge Polo Grounds Road in flood waters at three locations. Ms. Bien said that the County has experienced six flood events on that magnitude since 1994, four of which occurred during school hours, and flood water closing Polo Grounds Road would cut off any route for emergency services from either direction to the entire stretch of the road from Route 29 to the one-lane underpass – including into the proposed school site. She stated that this seems to be an unreasonable risk for young children isolated at the school, and while the likelihood of flooding seems remote, it has happened in other states. Ms. Bien said that neighbors have also reviewed dam inundation zones related to the Class I, high-hazard South Rivanna dam, located just west of the Route 29 bridge at Polo Grounds Road, and dam failure would inundate Polo Grounds Road as well as MonU and SOCA complexes – as well as the applicant’s property – with a 10-30 foot wall of water, as well as cutting off emergency access.

Mr. Sack Johannesmeyer addressed the Board, stating that he is a former Navy officer and a retired UVA employee responsible for design and construction of \$1.5 billion in facilities on the grounds. He said that he is also a Bentivar resident, and served for two terms as a Board member for the Charlottesville Catholic School. Mr. Johannesmeyer said that neighbors have surveyed the light at the intersection of Route 29 and Polo Grounds Road on six separate occasions in July and August, and the lights cycled on average 30 times for side traffic – and more than half of the time, vehicles traveling north on Route 29 entered the intersection after the light turned red. He said that changing the timing of the light will not reduce the hazard, but adding traffic from Polo Grounds Road will surely add to the hazards.

Mr. Jimmy Dean addressed the Board, stating that he has lived on Profit Road for 29 years and while the safety issues alone are enough to deny this application, the Board’s commitment to the Comp Plan’s guidance regarding rural areas is additional rationale. Mr. Dean said that Mr. Rooker’s vote against the SOCA mega-complex was done because “39,000 square feet of building space was out of character for the Polo Grounds rural area,” and the current applicant is asking for roughly the same amount of square footage. He stated that Mr. Boyd had also commented that “building on this scale is not appropriate for rural areas.” Mr. Dean said that the rural areas are designated to be preserved for agriculture, forestry, and conservation. He stated that the Comp Plan and ordinances contemplate a very limited number of conditions where other uses might be considered, but also retain general language that indicates exceptions should be made only when there is clear conformity with the area designation. Mr. Dean said that it implies that exceptions should only be made when returning a property to its original rural form is achievable.

Ms. Carol Carder addressed the Board, stating that the Comp Plan encourages the Board to widely manage the County’s development in a manner that preserves the rich natural heritage of the area, and exceptions seem to pertain only when a compelling case can be made that a deviation can bring the

County something that it would not otherwise have. Ms. Carder said that this is not the case with the Field School application, as the private school is already operating and serving in the County. She stated that the applicant simply wants to do it in a different location – one that is inappropriate and unsafe for this type of activity, and is clearly not consistent with the stated intent of the Comp Plan or Places 29 plan. Ms. Carder stated that the supporters of the Field School have made the case that their use would be preferable to the 800-seat church, but based on the careful review of the meeting minutes, the approval occurred in part because their predecessors had not adopted the thoughtful approach in development that this Board has with the Comp Plan – nor was development occurring at the pace that it is today.

Ms. Julia Kegley Alcid addressed the Board, stating that she is a resident of Bentivar. Ms. Alcid said that they must avoid focusing on the moment at the expense of wise positioning for the future, and the Board's decision last year regarding MonU is an example. She said that the Board agreed that limited soccer might be in keeping with RA designation, and the deliberation focused on whether the improvements could be easily removed in order for the property to revert to its original rural area status were the soccer activities suspended. Ms. Alcid stated that the Board concluded at that time that given the absence of buildings and infrastructure and the presence of only a gravel parking lot, this was an acceptable variance from the rural designation. She said that they may not have understood the implications of that decision at the time, because within the past week – in order to comply with VDOT requirements for access from Polo Grounds Road – MonU has destroyed significant numbers of healthy, mature trees along the road. She said that ring dating indicates that at least three were more than 100 years old, and several were older than 60 years. Ms. Alcid stated that the Board's expressed concern for sustaining County woodlands would certainly pertain to these. She said that the applicant for this SP should be commended for reaching out to the neighbors affected by the permit, but the lack of specificity in the proposal is "disturbing," especially since the Board and the residents are being asked to consent to a proposal that runs counter to County rural use objectives. Ms. Alcid said that during the Commission meeting, the applicant was asked whether the Field School Board of Directors had a strategic planning committee, but Mr. Barnett responded that they didn't because "the school is so new." She said that he was also asked about the proposed design, but indicated that they had only "general ideas about where buildings would be situated," and it was intent to engage his students in the design process over the next five years. Ms. Alcid said that while this is a marvelous idea, it does not provide the neighbors with any assurance that the planned structures or uses would be in any way in conformity to the RA designation.

Ms. Jerry Ludeke addressed the Board, stating that she was speaking on behalf of her sister, Georgia Kegley – a 30-year resident of Bentivar. Ms. Ludeke asked how the Supervisors or neighbors could have any confidence that the nebulous vision presented would in any way resemble the execution of the school. She stated that the applicant should provide certainty as to what is being proposed, and only then can a decision be made. Ms. Ludeke said that the County's own brochure states that "the loss of rural resources to residential and subdivision construction is irreversible, and stewardship of these resources is essential if we are to conserve and effectively manage our natural resources." She stated that a large majority of schools that currently exist in rural areas were there before the RA designation was officially established in the Comp Plan, and residents realize the irreversible damage that could occur to one of the last rural areas between the City's northern border and Airport Road – an area the Board has said should remain a buffer between Carrsbrook and Hollymead.

Ms. Ann Eddins addressed the Board, stating that she has lived on Polo Grounds Road for 23 years and is keenly aware of the traffic dangers. Ms. Eddins stated that residents must address the Commission's support of the application over staff's adverse recommendation. She said that the Community Development department's professionalism, expertise, and skills are evident, and the decision of the Planning Commission to recommend approval of the SP was perplexing and disappointing. Ms. Eddins said that the staff report indicates that there will be no significant adverse impact on nearby residents other than traffic, but the traffic detriment alone is sufficient to justify denial. She stated that the staff identified a single residence 330 feet from the play field area, and 880 feet from the building envelope, but failed to consider that there are also at least 50 homes within the range having only a 10% decrease in decibel loudness of human noise – and 50 more with less than a 20% decrease where the distance reduces the sound. Ms. Eddins said that the addition of 150 students, who will spend a great deal of time outside, will produce a noticeable amount of noise. She stated that experience dictates that noise impact will be substantial, and the applicant has not provided any noise studies that would indicate otherwise. She said that the nearby rail lines also create noise, as do SOCA activities – but rail noise is an anticipated sound in the rural areas, whereas the SOCA and Field School noise would be imposed by the Board over neighbor objection.

Ms. J.J. Towler addressed the Board, stating that the Planning Commission staff assessment concluded that this portion of the RA district is characterized by forestal, agricultural, and residential uses, and notes that the private school use would be more intense than those uses but more in harmony with the suburban residential uses of Hollymead. Ms. Towler said that this Board and its predecessors have stated repeatedly that this rural area serves as a natural break between dense developments to the south and north, and both the Comp Plan and Places 29 have said that this particular rural area serves as a buffer between the dense developments to the north and south – not merely a transition zone. She stated that it is hard to imagine how adding 30,000 square feet of school business and classroom space in the rural area will do anything but irrevocably change and harm the rural character of the area. Ms. Towler said that zoning guidelines in the Comp Plan for the rural areas discourages large building density, reliance on public sewer services, and heavy traffic burden – all characteristic of schools. She stated that the current applicant proposes 30,000 square feet of building space, restricted to a 10-acre section of the site, and in 2001 the Board denied SOCA's request for a 3,700 square foot per acre building noting that the density of the building would change the character of the district. Ms. Towler said that the current applicant's proposal will do the same. She also said that the Wells family has owned their property on

Polo Grounds Road since the 1950s, and their uses are consistent with by-right uses for rural areas, and they have taken extensive steps to ensure the rural character of their operations.

Ms. Cynthia Neff addressed the Board, stating that she lives in the rural area off of Profit Road and noted that the staff report concludes that the proposed special use would be in harmony with the established character of the area – but it is not. Ms. Neff said that private schools are one of 54 contemplated uses in the County's zoning regulations deemed permissible with a special use permit, those same regulations indicate that their simple eligibility does not make them acceptable. She stated that the by-right analysis still requires a comprehensive assessment of all criteria and conclusion of conformity, and the neighbors' analysis of schools in the rural areas were built before the designation was put in place and thus do not reflect the appropriateness of their presence. Ms. Neff said that one of the critical issues is the County's policy not to extend water and sewer service into rural areas, lest it promote development and transformation. She said that when SOCA came before the Board for approval, they cited a need for sewer service because of poor soil conditions on the same site before them now. Ms. Neff said that residents came across a 2007 memorandum to the Board from the County Executive that states unequivocally that this site is "not capable of sustaining a drain field to service the expected requirements of a 39,000 square foot building due to the character of the soils on site, which are comprised largely of fill material and are not suitable for septic systems." Ms. Neff stated that the applicant's proposed complex is of comparable size, and given floodplain characteristics as well as the soil analysis, it would appear that the applicant will indeed have to rely on public sewer service. She said that at the time of the SOCA proposal, the Board deemed that extending service was not compatible with the districts outside of the designated development area, and the Planning Commission staff concluded that the proposal was not compatible with by-right use.

Mr. Jim Strathan addressed the Board, stating that the County's Comp Plan designates rural areas as areas to preserve and protect – forestal, agricultural, open space, and natural, historic and scenic resources. He said that the staff report asserts that development similar to the Field School could be embraced by current by-right uses, but it is hard to imagine given the drain field, soil issues, critical slopes, floodplain location, proximity to the dam inundation break area – all of which are incompatible for building. Mr. Strathan said that there is insufficient buildable land for a site that would remain consistent with by-right use without generating sustained long-term irreversible impact. He stated that this decision will not provide another school for the County, as the applicant simply wants to expand it and move it to a different location, and the Board is being asked to counter the Comp Plan based on emotional appeal and sketchy information rather than the strictly defined set of facts needed to support a decision of this importance and irreversibility. Mr. Strathan said that there is no data indicating that the proposed site will support the plan's development, nor are there soil analyses that confirm that the buildings of this size can be built on the appropriate building area.

Ms. Cathy Crosby addressed the Board, stating that she lives in Bentivar and emphasized that the quality of the school and support from parents and students have little relevance to the decision before the Board. Ms. Crosby said that the decision comes down to whether the Board will permit a not by-right use in an area designated for rural areas on a road with undeniable traffic safety issues. She stated that there have been a number of SPs associated with this particular rural area – with most approved and a few denied – and many of the decisions were reached with little discussion or attention to the cumulative effects of those decisions. She said that this observation is not to criticize, but to bring forth information yielded from over 100 hours of research.

Ms. Jane Williamson addressed the Board, stating that she is a resident of Carrsbrook. Ms. Williamson said that if there are good land use rules as set out in the Comp Plan and Places 29, they ought to be adhered to, and not change them by resorting to special use permits. She stated that she has been disturbed over the years to watch commercial enterprises like the proposed plan go into the rural area, and allowing the SPs should only be the case when they are in harmony, don't change the character of the area, don't change the safety issues, and are consistent with the Comp Plan. Ms. Williamson said that the conditions imposed under special use permits in this area have been so vague, they are practically unenforceable – and lead to the applicants coming back to ask for more and more. She stated that SOCA now has a corporate business headquarters with paved parking areas, despite their initial claims that they would not need those offices. Ms. Williamson said that the Planning Commission's recommendation to approve this project ignores both the individual and cumulative effects of the application, and their approval is counter to the recommendations of its own staff and VDOT.

Dr. David Schmitt addressed the Board, stating that he lives in the Bentivar area noting that Supervisors have made statements that they consider protection of rural areas to be a "top priority for Albemarle County." Dr. Schmidt said that Mr. Boyd voted against SOCA because "the residents deserve not to have that kind of pressure put on their roads," and Mr. Rooker voted against it because it contained a 33,000 square building that was "out of character with the rural area." He stated that some Board members have cited erroneous data as the basis for approving other SPs on Polo Grounds Road. Dr. Schmidt said that Ms. Mallek voted in favor of MonU stating "that if the land were turned into houses it would generate a lot more traffic daily than MonU's use would generate typically when it has an event." He said that while as much of the property lies in the Rivanna floodplain federal, state and local laws prevent residential construction in the floodplain there would not be enough new housing to create more intense traffic. Dr. Schmidt said that as circumstances change, decisions must be justified in the proper context, and whether by intent or not, approval of this permit will significantly detract from a critical and threatened rural area of Albemarle County in a manner that is irreversible.

(Note: The Board took a recess at 8:47 p.m. and reconvened at 9:03 p.m.)

Ms. Lettie Bien, a resident of Bentivar Subdivision, located off of Polo Grounds Road, said that Polo Grounds Road is unsafe given its 255% increase in traffic since 1999, not counting MonU, with 80% of that increase since 2001. She said that the road has an accident rate 30% higher than the statewide average, placing it in the top 25% of the most accident-prone rural roads in the Commonwealth of Virginia, according to VDOT. Ms. Bien said that if there is an accident on Route 29 north of Polo Grounds Road, the road becomes a bypass for Route 29. She stated that the subject parcel is unsafe, which is probably why it has not been sold for so many years and why the school is getting such a good deal on it. Ms. Bien said that both the road and the parcel are subject to catastrophic impact of flood events or a dam break of the high-hazard South Rivanna River dam. A 100-year flood event would trap students at the school – with a dam break inundating a significant portion of the property under a wall of water up to 40 feet high. She stated that the County has had six 100-year flood events since 1994. She asked if the Board wants to risk such a potentially tragic event. Ms. Bien also said that much of the property is a former landfill of questionable safety that has never been examined, adding that it is unsuitable for septic tanks and drain fields. She asked how the Board could reject SOCA's proposal in 2007 and approve the Field School's request today, noting that the road is oversaturated further now with MonU. Fancy new timing software at the traffic signal will not fix the high accident rate of this narrow, curvy, treacherous road. There is no compelling public need to justify overriding plans and zoning regulations as the applicant is already operating a private school in Crozet. The County, as a whole, stands to gain nothing from this approval. Ms. Bien stated that approval would set a clear precedent for an all-out assault for all rural areas in Albemarle County, irrespective of the risk to the welfare of residents and children. Granting this special permit is a demolition of the quality of life in rural Albemarle County. She asked the Board to save Polo Grounds Road.

Mr. Geral Long, a resident of Bentivar Subdivision, asked that the Board deny the special use permit for construction of the Field School due to the conflict of purposes defined by the Comprehensive Plan for rural areas. Mr. Long said that, in April 2007, SOCA made a similar request for a special permit for construction of a 30,000 square foot building adjacent to the location on which the Field School has requested to build. He stated that in 2007, the Planning Commission unanimously recommended denial of the SOCA project because the request did not conform to the Land Use Plan policy, which stipulates this area is in a critical section of the rural area which must remain in an open state as a buffer between the urban area and the community of Hollymead. Mr. Long stated that the Commission was also concerned that the proposed use included a very large structure for the rural areas which is not in keeping with the Comp Plan intent to maintain the particular area as a buffer. He stated that at the Board's hearing on the matter, Mr. Boyd commented that "all members of the Board were committed to preserving rural areas". At that time, Mr. Slutzky stated that he had not heard an argument as to why the Board should step over its bounds to commit to preserving the rural areas and grant the special use permit. Mr. Rooker stated that the overriding issue was the 30,000 square foot building in rural areas and that he had never approved a use of that scale in the rural areas. Mr. Long said that Mr. Rooker also explained that he had tried to protect the rural areas by not allowing uses of this size and scale, and it would be a mistake to do so. Ms. Sally Thomas stated that whatever the Board does in the rural areas becomes a precedent and the courts look at it closely when they make a decision regarding other sites in the area. He said that ultimately the Board denied the 2007 SOCA request, and unless the definition of "Rural Area" has changed since then, this request should also be denied.

Mr. Todd Culver, a 20-year resident of North Garden, said he teaches science at the Field School. He would like to talk about the fallacy of the danger of a dam failure swamping the potential new Field School building. Mr. Culver said that the Field School is building all of its building outside of the floodplain, and an assertion to the contrary is ridiculous. Second, the threat of a dam failure is widely overstated. There have only been two dam failures of any significance since 1996 – the Bergeron Pond Dam, which failed on March 13, 1996, and the Kau Loco Dam, in Hawaii, which failed on March 14, 2006. He stated that the Hawaii dam failure killed seven people, all of whom were living in the floodplain within the first three miles of the dam. Mr. Culver said there are over 75,000 river dams in the U.S., not including pond dams, and the threat from a dam break seems "ridiculously small." He stated that if an event like Hurricane Camille were to hit and produce 36" of rain within a 24-hour period and caused a dam collapse with a 40-foot wall of water as mentioned, it would wipe out Still Meadows, Dunlora, Bentivar, and Key West. Mr. Culver said that the water spreads out and slows down as it moves from the dam site. The Field School building site is 90 feet above the river, so it would make an excellent evacuation center should such a catastrophe occur.

Ms. Sheri Iachetta Owen addressed the Board, stating that she is a Charlottesville City resident but is here on behalf of her mother and her late father – Tony Iachetta – in opposition to this project. Ms. Owen said that it is not about the school, as she would oppose a commercial enterprise regardless of its nature. She stated that her mother still lives adjacent to the property where the school would be built, and her parents worked very hard to preserve the rural residential nature of the neighborhood for the last 60 years they've resided off of Polo Grounds Road. Ms. Owen said that their objections stem not from the school itself, but from the effects the project would have on the surrounding area. Ms. Owen asked that the Board consider the traffic dangers, specifically at the one-lane underpass existing just one mile from the school's proposed entrance. She said that noise and light pollution are also unacceptable and not keeping with the current neighborhood. Just a year ago, the Board voted against expansion of the soccer fields in the area for these same reasons. Ms. Owen said that the Planning Commission chose to ignore staff's recommendations, and she asked the Board to reverse the Commission's vote on this matter. She asked the Board to uphold the zoning provisions, which is something her parents worked strongly for, and asked that the special permit be denied.

Mr. Jesse Higgins addressed the Board, stating that he is a former Field School student who graduated in 2012. He said that he has been involved in the process of finding a suitable piece of land for a new school campus for several years with Mr. Barnett. Mr. Higgins said that his 8th grade project at

Field School involved designing a mock school campus and, from his experience, it has been very difficult to find a suitable piece of land in Albemarle County that is affordable, has adequate field space, does not have problems with slopes and streams, and is owned by someone who is willing to give them a chance to hold an option on it until the special use permit process plays out. He said that is why the property is perfect for Field School.

Mr. Bryce Ainslie addressed the Board, stating that he was president of Field School in his 7th and 8th grade years and will be a freshman at Monticello High School this year. He said that Field School has been a huge part of his life for the past four years and has shaped him into the person he is today, teaching him that "success is measured by effort." He stressed the advanced academic performance of Field School students, stating that the faculty, students and community invest time and effort in the students and the outcome of success. In the future, the Field School will continue to produce well-rounded boys with character and accomplishment, and continue to set students up for success in high school and beyond.

Mr. Doug Granger addressed the Board, stating that he has been an assistant principal in the County but is here as a parent and appreciates the dilemma this application provides. Mr. Granger said he understands the property concerns, but he couldn't ask for a better neighbor than the Field School. He stated that the school is the type of activity you would want to maintain the dignity of the beauty of the land as well as the character of the people there, and he would recommend approval. The issue is not about the Field School, but instead Polo Grounds Road. The Field School will be a good neighbor; they will keep down the traffic, they will take care of their land, they will maintain the beauty of the area, and they will teach young men to do the same.

Ms. Paige Lindblom addressed the Board, stating that she lives with her family on Rocky Hollow Road, across from Key West Subdivision, and her son is a rising 7th grader at Field School. She supports this request. She said that this is "an emotional issue" because she wants the best place for her child to go to school, and now he needs the best physical location. There are so many things this space will bring to the Field School. Ms. Lindblom stated that the school will be a respectful neighbor, and this is one of the reasons her family has stayed in Albemarle County.

Mr. Lane Bonner, a resident of Albemarle County and a commercial real estate broker, said that he has been working with Mr. Barnett and Mr. Strickland and others to try to find a site for the school. They have looked at over 25 sites around the County. He stated that the school cannot afford commercial property, and it doesn't fit the character of the school to be next to a shopping center, so they have to be in a rural area that is close to a growth area. Mr. Bonner said that they have also had to find a seller who is willing to wait a year while the special use permit process goes through, and he doesn't know where else to put the school at this point.

Mr. Jim Masloff addressed the Board, stating that he is an Albemarle native and has lived in Bentivar for the past nine years. He said that the one-lane underpass is within two-tenths of a mile of the proposed entrance for the Field School, and it is the one-lane bridge that is one mile from the entrance. Mr. Masloff said that he has no ill will toward the Field School and he appreciates the ability to send your children where you wish, but residents have a much bigger stake in this than parents of students do. The Field School will not increase the tax base, yet would draw upon County resources. He said county staff justifiably recommended denial of this request based upon the existing Comprehensive Plan and what he understands of the ordinances and guidelines for special use. He stated that the only legitimate response to this request is to deny it, as it would establish a terrible precedent and would come back to bite everyone in the future. Mr. Masloff quoted James Madison: "The effects of mutable policy are calamitous. The blessings of liberty will be of little avail to the people if the laws be so voluminous that they cannot be read, so incoherent that they cannot be understood, if they are repealed before they are promulgated, or undergo such incessant change that no man who knows what the law is today can guess what it will be tomorrow." He said that is exactly the problem they have with this proposal. He said, six years ago, the Board denied the SOCA request and there's very little if anything meaningful between this request and the SOCA one the Board denied. Mr. Masloff encouraged the Board to be consistent in their actions based on the rules as they are today, so that citizens can make decisions about where to buy homes and improve those properties. He thanked Board members for their service.

Mr. Keith Breault addressed the Board, requesting that they approve the SP and stated that there are some noticeable differences between what SOCA proposed six years ago and what the Field School is proposing. He pointed out differences in the traffic volume, as one bus takes the majority of students to and from the Field School every day, versus many cars of children and parents converging for a soccer tournament. Mr. Breault also stated that the bus would not meander around the dangerous parts of the roads and into the rural area, as the entrance to the school is close to the intersection that is more in the growth area. He said that the premise for a lot of the objections is that nothing will ever be built on that land, and he doesn't think that's sustainable. Mr. Breault suggested that the Board approve the SP because this is an excellent neighbor to have in that area, adding that Dr. Barnett's approach to running the school is very minimalist and conservationist.

Mr. Gordon Breault addressed the Board, stating that he is going into 7th grade at the Field School, a school that he and his family chose because of quality of education and its organized sports programs. He said that the school works hard to keep everyone safe, and they have never had a serious emergency. Mr. Breault stated that they do monthly drills such as fire, tornado, bus emergency, outside danger, and lockdowns – and they are a small school that can respond quickly. He said that the Field School is an exceptional place that deserves to expand and grow and, to do this, it requires moving to a more central and permanent location.

Mr. Jay Fennell addressed the Board, stating that he is a teacher at the Field School and a farmer. Mr. Fennell said that many people have commented about staying consistent with the rural area, and the school's conceptual plan shows that this will be a good fit for the property. The size of the proposed buildings would be no larger than some barns. He said that he appreciated the neighbors' concerns, but he believes the school would be good stewards of the land.

Mr. Howard Miller addressed the Board, stating that he is a resident of Free Union, Virginia and the immediate past head of the Free Union Country School. Mr. Miller said that, when that school started many years ago, neighbors were concerned about the impact of a 100-student school in their neighborhood – but people now are overwhelmingly positive or not even aware there is a school there. Mr. Miller stated that the Field School is the cleanest school he has ever seen, and the students are the custodians at the school. He said that he feels the Field School will be a wonderful neighbor.

Ms. Lisa Drake addressed the Board, stating that she is a City resident and her son will be a 7th grader at the Field School. Ms. Drake encouraged those opposed to the project to visit the school in its present Crozet location, talk to the current neighbors to see what good neighbors the school is. She said the Field School students are incredibly good at figuring things out – so they would probably come up with a plan for the safety issues on the road.

Mr. Tom Eckman addressed the Board, stating that he lives in Bentivar. Mr. Eckman said that the neighbors are not afraid of the school; they just don't want the area to turn into another Loudoun County with one building after another. He said that if the County keeps building from Charlottesville north, there will be one continuous strip of development all the way past Hollymead, and it's the Supervisors' job to keep it rural. Mr. Eckman stated that he works with kids as a mentor with First Tee and believes that our youth are our future; however, the Board needs to stand up for principles that have been followed for years. He said residents love their green space, and he is concerned particularly after a bulldozer knocked down trees for the soccer field. Mr. Eckman stated that the school would open up doors for other building uses in other areas of the County. He said residents in that area like the green space that they have. He said that the school talks about one bus – but they have a hundred children coming – and he wasn't sure how 100 children fit on one bus. Mr. Eckman stated that there can be a line of 50 cars waiting for a light change when there's a soccer game and, if the school puts a ball field in, there will be even more traffic associated with those uses.

Mr. Jim Dickman addressed the Board, stating that he moved to the County in 1971 and lives in Bentivar now. Mr. Dickman said that he's sure the Field School would be a fine neighbor, but the residents of Bentivar are already dealing with six "choke points" that need to be considered. He said they had to deal with the one-lane bridge on Proffit, the intersection of Proffit and Polo Grounds Roads, the winding 15 mph zone with poor visibility, the underpass tunnel, Polo Grounds and Rt. 29, and traffic associated with SOCA. Mr. Dickman stated that the impact of MonU still is unknown, and high traffic times in the morning will make it difficult for Field School parents to get out. Mr. Dickman said that if the school is located more centrally, parents will be driving their children to school. He said that the Field School has talked about adding a high school and, if this is approved, it may be hard to stop that.

Mr. Richard Riley addressed the Board, stating that he has a son who is a rising 7th grader at Field School and supports the Field School's application. He said he picks his son up from school once or twice per week. Mr. Riley said that he has never encountered a traffic delay at Field School as things stand now, and has never experienced a backup even in their parking lot. He stated that traffic has simply not been an issue, and the area in Crozet is not entirely rural either. Mr. Riley said that Todd Barnett has shown himself to be a great steward with Field School and Field Camp, as well as the Blue Ridge Swim Club, and is the kind of person whose educational entrepreneurship is worth fostering in the County.

Mr. Kurt Slingerup addressed the Board, stating that he lives on Polo Grounds Road and supports the Field School proposal and doesn't feel that issues like the one-lane bridge have much to do with it. He said that there is a difference between a 30,000 square foot building and several buildings equaling that same amount. He added that getting a right-hand turn lane off of Route 29 would also be a benefit.

Mr. Ian Clickner addressed the Board, stating that he is a rising 7th grader at Field School and, while it might be a bit of trouble getting to school, anything is worth it to get the type of education that the Field School offers to its students.

Mr. John Carter addressed the Board, stating that he has been traveling up and down Polo Grounds Road since it was a dirt road. He said that the Field School seems to offer a lot but, in their presentation at this meeting, they didn't even mention the neighborhood that has the majority of concern. Mr. Carter stated that there are also unanswered questions about after-school activities and transportation for those, and encouraged the Board to deny the SP.

There being no further public comment, the Chair closed the public hearing and placed the matter before the Board.

Mr. Barnett re-addressed the Board, stating that virtually all of the traffic would go from Rt. 29 up to the school site. He said that they would try to get a 20 mph speed limit through there, so the people coming from that direction through the one-lane tunnel would have to slow down when approaching the school site. Mr. Barnett stated that the signage there would make the road safer, and almost all school traffic would be coming from the Rt. 29 direction. He said that the one safety issue is at the stoplight at Rt. 29, stating that there are more accidents there than in any other section of Polo Grounds Road dating back to 2006. Mr. Barnett stated that the school would proffer \$25,000 toward a right-turn lane, and

they've also offered improvements with the timing of the signal. He said that adaptive controls are slated to be installed there which would also help. He stated that he doesn't feel that the school will add to the safety issues on that road.

Mr. Snow said that several people mentioned problems with the drain fields and the land not parking. Mr. Barnett said that Mr. Strickland had provided a soils report.

Mr. Boyd asked what the Field School's current enrollment is. Mr. Barnett responded that the school enrollment is 67 for this year, with next year being 80-85.

Ms. Mallek asked if the plan is to go to 150. Mr. Barnett acknowledged that it was.

Mr. Strickland stated that he counted 23 speakers opposed to this application, and he calculated that three of them were on the east side of the railroad tracks, with the majority in Bentivar. He said that the people on the other side of the tracks will not know the school is even there, and schools, in general, serve as "buffers" that actually create open space. Mr. Strickland stated that the school's traffic estimate is 243, but Bentivar at 100 houses generates 1,000 vehicle trips per day. He said that all of those cars are coming through the underpass, but the school traffic will not. Mr. Strickland stated that the parents of Field School students are also taxpayers, and there is a huge benefit to having students go there by not using public school funds. He pointed out that putting up a "School Zone" sign on the road would also help calm traffic. Mr. Strickland said that Dr. Hurt owns this property and, if this application is denied, there is a good chance Dr. Hurt would sell it for a use that could come with more harmful impacts.

Mr. Thomas asked Mr. Joel DeNunzio about the Virginia Department of Transportation (VDOT) comments in the staff report.

Mr. Joel DeNunzio, of VDOT, responded that Chuck Proctor at the Culpeper office reviewed the traffic study that was submitted, and there were concerns with those methodologies. He said that usually by the time VDOT goes to a Planning Commission meeting or Board meeting, VDOT wants to have a traffic study submitted, VDOT comments, issues worked out, and those findings are then presented to the Commission and Board on which both the applicant and VDOT have agreed. Mr. DeNunzio explained that there wasn't enough time in this case for VDOT and the applicant to work out the concerns, so what the Board is seeing are VDOT's comments disagreeing with the first round of the traffic study. He said that the second round of comments is essentially the resolution, and VDOT agrees that there will be impacts – mostly to the signal at Rt. 29 and Polo Grounds Road. Mr. DeNunzio stated that there is no way to reduce queuing, and there could be some measures to make improvements. He said that the installation of a right turn lane would improve the signalization traffic from a service level F to a service level E, however, this doesn't address the adaptive signal system – but it's expected to improve traffic conditions. He did add that he thought the improvements would be significant enough that it would be worth the investment.

Mr. Rooker asked if there is any estimate of the cost of installing a right-turn lane from Polo Grounds onto Route 29. Mr. DeNunzio responded that it's hard to estimate at this phase of the project, but a right-turn lane is usually about \$200,000 for planning purposes. He said \$25,000 would be the Field School's share based on their traffic counts.

Mr. Rooker asked about the impact of the MonU traffic, which is estimated at 230 vehicles per day at peak, and whether it was factored into the traffic analysis. Mr. DeNunzio said that he isn't certain whether the MonU traffic has been factored in, but usually VDOT takes background traffic into account.

Mr. Strickland clarified that the MonU traffic is not factored in because it comes at a different time of day.

Mr. DeNunzio noted that the impact here is at the AM peak hour, but the PM peak hour hasn't been factored in because of how early it is.

Mr. Boyd asked how the PM peak hour can be ignored, because there will be events, games, after-school activities, etc. that will affect the PM times and blend right in with MonU and SOCA. Mr. Barnett stated that they don't know about MonU yet, but the soccer practices don't let out until 6:30 p.m.

Mr. Boyd said that, if it rains, they dump out as soon as it starts raining. Mr. Barnett stated that the Field School would have about 15 sports events per year that go after school, and they will have as many cars as parents or families but it's nothing near what is leaving SOCA at 6:30 p.m.. He said that he doesn't want to put his parents into a lot of traffic created by other organizations, and both MonU and SOCA have been very cooperative about coordinating events so they don't overlap. Mr. Barnett stated that most of the Field School events are held on Friday and Saturday evenings.

Mr. Snow asked how many buses the Field School operates. Mr. Barnett responded that they own two and hope to operate them both soon.

Ms. Mallek asked Mr. DeNunzio if having a second left turn lane onto Route 29 South would be a significant traffic improvement in addition to having the right turn northbound lane. Mr. DeNunzio said that it could allow for dual left turn lanes, and then combine the right lane with the left, through and right – and generally adding a dual left turn lane would have a significant improvement.

Ms. Mallek stated that adding the double lefts in other roads such as Earlysville, Hydraulic and Georgetown roads has made a dramatic change. Mr. DeNunzio said that the amount of green time on the side streets won't really change that much, but the flow will be more efficient by getting more people out.

Mr. Boyd asked if having the right turn lane would encourage people to turn right and go up to Ashwood and make a U-turn so they can move through traffic faster. Mr. DeNunzio responded that, if the traffic moves efficiently out of Polo Grounds Road, one wouldn't see that happen.

Mr. Rooker asked if there is room to put in additional right turn and dual left turn lanes at the entrance to Polo Grounds Road. Mr. DeNunzio said that he looked at the plan when the bridge was built, and it looked as if there was more right-of-way than necessary, but he's not sure how far back they would need to have that right-of-way.

Mr. Snow stated that, if the Board approves this, VDOT would have five or six years to improve the intersection, and asked how soon it could actually be accomplished on VDOT's end. Mr. DeNunzio responded that the main issue is the money, and they could do a Highway Safety Improvement Program application, but the only way VDOT could guarantee funding is to add it to the secondary six-year plan. He said that it's not a difficult project to do, but would have an impact on the signal arms and lights themselves. Mr. DeNunzio said that, if the right of way is in place, it can be a fairly fast process, but if it's not then it becomes more of a challenge in terms of time and money.

Mr. Craddock said that the adaptive synch traffic lights would help move the traffic and, if the Western Bypass was built, then it would also help. Mr. DeNunzio said that it could possibly help, but he couldn't confirm the numbers on that. He said that the adaptive controls were put in at Pantops about a month after Martha Jefferson Hospital opened, and the travel time still improved.

Mr. Rooker asked how much of the acreage with this proposal is in the flood plain. Mr. Clark said that he estimated at least 20 acres of the 62 is in the flood plain and, while the flood plain area could not be developed, the property has the potential for six dwellings total if the use were by-right.

Ms. Mallek asked how the number was derived. Mr. Barnett said that one could build six residences plus the current residence.

Mr. Rooker said that information is in the traffic analysis, in the before and after comparison. He asked if any study was done of the 800-seat church to see what kind of traffic it would produce if it were built.

Mr. Clark said that it wasn't done during the Field School SP review, and he wasn't sure about the 1990 review.

Mr. Rooker said that, for comparison purposes, he wondered if there was a figure the Board could use.

Mr. Benish stated that he doesn't really have a comparison for an 800-seat church, as that was one of the largest the Board ever approved, and most of that traffic would be off-peak.

Ms. Mallek said that's not the case much anymore, as many churches have activities all during the week.

Mr. Boyd asked why Mr. Rooker was asking about the church traffic. Mr. Rooker explained that the reason is because there is a church already approved there and, if the Field School isn't built there, the County may see a very big church as a matter of right – and it won't have to come before the Board.

Mr. Boyd asked why the Board was able to deny the 300-seat church. Mr. Snow said that those two applications came up in different years, and the 800-seat church was grandfathered.

Mr. Rooker said that there were two different parcels, but the 800-seat church is still approved for the property that the Field School is seeking.

Mr. Benish stated that one of the issues with the smaller church was the alignment with Meadow Creek Parkway Phase II, but he doesn't recall all of the factors.

Mr. Davis pointed out that the Zoning Administrator has not made a determination as to the validity of the special use permit for the larger church, but the record reflects that, in 1992, she determined that the use had been established pursuant to a County ordinance that says an SP had to be established within two years in order for the permit not to become void. He said that he doesn't believe that the Zoning Administrator has made an official determination as to whether the permit is still valid.

Ms. Mallek said that the items that concerned her with the 2007 SOCA proposal was the commercial aspect of the plan, with lots of activities, lighted fields, and lack of notification to neighbors on the process. She stated that she agrees with the point that schools can be a buffer with open space in the rural area, and she has not heard a hint of complaint from the Field School neighbors. Ms. Mallek said that she is interested to know that 50 acres of this property would not be built upon, trails would be built, and there would be setback from waterways. She stated that those are things that are pointing her towards approving this.

Mr. Boyd said that what he's heard tonight from some attendees is accolades about the Field School, and he thinks it's a great school already located within a designated growth area. He stated that there is no doubt that it's a great, quality school – and they would be great neighbors in the right neighborhood, but it's the transportation issues that are concerning him. Mr. Boyd said that he was on the Board in 2007, and there was a room full of people coming out because of issues with the SOCA proposal due primarily to the transportation issues. He said that he voted against that project but, when MonU soccer came along, he voted in favor of it because it was a different situation with controlled activity and no buildings. Mr. Boyd said that MonU was willing to put their coordination plans with SOCA in their special use permit, and they are absent from the Field School's proposal. He stated that if the Board approves this, they would be going against staff's recommendation, and the original VDOT recommendation was also to oppose it. Mr. Boyd said that he is also concerned about the enrollment jump from 67 to 150, which is a 120% increase, and part of the justification for moving the school here is to bring it to a more urban area in order to attract a higher enrollment. He stated that he is concerned that more people would be driving to the school if parents are now from Forest Lakes, Hollymead and Woodbrook.

Mr. Boyd said that he opposes the request, but does so with the same promise he made to SOCA that he would be happy to work with the Field School to help identify a different location for the school, which was a successful effort for SOCA.

Ms. Mallek asked if there were further issues beyond traffic leading to staff's recommendation for denial, noting that the report may have led to a different result had the completed recommendation been available at the Planning Commission meeting. Mr. Clark responded that traffic was staff's basis for recommending denial.

Mr. Benish pointed out that staff has not been privy to the information, as this was more of an issue between the applicant and VDOT.

Ms. Mallek said that's what staff based their decision on.

Mr. Boyd said he's having trouble understanding how those situations are viewed as being corrected in between the versions, because what he's heard is lots of "maybes" and theories about what can be added for improvements. He said Mr. DeNunzio's report indicates that VDOT doesn't know about right of way issues, critical slopes, and how funding would be raised.

Mr. Rooker said Mr. DeNunzio stated that VDOT recommended against approval for some specific reasons, and asked if VDOT was still recommending denial of this application.

Mr. DeNunzio explained that VDOT's recommendation was that the Board not accept the results of the traffic study, and the issues they had with the study was their methodology of trip generation, and one of the major problems they had with the project was that the applicant did not use the ITE counts as recommended by VDOT and did not have justification as to why they did not use those. He said that those issues were unresolved at the time they went to the Planning Commission but, since that time, VDOT has found the methodologies to be acceptable – although he doesn't think the applicant has entirely gone to the ITE numbers. Mr. DeNunzio said that they have come up with an acceptable methodology and, if you look at the impacts after the study was revised, the level of service impact was actually greater than before. He stated that the recommendation for denial is essentially saying that VDOT doesn't think the Board should accept the traffic study as it is now because it is either incomplete, or VDOT doesn't agree with the data, or VDOT has other issues with it.

Mr. Boyd asked if it's acceptable to VDOT to go from an F to an E level of service. Mr. DeNunzio said adding the right turn lane would help change the level of service from an F to an E on that approach based on the traffic data.

Mr. Rooker said VDOT isn't in the position of recommending approval or denial, but they will assess the condition of entrances, impact on traffic, etc. needed for the project.

Ms. Mallek said that, in the last paragraph of Chuck Proctor's email, it says, "I recommend allowing the development to move forward with some participation in the addition of the right-turn lane improvement of Polo Grounds Road approach to 29."

Mr. DeNunzio stated that he spoke with Mr. Proctor and others in the residency office today about the nature of the wording in VDOT reports, because what they should be saying is that they agree with the results of the study and the impacts presented or they do not agree. He said that the email was internal, and what should have been said is that VDOT recommends the Board accept results of the traffic study.

Mr. Boyd said that, from a planning standpoint for a large development, the County would be looking to get that right turn lane proffered and, in this case, it may or may not get done depending on what the Culpeper District decides. He pointed out that he is not implying that the Field School should pay for the turn lane, but he said it is very uncertain that it will get done because there is no money and that is what is different in this case.

Mr. DeNunzio stated that it's a secondary road, so it would actually be the Board's decision as to whether or not to include this road in the improvements and at what order that improvement would be done.

Mr. Rooker said the County has a total of about \$500,000 for secondary road funds and, when one takes the unpaved roads out, it's about \$400,000.

Mr. DeNunzio stated that VDOT is getting a little bit more of the state allocated secondary money in addition to the unpaved road money so it would be a little above \$400,000-\$500,000 but it is hard to say. He said it appears to him that the emphasis is on unpaved roads and, after those get done, he hopes to move on to projects such as this.

Mr. Craddock said the school would have four or five years of fundraising to do prior to needing the right hand turn lane anyway.

Mr. Boyd said there's nothing keeping the school from doing that next year.

Ms. Mallek stated that there are contingent conditions the Board could implement to ensure that certain improvements were done if the Board decided to approve the SP.

Mr. Thomas said he couldn't put that through with good conscience, given how other projects have gone in his district without having the bond money available now. He stated that he would stay consistent with his previous votes on Polo Grounds Road projects, and he would not approve anything there that would create more traffic until the road is improved. Mr. Thomas said that he probably would vote yes if the money was in the bank for road improvements but, until that is done, he will not vote in favor of this. He also commented that the goat field in front of the railroad bridge would need to be altered in order to make the road straight.

Ms. Mallek said that VDOT has said the school will affect only Route 29, not the road to the east, so it's unfair perhaps to pin those things on the school.

Mr. Rooker said he views this as similar to the 21-curves road and, if an applicant were proposing any kind of significant traffic generator on that road, he would oppose it because there is not sufficient infrastructure in place to safely deal with the traffic. He said that this is the same reason he opposed the SOCA expansion and, to him, it's the classic case of a current unsafe condition being made worse by approving projects that would put additional traffic on it. He added that MonU park has not even been opened yet, which will add another 230 vehicles a day during peak. Mr. Rooker stated that a special use permit runs with the land and, if this applicant can't move forward with it, the current owner could bring in another school regardless of whether it has the same values that the Field School has. Mr. Rooker said that Todd Barnett is one of the better educators in this community, and the school should be applauded. But he emphasized that what is before the Board is a land use decision, not a decision on whether or not the Field School is a good thing. Given the current state of the traffic in that area, he said he didn't think it was a good land use decision to approve something that is a significant traffic generator of up to 50 or 60 cars per hour.

Ms. Mallek commented that Mr. Rooker was not taking into account the use of the bus. Mr. Rooker responded that the County can't require them to use buses.

Ms. Mallek said that the Board could require a certain percentage of students to be bused in, as Potomac School does, rather than denying the permit outright. She stated that she agrees with the point made earlier, compared to other options, this is a good use of the property and protection for so many natural resources, and she is trying to figure out ways to allow the SP to go forward.

Mr. Snow stated that he has outlined four reasons why he supports the application: the land is owned by Dr. Hurt, who will not allow the land to sit there and do nothing; the proposal will only use about 10% of the total acreage with the rest left in green space; the success of the Blue Ridge Swim Club and the quality of Mr. Barnett's character.

Mr. Rooker said the likely alternate use would be six residential lots.

Mr. Boyd said the traffic counts would be much less with that.

Mr. Craddock said that, as a former member of the Planning Commission, he voted in favor of Mr. Barnett's school when it started in Crozet, and he voted against SOCA because of the size of the building and the idea of a lighted turf field. He stated that he takes a lot of credence in what people who live on Polo Grounds Road think, and he would vote against the proposal if the school were on the Bentivar side of the underpass. Mr. Craddock said that, if the school goes on this site, residents like Ms. Iachetta should have increased protections in terms of lights and noise mitigation.

Mr. Rooker asked what he would propose to accomplish those things and, if the County is going to make those things happen, the Board would need to impose conditions beyond what's before it. Mr. Craddock said he's not sure how those protections would be accomplished, but there are things that could mitigate those issues. He said that it's 1.1 mile from the Field School entrance back to US 29, and that road is a lot better than Milton Road where the firearms range will be located.

Mr. Rooker said traffic is the big issue, and there is no concrete plan in place today to address that. He stated that he does like a lot of things about the application, but his question is how the Board can assign conditions to address things such as traffic. Mr. Rooker said the alternate uses, such as an 800-seat church, might create a worse situation than this project would, if the conditions were fashioned correctly.

Mr. Boyd said everything Mr. Snow has stated is true, and everything he has heard about Mr. Barnett has been very positive, but what is being proposed is taking an exacerbated traffic situation today that Mr. Barnett can't do anything about and make it worse. He said a contribution of \$25,000 is a drop in the bucket compared to the cost of improvements, and the school would probably do everything it could to minimize other impacts – but there are still unknowns such as MonU and the impact of the lighting system.

Mr. Boyd then **moved** to deny SP-2013-00005. Mr. Thomas **seconded** the motion.

Mr. Rooker suggested the Board not vote on the SP tonight, because the question remains as to whether conditions can be fashioned which might address the safety issues that have been raised. He said he would like the Board to step back and consider a revision of conditions that might address these issues, as the problems raised might be resolved through re-crafted conditions.

Mr. Davis clarified that the Board could defer and would not have to hold another public hearing.

Mr. Boyd said he would not want to put the neighborhood through another delay.

Mr. Snow said he would like to go ahead and vote on it also.

Mr. Rooker said he hoped the Board would agree to defer it, with staff coming back with recommendations on conditions, so the Board can see if those issues of concern can be addressed.

Mr. Boyd said he thinks the Board owes the community a resolution to the situation, but he would agree to a deferral.

Mr. Boyd then **withdrew** his motion. Mr. Thomas **withdrew** his second.

Mr. Rooker **moved** to defer SP-2013-00005 until October 9, 2013. Ms. Mallek **seconded** the motion.

Mr. Benish asked for clarification on the particular conditions and issues the Board wanted staff to address. He confirmed that staff would look into conditions regarding the status of the church and elimination of the existing SUP pertaining to the church; requirement for busing or transportation of a certain number of students – which would be an enforcement issue; traffic and analysis of the feasibility for a turn lane and the timing mechanism as it relates to allowing the school to go forward; protection of the adjacent (Iachetta) property; and clarifying condition 4 (defining event).

Mr. Benish asked Mr. DeNunzio if VDOT could help with the turn lane analysis by October 9, and Mr. DeNunzio agreed that he could. Roll was then called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: Mr. Thomas and Mr. Boyd.

Agenda Item No. 11. **PUBLIC HEARING: ZMA-2012-00004. Avon Park II (Signs #89&91).**
PROPOSAL: ~~Rezone 5.262 acres from R-6 zoning district for which allows residential uses at a density of 6 units per acre to PRD zoning district which allows residential uses with limited commercial uses at a density of 3 – 34 units/acre. 32 maximum units proposed for a density of 6 units/acre. ENTRANCE CORRIDOR: Yes. PROFFERS: Yes. COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small scale non-residential uses. LOCATION: 1960 Avon Street Extended. Approximately 1000 feet north of the intersection of Avon Street Extended and Route 20, south of existing Avon Court. TAX MAP/PARCEL: 09000000003100. MAGISTERIAL DISTRICT: Scottsville. (No action required; moved to consent agenda.)~~

Agenda Item No. 12. **PUBLIC HEARING: ZMA-2013-00006. Estes Park- Proffer Amendment.**
PROPOSAL: ~~Amend proffer #4 of approved ZMA201200008 to remove the requirement that the construction entrance enter from Proffit Road. Construction entrance will be located off of Worth Crossing. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses. ENTRANCE CORRIDOR: No. LOCATION: In the southeast quadrant of the intersection of Proffit Road (Rt 649) and Worth Crossing, approximately 800 feet south of Proffit Road in the Community of Hollymead. TAX MAP/PARCEL: TMP 03200000003300, TMP 03200000003400, 046B4000000500 and TMP 046B40000005A0. MAGISTERIAL DISTRICT: Rivanna. (No action required; moved to consent agenda.)~~

Agenda Item No. 13. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said she had received an answer to her question regarding Item 8.9 on the consent agenda from Mr. DeNunzio, and **moved** to approve it. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

The Board of County Supervisors of Albemarle County, Virginia, in a regular meeting on the 14th day of August, 2013, adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated October 28, 2011, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 631 (Rio Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 631 (Rio Road), identified as from 0.44 miles southeast of Route 650 (Seg G) to 0.58 miles south of Route 650 (Seg L), for a distance of 0.14 miles; those portions of Route 631 (Rio Road) from 0.17 miles southeast to Route 650 (Seg E) to 0.44 miles southeast of Route 650 (Seg G), for a distance of 0.27 miles; and those portions of Route 631 (Rio Road), identified as from 0.44 miles southeast of Route 650 (Seg G) to 0.05 miles east (Seg H), for a distance of 0.05 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 631 (Rio Road) identified as from 0.17 miles southeast of Route 650 (Seg E) to 0.32 miles southeast of Route 650 (Seg D) for a distance of 0.15 miles, with a right-of-way width of 80.5 feet; those portions of Route 885 (Dunlora Drive) identified as from 0.32 miles southeast of Route 650 (Seg D) to 0.36 miles southeast of Route 650 (Seg J) for a distance of 0.04 miles, with no right-of-way width; those portions of Route 631 (Rio Road) identified as from 0.39 miles southeast of Route 650 (Seg C) to 0.32 miles southeast of Route 650 (Seg D) for a distance of 0.07 miles, with a right-of-way width of 80.5 feet; those portions of Route 631 (Rio Road) identified as from 0.05 miles southeast of Route 2500 (Seg K) to 0.08 miles southeast of Route 2500 (Seg L) for a distance of 0.03 miles, with a variable right-of-way width of 67 feet; those portions of Route 1177 (Dunlora Drive) identified as from 0.05 miles southeast of Route 2500 (Seg K) to 0.11 miles east of Seg (J) for a distance of 0.11 miles, with no right-of-way width; those portions of Route 1177 (Dunlora Drive) identified as from 0.07 miles west of Route 1239 (Seg J) to 0.03 miles west of Route 1239 (Seg H) for a distance of 0.04 miles, with no right-of-way width; those portions of Route 631 (Rio Road) identified as from Route 2500, a distance of 1.01 miles north of Route 3412 (Seg C) to 0.05 miles southeast of Route 2500 (Seg K) for a distance of 0.05 miles, with a variable right-of-way width of 67 feet; those portions of Route 2500 (John W. Warner Parkway) from A-Melbourne Road (City street) to 0.70 miles north of Melbourne Route (B-Bridge Structure 6402), a distance of 0.70 miles, with a variable right-of-way width of 41 feet; and those portions of Route 2500 (John W. Warner Parkway) identified as from 0.70 miles north of the intersection with Route 3412 (Node B) to 0.31 miles north to intersection with Route 631 (Rio Road)(Node C), for a distance of 0.31 miles, with no right-of-way width, pursuant to Section 33.1-229, of the Code of Virginia; and

RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 15. Adjourn to August 21, 2013, 9:00 a.m., Morven Farms.

At 10:56 p.m., Ms. Mallek **moved** to adjourn until August 21, 2013 at the Morven Carriage Barn. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Craddock, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

Chairman

Approved by Board

Date: 09/03/2014

Initials: EWJ