

An adjourned meeting and a regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 9, 2013, Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The adjourned meeting was held at 3:15 p.m., and was adjourned from October 2, 2013. The regular meeting was held at 6:00 p.m.

PRESENT: Mr. Kenneth C. Boyd, Mr. William B. Craddock (arrived at 3:49 p.m.), 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, Director of Community Development, Mark Graham, Director of Planning, V. Wayne Cilimberg, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 3:35 p.m., by the Chair, Ms. Mallek. Ms. Mallek announced that the Board needed to recess at 5:15 p.m. for a closed meeting, noting that there may not be enough time to get through the Comp Plan discussion.

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Agenda Item No. 2. Northside Library Schematic Design.

Mr. Trevor Henry, Director of the Office of Facilities Development, addressed the Board and introduced Project Manager, Ron Lilley, and Lead Architect and Project Manager, Jamie Shook. Mr. Henry said the Northside Library project is a fast track project with a three-acre site acquired in May, including a 60,000 square foot building off West Rio Road. He stated that the County hired HPM Architects from Cleveland, Ohio in July – a firm that is very experienced with renovation and adaptation of these types of buildings for library use. Mr. Henry said a joint design committee was formed and they established a public process and schedule which includes a very tight timeline, due to the fact that the County is trying to get into the storage component by the end of May with the library component occupied by the end of October 2014. He stated that they are in the completion stage of their schematic design phase and are moving onto design development, and hope to have the site plan in within the next several weeks with bids expected in the first quarter of 2014. Mr. Henry said they have already held two public meetings on the project, including an open house, with another public meeting scheduled for November 7. He stated that the ARB had a very favorable response to the design to date, and the project is on the Planning Commission's agenda for the following week. Mr. Henry presented photos of the site, noting the parking space and the Butler building.

Mr. Jamie Shook addressed the Board, presenting the site plan they've developed and stating that one of the principle goals was to improve or soften the hard parking lot – with direction from the Planning Commission to try to locate the majority of the parking in the back of the building. He said this concept led to a split design with the majority of the parking in the back and some parking in the front, which allowed them to open up and incorporate lots of green space and landscape buffers throughout the parking lot. Mr. Shook stated that this concept also led to the idea of two entrances into the library - one from the main parking lot in the rear and one from the secondary parking lot in the front of the building. He said a few other functions on the front of the site include a customer drop-off area adjacent to the secondary entrance, a drive-up book return, and service windows to receive or return material. Mr. Shook stated that, in the rear where the main entrance is, they are developing a landscaped plaza to incorporate a reading area with seating and tables with the lower level being mostly storage facility. He said they have isolated the traffic around the perimeter of the parking to get it away from the patrons visiting the library. He said a serpentine screening wall will be incorporated in the design to hide those functions from the library entrance.

Mr. Rooker asked if it still provides plenty of room for trucks to access that area. Mr. Shook said that, to maneuver a truck, it would pull head-in into the turnaround spot and back all the way down the driveway to the loading dock. He stated that it's designed to accommodate any truck up to the size of a semi, and the dead-end portion was only about 50 feet deep but is wide enough to accommodate a wide swing.

Mr. Henry noted that the majority of traffic there would be vans or box trucks, even though it's modeled to handle 18-wheelers.

Mr. Shook presented a schematic of the lower-level floor plan, noting that this is the majority of the storage facility footprint space, to be accessed by an overhead door. He said there is also parking for the bookmobile and a workroom to serve the bookmobile and those customers coming to the library main lot would access the building at this entrance either by using an elevator or stairs to enter a lobby space that connects to the entrance on the opposite end of the building.

Mr. Henry said access to storage is on grade, along with sub-grade for trucks, and it is proposed that the bookmobile relocate to this area and remain housed within the library. He stated that the rest of the space is anticipated to be storage space for both County schools and local government, and is designed to be a dynamic, accessible warehouse space rather than a static storage space like the current one. Mr. Henry said there is a strategic initiative to add a warehouse manager to manage both storage and records.

Ms. Mallek said one of the things that came up in the meetings she attended was the need to have a workspace for the Friends of the Library for their sale, which could not be in the same place as the bookmobile.

Mr. Henry stated that they had that discussion at their last design team meeting and determined that it could be one or the other – but not both – and the Friends wouldn't have room for their book sale if the bookmobile were accommodated. He said, after several exchanges, the library came back and said they would prefer to have the bookmobile relocated there.

Mr. Shook presented further details of the plan, stating that there would be stairs and an elevator in a vestibule which would access the library from the parking lot, leading to a common lobby area that extends all the way through the building to the front so that a person entering either by the front or rear parking area would enter into the same common corridor. He said the line running along the bottom of the corridor provides the opportunity to close off the library functions of the building from what would become a community or after-hours wing that could be accessed when the library is closed. Mr. Shook said the community wing would incorporate some large meeting rooms that could be divided into two, with 140 seats when it's completely open, or a split of 90/70 when divided; public restrooms and a coffee shop/café area located to the left of the lobby, along with a small grouping of study rooms of various sizes and a flexible lounge space. He stated that this would be a "lively corner" of the library, with an opportunity to use lots of glass around the corner and be visible to people passing by on Rio Road.

Mr. Boyd asked if the County had done a space needs analysis, because it seems that every facility they are building includes meeting room space. Mr. Foley said they could look at this more closely as they go forward, but staff doesn't feel they are oversaturated with meeting space at this point – particularly in libraries, where there would be lots of meetings for different reasons.

Ms. Mallek stated that the alternative use of that would be programming for different groups and agencies, such as the Museum of Natural History.

Mr. Henry said the current element for the Northside stakeholders is an important feature, as they host meetings, children's hours, and other activities all day long.

Mr. Rooker said the problem with school meeting space is it can't be used during the school day.

Mr. Shook mentioned that they held a small focus group with eight attendees from the local business community and library personnel and, because there was no place at the Northside Library to meet, they had to sit in the teen area at a table on the floor.

Mr. Henry said the demarcation wall is glass, so the entrance is really a grand stairwell with a very open feel, but a space that can be closed off and used as flexible space in off hours.

Mr. Boyd asked how much was budgeted per square foot for the building. Mr. Henry said he thought it was around \$180, but he would get the Board an exact figure.

Mr. Shook stated that, within the library, there are different types of displays, two service points, the circulation desk, a centrally located reference desk flanked by the book stacks and collections, an enclosed computer lab also proposed to have an operable wall for classroom space use, a quiet reading room, children and teen areas, and a flexible program room for story time or teen events. He said the design incorporates many different kinds of seating areas throughout the library in the stack areas, with strategically located long windows and skylights to draw in natural daylight. Mr. Shook said most of the staff area is located on the left-hand portion of the plan, which provides access to the drive-up services.

Mr. Henry said it helps to look at the inside to fully understand the outside design, and explained that the upper area is the mezzanine section with half of it designated to be staff space and the other half used for programs. He said the School Division requested consideration of relocating their ESL program there, which would require about 3,000 square feet.

Ms. Mallek said the students would have to be transported from their schools under that scenario.

Mr. Henry said much of the programming is ESL for adults and would be evening classes.

Mr. Henry said the planning team has budgeted and planned for office space that might be able to support this programming and potentially bid it as a "bid all," in an effort to meet the Board's desire to have flex-space and multiple use space.

Mr. Shook noted that the two entrance points were a strong influence in how they developed the exterior design, with the lobby shape extended through the building and out both the north and south entrances to create identifiable entry points to the library. He said there is a canopy that wraps up and over and folds out to become a covered drop-off area to the left so that people getting dropped off can walk under cover from that point to the library. Beyond the canopy, he said, is a cornered window that's opened up for flex-space – and to the right of the entrance is drive-up services with a window and book return options. He noted the location of the primary entrance, where most of the parking is located, with the same form extruded through to the back side folding into a canopy effect. Mr. Shook said, to the left of that, there are large openings into the teen room, floor to ceiling glass, the children's room, and meeting rooms. He said, in front of the entrance, there is a landscaped entrance plaza with seating and tables for sitting and reading, and noted the location of a building section cut through the lobby to join the entrances. Mr. Shook stated that there is a glass wall which separates the community wing from the rest of the library, so it remains very transparent and open.

Ms. Mallek asked about the availability of handicapped parking spaces on the Rio Road side, as one of the comments she has heard is the need for more spaces for the mobility impaired.

Mr. Shook said the design provides handicapped parking spaces at both entrance points, and there has also been discussion of designating some spaces for seniors.

Mr. Henry mentioned that what's currently reflected is the requirement and, further in the design phase, they would address additional measures including a walking connection from the bus stop at Rio Road via the sidewalk.

Mr. Shook said the connection, which would also feature some bicycle racks, would likely be along the drive so pedestrians are not cutting through the parking lot but around it instead.

Mr. Henry stated that he and Mr. Higgins would be meeting with Martha Jefferson Hospital officials the following Monday to discuss the project and determine any opportunities for coordination.

Mr. Boyd asked for clarification of the property line. Mr. Shook pointed out the property line, and said it was a shared entrance and access drive – with the boundary to be left open.

Mr. Henry noted that the property line basically splits the entrance and aisle way, and the County has the entrance easement rights to use it.

Mr. Henry reported that they have an initial estimate for construction at \$6.4 million, and there may be opportunities for savings within that amount. He said the estimate includes some assumptions such as the warehouse manager position, which will affect the design and possibly increase the cost of establishing the storage space. Mr. Henry stated that the estimate also assumes no further entrance enhancements from VDOT, but that is still to be determined. He said they would likely develop some bid alternates through the process to allow them to stay within the appropriated budget.

Mr. Rooker asked how much expansion of the shelved book space would be part of the new library. Mr. Henry responded that staff would have to look that up and get back to him.

Mr. Henry asked the Board for feedback on the design and plan presented.

Mr. Rooker commented that he liked what was presented, stating that it seems very functional and has some nice touches in terms of making the space easy and workable.

Ms. Mallek said she thought they had originally planned to have the sliding glass wall come out 2/3s of the way along rather than the entire library center open, and said that's a decision operations staff will have to make as to whether they want to have all the various meeting spaces open.

Mr. Henry stated that they would have the ability to secure the wall in different places to make the space more flexible.

Mr. Thomas asked if the ARB liked the blue color.

Mr. Foley and Mr. Henry responded that their first impressions were favorable.

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**Note:** Mr. Foley said staff would like to reschedule the Comp Plan work session review, as the focus at this meeting on solid waste issues was important.

Board members agreed to postpone the Comp Plan discussion to a later meeting.

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Agenda Item No. 3. **Work Session:** Solid Waste Convenience Centers, to include public input and Board direction.

The following executive summary was forwarded to Board members:

“On July 10, 2013, the Board considered a proposal the County received for providing solid waste and recycling services (Attachment A). The Board determined that there was interest in opening three convenience centers and in continuing financial support of the McIntire Recycling Center, and that there was no interest in continuing financial support of the Ivy Materials Utilization Center after at least one of the convenience centers was operating. Staff was directed to proceed with opening at least one convenience center by July 1, 2014 and to arrange an opportunity for the public to provide input to the Board regarding the location and services to be provided at the convenience centers.

This work session is intended to address the following:

1. Provide an opportunity for the public to provide input on services to be provided at the proposed convenience centers.
2. Establish a site selection process for locating the convenience centers, including criteria for site selection.
3. Determine if there is a site for a convenience center that the Board is prepared to authorize staff to proceed with design and to initiate the process for construction with the goal of the site becoming operational by July 1, 2014.

#### **Public Input**

Staff has identified three areas where it believes input would be useful regarding the design and operation of the convenience centers. Each of those is further discussed below.

**Services Provided** – The proposal in Attachment A includes the following services:

- Bagged Municipal Solid Waste – to include self contained compactor
- Cardboard – to include self contained compactor
- Recycling – Containers provided for paper, metals, glass, and plastic
- Other – White goods, pallets, computer/electronics not required to be treated as hazardous waste would be accepted

Subsequent discussions with the proposer and the Board have focused on expanding this to include the following services:

- Bulky Waste/Other MSW - Container proposed for disposal of old furniture, home materials, etc.
- Vegetative Waste – Small loads would be allowed with the MSW or Bulky Waste. Large truck loads would be directed to the contractors facility at Zion Crossroads

At the July 10 Board meeting, the proposer offered that it may be possible to expand the recycling options and to allow other materials collected to include items such as paints, batteries, and fluorescent bulbs. Staff plans to explore these options with the proposer, based on Board interest expressed for those services.

**Hours of Operation** – Staff required in the proposal that the contractor commit to keeping the convenience centers open to the public a sufficient number of days and hours to satisfy public needs. However, the proposal is flexible regarding the days and hours of operation. Public input is necessary to determine the days and hours of operation considered necessary for convenient service.

**Location of Convenience Centers** - The Board has indicated an interest in locating the facilities to maximize convenience to the largest geographic areas rather than locating the facilities at the fringe of the Development Areas. Staff has attempted to illustrate this with the map provided as Attachment B. There are four circles shown to illustrate approximate service areas, with the easternmost circle representing the existing private facility operated at Zion Crossroads, which is already available to the public.

**Site Selection Process** – For the purpose of evaluating possible convenience center sites, staff recommends the following criteria:

- Convenience / Location – Includes consideration of the proximity to the center of the circles shown in Attachment B and distance from a primary highway that provides easy access.
- Size /Shape – Determine the parcel has adequate room for a convenience center.
- County Owned – A parcel that is already owned by the County eliminates the time and expense to purchase the property.
- Entrance Corridors – While convenience to a primary highway is important, the County's expressed interest in the Entrance Corridor Design Guidelines provides a challenge for this type of use.
- Number of residences within 1,000 feet of facility – Staff has noted that there have been issues in other communities for nearby residents related to noise, smell, vermin, and property values.
- Utilities – Primarily related to availability of electricity, noting there can be a significant cost in bringing electricity to a site.
- Topography – The closer the property is to a "pad ready" site, the lower the development costs will be and the less time it will take to prepare the site.
- Improvements needed – This includes consideration of entrance improvements required by VDOT, screening and fencing required, as well as other possible considerations (e.g. utility relocation).

**First Facility** - Due to the lead time required for the design and construction of a facility and the Board's direction to have at least one facility operational by July 2014, a decision is needed as soon as possible for at least one convenience center location. Staff has considered the above selection criteria and previous Board input, and has determined that the County-owned property on Esmont Road in Keene appears to satisfy the site selection criteria (Attachment C). This is a seven-acre site previously planned for a transfer station at the time the Keene Landfill was closed, but never used for that purpose. This site is near the center of the circle for the southern part of the County (Attachment B), has no residences within 500 feet of the proposed site and only two within 1,000 feet of the site, and is located close to a primary highway but not directly on an Entrance Corridor.

Staff estimates that startup costs for a convenience center may be as high as \$300,000, noting this estimate may vary dependent on specific site conditions. The CIP currently contains funds appropriated for the Ivy Landfill Remediation in excess of those needed in FY14. The option of shifting those funds for the construction of convenience centers was discussed with the Board in July, and staff is recommending this as a funding source.

Staff recommends the following:

- After receiving public input, provide direction to staff regarding the services, site selection and design of convenience centers.
- Direct staff to proceed with site selection analysis using the map provided as Attachment B and the selection criteria provided in this report and to work directly with the Supervisor in whose district a site is being considered. Each site will require Board approval before

- proceeding to design and construction.
- Direct staff to proceed with the design of a convenience center at the Keene property, noting that the initial design cost should not exceed \$50,000 and that staff will provide a cost estimate for construction to the Board prior to advertising for bids.

Mr. Mark Graham addressed the Board, stating that he would go through the executive summary and a summary of public comments he received at the lobby display just before the meeting.

Mr. Graham reported that, in July, the Board gave direction to move forward on three convenience centers to be located in the rural areas, and the services were to closely match what was already provided by the Rivanna Solid Waste Authority (RSWA) at the Ivy facility – which includes municipal solid waste (household garbage); recycling services for appliances, tires, bulky waste, and small loads of vegetative waste. He said business and commercial haulers would have to make other arrangements and would not be allowed to bring their materials to these convenience centers. Mr. Graham stated that the County would continue funding of the McIntire Recycling Center, with that decision possibly revisited in the future once the convenience centers had been operating for a while to determine if McIntire is still needed to provide services to the County. He said the goal is to have at least one of the convenience centers operating by July 2014 and, at that point, Rivanna services would be discontinued at the Ivy Material Utilization Center.

Mr. Foley asked Mr. Graham to clarify the issue regarding clean fill and other things that would not be accommodated.

Mr. Graham said clean fill is not provided under this scenario, but it's typically a service provided to commercial enterprises that can't use a convenience center anyhow, and they would have to go to a transfer station or make another arrangement for materials disposal. He said the same was true for large loads of vegetative waste, as convenience centers are not set up to handle that. Mr. Graham said that he's been asked frequently what would happen in the event of a derecho or hurricane and, in the past, the County has had a policy of establishing designated areas for collection of materials when they felt there would be federal funds to help cover those costs – such as a drop-off site at Darden Towe Park.

Ms. Mallek said staff had mentioned clean fill as meaning extra soil and asphalt, concrete, bricks, etc., which have currently been used at the landfill as a “cap,” and that is the one issue she has heard about from small businesses in regard to a possible option for them to still take clean fill to Ivy.

Mr. Graham said staff has introduced that question to the RSWA, and they could continue to accept the clean fill and/or the vegetative waste – but currently they are not interested in providing those services without a transfer station, as they don't think they can run it cost effectively without the other services being there. He stated that they have “borrow pits” that can be used as a source for dirt as a cap on their landfill cells, and there's nothing that would prohibit RSWA from continuing that operation should they choose to do so.

Mr. Foley reiterated that Rivanna has said they don't think they can run it profitably, so the County would need to make up the difference if they continued it, and that would need to be under a separate contract.

Mr. Boyd said, under the proposed plan, people would have to take those items to Zion's Crossroads.

Mr. Foley said they would, and this is not atypical for other localities. He explained that that's the important thing about the change in level of service, as large vegetative waste and clean fill is not something that can be accommodated at the convenience centers.

Mr. Boyd asked how they would qualify “small” vegetative waste. Mr. Graham said it would mean a pick-up truck or vehicle that a typical resident would have, and they are still considering the question with Van der Linde as to whether to go to a fee base for vehicles or whether to set up a small set of scales for the facilities. He said they're leaning toward a set fee with a facility design that would accommodate scales at a later time if it was deemed necessary to provide the service.

Mr. Boyd said this proposal continues the County's participation at McIntire, and he thought they weren't going to continue there.

Mr. Foley said staff had tried to clarify that with the Board, and the consensus was to keep it open for some period of time to see how it played out – and one of the factors was that it creates a more central place for urban area residents to recycle. He said staff understood their direction was to ask Rivanna to continue that service at least for the next few years, at which time they would reassess.

Mr. Boyd said he wasn't sure he agreed with that.

Ms. Mallek agreed, and asked what date the current decision goes through.

Mr. Graham said it was through July 1, 2014.

Mr. Foley said they would need to figure it out quickly, because Rivanna would need to know.

Mr. Boyd said he thought the first convenience center would be in the urban area, near Monticello High School.

Mr. Foley said the Board had said they hadn't liked that option in the southern part of the County's urban ring, and preferred something closer to Keene. He stated that Mr. Rooker had suggested keeping McIntire open for recycling services.

Mr. Rooker said the consensus of the Board was to keep McIntire open because it would be closer to the urban ring than most of the sites they're considering for the new facilities.

Mr. Foley said he thought they would need to reassess that after a few years, so it's not an indefinite arrangement, and they would need to let Rivanna know whether it should be extended for one year beyond July 1, 2014 – but not a commitment beyond that.

Ms. Mallek stated that they need to have a discussion and figure out some more information before she would agree to go another year or not.

Mr. Graham reported that they are proposing convenience center locations based on staff-recommended criteria: convenience and location, considering the proximity of the sites to County "service areas," as well as their distance from a highway that provides reasonable access to a large number of people; size and shape, ensuring that a selected parcel has adequate room for a convenience center – with a preference given to County-owned property. He said the sites would have a difficult time fitting within the design guidelines for Entrance Corridors; therefore, it may be better to locate them near – but not necessarily on – an entrance corridor.

Ms. Mallek said if there's already a property in industrial use, it may be advantageous even if it's in an Entrance Corridor. She stated that all of the criteria should be considered on balance, rather than having a single one excluded from consideration.

Mr. Graham agreed that it would always require some balance of all factors to try to come up with a decision as to which sites are best overall.

Mr. Graham stated that the next criteria staff considered was proximity to residences, recognizing that these uses might not be considered desirable next to people's houses. He said another factor for consideration was the cost of bringing utilities in, and it greatly helps if those are readily available. Mr. Graham stated that they would need to consider topography, recognizing that the less grading that needs to be done the less money would need to be spent. He said entrance improvements and road widening are also factors that would impact the cost of getting a site established.

Mr. Foley said there seemed to be a sentiment among the Board that they didn't necessarily want them in development areas, but he wasn't sure if that was a conclusion.

Ms. Mallek said she didn't remember that discussion, and would not want that site to be excluded because, for five years, Crozet had \$250,000 in the budget to have a convenience center located there.

Mr. Rooker stated what they want to come up with are sites that are geographically dispersed so that they're reasonably accessible by the larger part of the population that's unlikely to have pick-up service at their homes. He said he liked the Monticello High site because most people from the southern end of the County come into town for a variety of reasons and can bring their trash when they come into town. Mr. Rooker stated that the outlying urban areas also make sense – Crozet, the Rivanna area off of Route 250, etc. – as it's easy for anyone in that ring to access a center.

Mr. Graham said staff didn't see these criteria as being singly exclusionary, as there is no perfect site and selection would always require a balance of these issues. He stated that, in looking at typical service areas for a large number of residents, he included a larger circle for Zion's Crossroads with a transfer station – adding that there is a free convenience station there provided for the public. Mr. Graham presented a map of ideal locations for the convenience centers. He said staff identified one County property in Keene that could be up and running by next summer – a seven-acre parcel approximately 2/10 of a mile from Route 20 on Esmont Road, originally purchased for use as a County transfer station when the landfill closed but never used for that purpose. Mr. Graham referenced a diagram showing the actual parcel and what a typical convenience center might look like on it, stating that there are few nearby residences but the closest one is separated by 600 feet of wooded buffer. He said the site is wooded and provides good screening from nearby uses, and drops away to the east but is level as it approaches Esmont Road. He stated that there are electric lines running across the front of the property, and there is a good public road in the area. Mr. Graham presented a diagram showing the location of the property in proximity to the road and the entrance, and said there is good site distance on the road.

Mr. Graham presented a photo of what a typical convenience center might look like, noting the drop-off location for municipal solid waste with compacting bins, and bins for other service such as tires and electronics, and recycle bins. He said it would take about 1/2 to 2/3 of an acre to develop a site like this.

Ms. Mallek asked if they would start out offering so many services. Mr. Graham responded that they would start out close to this but might cut back on the number of municipal solid waste pads over time, and confirmed that some pads will have no containers. He said they would do recycling and would have a compactor specifically for cardboard.

Mr. Foley said this might be a little more elaborate than what they would start out doing, and Mr. Graham said this was just an illustration of what a typical site would look like.

Mr. Boyd asked if these would be manned sites. Mr. Graham said they would be manned, and the way things are structured, the hours would not go into the evening.

Mr. Craddock reported that there is a well on the property. Mr. Graham said he didn't find any record of it, but that doesn't mean there isn't one there.

Mr. Craddock stated that C.R. Moore drilled back when the County was thinking about making it a transfer station. He asked what would happen to the trash after it was compacted, and whether it was going to Zion's Crossroads for sorting or to JMU to be burnt.

Mr. Graham said it would all be taken to Zion's Crossroads to be processed, and potentially some of what couldn't be recycled would be transported to JMU for waste energy.

Mr. Craddock said he stopped by the Bedford facility earlier in the day, and the site looked much like the diagram of the new site proposed for Albemarle. He stated that it was a very nice facility.

Mr. Graham stated that Bedford has a total of 11 facilities – seven of which are manned and four are not manned – and there is a wide range of possibilities for the sites. He said the trees will accomplish much of the screening for the proposed County site, and that would be determined during the design phase.

Mr. Snow asked how many people would it take to man a site. Mr. Graham said there would be one person on-site.

Mr. Graham stated that the recommendation from the executive summary is for the Board to provide direction to staff regarding the site selection and design of the convenience centers. He said he feels they have a good site selection analysis process in place, having already identified several potential locations, and would like to proceed in pursuing the other facilities. Mr. Graham said staff hopes to proceed with design of a convenience center located at the Keene property with the understanding it would come back to the Board before it would ever go out for bid.

Mr. Graham said staff had displays in the lobby prior to this meeting and 11 members of the public came in and commented, with four major themes revealed in the process. Mr. Graham said there is a major interest in having the County provide as many recycling services as possible, with a lot of interest in motor oil, batteries, fluorescent bulbs, and paint – and a strong interest in getting independent verification that the materials are actually being recycled. He stated that the second major theme was to keep the current operations going, as people are comfortable with Ivy and don't understand why the County would want to do something different at this time. Mr. Graham said there was a lot of concern about providing the same services at each convenience center as what's currently available to residents at Ivy. He stated that there was also a strong interest in making sure there is good public communication on what decisions are being made and why they are being made.

The Chair then opened the meeting for public comment.

Ms. Terry Kent addressed the Board, stating that she is a County resident and runs an organization called "Better World Betty." Ms. Kent said, the previous November and December, her organization collected approximately 500 signatures of people who wanted to keep the McIntire Recycling Center open. She stated that they would like to see the Board of Supervisors require full transparency in terms of what the hauler or vendor is doing with the material that's recyclable and how much is being truly recycled. Ms. Kent said her organization gets a lot of questions about recycling oil, paints, pesticides, etc., and stated that two times a year for disposal of hazard waste is just not enough. She also said she would prefer that people not have to pay a fee for recyclables, and ultimately would like for items to be reused and repurposed. Ms. Kent stated that waste and recycling are the right things to do with taxpayer dollars for the stewardship of the community.

Mr. John Martin addressed the Board, stating that he has lived in the County for 15 years and has been active in community issues, and this is the first time in his experience that he has seen a government not actively involved in a core function of government with strategic planning and comprehensive planning. Mr. Martin said he would certainly use the convenience centers, but they need something more than that – something that would take the County into the future and a plan as to how to treat solid waste for the long term. He asked whether they were going to treat solid waste as garbage forever, or do as other communities have done and make a paradigm shift as to how they regard solid waste, treating it instead as a resource. Mr. Martin said this effort will take a lot of planning, and there doesn't seem to be a sentiment that it would be implemented. He commented that this is an area where there are active opportunities for entrepreneurs, in addition to the private efforts already underway. Mr. Martin added that his trash is picked up weekly, but has received mixed messages as to whether his trash is actually being separated for recycling.

Mr. Boyd asked if there was anyone representing the industry who wished to speak. Mr. Thomas said he agreed with Mr. Martin that solid waste handling is a core function of County government, and he is not convinced that the curb service enterprises would be operating for the long term.

Mr. Boyd said he would like to hear from Van der Linde, as their opinion may differ from others here.

Mr. Rooker stated that, prior to doing that, he wanted to state that there are convenience centers used by communities all over the country – including Bedford, which is much smaller than Albemarle – and he considers this a paradigm shift, because the County is moving to a system whereby a large part of what's put out will be recycled. He said they would effectively be going to a private sector vendor already in this business to implement what is a paradigm shift, where people can take recycling and household waste to multiple locations. Mr. Rooker stated that he doesn't view this as something that government has to do, when the private sector is already in the business, and may be able to do it better than government can.

Mr. Snow said he felt it would be done a lot better than it is now, especially when considering where it ends up now – in other people's dumpsters in the City, on the side of the road, etc.

Mr. Mike Ledford addressed the Board on behalf of Van der Linde recycling, stating that they are building a bigger multi re-use facility (MRF) than they've ever had and are spending a lot of money doing it. He said they are able to spend that kind of money based on keeping things out of a landfill, and couldn't take the material in at a reduced rate and then pay to put it in a landfill. He emphasized that it is in their best interest to sort as much out of it as possible and, once the facility is completed, the Board members can tour it to see firsthand what goes on. Mr. Ledford stated that this is a new shift in approach, and Van der Linde is spearheading it. He said they bale and recycle a lot of the material, but also put a lot into the incinerator.

Ms. Mallek asked if people currently bring clean fill to the site. Mr. Ledford replied that they do, and sometimes they get concrete in huge tons, which they crush down into gravel. He said they take in vegetative waste and take it to a facility that grinds it down into recyclable products. Mr. Ledford said Van der Linde's recycled wood product is a dry kiln product, so they don't make a product out of the vegetative waste.

Mr. Boyd said the last time he visited the site, they were negotiating with Harrisonburg to take the incinerated waste there, and asked if that had been resolved.

Mr. Ledford stated that they go there every single day with waste material, but also send some to the landfill. He emphasized that Van der Linde provides about 60% of what Harrisonburg takes in, and they would like even more.

Mr. Craddock said he sits on the board of a facilities complex, and they went to Van der Linde this year and received a better price and product as well as the benefit of having the material shipped to the incinerator in Harrisonburg.

Mr. Ledford stated that he and Mr. Graham traveled to Cumberland County earlier in the week, and Van der Linde has had a partnership with the convenience center there for the last two years as part of a five-year deal. He said the system there does all municipal solid waste (MSW) if people don't separate, and put numerous bins out which allow people to separate. Mr. Ledford said Van der Linde's new system would allow both streams, and they have no preference on how it comes to them – but if it comes in already separated, it's not in their best interest to mix it. He noted that, if anything comes in as a comingled stream, it's separated and, if it comes in the back of an MSW truck, it's all separated. Mr. Ledford said there's another step that will be taken with anaerobic digesters and other measures, but this is just the next step.

Mr. Rooker said a community of Albemarle's size would have to make a gigantic capital investment to provide the level of public service that it's going to get with Van der Linde, a company that's already in the business and has experience with new techniques and modern equipment. He said, from their past record, it's clear to him that they intend to pursue the business more on the cutting edge to modernize and find better ways to realize value out of the stream brought there – with a large part of the waste turned into something valuable to be reused. Mr. Rooker stated that he is very excited about what they're doing here.

Mr. Foley said, as the County moves forward with this, they will probably want to include clarification on how this works as part of an overall communication plan.

Mr. Rooker asked what had been decided about fees. Mr. Graham said the fees in the proposal largely reflect the fees currently charged by RSWA at Ivy, so it basically keeps those fees in place.

Ms. Mallek asked if that would be for clean fill also. Mr. Graham stated that, in their proposal, they did not have a separate collection of "clean fill," and a dump truck full of dirt would not be handled by the County, it would be private.

Mr. Boyd asked what staff would like to have from the Board at this point. Mr. Foley said it would be helpful for the Board to endorse the proposed criteria so that staff can bring back some options for the other sites, and they would also like to get direction to move forward with the Keene site, in particular. He said staff wanted to make sure the Board was comfortable with the level of service, and what the sites would take or not take. Mr. Foley stated that it's the commercial side they wouldn't be continuing to take, which would also include large amounts of vegetative waste and clean fill.

Mr. Snow **moved** to approve the plan for staff to move forward with the Keene convenience center site as presented in their recommendations, and to include up to \$50,000 for site design.

Mr. Snow asked what opportunities for input the citizens of that area would have going forward.

Mr. Foley said staff would schedule a community meeting in that area to discuss the plans and present some photos and renderings of the proposed facility.

Mr. Graham stated that staff would like to get to a schematic level so there's something the neighbors can comment on, rather than just hypotheticals.

Mr. Snow said, in the town hall meetings, people have been asking for convenience centers for years.

Mr. Foley said staff would put together a communications plan and engagement process to formalize notification to the community and set some meeting dates.

Ms. Mallek **seconded** the motion. She stated that she hopes they don't have to wait for the single Keene site to be finished before they move forward with other centers in parallel.

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

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

NAYS: None.

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Ms. Mallek commented that she wants to make sure they determine how to get some better discussion on the Ivy facility, because it's completely appropriate to use that site for some things.

Mr. Foley said, just in the last few weeks of preparing for this meeting, staff has spoken with Tom Frederick at Rivanna – and he has indicated that he would not likely recommend to the authority board that they continue any part of the operation, because he does not think they can make any money from it. Mr. Foley said both he and Mr. Boyd are on that Board, and he has asked Mr. Frederick to bring it up to the authority board.

Ms. Mallek asked if there was other support on the Board to request that their representatives on the RSWA emphasize to the authority board how important it is to the County to get some cooperation, adding that this is a real need especially if it costs \$50 a ton to take block other places when it's \$8 at Rivanna.

Mr. Foley said he didn't want to mischaracterize what Mr. Frederick said, and explained that he asked him about the objective view of making money on it and whether it would need to be supplemented – which he said would need to be done. He stated that the real question is whether the Board wants to request Rivanna to do something.

Mr. Boyd said he felt Mr. Frederick has been willing to do that, but it comes with a hefty price tag so it's probably not cost justified.

Mr. Rooker agreed.

Ms. Mallek said the price might be high because they don't want to bother with it, and she doesn't feel there's been a thorough vetting of the question.

Mr. Boyd said there are also concerns about liability and the fact that the facility is partially owned by the City.

Mr. Rooker said they have voted several times on the Board as to the level of service the County would provide overall, and the option included getting out of the business just described, recognizing that RSWA had indicated that they would no longer do it as a separate item and stand-alone service.

Mr. Foley clarified that staff would bring the McIntire item back to the Board at its November meeting.

Mr. Rooker noted that Van der Linde provides all of those services, they just won't be as close for people in the western part of the County.

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Agenda Item No. 4. **Work Session:** CPA-2013-01. Comprehensive Plan Update - Natural Resources; Historic, Cultural, and Scenic Resources; and Economic Development.

Due to time constraints, this item was deferred to November.

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**NonAgenda.** At 5:06 p.m., Mr. Craddock **moved** that the Board go into closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) and Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters regarding the provision of legal advice related to the compensation of specific County employees. Ms. Mallek **seconded** the motion.

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

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

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Agenda Item No. 5. Call to Order. The meeting was called back to order at 6:18 p.m., by the Chair, Ms. Mallek.

**Motion** was immediately offered by Mr. Craddock that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 6. Pledge of Allegiance.  
Agenda Item No. 7. Moment of Silence.

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Agenda Item No. 8. Adoption of Final Agenda.

Ms. Mallek said there were two items on the agenda for which the applicants have requested deferral.

Mr. Rooker **moved** to defer ZMA-2012-0003, Out of Bounds, at the applicant's request to November 13, 2013, contingent upon receipt of final proffers by the advertising date.

Mr. Rooker said the project was located in his district, and the neighbors were working out a solution with the developer regarding drainage issues.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Ms. Mallek then **moved** to defer ZMA 2013-0003, Crozet Avenue, at the applicant's request to November 13, 2013, contingent upon receipt of final proffers by the advertising date. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 9. Brief Announcements by Board Members.

Mr. Rooker recognized Boy Scout Troop 1028, and asked those members to stand. He stated that Susan Murphy is the troop leader, and noted that troop members Will Monroe, Cole Bencil, Clark Benham, Ben Troyer, and Aprev Sharma were working on their citizenship in the community merit badges.

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Mr. Snow announced that the County had received an award from the Southeast Energy Efficiency Alliance organization for LEAP, adding that there have been over 1,400 energy audits in the area – with a large portion done in Albemarle.

Mr. Rooker commented that this is an ongoing program that has saved homeowners thousands of dollars in energy costs, and anyone wanting an energy audit for their home can call LEAP to schedule one to be done by a professional at a very inexpensive rate.

Ms. Mallek said LEAP would soon announce a program that they would administer for Dominion Power, to subsidize improvements and light bulb replacements, and other ways to generate significant savings.

Mr. Snow stated that, when he moved into his house, he thought it was the most energy efficient home in Charlottesville but, after joining the LEAP board, they did an analysis of his house and determined that there were measures he could take such as extra insulation and light bulb replacement, and this saves him \$50-75 per month in power bills.

Mr. Rooker said one major benefit is having someone do the inspection who isn't trying to sell you the services, just recommending who to go to.

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Agenda Item No. 10. Consent Agenda.

Mr. Rooker said he would recuse himself from voting on the consent agenda because the church item on the agenda is the church he attends.

Mr. Boyd **moved** to approve the consent agenda as presented, with the exception of the minutes. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSTAIN: Mr. Rooker.

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Item No. 10.1. Resolution to accept McIntire Road (Route 631) (Project #104 U000-104-102,C-501) into the State Secondary System of Highways.

**At the request of the County Engineer, the Board adopted the following resolution:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the October 9, 2013, adopted the following resolution:

R E S O L U T I O N

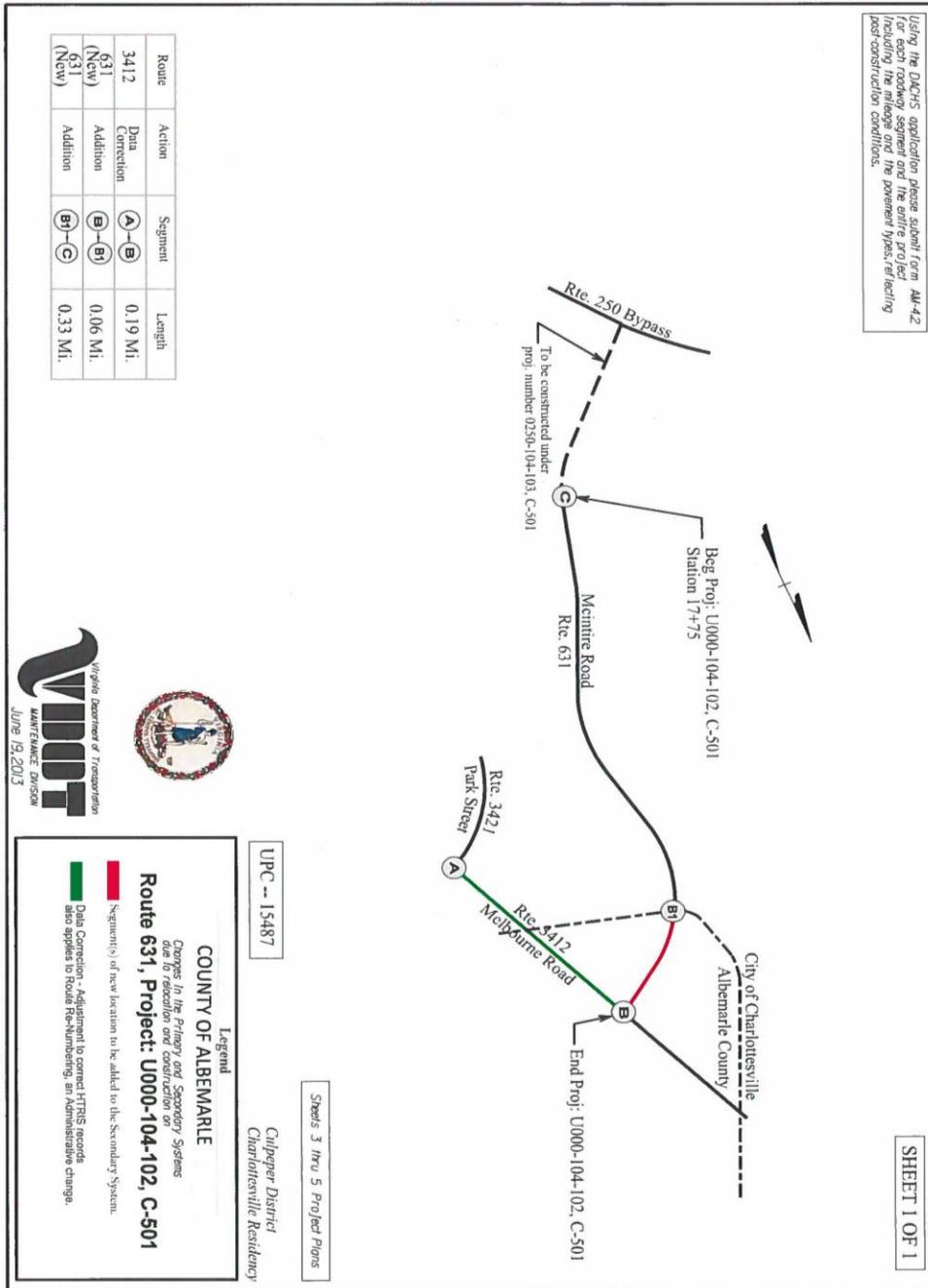
WHEREAS, McIntire Road (Project #104-U000-104-102,C-501), as described on the attached Additions Form AM-4.3 dated **October 9, 2013**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that McIntire Road (Project #104-U000-104-102,C-501) 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 McIntire Road (Project #104-U000-104-102,C-501), as described on the attached Additions Form AM-4.3 dated **October 9, 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.



Item No. 10.2. Church of Our Savior Special Exceptions (Critical slopes waiver and 20' Buffer Waiver) associate with the site plan (SDP2012-49)

The following executive summary was forwarded to Board members:

The current application is a request by the Church of Our Savior for site plan approval to demolish an existing vacant one story building (*formerly Associated Steel*) and construct a two story 5,802 square foot building in the previous buildings' general footprint on TMP 06100-00-00-146D0. The facility is to be used as a Youth Center for Church parishioners. The proposal also includes construction of four stone terraced walls and modification to the Church's existing overflow gravel parking and the addition of four paved handicapped spaces. The existing drive aisle on the Eastern portion of the property is to be regraded and repaved. The proposal also includes the construction of new ADA accessible pedestrian connections to the main church building and existing gravel overflow parking.

The Church of Our Savior complex contains multiple buildings located on two adjoining properties which are both owned by the Church:

- \* TMP 06100-00-00-146D0\_Zoned C-1\_which contains the proposed two story Youth Center
- \* TMP 06100-00-00-14400\_Zoned R-2 and C-1 (0.487 acres) \_which contains the existing Church

Staff is currently reviewing a Boundary Line Vacation plat submitted by the Church that proposes to combine the two parcels into one parcel. The boundary line vacation has no affect on the zoning of the properties thus the property will remain split zoned (C-1 and R-2). The 20' buffer zone required by Section 21.7c between the Church's R-1 zoned portion (Residential District) and the Youth Center's C-1 (Commercial district) remains unchanged.

As part of the site plan application the applicant is requesting two special exceptions:

- **Critical Slope Waiver** – to disturb small areas of what appears to be man-made critical slopes next to the proposed two story building and future location of one stone terrace wall and portion of new ADA accessible pedestrian connections.

- **Buffer Disturbance Waiver** – to disturb the buffer zone adjacent to residential districts to facilitate construction of one stone terraced wall, modification to the Church’s existing overflow gravel parking, and the addition of four paved handicapped spaces. The regrading and repaving of existing drive aisle on the Eastern portion of the property which runs through this buffer. And the construction of new ADA accessible pedestrian connections to the main church building and existing gravel overflow parking.

**Staff is recommending approval of both waiver requests.**

**DISCUSSION:**

**1. CRITICAL SLOPES WAIVER**

The proposed development will require the disturbance of critical slopes. A modification to allow critical slopes disturbance is necessary before the final site plan can be approved by staff. The applicant has submitted a request and justification for the waiver, and this request has been reviewed for both the Engineering and Planning aspects of the critical slopes regulations. The critical slopes being disturbed are on the Northern portion of the Youth Center property. These slopes appear to have been developed in part through the construction of the Associated Steel building; however, the grading and construction of the slopes does not appear on a “valid approved” site plan. Staff is recommending approval of this waiver request. This recommendation for approval is based on staff’s assessment which finds that the proposed disturbance substantially meets the requirements listed in Section 4.2.5:

**Review of the request by Engineering staff:**

**Description of critical slope area and proposed disturbance:**

This is an existing building site constructed in the mid 1970’s. There was no site plan recorded for the original project; however, the critical slopes appear to have been manmade.

| Areas                     | Acres                    |                        |
|---------------------------|--------------------------|------------------------|
| Total site                | 2.68 acres approximately |                        |
| Critical slopes           | 0.16                     | 6% of site             |
| Critical slopes disturbed | 0.07                     | 44% of critical slopes |

**Exemptions to critical slopes waivers for driveways, roads and utilities without reasonable alternative locations:**

This disturbance is not exempt.

**Compliance with Zoning Ordinance 18-4.2:**

“movement of soil and rock”

Proper slope construction, control of drainage, and vegetative stabilization will prevent any movement of soil.

“excessive stormwater runoff”

Stormwater runoff will be reduced in this area, as the slopes will be eliminated and stormwater facilities will be installed to capture and treat the runoff.

“siltation”

Inspection and bonding by the County will ensure siltation control during construction. Proper stabilization and maintenance will ensure long term stability.

“loss of aesthetic resource”

This area is not visible from the roads and houses in the neighborhood. Some of the slopes were created with the building and railway construction.

“septic effluent”

This neighborhood is serviced by public sewer.

Based on the review above, there are no engineering concerns which prohibit the disturbance of the critical slopes as shown.

**Review of the request by Planning staff:**

*Section 4.2.5 establishes the review process for granting a waiver of Section 4.2.3. The preceding comments by staff address the provisions of Section 4.2.5(a). Staff has included the provisions of Section 4.2.5(a)(3), along with staff comment on the various provisions. Under 33.9 Special Exceptions the Board of Supervisors may modify or waive any requirement of section 4.2 based on these provisions: (However, no specific finding is required in support of the Board’s decision.)*

*“A. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;”*

Granting the modification request could better serve the purpose of this chapter or the public health, safety or welfare by allowing a deteriorating vacant building to be demolished and a new 2 story facility to be erected in its place along with other site improvements such as stone terrace walls and ADA accessible pedestrian connection to the existing church. Notably, these slopes appear to be manmade and developed in part through the construction of the Associated Steel building. Strict application of this section would not forward the purposes of this chapter.

*“B. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;”*

No alternatives have been proposed by the applicant.

*“C. Due to the property’s unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in*

*significant degradation of the property or adjacent properties; or”*  
Staff cannot make this finding.

“D. *Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.”*

A finding that granting the waiver would serve a public purpose of greater import than would be served by strict application of the regulations can be made. By allowing the proposed disturbance of critical slopes, the County would allow the redevelopment of a vacant building and proposed site improvements.

Based on Engineering and Planning’s review above, there are no concerns that would cause staff to object to the approval of the critical slope disturbance request. Staff is recommending approval of this critical slope waiver request.

## **2. BUFFER ZONE WAIVER**

The proposed development will require the disturbance of the buffer zone. A modification to allow this buffer zone disturbance is necessary before the site plan can be approved by staff. The applicant has submitted a request and justification for the waiver, and this request has been reviewed against the buffer zone regulations. Section 21.7(c) of the Zoning Ordinance requires that no construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district and that screening shall be provided as required in section 32.7.9. Section 21.7(c)1 allows the commission to waive this prohibition as follows:

*The commission may waive the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case where the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design, provided that: (i) minimum screening requirements are met and (ii) existing landscaping in excess of minimum requirements is substantially restored.*

The waiver must now be approved by the Board of Supervisors as a Special Exception under Chapter 18 Section 33.5 and 33.9.

### **Description of proposed buffer disturbance:**

A portion of the existing overflow parking lot and drive aisle is within this buffer zone. The waiver request seeks to allow further disturbance of the 20’ buffer zone (as depicted in Attachment A) to facilitate:

- \* The construction of one stone terraced wall
- \* Modifications to the Church’s existing overflow gravel parking
- \* The construction of four additional paved handicapped spaces
- \* The regrading and repaving of existing drive aisles
- \* The construction of new ADA accessible pedestrian connections to the main church building and existing gravel overflow parking

Staff finds that the proposed disturbance within the buffer will result in an improved site design. The area of buffer disturbance currently has little to no vegetation present. The Agent finds screening and or landscaping within the buffer disturbance area to be unwarranted per the requirements of Chapter 18 Section 32.7.9.7(a)1. The area between the two uses is centrally located to the church site and is not adjacent to a residential use. Based on the review above, there are no concerns that would cause staff to object to the approval of the proposed buffer zone disturbance request. Staff is recommending approval of this buffer zone waiver request.

Staff recommends approval of the critical slopes waiver and the buffer zone waiver.

**By the above-recorded vote, the Board approved the critical slopes waiver to allow disturbance of small areas of what appears to be man-made critical slopes next to the proposed two story building and future location of one stone terrace wall and portion of new ADA accessible pedestrian connections; and approved the buffer disturbance waiver to disturb the buffer zone adjacent to residential districts to facilitate construction of one stone terraced wall, modification to the Church’s existing overflow gravel parking, the addition of four paved handicapped spaces, the regrading and repaving of existing drive aisle on the Eastern portion of the property, and the construction of new ADA accessible pedestrian connections to the main church building and existing gravel overflow parking.**

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Item No. 10.3. FY 14 Budget Amendment and Appropriations.

The following 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 appropriations itemized below is \$85,621.00. 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 two (2) appropriations as follows:

- One (1) appropriation (#2014047) to appropriate \$48,396.00 for grants awarded to the Police Department;
- One (1) appropriation (#2014048) to appropriate \$7,225.00 for the Criminal Justice Program grant administered by Offender Aid and Restoration (OAR); and
- One (1) appropriation (#2014049) to appropriate \$30,000.00 for a Virginia Department of Agriculture and Consumer Services Grant.

\*\*\*\*\*

Staff recommends approval of appropriations #2014047, #2014048, and #2014049 to provide grant funding for local government projects and programs as described in Attachment A.

| <b>Appropriation #2014047</b> |                                 | <b>\$48,396.00</b> |
|-------------------------------|---------------------------------|--------------------|
| Source:                       | Federal Revenue                 | \$ 48,396.00       |
|                               | Local Match: Police Department* | \$ 2,570.00        |

\*The local match source of this appropriation is provided from existing appropriations and will not increase the County Budget.

This request is to appropriate the following grants:

- **Police Grant (#2013-DJ-BX-0650):** The U.S. Department of Justice has awarded the Albemarle County Police Department a grant in the amount of \$14,796.00. The purpose of this grant is to assist in funding overtime hours worked by current officers to support the reduction of crime and the improvement of public safety through "community policing." There is no local match.
- **Police Grant (#SC-2014-54301-5549-20.600-Highway Safety Grant):** The Commonwealth of Virginia Department of Motor Vehicles has awarded the Albemarle County Police Department a grant in the amount of \$33,600.00 with a local match of \$2,570.00 for a total grant of \$36,170.00. The purpose of this grant is to reduce motor vehicle accidents through increased speed enforcement along with other traffic safety enforcement, including DUI and safety restraint usage. The local match for this grant will be provided through the current appropriated budget for the Police Department. The Police Department will also provide an in-kind match of \$16,800.00 through the Traffic Unit Supervisor's time expended on traffic safety operations and administration. This will be accomplished by tracking and applying approximately 800 grant-funded overtime hours for speed enforcement and saturation patrols as match.

| <b>Appropriation #2014048</b> |               | <b>\$7,225.00</b> |
|-------------------------------|---------------|-------------------|
| Source:                       | State Revenue | \$ 7,225.00       |

This request is to appropriate \$7,225.00 in State revenue based on the total amount awarded by the Department of Criminal Justice Services for the Criminal Justice Program grant administered by Offender Aid and Restoration (OAR). The FY14 Adopted Budget included \$716,590.00 in state revenue for this grant and the actual amount awarded by the Department of Criminal Justice Services will be \$723,815.00. This grant includes services under the Pretrial Services Act and Community Correction Act.

| <b>Appropriation #2014049</b> |                                     | <b>\$30,000.00</b> |
|-------------------------------|-------------------------------------|--------------------|
| Source                        | State Revenue                       | \$ 20,000.00       |
|                               | Local Revenue                       | \$ 10,000.00       |
|                               | Local Match: Grant Leveraging Fund* | \$ 20,000.00       |

\*The local match source of this appropriation is provided from an existing appropriation and will not increase the County Budget.

This request is to appropriate \$50,000 for a planning study project supported by a \$20,000 grant awarded to Albemarle County by the Virginia Department of Agricultural and Consumer Services (VDACS). This appropriation will fund a feasibility study to establish a Virginia Wine Heritage Center in Albemarle County. Specifically, the grant-supported project will evaluate the feasibility and desirability of establishing a Virginia Wine Heritage Center that would potentially encompass a quality tourist experience, event space, historical archive and education/training/demonstration opportunities to support the Virginia wine industry. In addition to the \$20,000 local match required by the Grants Leveraging Fund, local partners at the Thomas Jefferson Memorial Foundation (Monticello) and the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) will each contribute \$5,000 to the project for a total of \$50,000.

**By the above-recorded vote, the Board approved appropriations #2014047, #2014048, and #2014049 to provide grant funding for local government projects and programs.**

| <b>COUNTY OF ALBEMARLE</b>   |                                 |               |                             |
|------------------------------|---------------------------------|---------------|-----------------------------|
| <b>APPROPRIATION SUMMARY</b> |                                 |               |                             |
| <b>APP#</b>                  | <b>ACCOUNT</b>                  | <b>AMOUNT</b> | <b>DESCRIPTION</b>          |
| 2014047                      | 3-1242-33000-333000-300001-1003 | 14,796.00     | Grant Revenue - Federal     |
| 2014047                      | 4-1242-31013-431010-120000-1003 | 13,745.00     | Overtime Wages              |
| 2014047                      | 4-1242-31013-431010-210000-1003 | 1,051.00      | FICA                        |
| 2014047                      | 3-1243-33000-333000-330011-1003 | 33,600.00     | Grant Revenue - DMV Federal |
| 2014047                      | 3-1243-51000-351000-512004-9999 | 2,570.00      | Transfer From general fund  |

|              |                                 |                   |                                       |
|--------------|---------------------------------|-------------------|---------------------------------------|
| 2014047      | 4-1243-31013-431010-120000-1003 | 33,600.00         | Overtime                              |
| 2014047      | 4-1243-31013-431010-210000-1003 | 2,570.00          | FICA                                  |
| 2014047      | 4-1000-31013-431010-210000-1003 | -2,570.00         | FICA                                  |
| 2014047      | 4-1000-93010-493010-930212-9999 | 2,570.00          | Transfer to DMV Grants                |
| 2014048      | 3-1520-24000-324000-240440-1003 | 7,225.00          | State Revenue                         |
| 2014048      | 4-1520-29406-421090-566120-1003 | 7,225.00          | OAR                                   |
| 2014049      | 3-1680-24000-324000-240219-1008 | 20,000.00         | Va. Dept. of Ag & Consumer Svcs Grant |
| 2014049      | 3-1680-18120-318120-181285-1008 | 5,000.00          | Monticello                            |
| 2014049      | 3-1680-18120-318120-181286-1008 | 5,000.00          | CACVB                                 |
| 2014049      | 3-1680-51000-351000-512004-9999 | 20,000.00         | Transfer from GF                      |
| 2014049      | 4-1680-81501-481500-301210-1008 | 50,000.00         | Contract Services                     |
| 2014049      | 4-1000-99900-499000-999974-9999 | -20,000.00        | Use of Grant Matching Fund            |
| 2014049      | 4-1000-93010-493010-930200-9999 | 20,000.00         | Transfer to Grant Fund                |
| <b>TOTAL</b> |                                 | <b>216,382.00</b> |                                       |

Item No. 10.4. Approval of Minutes: July 3, 2013.

Ms. Mallek said that she had not read the minutes assigned to her and needed to pull them to carry forward to the next meeting.

Item No. 10.5. Proclamation recognizing October 7, 2013 as *World Habitat Day*.

**By the above-recorded vote, the Board approved the following proclamation:**

**WORLD HABITAT DAY**

**OCTOBER 7, 2013**

- Whereas,** the world’s housing situation is a crisis in need of attention and action, with 1.6 billion people living in inadequate shelter; and
- Whereas,** on **World Habitat Day, Oct. 7, 2013**, around the world, individuals, organizations and government officials are raising awareness, educating and mobilizing to take action on the current global housing crisis while working together to ensure adequate housing for all; and
- Whereas,** as the international community seeks to meet critical shelter needs, reconstruction and neighborhood revitalization initiatives should occur within the framework of a comprehensive local strategy and a development plan supported by the local government and its citizenry; and
- Whereas,** in our community, despite enormous resources overall, we have significant affordable housing challenges; and
- Whereas,** the County of Albemarle is committed to increase opportunities for affordable housing for all of its residents; and
- Whereas,** Habitat for Humanity addresses the causes and systemic issues that perpetuate poverty housing.

**NOW, THEREFORE, BE IT RESOLVED**, that on this **7th day of October 2013**, the County of Albemarle officially joins Habitat for Humanity of Greater Charlottesville volunteers, homeowners, partners and supporters around the region in recognizing **World Habitat Day**.

Agenda Item No. 11. Recognitions.

Ms. Mallek read the World Habitat Day proclamation (consent agenda item #10.5), in honor of the organization’s work and specifically Habitat for Humanity of Greater Charlottesville.

Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. George Foresman addressed the Board, stating that he was before them to discuss the special use permit request for Polo Grounds Road and asking them to consider five critical factors concerning the request. Mr. Foresman said the proposed school is not a good use of this property, and common sense underscores that intensity of development on the scale proposed by the applicant is not compatible with rural areas. He stated that the need for offsite road improvements and lengthy and complex development conditions is compelling evidence of the multitude of facts that highlight how ill-suited the project is for the location proposed. Mr. Foresman said there are too many unknowns, and the applicant has yet to respond to VDOT’s June 2 information request concerning whether a commercial entrance is even possible at the property, and this should be known before a decision is made to create an institutional designation in a rural area on an unsafe road. He stated that the 52-day delay in

presentation of the Route 29 turn-lane sketch gave the County and VDOT less than 36 hours for review and now raises new unanswered questions including cost.

Mr. Foresman said the applicant and the County have not consulted with the Department of Conservation and Recreation on dam issues, as required by the Code of Virginia, and there are other issues as well. He stated that the rural area by-right uses which can be established on this property are much less intense than the applicant's proposed 30,000 square feet of permanent space, associated traffic, parking lots, concrete, playing fields, and intensive human noise and activity associated with a school. Mr. Foresman said critical slope, flooding, and fill limitations under rural by-right use will conserve as much if not more land than the applicant's aspirations, and with a much less intensive collateral impact. He stated that many of the draft conditions – while well-intended – are unenforceable and may result in future legal challenges and further community conflict. Mr. Foresman said the applicant has conditioned his commitment to pay for the turn lane subject to cost estimates they have yet to provide, and the applicant's promises are meaningless unless there are corresponding conditions that can be enforced legally and practically. He stated that this is a poorly planned and ill-conceived development proposal and, if it were not, a delay would not have been necessary, because only a few conditions would have been needed, the County Engineer would not have recommended delaying further development on Polo Grounds Road until the railroad underpass is addressed, and the applicant's own traffic consultant would not have recommended a second turn lane to be added at the Route 29 intersection. Mr. Foresman said the neighbors have met with Board members individually and appreciate their attention to the matter, and feel there is compelling evidence from the facts presented to deny the applicant's request.

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Mr. Bob Templeman addressed the Board, stating he has lived in Albemarle since 2000 and at Montgomery Ridge since 2005 as one of the original residents there. Mr. Templeman stated that Dr. Todd Barnett feels his ambitions for the Field School are hindered by its present location and has fixed his sights on a property that appeared ideal at first glance but, upon further and deep scrutiny, has proven to be not ideal. He said the Field School is growing rapidly, which is a testament to its quality and merit as an institution, but the shortcomings of its present location do not justify an attempt to persuade the Board to act contrary to its oft-stated principles and precedents by placing the school where it is neither wanted, nor appropriately situated. Mr. Templeman said a Polo Grounds site is an attractive illusion, and the exhaustive efforts of the community to expose its flaws seem to have fallen on deaf ears in many cases, and now they must rely on the Board to deny the request for the special use permit and encourage Dr. Barnett to focus on safer sites that are consistent with the Comp Plan for rural and development areas. He said the community has clearly voiced its overwhelming opposition to the special use permit and has substantiated it with facts and logic, and the school will continue to grow and prosper whether it is located on Polo Grounds Road or not. Mr. Templeman said there is no tax advantage, as the school is a nonprofit, and public works should not be extended at public expense to meet the needs of a private enterprise in a rural area. He stated that safety is unquestionably enhanced by not increasing traffic by hurried, distracted parents on a treacherous road, and the Board shows its commitment to preserving the value and quality of its constituents' property while garnering their respect for consistent, reliable governance. Mr. Templeman said this property remains available for by-right use, protecting the vital watershed and natural habitat and rights of its current owner. He requested the Board deny this well-intentioned but inappropriate application for a special use permit.

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Ms. Lettie Bien addressed the Board, stating that the Field School proposal on this particular site is ill-conceived, and those most negatively affected are the neighbors. Ms. Bien said that proposed school is an incompatible use in this unique rural area along Polo Grounds Road, and common sense dictates that a private school drawing from all across the region is not compatible with the rural and low density nature of the area and its existing uses. She emphasized that it is not the same as a public school serving the residents of an immediate area. Ms. Bien said citizens have heard arguments from the applicant and a few Board members as to other schools located in the rural areas, but many of those schools were in place before the RA designation and/or before housing developments were built around them. She said a 62-acre school on an 800-acre rural swath designated as the buffer between two development zones is hardly a small footprint, adding that all rural land is not the same. Ms. Bien stated that the proposed school use is inconsistent with the County's Comp Plan designation, and would establish a terrible precedent, undermining limited growth in the rural areas. She said neighbors sought the counsel of those most affected, and there was overwhelming opposition to the Field School proposed development. Ms. Bien stated that, on Tuesday, they submitted to the Clerk petitions with over 350 signatures from those opposed to the proposed SP. Ms. Bien reported that there is 85% opposition from Bentivar, 80% from Montgomery Ridge, and 80% from Polo Grounds Road – and in addition, they collected signatures from the Proffit Road area, Carrsbrook, and Stony Point opposing the SP. She said there is an overwhelming degree of opposition from a wide variety of people in the community, as well as a lot of apathy among citizens they solicited for signatures as a result of the continuing granting of SUP and pushing of development in the rural areas along Polo Grounds Road. She said they felt it was pointless to sign a petition and have their positions ignored. She said, "you can't fight city hall" was a sad commentary they heard often. She suggested the Board follow the will of the people in this very important SUP adding that there is solid ground for denying the applicant's request.

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Dr. David Schmidtt addressed the Board, stating that he lives in Bentivar and commented that the Board's decision on the Field School must not be influenced by sympathy or solidarity, as the real issue is whether they intend to manage the County's growth responsibly and in a manner consistent with the regulations and policies already established and publicly stated. Dr. Schmidtt said the heart of this matter is the most fundamental duty of government: the promotion of the safety and well-being of citizens and the representation of the legitimate will of its constituents. He stated that neighbors have presented

authenticated data documenting the massive increase in traffic on Polo Grounds Road since 2001, soon to be compounded by the consequences of the Monticello United soccer complex special use permit. Dr. Schmidt said they have also voiced their personal experiences with the dangers of Polo Grounds Road and are concerned for their own safety as well as the welfare of the children and parents involved with the school. He stated that residents have illuminated the geographic vulnerability of the site, and the frequent event of watershed flooding or a possible failure of the South Fork Dam. Dr. Schmidt said the choice between a huge church and the Field School is "fiction," as confirmed by the County Attorney, and the claim that improvements at the intersection of Polo Grounds Road and Seminole Trail will eliminate the significant public safety and traffic flow problems associated with the school is false. He stated that they have presented the Board with the overwhelmingly unanimous voice of 80% of area residents from Polo Grounds Road, Bentivar, Montgomery Ridge, Carrsbrook, and Proffit Road in opposition to the school. He said the applicant has put forth flimsy justification for violation of common sense, precedent and the will of the people and has failed to provide a plausible guarantee that their good intentions will result in a good outcome for anyone, including themselves. He said he supports the Board in its effort to find a suitable site for the Field School, however, he will continue his efforts to ensure that Polo Grounds Road not be mistaken for that place.

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Dr. Charles Battig addressed the Board, stating that the *C-ville Weekly* had recently moderated and reported on a forum sponsored by 15 local environmental organizations and eight candidates vying for four empty seats. He said some of the questions at the forum were related to climate change, and he said the responses to similar questions from leading agencies included in a report from the Intergovernmental Panel on Climate Change reveal "large variability on international to decadal time scales, and remaining differences between data precludes robust conclusions on long-term changes and indices of climate variability." Dr. Battig emphasized that one cannot forecast climate despite the best efforts and, based on scientific records and evidence, there is no issue of climate change deserving of political interference – and no demonstrable ability to taylor climate by local means, as carbon pollution is non-scientific political fiction.

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Mr. Karen Schwenzer addressed the Board, stating that she has lived in the County for almost 30 years and moved to Montgomery Ridge three years ago because she felt it was a unique community. Ms. Schwenzer said Polo Grounds Road is a narrow, windy road that intersects with a major highway, and it is narrow and windy because it follows the river. She stated that the Comp Plan designated this area as a green space, and she has seen this Board approve special use permits to develop this green space – and now they want to add a permanent structure. Ms. Schwenzer said there is only one choice here, and that is to protect the rural space. She added that one of her biggest fears is not being able to get through the light, which has stacked up as much as 61 cars trying to exit Polo Grounds Road.

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Mr. Chuck Boldt addressed the Board and asked them to reject the special use permit for the Field School and stated that it is similar to one recently approved in his neighborhood with far less scrutiny and fewer conditions but no less impact to the rural area of the County. He said, for all the talk of preserving rural areas and all the rules that are supposed to ensure that rural areas are protected, the six members of the Board have been entrusted by constituents to use their judgment and common sense to decide the right thing to do. Mr. Boldt stated that the Field School special use permit is a good opportunity to start to say "no" more often, and to listen to those who will be directly affected. He said the executive summary from staff contains lots of conditions, many of which will be difficult to enforce after the fact, and it begs the question of "why" if they believe rural areas should be preserved. Mr. Boldt said Polo Grounds Road is a dangerous county road that cannot safely handle what has already been approved, and it's time to put this type of development where it belongs – in the growth areas, where the services needed are in place or will be provided. He said too much of what should have been preserved in the rural areas has already been allowed to be developed and we are not better off for it as a community. He requested the Board act to preserve the rural character of the County and vote no on this special use permit.

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Mr. Frank Fountain addressed the Board, stating that he would speak on behalf of the Field School and indicating that the piece of property is not a pristine, untouched place – and was actually a gigantic landfill operation for Dr. Hurt and the Virginia Land Company with dirt brought in from other building sites for many years. He said there is nothing there worth preserving in any way, or worth building housing on. Mr. Fountain said the Field School plans to put buildings on about six acres, most of which is already cleared as a yard for the Morse home, and plans to put the balance of the acreage – 50 acres – in a conservation easement which would allow for permanently protected open space, forest and trails. He stated that, if the Field School doesn't get this land, someone else will – perhaps a winery, or seven large homes – and they would likely not do as much to protect the property as what Field School proposes to do. Mr. Fountain said there would only be minor limitations for people wanting to put homes on the property, and it is hard to imagine anyone taking better care of the land than the Field School would.

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Ms. Leo Connally addressed the Board, stating that he is a teacher at the Field School and encouraging the Board to consider the VDOT data, with the school planning to make improvements to make the road safer. He said the school is a good neighbor in Crozet and does many things with the community, which they would also bring to Polo Grounds Road. Mr. Connolly also mentioned that they would put in a conservation easement.

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Mr. Neil Higgins addressed the Board, stating that his son attended the Field School for four years and was one of their first students. Mr. Higgins asked for clarification as to what mistake the school made in pursuing this property, and asked if they could locate somewhere else in the rural area if they couldn't locate here. He stated that the Field School has reached out to neighbors, sending a mailing to 171 households including all of the adjacent neighbors in Still Meadows, holding three community meetings, and made themselves readily available for contact. Mr. Higgins said school personnel wrote emails to try to alert neighbors to traffic issues and upcoming meetings, and asked if there was something in the County Code that guides Field School elsewhere. He asked if the opponents would be any less outspoken if they were to locate the school across the street on Polo Grounds Road in the growth area. Mr. Higgins said this has been a costly and expensive process for Field School, and asked how the Board could promise there is a better piece of property. He stated that this is an ideal location for the school, and it is located across from a piece of property that the County had actually purchased for a school.

Ms. Jennifer Wilson addressed the Board, stating that she is a teacher at the Field School and was there to speak on the school's behalf. Ms. Wilson said the school's curriculum emphasizes the outdoor experience, including backpacking trips and hikes and, while most schools are not built with the outdoors in mind, this site would have compelling outdoor features. She stated that the Field School in this location would allow them access to the South Fork Rivanna River and make it a part of the curriculum, and wondered why this site is so sacred that a school can't be located there. Ms. Wilson said the School would like to build trails accessible to the community, ones that would eventually cross the river and connect the extensive Rivanna trails system to Forest Lakes and the northern growth areas.

Mr. Mike Kunkle addressed the Board, stating that he is the father of two sons who have attended the Field School over the past three years. Regarding concerns about traffic and travel safety on the road to access the school in the proposed location, he explained that the school is currently located on Route 810 (Whitehall Road) in Crozet and, from the four-way stop sign to the school, the road is fine – especially wide near the school – but beyond the school, the road becomes a narrow rural road. Mr. Kunkle said this is exactly what it would be like if the school were on Polo Grounds Road and, when they got their special use permit to be in the current building, no one in Crozet expressed concern about it.

Mr. Chris McLean addressed the Board, stating that he has lived in the community for 50 years and mentioning that this is an opportunity for the community to have the school at this particular location, but also for the neighbors to have a trail system completed along the river and across it, and to have access to the river, which he supports. Mr. McLean said he serves on the board of the Lewis & Clark Exploratory Center and they have gone to great lengths to provide access to the river in that location and focus on it as a resource. He added that they don't know what would happen to this property should someone else get it and ultimately try to develop it more intensively.

Ms. Kasia Otterbein addressed the Board and stated that she lives in the community near the proposed site and commented that, while the fields and trails at the school all sound marvelous, there will also be a parking lot and lights that will be on 24/7 to protect the property, which is part of the negative idea related to the project.

Mr. Ian Klickner addressed the Board and asked students at Field School to stand up. He said he is a 7<sup>th</sup> grader at the school and won't benefit from the new building, but other new students will because the property will be much better than the current Crozet location. Mr. Klickner stated that they shouldn't worry about traffic issues because most students will ride a shuttle bus, and shouldn't worry about the development because only 1/5 of the site would be developed. He asked the Board to grant the special use permit for the Field School.

There being no further comments from the public, the Chair closed comments from the public.

Agenda Item No. 13. **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 (**deferred from August 14, 2013**).

Mr. Scott Clark, Planner, addressed the Board and reviewed the basics of the Field School proposal to include the location of the proposed site and surrounding elements on a map. Mr. Clark presented an aerial view of the site, noting the location of Polo Grounds Road and the proposed school entrance, as well as the existing SOCA fields, the 100-year flood plain, and adjacent development areas. He stated that there was an 800-seat church approved for the site in 1990 and later, in 1990, a 300-seat church was denied. Mr. Clark said the proposed SOCA expansion in 2006 was also denied. He stated that the proposed site is 62 acres, with 30,000 square feet total of buildings and a limit of 12,000 square feet per building. Mr. Clark said the property would include playing fields, 49 paved parking spaces, five

bus and trailer spaces, and 76 pervious spaces for parking overflow for events. He presented the proposed plan showing the entire site, noting the location of the main school building.

Mr. Clark reported that, at its August 14 meeting, the Board asked staff to address several matters including the status of the previously approved church special use permit, adding a requirement for 50% of enrolled students to use the school's bus service, addressing the right turn lane onto Route 29 and the timing of that, considering the buffering needs of the adjacent Iachetta property, and clarifying the use of the term "events" in condition #4. He said the Zoning Administrator has determined that the special use permit for the 800-seat church is no longer valid; traffic generation estimates for the proposed school use include the applicant's estimate of 194 vehicle trips per day, with VDOT estimating 372 vehicle trips per day.

Mr. Rooker asked if that number was based on an enrollment of 150, and whether there was any attempt to rectify the difference in the two estimates. Mr. Clark said the estimate was based on a 150 student enrollment, and the applicant's traffic engineer and VDOT were preferring different categories in the best comparison when establishing their estimates, and he doesn't know if there's been any reconciliation of the difference. He stated that the latest traffic count on that road was from 2009 and estimated an annual average of 2,400 vehicle trips per day.

Mr. Boyd noted that the number would not include Mon U soccer.

Mr. Clark said accident rates were also questioned, and VDOT has provided accident data for 2010-2012, with this section of the road having seven crashes during that period – with one injury and no fatalities. He said there had been a fatality accident earlier, but it is not covered in this timeframe as it happened in the late 1990s or early 2000s. Mr. Clark also reported that, when considering crashes per 100-million vehicle miles traveled and comparing that to the statewide average for rural local roads, the crash rate here was 138 whereas the statewide average is 175.

Mr. Boyd said that information doesn't address the entire length of Polo Grounds Road. Mr. Clark confirmed that it only pertains to the segment closest to the school, adding that there are other numbers for the intersections at either end of the road and other segments.

Mr. Boyd said there's no other place on the road to go, and he wasn't sure why they only used the smaller segment for the data.

Mr. Rooker said this is a 1.92-mile section of road, and that would go way beyond the school. He stated that would, structurally, be the worst part of the road as it would include the railroad bridge and the curvy area leading up to the bridge – and it's fairly straight from the school out to Route 29.

Mr. Clark reported that Joel DeNunzio from VDOT was in attendance and could provide more detail if necessary. He stated that VDOT confirmed that the proposed turn lane is viable, and County staff has provided conditions including the turn lane be constructed within one year of the first certificate of occupancy for the school and requiring that 50% of enrolled students use bus service until those improvements are carried out.

Mr. Rooker said there was some discussion about the applicant's limiting the proffer on price because the estimate for improvements isn't yet available, and it doesn't seem to him that the condition as drafted provides that kind of an out.

Mr. Clark said the condition as drafted would require the school to fund the entire construction and, from what he understands, the applicant is comfortable with doing so.

Mr. Rooker stated that it seems the applicant has the option of either going forward and paying for the construction of the turn lane or trying to come back and seek an amendment, or abandon the special use permit and move on.

Mr. Boyd asked what it would mean to "move on," and if the Zoning Department would have to close down the school if it wasn't built within a year.

Mr. Rooker said the school would have to post a bond prior to beginning construction.

Mr. Davis said Mr. Clark would present revised language in the proposed conditions that would address a left/right through turn lane rather than a right turn lane, but all proposed conditions envision that, if the applicant is agreeable to the condition, they would have to enter into an agreement at the time the CO is granted to build the turn lane improvements and post a bond to guarantee that would be constructed within one year of the certificate. He said, if they fail to construct it, the County would have the option of citing them for a zoning violation as well as taking the money and undergoing the construction of those improvements with County resources.

Mr. Boyd asked if this meant they would bond the road initially, before they build. Mr. Davis said it would have to happen before the school received a certificate of occupancy.

Mr. Boyd said that it's after the building. Mr. Davis said that was correct.

Mr. Rooker said they can't get their certificate of occupancy until they post a bond, so the County would need to make certain the bond was sufficient to cover the cost of the construction or the improvements.

Mr. Thomas asked when they would get the bond. Mr. Davis said it would be prior to the issuance of the certificate of occupancy.

Mr. Thomas asked if they could get the bond before then. Mr. Davis said the Board could require that as a condition, and it was suggested to have it as a condition of a grading permit.

Mr. Rooker stated that, if this is approved and that is a condition, the issuance of the building permit would be an appropriate time to post the bond.

Mr. Clark stated that the concerns regarding the adjacent lachetta property have been addressed through a change in the conditions to simplify the hours of operation and by limiting them from 7:00 a.m. to 10:00 p.m. He said the conditions also require a tree buffer to be established within 50 feet of the property boundary, installation of fencing and signage to reduce impacts and prevent trespassing, and a prohibition on septic systems within 200 feet of the property. Mr. Clark stated that they also added a definition of "event" in the conditions to help clarify that issue.

Mr. Clark said staff recommends the revised conditions if the Board should approve the special use permit, revised in response to the issues raised by the Board in the last meeting. He explained that, in condition #1, staff added the location of the screening vegetation described in condition #15 so that it would become a key element of the plan; condition #3 has been changed to adjust the hours of operation as discussed; condition #4 has been revised with a definition of "event" to be "any scheduled or organized activity."

Mr. Rooker asked if "event" was defined in the ordinance. Mr. Davis said it was not.

Mr. Rooker asked what the difference was between "school" and an "event." He said it seems the definition needs to be worked on so that normal school activities are differentiated from special events. Mr. Davis stated that the intent was to include school events, and large-scale events would be limited.

Mr. Rooker said, if they have an outdoor nature meeting during the school day that involves five or six classrooms going out to study plants, etc., with more than 50 people in the group, that would be an event under this scenario – and it seemed to him that "events" would be any activity that would not take place as a normal function during the school day.

Mr. Davis stated that it could be fixed, and the intent could be "more than 50 attendees who are not students of the school."

Mr. David Benish, Chief of Planning, said the applicant was agreeable with the condition as written.

Mr. Rooker stated that they need to make sure, if they approve it, that these things are made clear. He said adding "other than students" to the condition would be a reasonable approach.

Mr. Clark reported that condition #11 was changed to give an expiration date of five years from the date of this meeting; and condition #12 clarified that if the school use is approved that would be the only use of the property, making it clear that any prior approved SPs no longer applied. He said condition #13 would require the applicants to construct the turn and taper lanes prior to the certificate of occupancy for the first building, and condition #14 requires 50% or more ridership of enrolled students on the school's bus service until the improvements are constructed.

Mr. Davis said there are alternate conditions which staff has prepared if the Board wants to change the right turn lane to other movements.

Mr. Rooker said it would only make sense to make that an all-direction lane, because VDOT data has shown that 90% of traffic coming out of the road was turning left.

Ms. Mallek asked if it would be a 200-foot improvement, with 100 feet as the right turn lane and another 100 feet for the taper. Mr. Clark confirmed that was the case, and it would be a right, left and straight lane.

Mr. Boyd asked for confirmation that they determined new traffic lights would be needed. Mr. Clark said lights and signage would all need to be changed.

Mr. Rooker asked if the applicant was proffering to pay for the light changes. Mr. Benish said he was, and the modified condition adds more specificity to that agreement.

Mr. Boyd asked about the cost of traffic lights, as his recollection was \$100,000. Mr. Rooker responded that he's seen them run that high, but it would depend on if they already have the ballast, etc.

Mr. Boyd said, if it did get approved, the suggestion was to change the first line of condition #13 to say "building permit" instead of "certificate of occupancy."

Mr. Craddock asked if the estimated number of private school trips included 50% of children riding the bus. Mr. Clark said, based on his recollection, it was just an estimate from the Institute of Traffic Engineers tables and the 50% bus ridership wasn't proposed at that point.

Mr. Rooker stated that would be a requirement prior to the time that the turn lane and light changes are implemented.

Mr. Clark said the majority of the remaining conditions pertain to impacts on the neighboring properties, including condition #15 which mandates that no trees are removed within 50 feet of the Lachetta property, condition #16 requiring plantings where there are no trees along the boundary which is the first 300 feet from Polo Grounds Road, condition #17 requiring a six-foot tall solid border fence along the first 300 feet for screening and privacy protection and a four-foot wire fence with signs for the remainder of the property. He clarified that the fence would be perpendicular to Polo Grounds Road between the Field School and Lachetta properties. Mr. Clark said conditions #19 and #20 pertain to the septic field limitations and athletic field setback, and condition #21 isn't necessary because it's covered by condition #11.

Mr. Boyd asked how many conditions have been added, and why this wouldn't be considered significant to this particular application. Mr. Clark said there are 20 total conditions, seven of which have been added since the last meeting. Mr. Davis clarified that this is a special use permit, not a proffer, which operates under different rules.

Mr. Benish said four of the added conditions were to address the adjacent property owner's concerns.

Mr. Rooker stated that the alternate use of the property, assuming the special use permits have expired, is for residential purposes, adding that there would be six houses under the current zoning. He asked staff to provide some idea as to the size of the building envelope on which six houses could be built.

Mr. Clark pointed out on a map the area that would be easiest in which to build, noting the location of the floodplain area that is out of contention for development and the location of critical slopes that would also be eliminated as possibilities for development. He said, although those areas wouldn't support houses, they could be included in lots that simply had unbuildable areas.

Mr. Rooker asked for clarification that there could possibly be a road that ran down the middle of the peninsula, with large lots of five or ten acres on either side. Mr. Clark said that would definitely be a possibility.

Mr. Benish stated that a building site and health department approval for a septic field or alternative septic field and a back-up field would be necessary and would necessitate a 30,000 square foot envelope. He said they would have to verify the field in the subdivision process.

Mr. Snow asked how many square feet of trees would need to be cleared to install a septic field. Mr. Benish said he didn't know for certain because the field size is dependent on the number of bedrooms in a home, but 3,000-5,000 square feet is possible depending on the building size and how soils perk.

Mr. Clark stated that the County requires a 30,000 square foot building area to be shown on the plat, but doesn't require that the area be cleared.

Mr. Rooker said clearing on a residential site is not restricted, but there could be clearing for the driveway, house site, yard, and primary septic field.

Ms. Mallek said, for view purposes, some of the slope could be cleared to the south of the house locations, to provide a river view. Mr. Benish said that would be possible.

Mr. Rooker stated that there is some discrepancy in the information received from neighbors and the applicant on the difference between the by-right development and the special use permit traffic impact, and asked what the vehicle trip per day estimate would typically be for a six-house subdivision.

Mr. Clark said there would be 53-61 vehicle trips according to the ITE tables.

Mr. Rooker asked if there was any estimate as to how many of the students coming out would take Polo Grounds north instead of going out to Route 29. Mr. Clark responded that it would depend on enrollment, and the applicant has stated in the past that he didn't believe a large portion of students would come from that direction. He said there's really no way to tie that down, as it would depend on who decides to enroll.

Mr. Benish said he didn't recall the applicant providing an estimate of traffic splits east to west. He also stated that the alternate condition for the turn lane provides for more specificity that it's a turn lane, and cites a number of combinations as to how it could be accounted for – and more specifically notes the ancillary improvements there. Mr. Benish said that it's the same as the original condition, but provides more detail and specificity.

Mr. Davis pointed out that the condition references a "right-turn lane," however, the Board's discussion has indicated preference for an all-direction lane.

Mr. Clark stated that the strike-through didn't appear in their edits so, in condition #14, the improvements required by condition #13 should be replacing a "right-turn lane" and "right-turn taper."

Mr. Boyd asked how many cars would be able to stack up in a 100-foot lane, comparing it to a similar situation when leaving the County Building and going down to McIntire to try to turn right when someone is waiting to turn left. Mr. Rooker said adjustments can always be made later, but currently it appears that about 90% of the people coming out of Polo Grounds are turning left. He stated that he has observed the road and has driven it several times during rush hour and in the morning and he never saw more than eight cars in a queue. He suggested that the school would typically have the most impact during morning rush as opposed to the afternoon because children get off from school probably 3:00-4:00 p.m.

Mr. Joel DeNunzio addressed the Board and said that the split is normally estimated during the traffic study, and typically VDOT would look at the split being significant going toward the improvements – in this case on Route 29. He explained that VDOT traffic data normally has a directional split in it, and usually follows typical traffic patterns including morning versus afternoon traffic – with the greater impact most likely being towards Route 29 instead of toward the railroad bridge side. Mr. DeNunzio mentioned that the capacity of a two-lane road is typically estimated at 1,700 cars per hour per lane, and the highest volume on Polo Grounds is from Route 29 traveling some distance down Polo Grounds Road– but not all the way to Bentivar – at 2,400 vehicle trips per day. He said VDOT would not normally be concerned with this volume on a two-lane road, although the capacity is reduced somewhat through narrower lanes, lack of shoulder, number of driveways, etc. Mr. DeNunzio said those factors measured in balance with the total vehicles would be considered “insignificant” in VDOT’s analysis.

Mr. Rooker said his concern pertains to safety issues that are not necessarily related to capacity, which is impacted somewhat by the tunnel and two-way stop, and it didn’t sound to him like capacity was the real issue.

Mr. DeNunzio agreed that capacity of the roadway itself wasn’t the issue, it was the intersections and the impact of capacity on those. He said the reason VDOT chose to do the safety analysis from Route 29 to Bentivar as opposed to the whole road is because the volume of traffic changes as you go farther from Rt. 29 and, in order to get a good estimate, you must be able to put the volume of traffic with the number of accidents. Mr. DeNunzio stated that, if you travel the whole distance of the road, VDOT felt it was inaccurate data from Bentivar to Polo Grounds Road because the volume reduces significantly at that point – and it does include the railroad bridge and the curvy sections of the road. He said VDOT found in their analysis of that road that the accident rate was below the statewide and district averages.

Mr. Boyd asked who did the traffic study and how extensive it was. Mr. DeNunzio said VDOT used ITE numbers for a private school and came up with a number of 372 vehicles per day. He said the applicant ordered a traffic study from a professional engineer which revealed a number of 194 vehicles per day. He said that was one of the items that was not agreed upon, and one of the reasons VDOT didn’t accept the applicant’s traffic study result when the item came before to the Planning Commission. He stated that, since that time, before the SP came to the Board, the numbers were agreed upon at 250 vehicles per day as reviewed by VDOT and the County.

Mr. Benish said staff has seen the information but hasn’t really reviewed it aside from reading VDOT’s review.

Mr. Rooker asked if VDOT had done actual traffic counts on the road. Mr. DeNunzio said their last count was 2009 on Polo Grounds Road, which revealed raw data of 2,400 actual traffic count – and since then has counted the intersection, mostly for making improvements to the corridor of Route 29 to know what the side street traffic is.

Mr. Boyd asked if the traffic studies included anytime there was an accident on Route 29, north of Polo Grounds, because that generates a lot of traffic through there. Mr. DeNunzio responded that it had not been considered, because typically they look at normal traffic patterns.

Ms. Mallek asked how many vehicles came from Proffit Road in the eastern section of Polo Grounds Road. Mr. DeNunzio said it was around 1,600 or 1,700.

Mr. Boyd asked how many cars get queued in a 100-foot taper. Mr. DeNunzio said it would be about five, giving 20 feet per car. He said the earlier comment made about “61 cars” wasn’t the normal traffic pattern, but an occurrence when certain events are letting out is very difficult to capture. Mr. DeNunzio stated that they’ve made adjustments to the signal to allow more green time on Polo Grounds Road coming out to Route 29 versus Rio Mills Road, but they can’t take any green time off Route 29 or there will be queuing there. He said they have taken as much green time as possible off of Rio Mills Road, as that road doesn’t cycle every time Polo Grounds does. Mr. DeNunzio stated that the dual left turn lane adds more capacity, and it is more efficient to have a 200-foot single turn lane than two 100-foot turn lanes.

Mr. Snow said there was an earlier comment made that the site might not handle a commercial entrance or exit. Mr. DeNunzio said VDOT wouldn’t do any approvals until an applicant came in for a commercial entrance permit and, at that time, they would look at the entrance, the traffic generation from the traffic study, the existing traffic on Polo Grounds Road, left and right warrants for turn lanes – and then decide what the final frontage improvements should be. He said this should be the applicant’s concern, but not VDOT’s.

Ms. Mallek said there’s a contingency in the approval process for the applicant to meet that. Mr. Benish said there is a condition which relates to that requirement.

Mr. Rooker said if they never got a commercial entrance permit, the school wouldn't open because they wouldn't get a building permit.

Mr. DeNunzio said, with rezonings and special use permits, the only approvals VDOT has are for issuing a permit – and if those criteria aren't met, then an entrance isn't granted.

Mr. Rooker asked when in the process does the County find out whether or not a person has a commercial entry permit. Mr. Benish said that typically staff has a site plan review process for an entrance location, and it ultimately requires a VDOT permit to be issued for that entrance. He stated that the applicant will ask VDOT to scan the frontage for potential entrance sites and, while they don't approve them, they look for problematic areas. Mr. Benish confirmed that an applicant could not build their improvements without getting the entrance approval, as it's part of the site plan review process and, with this particular special use permit, it is a condition that must be met.

Ms. Mallek asked about cost estimates for intersection improvements and a new traffic light. Mr. DeNunzio said, when you start altering a traffic signal on a masthead, there are some unknowns as far as use of the pole – so it would be part of the engineering process to determine how many lanes and how many signal heads would be needed, along with signs for lane assignments. He said it would also need to be determined if the pole and mast arm across Rt. 29 from Polo Grounds Road could handle the increase, and there is also a pedestal on the eastern side that would have to be accounted for. Mr. DeNunzio said the worst case scenario is having to rebuild the whole pole and mast arm on one side of the road, and the best case scenario would be having to add a signal head. He stated that the planning range of the cost is usually \$250,000, but if it's just a matter of the foundation – pole, mast arm, signal heads and signs – the cost would be less than \$60,000-\$70,000.

The Chair then opened the matter for public comment.

Mr. Kelly Strickland of Shimp Engineering addressed the Board, stating that the first thing they do before proceeding with an application is meet with Dennis Seal of VDOT onsite and confirm there is site distance to fit an entrance. Mr. Strickland said they located an entrance that has adequate site distance that's 55 feet to the west of the existing driveway entrance on Polo Grounds Road, so they are comfortable with getting a workable commercial entrance on the site. He said the existing driveway was too close to the crest of the hill, so they had to move down 55 feet to get adequate site distance – with the main consideration in the other direction being separation between the new proposed entrance and the existing SOCA complex entrance.

Mr. Strickland said there was a discrepancy regarding the increase in traffic volume for the school over the by-right development of the property, and the 5% represented the difference in traffic over the 2,400 recorded in 2009 for the road – so it's not comparing one use to the other specifically, but pertains to the volume of traffic on the road. He stated that, by the time the school is built in five more years, the volume of traffic would be much higher so the 5% would actually be lower. Mr. Strickland said the first traffic study he did in May 2013 was based on traffic counts done at the school, and they did an iteration based on projected enrollment at 150 students. He stated that VDOT didn't like those numbers and instead used an ITE number for a private school which does not provide buses, so their number was larger because the Field School included bus transportation in its numbers.

Mr. Strickland said they also calculated how many students would be turning in either direction, and determined that two families would come in the opposite direction to use the school, with six or eight families generating 10-12 trips per day coming in that direction. He stated that there's not any population density on the other side of the railroad track other than Bentivar, so the traffic would be turning left. Mr. Strickland stated that the Meadow Creek Parkway would also be operating by the time the school is open, which would provide a convenient way to get north and south to the school. He said this would be a better alternative than coming up Stony Point Road and then down Proffit Road.

Ms. Mallek asked what the School would be anticipating in terms of security lighting. Mr. Strickland responded that his expectation is for one bulb over a door that is 600-700 feet from the road, and there isn't going to be lighting outside on the fields nor for the parking lots as there is no need for nighttime parking.

Mr. Snow asked how many Saturday events the school would be planning. Dr. Todd Barnett said there is one event currently on the Field School's calendar for the year.

Ms. Mallek asked what they were considering within the definition of "events." Dr. Barnett said these would be after-school events such as drama productions, and the application for 12 would be more than they would need with the hours starting at about 7:00 p.m.

Mr. Boyd asked if they had sporting events, and how this could fit into the 12 events total. Dr. Barnett said they have about five sporting events per season, usually starting at about 4:30 p.m., but the condition excludes sporting events.

Mr. Rooker said the condition provides no limit on the number of athletic events, but they can't have events after certain hours because there is no field lighting.

Mr. Boyd said that it's the sporting events that would conflict with the SOCA and MonU soccer events, because they would be held after school, late afternoons, and early evenings. Dr. Barnett said almost all of the Field School events end at 5:45 p.m., and the SOCA events don't begin until 6:35 or 6:45 p.m. He said there are five fields at SOCA, and the Field School has one.

Mr. Boyd said he understood they wouldn't have events on that scale, but what he's trying to determine is the tipping point that creates an exacerbated situation for the traffic. Dr. Barnett said he didn't think the events would be a significant impact, and they would try to get kids out on the buses before other teams come in.

Mr. Craddock said SOCA practices are usually held during the week so there is one team on the field at any one time versus the weekends when there are two sets of teams on each field all coming in. Dr. Barnett stated that the difficult times with SOCA are when they have tryouts in May, but they stagger events well on the weekends. Dr. Barnett said the biggest challenge for SOCA is the after-school time, when all of the events let out at the same time, however, he does not foresee having anything during the week during those evening hours.

Mr. Strickland said SOCA has 5:00 and 6:30 p.m. practices, and the big problem tends to build up when people arrive at 6:30 to pick up their kids – which is the same time people are arriving to drop their children off.

Ms. Mallek said the condition as it is written now suggests 50% bus use until the road is improved, but wondered if they were planning to make it a continual operation.

Dr. Barnett said he intends to continue driving the bus as a shuttle, as it's the right thing to do and provides a good start and end time to the day. He stated that it also enables them to take field trips when they want to, seeing it as an integral part of what they do. This year, ridership is about 67% with 50% being used as a benchmark but he felt they could always stay above that mark.

Mr. Boyd asked if that figure would match up with where students were located, as it wouldn't make sense for parents to drive out to Crozet when they can drop them off. Dr. Barnett said it's a matter of how well they stage the pickup points.

Mr. Strickland said, at its August meeting, the Board expressed an interest in having a turn lane on Polo Grounds Road and making that a condition of approval – so he went back and did a physical survey of the intersection and some design work, at which time they realized the width of pavement was 30 feet. He stated that Mr. DeNunzio was able to send them some plans from 1998, and they learned that the plans included exactly the configuration of lanes they wanted to put in there. Mr. Strickland said they realized it wasn't striped correctly, as there was just a center stripe and a tiny piece of turn lane left over on the end, but the actual intent in 1998 was to build the configuration with a right turn lane and straight lane. He stated that, in looking at the lane, there was little modification needed, just moving a pedestal light on the east side of the intersection, reconfiguring a guard rail on that side, and possible changes to the signals on the other side.

Mr. Strickland said they met with VDOT on several occasions, and shared their designs to come up with a plan that looked good, with the last piece of information needed being the signal heads across the road on the Rio Mills side. He stated that Richardson & Wayland, a contractor that does signalization, provided a cost estimate of \$25,000 for just changing the signal heads on the other side of the road, with an additional \$25,000 to replace the mast head and pole.

Mr. Boyd asked about the proffer change of providing proof of bond at the building permit stage instead of certificate of occupancy stage. Mr. Strickland said they were fine with that, as they thought they were using standard proffer language at the time they crafted the conditions of approval.

Mr. Rooker said there was a statement made by VDOT that the wait time getting out onto Route 29 from Polo Grounds Road would increase substantially with this application, and asked Mr. DeNunzio to comment on that claim. Mr. DeNunzio said the results of the study they agreed on with the applicant were for an average addition of two cars from the Field School in the queue at the morning peak, which would be the largest impact time.

Mr. Rooker asked if there would be significant additional wait time with that, because one of the negative things raised in the original staff report was VDOT's information on the increased wait time to get out onto Rt. 29 from Polo Grounds Road. He asked if VDOT thinks that is still the case, given their more refined traffic numbers and the proposed improvements. Mr. DeNunzio said VDOT basically agreed with the applicant on the two-car average in the queue, and the traffic study stated the number of seconds in delay increase.

Mr. Rooker said it was about double the number of seconds. Mr. DeNunzio said that was the case initially, but there were a lot of assumptions that were unknown at the time – and by the time it came to the Board, VDOT agreed with the applicant.

Mr. Rooker said staff issued a report initially that recommended denial of the application and had gone through the normal steps in review, but the staff report said "VDOT states that the westbound delay in the intersection goes from 51.7 seconds in the background case to 83.6 seconds under the future-build scenario." He asked if Mr. DeNunzio thought that was no longer the case.

Mr. DeNunzio said he didn't recall what the increase in delay for the revised traffic study was, but VDOT agrees with the two-car queue and any development would have an increase in delay – with the applicant's mitigation measures deemed adequate for the increase.

Mr. Rooker said staff had identified three unfavorable factors in their report, including "VDOT has significant concerns with the findings and completeness of the applicant's traffic analysis," and he asked Mr. DeNunzio if that had been rectified. Mr. DeNunzio reported that it had been addressed.

Mr. Rooker asked if the statement, "VDOT has described the increased delays the proposal could cause at the US 29/Polo Grounds Road intersection as not acceptable" was no longer valid.

Mr. DeNunzio said that was correct, that they no longer make that finding, and it had a lot to do with the difference in the ITE numbers that VDOT used and the applicant's counted numbers from the existing site on Route 810 in Crozet, and what they agreed to in the midterm. He said they typically use ITE numbers for a private school which assumes there is no bus traffic at all but, in this case, they found it acceptable to have a combination of the two since Field School uses a shuttle bus.

Mr. Rooker said the third unfavorable factor staff listed was that traffic generation would be significantly higher than that caused by residential development on the site.

Mr. DeNunzio said that was still found to be the case, as there are 10 trips per day per house in a residential development.

Mr. Craddock asked if the intersection would not likely be improved by VDOT alone in the five years until the school builds. Mr. DeNunzio said that isn't necessarily true because there is a planned improvement for the Rt. 29 corridor through there that will improve this intersection and others along Rt. 29, which is what the revenue-sharing application from last year for adaptive signals would cover. He stated that, outside of Rt. 29 improvements, any increases in lane widths would be on the Polo Grounds Road (Route 643) side and would be a secondary project added to the County's secondary six-year plan.

Mr. Craddock said, given that information, approval of Field School would mean the intersection would get improved more quickly than it would in the six-year plan.

Mr. Boyd stated that, since this was in his district, he would start the discussion and commended the Field School for their service to the community. Mr. Boyd said that this isn't about the school though, it is about land use and the proper land use for this parcel. He stated that there is a reason there is zoning and master plans in this area, and that is to make sure that the appropriate building is in the right place. He said the Board recently turned down increasing the number of students at a daycare center because the neighbors were concerned about safety issues and traffic issues. Mr. Boyd said there wasn't anything to support that with VDOT or other information, but in deference to the people who lived there, the Board denied the application – and that was a center for just 20 students. He stated that the Field School could increase by 80 kids or more over the next five years.

Mr. Boyd said he cannot support this application because there is a great deal of concern among neighbors there about how this will impact their daily lives with transportation issues, and he doesn't believe fixing just the one intersection would fully mitigate that. He stated that he has had some discussions about an alternate site in the growth area, and would be happy to talk with the Field School about it – just as they had helped work with SOCA.

Ms. Mallek said the difference with SOCA was the car shows and gun shows and other accessory commercial uses proposed for the Polo Grounds site.

Mr. Boyd stated that this has nothing to do with the Field School itself, as it is a great asset to the community, but pertains to the proper place to put things. He said that's why they have zoning and special use permits, as the whole purpose behind those is to put things in the right locations. Mr. Boyd stated that 80% of the people living around this location feel it would greatly degrade their lifestyle, and he hoped the Board would support his position.

Mr. Rooker said this is one of the closest applications in terms of looking at the two sides that he could recall since being on the Board, and it's difficult to make a decision. He stated that he has gone back and forth about whether to support it and, in their last meeting, they were dealing with what they thought was an 800-seat church approved on the site, and he was strongly swayed at the time that a church of that size would have more of an imprint on the land and impact in the neighborhood than the Field School would. Mr. Rooker said he has rarely seen an applicant bend over backward more than this one has with the proposed conditions they are willing to accept, and that is certainly something that shows they have tried to deal with the issues which have been raised.

Mr. Rooker stated his consideration of this SP included the fact that 80% of the people in the area are opposed to the SP, the traffic increase of 8-10% - which is three to four times as great as a residential development would be, and significant issues with the unsafe railroad underpass and excessive delays for turns onto Route 29. He said the applicant has dealt with the turn lane issue, but the railroad underpass may not ever be dealt with in their lifetimes. Mr. Rooker said there's only one other road in the County that has a similar feature with the underpass – Old Ivy Road – and that isn't as bad as the turn on Polo Grounds. He stated that he recognizes the applicant has spent a lot of time, effort and money, and the school does a terrific job educating young men in the community.

Mr. Rooker said, in light of his concerns, he would not support the application, adding that the applicant has done a very good job of meeting most objections that could be raised, but this is a road that has a significant unsafe condition – with additional traffic already coming onto the road from Mon U park that is not there yet. He stated that, even if the stacking could be dealt with, it may not be a wise thing to

put more traffic on the road because of the current unsafe conditions, and correcting that situation has never even been discussed.

Mr. Thomas stated that he would stay with his original position, given his concerns about the condition of the road and traffic safety there. He said, even if they improve the road to make it straighter, traffic speed would likely increase and the road would thus become more dangerous.

Mr. Craddock said he has been thinking a lot about this application since he's been on the Board and did not come to his decision lightly, stating that he has received a lot of nice emails and has renewed some friendships with this issue. Mr. Craddock stated that Polo Grounds Road has a long and rich history in the Charlottesville area, with polo matches held there as well as circuses and carnivals, motorcycle rallies, etc. – and was a dirt road at one point. He said Bentivar was built in the area, then Montgomery Ridge, and a lot of accommodations were made to the existing road because of those new subdivisions. Mr. Craddock stated that, if this was on the east side of the railroad bridge, he would vote against it, but because it's on the west side he would vote in favor of it. He said he has been out there eight separate times, and the most traffic he encountered was six cars heading the opposite direction and two cars in his same lane, going out as far as Bentivar. Mr. Craddock stated that, if 45 mph is too fast for that road, there should be a study to reduce the speed limit.

Mr. Craddock said the same concerns brought concerning residential subdivisions have played into Field School, which works in a field environment that would be protected and conserved while offering outdoor learning activities for its students – and those would not work in an urban situation. Mr. Craddock said the school has offered to pay for the traffic lights and intersection at Route 29 and has proffered a lot of things, especially to the lachettas. He stated that the reason there is a special use permit process is for things like this, adding that there have been at least six SPs approved on Polo Grounds Road over the years – with Montgomery Ridge and Bentivar expanded through the subdivision ordinances. Given those factors, Mr. Craddock said, he would support the Field School proposal.

Mr. Snow said he has also received many emails about this special use permit, and has debated back and forth about what is the right thing to do. He stated that he made a list of pros and cons, and his pros include the use of 50 acres in conservation easement, with the land down to the river available for use by the school. He said he was concerned about the number of trips through the railroad tunnel, but learned at this meeting it would only be an extra 10-12 trips per day through that area. Mr. Snow stated that one of the emails he received expressed concern about the entrance to the property and stated that a commercial entrance probably wouldn't be doable, but VDOT has said it's possible – and if not, the school cannot proceed. He said an average of two cars going out on Route 29 is offset by adding the second lane, which queues an extra five cars and gets both lanes moving faster.

Mr. Snow stated that all of his objections have been overcome except one – and that is 350 people who don't want it in their community. He said he has had some contact with Field School in the past, but does not have a conflict in his decision-making; this being similar to the issues expressed over the Blue Ridge Swim Club application. Mr. Snow stated that the fears and concerns of those citizens over that previous application have not been realized, and Dr. Barnett has done everything he intended to do. He said, based on what he knows, he said he would vote for the SP.

Ms. Mallek said she agreed with the previous comments about what a difficult decision this is because of competing goals, with the Comp Plan talking about rural protection – but also talking about the importance of having great environments for people to enjoy nature and having better access to the river. Ms. Mallek said she has always considered the school to be a good participant in the rural area, as she went to one and her kids also went to one, but she had to put that aside in consideration of this application and focus on the land use issues. She stated that the Board has criteria it is supposed to consider to ensure an application meets the requirements of a special use permit, and they need to look for balance to ensure there are accommodations for any impacts. Ms. Mallek said the school is a low-impact use as she sees it, and they are really trying hard to solve the problems from the impacts they do create – including the improvements proposed for the road.

Ms. Mallek stated that she is very familiar with Polo Grounds Road, as her father was a veterinarian for the polo matches held there and, for the last 30 years, she has driven cattle trailers up and down that road and through the tunnel. Ms. Mallek said the road is a little country road, but that is often a very good place to have a school. She stated that she really likes the shuttle bus for Field School, as it reduces the traffic generated by parents driving them, and the Board is looking at this particular application – not something that might happen in 10 years and she supports the application.

Ms. Mallek asked if there might be any reconsideration by Board members prior to the vote. Mr. Rooker said Mr. Craddock had gone through all of the things recently approved on Polo Grounds Road and, at some point, there is a straw that breaks the camel's back and, to him, this application is that straw, given the traffic they are allowing to be put on this substandard road.

Mr. Davis said, for the matter to be concluded, a Board member would need to make a motion to approve with the conditions they want attached to the motion to approve – adding that three votes against it would be a denial of the application. To clarify the conditions, he said that a sentence had been added at the end of condition #4 to clarify that an attendee should be any person other than an enrolled student of the school or school employee. Mr. Davis said for condition #13, they had clarified it to deal with a right or left turn lane plus the turn signals, and the bonding would be required prior to the issuance of the first building permit, and a surety agreement shall be required by the Zoning Administrator. He said the first sentence of that would still require the improvements to be built within one year of the certificate of occupancy issuance, and he wasn't sure if the Board wanted that to be tied instead to the building permit.

Mr. Davis stated that condition #14 still has the requirement that the condition of bussing of students would not apply once the turn lane was built, but Dr. Barnett said it would still be acceptable to have that bussing requirement after the construction of the improvements at Route 29.

At this time, Ms. Mallek **moved** to approve SP-2013-0005 with the conditions as modified. Mr. Craddock **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

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

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**NonAgenda.** At 8:50 p.m., the Board recessed and then reconvened at 9:00 p.m.

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Agenda Item No. 14. **Public Hearing: FY 13 Budget Amendment and Appropriations.**  
(Advertised in *The Daily Progress* on September 29, 2013.)

Ms. Lori Allshouse, Director of the Office of Management and Budget, summarized the following executive summary which was forwarded to Board members:

“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 cumulative total of the FY 2013 appropriations from the time period of June 5, 2013 through October 9, 2013 and itemized below is \$3,784,758.42. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2013 Budget Amendment totals \$3,784,758.42. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

|   |                        |
|---|------------------------|
| General Fund                                    | \$ 713,195.93          |
| Special Revenue Funds                           | \$ 2,281,891.13        |
| School Fund                                     | \$ 43,498.36           |
| School Programs                                 | \$ 162,591.86          |
| Capital Improvements Funds                      | \$ 583,581.14          |
| <b>TOTAL ESTIMATED EXPENDITURES – All Funds</b> | <b>\$ 3,784,758.42</b> |

**ESTIMATED REVENUES**

|   |                        |
|---|------------------------|
| Local                                       | \$ 150,871.16          |
| State                                       | \$ 1,768,209.71        |
| Federal                                     | \$ 186,000.00          |
| Loan Proceeds                               | \$ (903,275.56)        |
| General Fund Balance                        | \$ 261,698.36          |
| Other Fund Balances                         | \$ 2,321,254.75        |
| <b>TOTAL ESTIMATED REVENUES – All Funds</b> | <b>\$ 3,784,758.42</b> |

The budget amendment is comprised of twenty (20) separate appropriations as follows, nineteen (19) of which have already been approved by the Board as indicated below:

Approved June 3, 2013:

- One (1) appropriation (#2013091) totaling \$193.03 for State revenue for the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals spay and neuter efforts and to adjust the budgeted amounts for the County's share of the services for the Juvenile and Domestic Relations District Court and the Magistrate;
- One (1) appropriation (#2013092) to distribute \$9,295.00 from the training pool to various departments. This appropriation did not increase the budget;
- One (1) appropriation (#2013093) totaling \$95,811.17 for various school division programs;
- One (1) appropriation (#2013094) totaling \$5,568.75 to support Community Development's conservation easement monitoring services;
- One (1) appropriation (#2013095) totaling \$76,341.70 from the Commission on Children and Families to the County of Albemarle and City of Charlottesville;
- One (1) appropriation (#2013096) totaling \$350,000.00 for Department of Social Services expenditures that will be entirely reimbursed by State and Federal revenues;
- One (1) appropriation (#2013097) totaling \$300,000.00 for tax overpayment refunds; and
- One (1) appropriation (#2013098) totaling \$1,779,558.00 for a transfer from the FY12 School Fund balance to the FY13 Capital Improvement Program Funds. This appropriation did not increase the budget.

Approved July 3, 2013:

- One (1) appropriation (#2013099) totaling \$1,524,641.00 for Comprehensive Services Act expenditures;
- One (1) appropriation (#2013100) totaling \$6,120.00 for the courts facilities appraisals;
- One (1) appropriation (#2013101) that transfers \$57,564.94 from the Family Support Fund to the General Fund, reducing the planned use of General Fund fund Balance. The appropriation did not increase the County Budget;
- One (1) appropriation (#2013102) totaling \$94,181.00 to adjust the amounts budgeted for the Criminal Justice Program grants administered by Offender Aid and Restoration; and
- One (1) appropriation (#2013103) that transfers \$146,715.27 from the Performance Incentive Pool to the appropriate departments. The appropriation did not increase the County Budget.

Approved September 4, 2013:

- One (1) appropriation (#2013105) totaling \$13,000.00 for school division grants.

Approved October 2, 2013:

- One (1) appropriation (#2013106) to appropriate funding to reconcile the various sources of revenue of the Office of Facilities Development Internal Service fund. This appropriation did not increase the total budget because already appropriated funding will be re-allocated between various funds.
- One (1) appropriation (#2013107) to appropriate \$97,279.05 for various school division programs;
- One (1) appropriation (#2013109) to appropriate \$596,724.44 to reconcile the Capital Program;
- One (1) appropriation (#2013110) to appropriate \$40,134.00 to the School 2011 EDA principal from the General Government 2011 EDA principal. This appropriation did not increase the total budget because already appropriated funding will be re-allocated; and
- One (1) appropriation (#2013111) to appropriate \$174,898.28 to reconcile various Special Revenue Funds.

The one (1) appropriation requested for Board approval on October 9, 2013 is as follows:

- One (1) appropriation (#2013112) totaling \$450,000.00 from school division fund balance for the Comprehensive Services Act program.

After the public hearing, staff recommends approval of the FY 13 Budget Amendment in the amount of \$3,784,758.42 and approval of appropriation #2013112 to provide required funding for the Comprehensive Services Act Fund.

\*\*\*\*\*

|                               |                          |                     |
|-------------------------------|--------------------------|---------------------|
| <b>Appropriation #2013112</b> |                          | <b>\$450,000.00</b> |
| Source:                       | School Fund fund balance | \$ 450,000.00       |

This School Division appropriation request, approved at the August 22, 2013 School Board meeting, is to appropriate \$450,000 from the School Fund fund balance to the Comprehensive Services Act (CSA) Fund. CSA funds are utilized to fulfill Federal mandates required under the Individuals with Disabilities Education Act to provide appropriate educational placement to children with disabilities that require intensive services. CSA services are supported by School Division funds, General Government funds, and State funding. An increase in School Division funding is required for FY 13 due, in part, by the influx of new students to the division that require intensive private day and residential services. These additional costs depleted the School Division's portion of the CSA fund balance. The current School Division appropriation for CSA is \$763,000.00 and upon approval of this appropriation request, the total School Division appropriation for CSA will be \$1,213,000.00."

The Chair opened the public hearing. No comment was offered, and the Chair closed the public hearing and placed the matter before the Board.

Mr. Boyd asked if the "School Fund Balance" was the reserves, and if staff had underestimated the amount needed for the CSA. Ms. Allshouse explained that CSA had a spike in expenditures in FY13 that was unexpected and unprecedented, increasing 22% or \$1.5 million in FY13. She stated that sometimes just a few students can mean a big change, and the school's "fund balance" refers to remaining funds they've approved to move over to CSA – which is part of the 2% the schools keep in reserve, and a portion comes from other accounts.

Mr. Rooker **moved** to approve the FY 2013 budget amendment in the amount of \$3,784,758.42 and to approve appropriation #2013112 to provide required funding for the Comprehensive Services Act Fund.

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

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

| COUNTY OF ALBEMARLE   |                                 |            |                  |
|-----------------------|---------------------------------|------------|------------------|
| APPROPRIATION SUMMARY |                                 |            |                  |
| APP#                  | ACCOUNT                         | AMOUNT     | DESCRIPTION      |
| 2013112               | 3-2000-62000-351000-510100-6599 | 450,000.00 | App Fund Balance |

|              |                                 |                     |                               |
|--------------|---------------------------------|---------------------|-------------------------------|
| 2013112      | 4-2000-62112-493010-930206-6501 | 450,000.00          | Transfer to CSA               |
| 2013112      | 3-1551-51000-351000-512001-9999 | 450,000.00          | Transfer from School Division |
| 2013112      | 4-1551-53120-453010-581001-1005 | 450,000.00          | Mandated Services             |
| <b>TOTAL</b> |                                 | <b>1,800,000.00</b> |                               |

Agenda Item No. 15. **SP-2013-00013. Roberts & SP-2013-00014. Roberts Public Garage (Sign #108).**

**PROPOSALS: SP-2013-00013:** Special use permit amendment to permit a residential use to replace a public garage on 5 acres. **SP-2013-00014:** Special use permit amendment to require closure of the permitted public garage on 5 acres if a dwelling is built on the property.

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

**SECTION:** SP-2013-00013: Chapter 18 Section 10.5.2 of the Albemarle County Code, which allows for more lots than the total number permitted under sections 10.3.1 and 10.3.2. SP2013-00014: Chapter 18 Section 10.2.2.37 of the Albemarle County Code, which allows for public garages.

**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:** 8576 Howardsville Turnpike.

**TAX MAP/PARCEL:** 12600-00-00-031F3.

**MAGISTERIAL DISTRICT:** Samuel Miller.

*(Advertised in The Daily Progress on September 23 and September 30, 2013.)*

Mr. Scott Clark reported that this is a request to amend two existing special use permits, one for an additional development right and one for a public garage. He said the property is located on the Howardsville Turnpike in the southwestern portion of the County between Route 6 and Howardsville. Mr. Clark stated that, in the early 1990s, there were two special use permits approved on this property – the public garage, which was approved with conditions related to it being a truck maintenance garage for the owner of the site. He said, in 1992, there was an application for a special use permit for additional development rights for three lots on a 25-acre parcel, and all of the three lots had to be allocated development rights so they could become legal lots; however, there was a condition on one of the parcels that there not be a dwelling on that parcel in addition to the garage. Mr. Clark stated that the applicant's proposal is to amend both of those earlier permits, to eliminate the public garage use and permit a dwelling instead.

Mr. Clark said, in terms of consistency with the Comprehensive Plan, neither residential uses nor commercial garages are priority uses, but removing the impacts of a commercial garage and replacing it with a residence would be more in character with the area and seems to be more appropriate for the site. He stated that staff found two favorable factors with the application: the property already has the development rights, therefore, none would be added; and the change from a commercial garage use to a single-family residence would reduce the impacts on the site. He said staff found no negative factors.

Mr. Clark noted that there are two separate special use permits and two separate recommendations, and the conditions for 2013-00013 are proposed to be amended as shown so that the property can be used as a garage only until a dwelling is constructed. He said the conditions for 2013-00014 specify that the garage may only operate until the dwelling is constructed. Mr. Clark said staff revised some of the terms in condition #2 and its sub-conditions to make them more current, but they won't apply after the garage ceases operation. He stated that staff is recommending approval of both special use permit proposals with the conditions as presented.

Ms. Mallek asked if there were concerns related to the previous garage use, such as oil seepage. Mr. Clark said he wasn't aware of any, and confirmed that it would be the owner's responsibility to address those issues.

Mr. Craddock asked if it could be used for a personal garage for the owners. Mr. Clark said they could leave the garage building there or tear it down, and these special use permits just stipulate that they won't use it for a commercial garage.

The Chair opened the public hearing on both special use permits.

Ms. Brenda Roberts addressed the Board, stating that she would like her son to be able to build a home on the site, noting that the garage has not been in use for 19 years. She said the garage is a large building that is too nice to tear down, and they intend to continue using it for storage, etc.

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

Mr. Snow **moved** to approve S-P2013-00013 with the one condition as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Snow **moved** to approve SP-2013-00014 with the two conditions as presented. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**(The conditions of approval are set out below:)**

**SP-2013-00013. Roberts**

1. The parcel upon which the public garage is located may only be used as a garage in compliance with SP-2013-00014 until a dwelling is constructed on the property, and not thereafter.

**SP-2013-00014. Roberts Public Garage**

1. The public garage may only operate until a dwelling is constructed on the property, and not thereafter.
2. The following requirements shall apply to the public garage use:
  - a. The hours of operation for the public garage shall not begin earlier than 8:00 a.m. and shall end not later than 5:00 p.m., each day, Monday through Saturday;
  - b. No outside storage of parts including junk parts. Refuse awaiting disposal shall be stored in appropriate containers;
  - c. No freight shall be handled or stored on-site;
  - d. All work shall be conducted within the garage;
  - e. Repair work and storage shall be limited to equipment owned or operated by the operator of the public garage; and
  - f. No more than four (4) tractor trailers shall be parked in the outside area at any one time.

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Agenda Item No. 16. **SP-2013-00012. Les Yeux du Monde (Sign #120).**

**PROPOSAL:** Art gallery on 30 acres. No dwellings proposed. ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

**SECTION:** Chapter 18 Section 10.2.2.36 of the Albemarle County Code, which allows gift, craft and antique shops.

**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:** 841 Wolf Trap Rd.

**TAX MAP/PARCEL:** 06300-00-00-01410.

**MAGISTERIAL DISTRICT:** Rivanna.

*(Advertised in The Daily Progress on September 23 and September 30, 2013.)*

Mr. Scott Clark addressed the Board, stating that this is a proposal for an art gallery on 30 acres on Wolftrap Road near Free Bridge on Route 20. He presented an aerial view of the site and noted that the access begins on Wolftrap Road, with the driveway going back to the opposite corner of the property where the house, art gallery and barn are located. Mr. Clark pointed out the location of the entrance to the property on Wolftrap, the dwelling, and the proposed art gallery. He stated that the proposal is to use the existing structure as an art gallery under the “gift, craft and antique shop” use category, with the proposed hours being Thursday-Sunday from 1-5 p.m. as well as by appointment. He said the application includes two categories of events – one for up to 50 attendees, 10 times a year; and one for up to 20 attendees, 20 times a year. Mr. Clark stated that those events would typically be art openings or artist talks related to the art gallery use, not generic events such as weddings or dinners.

Mr. Clark reported that staff didn’t find any substantial detriment to adjoining lots, and there is a condition prohibiting amplified sound – which the owners don’t plan to use – and the parking areas are at least 1,000 feet from existing dwellings. He said the use would be commercial and is not related to agricultural or forestal use, but its limited scale and visibility minimize its impacts, with use of an existing 800 square foot building footprint and no expansion beyond that. Mr. Clark said VDOT found no problems with the roads and the existing level of use. He stated that the use isn’t directly supportive of any Comp Plan goals, but the small scale of the use would limit its impacts on important resources in the area.

Mr. Clark said the property is included in an Agricultural/Forestal District, so staff took it to that committee – and they found the proposed use would not be a detriment to agriculture or forestry in the district, given its limited extent, and recommended approval of the request providing the use is limited to the proposed hours of operation and attendance levels cited in the proposal. He stated that favorable factors include limited scale of the use and limited impacts, and the Ag/Forestal Committee’s recommended approval; the only unfavorable factor was that it’s not directly supportive of the Comp Plan goal for the rural areas. Mr. Clark said staff is recommending approval with conditions limiting it to just art gallery use with no possible use for general antique or gift shops; limiting it to the existing structure, which can be altered but not expanded; restricting events to the two categories described and the hours ending by 9:00 p.m.; specifying hours of operation as proposed; prohibiting outdoor amplified sound; and commencing of use by October 9, 2015.

Mr. Boyd asked for clarification of the number of events and limits on attendance. Mr. Rooker said, in a given year, they could have 10 events with up to 50 people, and 20 events with up to 20 people.

Mr. Clark said the 20 attendee limit was intended to more clearly separate the two categories of events.

Mr. Rooker asked if there was a requirement for a commercial entrance on the road. Mr. Clark said VDOT felt the existing entrance was satisfactory for this use.

Mr. Boyd asked if there was any input from neighbors. Mr. Clark said several neighbors attended the Planning Commission meeting and were in favor of it, and staff also received emails in favor of it before that meeting; there was no stated opposition.

Mr. Benish stated that this was one of the first special permits or legislative acts that fell under the County's new ordinance requiring a community meeting, and the applicants held a community meeting early on in the process with the neighbors along the road. He said there were no significant concerns raised.

The Chair opened the public hearing.

The applicant, Lynn Warren, addressed the Board and said she was seeking approval to use the building as her husband's studio and an art gallery. She stated that they put flyers in every mailbox around, and received lots of support from neighbors. Ms. Warren said they had a studio downtown on West Main, then on Water Street, and built the studio when they needed more space.

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

Mr. Boyd **moved** to approve SP-2013-00012 with the nine conditions as recommended. Mr. Rooker **seconded** the motion.

Mr. Rooker commented that if there had been widespread opposition to this SP, he would probably have opposed it because it is a fairly intense use for an agricultural site and also given the access from the road to this site. He said, however, no one has spoken against it and the Planning Commission was in favor of it, so he agrees with the approval.

Ms. Mallek said this is an example of the kinds of different rural activities fostered with the Monticello Artisan Trail, even though the roads are not great, and people are able to get a different look at what the County is all about.

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

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

NAYS: None.

**(The conditions of approval are set out below:)**

1. No antique shop or gift shop shall be operated on the property.
2. The gallery use shall take place only in the existing forty (40)-foot by twenty (20)-foot gallery structure, which may be altered but not expanded.
3. The art gallery shall hold no more than ten (10) art-related events per year for more than twenty (20) attendees at any time, and daily attendance for these events shall not exceed fifty (50) persons.
4. The art gallery shall hold no more than twenty (20) art-related events per year for up to twenty (20) attendees at any time, and daily attendance for these events shall not exceed twenty (20) persons. These events are in addition to the events permitted under condition 3.
5. Any art event allowed by conditions 3 or 4 must end by 9:00 p.m.
6. The hours of operation for sales in the art gallery shall not begin earlier than 1:00 p.m. and shall end not later than 5:00 p.m., each day, Thursday through Sunday. Operation outside those hours shall be by appointment only.
7. There shall be no outdoor amplified sound permitted for this use.
8. The use shall commence on or before October 9, 2015 or the permit shall expire and be of no effect.
9. All new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.

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Agenda Item No. 17. **ZMA-2012-00003. Out of Bounds (Sign #6).**

**PROPOSAL:** Rezone a 9.42 acre property from R-1 Residential (1unit/acre) to NMD Neighborhood Model District which allows residential (3-34 units/acre) mixed with commercial, service and industrial uses. Maximum of 56 residential units with the preservation of an existing residence on 0.68 acres for a proposed density of 6 units/gross acre. No commercial is proposed.  
**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 in Neighborhood 7.

**LOCATION:** Located on Barracks Road (Route 654) across from its intersection with Georgetown Road (Route 656). 225 Out of Bounds Road, Charlottesville, Virginia 22901.

**TAX MAP/PARCEL:** 06000000006500.

**MAGISTERIAL DISTRICT:** Jack Jouett. **(Applicant requests deferral to November 13, 2013.)**  
(Advertised in *The Daily Progress* on September 23 and September 30, 2013.)

**Note:** Motion to defer this item was taken at the beginning of the meeting.

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Agenda Item No. 18. **ZMA-2013-00003. 1306 Crozet Avenue (Signs #55&56).**

**PROPOSAL:** Rezone 1.09 acres from R-2 Residential zoning district which allows residential uses at a density of 2 units per acre to R-4 Residential zoning district which allows residential uses at a density of 4 units/acre, to allow construction of 2 proposed units (with two 2 existing units) for a density of 3.67 dwellings/acre.

ENTRANCE CORRIDOR: No.

PROFFERS: Yes.

SCENIC BYWAYS OVERLAY: Yes.

COMPREHENSIVE PLAN: Crozet Master Plan-Neighborhood Density Residential – 3-6 units/acre; supporting uses such as religious institutions, schools and other small-scale non-residential uses in the Crozet Community.

LOCATION: Intersection of St. George Avenue/Crozet Avenue (1306 Crozet Avenue). TAX MAP/PARCEL: 056A1010011400.

MAGISTERIAL DISTRICT: White Hall. **(Applicant requests deferral to November 13, 2013.)**  
*(Advertised in The Daily Progress on September 23 and September 30, 2013.)*

**Note:** Motion to defer this item was taken at the beginning of the meeting.

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Agenda Item No. 19. **To consider 1) granting a sanitary sewer easement to the Albemarle County Service Authority and 2) granting temporary construction easements and temporary grading easements to Albemarle Health Care Center LLC.** The proposed easements would be across property owned by the County located near the Monticello Fire Rescue Station (Parcel 09100-00-00-002E0) at Mill Creek Drive and across Parcel 09100-00-00-01100, located to its rear. These easements are necessary for the construction of and required grading along a new right-of-way to be dedicated to public use across the properties and for the installation of a new sanitary sewer line to provide service to Parcel 09100-00-00-012C0 and/or Parcel 09100-00-00-01200 (91 Galaxie Farm Lane).  
*(Advertised in The Daily Progress on September 30, 2013.)*

The following executive summary was forwarded to Board members:

“Albemarle Health Care Center LLC has proposed the construction of a new Albemarle Health and Rehabilitation Center facility to the south (rear) of the existing Monticello Fire Station on Mill Creek Road. The Board approved a Zoning Map Amendment and Special Use Permit for this facility on February 8, 2012. As part of the approval process, Albemarle Health Care Center LLC proffered to build a new public road and other improvements across County-owned property that would serve both the Albemarle Health and Rehabilitation Center facility in the short term and the neighboring County properties in the longer term. The agreement of Albemarle Health Care Center LLC to bear the expense of these improvements was seen as a fair exchange for the use of County property, if the Board decides to approve the requested easements and to dedicate County property to public use for a road to provide convenient access for this proposed development.

In order for the proffered improvements to be constructed, the County is being asked to grant easements across the County owned Monticello Fire Rescue Station property located at 25 Mill Creek Drive (TMP 91-2E) and the adjacent undeveloped property located at 133 Galaxie Farm Lane (TMP 91-11) for the installation of sanitary sewer lines and the construction of and grading along a new right-of-way to be dedicated to public use.

The specific location of the proposed easements is shown on the attached Plat (Attachment A). The proposed easements are necessary for the construction of and required grading along a new right-of-way across the properties to be dedicated to public use and for the installation of a new sanitary sewer line to provide service to the site/facility on TMP 91-12 (91 Galaxie Farm Lane) and/or to TMP 91-12. The right-of-way would provide access from Mill Creek Drive (Route 1150) to the Albemarle Health and Rehabilitation Center and to the County-owned parcels. County staff has determined that the requested easements would not unreasonably restrict the future use or value of the property.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to the disposal of any interest in County-owned real property, though no public hearing is required for the dedication of the right-of-way. Though the County is under no obligation to grant these easements across County property, the easements are necessary if the proffered improvements are to be constructed.

There is no budget impact.

Staff recommends that, after receiving public comment, the Board adopt the attached Resolution (Attachment B) approving the proposed easements and authorizing the County Executive to sign, in a form approved by the County Attorney, the documents related to the Albemarle Health Care Center LLC site development on behalf of the County.”

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Mr. Davis reported that this matter is before the Board as a result of a zoning map amendment and special use permit approved by the Board in February 2012, which allows for use of the site to the south of the Monticello Fire Station on Mill Creek Road for a proposed Albemarle Health & Rehabilitation Center facility. He said, as part of that rezoning request, the applicant desired to have access to that

property through property owned by the County and, as a result, they proffered that as consideration for being able to use County property for that access they would build a road within a publicly dedicated right of way from Mill Creek Drive up to a point just beyond the entrance to the proposed facility, and would construct and maintain that roadway until it was accepted by VDOT. He stated that, as a result of the construction plans, the applicant is now at the point of finalizing site plan approval and needs eight legal documents approved by the County in order to construct the proposed road for their development.

Mr. Davis said the documents have been worked on by his office and the attorneys for the applicant, and they have reached agreement on the terms and conditions of those separate documents. He stated that the matter was before the Board at this meeting for a public hearing on the sewer easement that must be dedicated to the Albemarle County Service Authority (ACSA), and construction easements which are required by the applicant and necessary to be approved as part of the public hearing process. Mr. Davis said there is a resolution before the Board referring to the necessary approvals, and it lists the different legal instruments that must be approved by the County in order for the project to proceed – a certificate of plat, a road maintenance agreement, a deed of easement to the healthcare center for temporary construction and grading, a drainage easement dedicated by the County for the right of way, a drainage easement deed from the ACSA to the County, a site distance easement dedication by the County, a site distance easement from the ACSA to the County, and a sanitary sewer easement to the ACSA for construction of the sewer line.

Mr. Davis said staff has reviewed these easements and has determined that they are in the proper locations, and would not have any adverse impact on the future development on the County property to the south of this property – which is being held for future County facilities and development. Mr. Davis stated that the road construction provides a benefit to the County in the long term because it's in the proper location to extend in the future onto the County property. He said the County isn't obligated to grant this right of way and easement to the developer, but it's consistent with what was proposed in the rezoning and does provide a benefit to the County as proper consideration for use of County right of way. Mr. Davis stated that staff recommends the Board approve the resolution at the conclusion of the public hearing.

Ms. Mallek asked why there is a section squeezed right in the middle, as it appears to be 10 feet narrower in the center than on the ends. Mr. Benish said it's probably to accommodate future left and right turn lanes, whereas the main part of the road can be two lanes.

Mr. Snow asked if this was still intended to be a 90-bed facility as originally planned. The applicant, Mr. Bruce Hedrick, confirmed that it was to be 120 beds.

At this time, the Chair opened the hearing for public comments.

Mr. Bruce Hedrick of Medical Facilities of America addressed the Board, stating that they are appreciative of staff's cooperative approach and their recommendation of approval for the granting of the easements.

Mr. Justin Shimp addressed the Board and stated that the reason the road narrows is because the road design came from the site plan for the fire station, so it's just a function of that original design.

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

Mr. Craddock then **moved** to adopt the proposed resolution approving the proposed easements and **AUTHORIZED** the County Executive to sign, in a form approved by the County Attorney, the documents related to the Albemarle Health Care Center LLC site development, on behalf of the County. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

**RESOLUTION APPROVING EASEMENTS  
BETWEEN THE COUNTY OF ALBEMARLE AND  
THE ALBEMARLE COUNTY SERVICE AUTHORITY AND  
BETWEEN THE COUNTY OF ALBEMARLE AND  
ALBEMARLE HEALTH CARE CENTER LLC**

**WHEREAS**, the County of Albemarle owns certain property located near the Monticello Fire Rescue Station at Mill Creek Drive (Parcel 09100-00-00-002E0) as well as certain property located to its rear at 133 Galaxie Farm Lane (Parcel 09100-00-00-01100); and

**WHEREAS**, easements across these County-owned properties are necessary for the Albemarle County Service Authority (ACSA) to provide sanitary sewer and water service to Parcel 09100-00-00-012C0 and/or Parcel 09100-00-00-01200 (91 Galaxie Farm Lane) and for Albemarle Health Care Center LLC to construct a new right-of-way across the property to be dedicated to public use and to provide the required grading along the right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the granting of these certain easements to the ACSA and to Albemarle Health Care Center LLC, and authorizes the County Executive to sign, in a form approved by the County Attorney, the following documents:

1. A Certificate of Plat
2. Future Public Road Maintenance Agreement with Albemarle Health Care Center LLC and Galaxie, LLC
3. A Deed of Easement to Albemarle Health Care Center for temporary construction easement and temporary grading easement to construct the future public road
4. A Drainage Easement Dedication by Albemarle County
5. A Drainage Easement Deed from the Albemarle County Service Authority to the County
6. A Sight Distance Easement Dedication by the County
7. A Sight Distance Easement Deed from the Albemarle County Service Authority to the County; and
8. A Sanitary Sewer Easement Deed to the Albemarle County Service Authority (with a temporary easement to Albemarle Health Care Center to construct the sewer line)

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Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 22. Adjourn to October 10, 2013, 2:30 p.m., Room 241.

At 9:33 p.m., Ms. Mallek **moved** to adjourn the meeting to October 10, 2013 at 2:30 p.m. in Room 241 of the County Office Building. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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Chairman

|                   |
|-------------------|
| Approved by Board |
| Date: 08/13/2014  |
| Initials: EWJ     |