

Revisions as requested by the PC:

Red = Jay Willer

Blue = Eva Young

PLANNING COMMISSION

September 16, 2015

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, SEPTEMBER 16, 2015, AT 7:30 PM IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM.

Those present were:

- Jay Willer, Chairman
- Victor Schaff, Vice-Chairman
- Frank Morris, Member
- Eva Young, Member
- John McCloskey, Member
- Davis Lamb, Ex-Officio Member
- Bart Svoboda, Planning Director
- Stephanie Golon, County Planner
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

DETERMINATION OF QUORUM

The Chairman stated that the determination of a quorum was established during the preceding work session.

Mr. Morris made a motion to move Old Business items to the front of the agenda.

Mrs. Young seconded the motion.

Mr. Willer restated the motion.

Mr. McCloskey stated that he was not sure that it would be fair to those who have submitted new applications for public hearings.

Mr. Schaff agreed.

Mr. Morris stated there are some county officials, such as Alan Yost and others, who may be needed to answer some questions regarding Old Business and that he would like to address those questions before it got too late and they may leave.

Mr. Willer stated that it was a fair question adding that he hoped to be able to get through the public hearings fairly quickly regardless. He added that a motion has been made and seconded and an explanation has been provided.

The vote was taken.

AYE
Mr. Morris

Mrs. Young

NAY

Mr. Schaff

Mr. McCloskey
Mr. Willer

The motion did not carry; therefore, business continued to review Public Hearings as noted on the agenda.

PUBLIC HEARINGS

Phillips Family Properties III, LLC/Harold Phillips request a rezoning of approximately 1.4 acres of 5.36 acres zoned B-2, Business, and M-1, Industrial, to M-2, Industrial, with the remaining acreage remaining as a M-1, Industrial, zoning designation located at 56 Commerce Drive and identified on County Tax Maps as 60C-(6)-A1. (RZ#15-002)

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request and gave a description of the property, noting that it is a split-zoned property. He stated that the applicant is requesting a rezoning to M-2. He reviewed aerial photos and various maps relating to the property. He stated that improvements on site would be addressed through the site plan review and building permit processes. He noted that the property is located in the growth area. He added that the revision would allow the uses to be in agreement with surrounding properties which would then allow the sharing of parking and the like. He stated that staff suggests rezoning the property to entirely M-1 as M-2 is likely too intense for the area. He reviewed agency comments. He explained that advertising obligations have been met. He added that this is a request to rezone and conditions cannot be attached. He reviewed the Comprehensive Plan goals for the area.

Harold Phillips, applicant, addressed the Commission. He stated that he would like to have the property rezoned and that there is a potential tenant that would like to locate an indoor soccer facility on site. He noted that the Charlottesville Derby Dames are located on site and that this may become a sports complex.

Mr. Willer asked if the M-1 zoning designation instead of M-2 is suitable for the owner.

Mr. Phillips stated that M-1 would be fine.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Willer stated that this rezoning would allow uses for an M-1 zoning district which would include industrial activities as well as business type uses.

Mr. McCloskey stated that his concern was that the M-2 designation may be too intensive adding that his concern has been alleviated by the applicant's agreement to rezone to M-1 instead.

Mr. Schaff stated that he thinks it is a great idea.

Mr. McCloskey made a motion to recommend approval of rezoning RZ#15-002 to rezone the B-2 area of the parcel to the M-1 (Industrial, General) Zoning District as recommended by staff.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Schaff
Mrs. Young
Mr. McCloskey
Mr. Willer

NAY

The motion to recommend approval of RZ#15-002 carried by a 5-0 vote.

Mr. Willer explained that the Commission makes recommendations and the request will be forwarded to the Board of Supervisors.

Greene County Zoning Ordinance Revision: Revise Article 16-2: Special Use Permits, and all applicable references, to amend language and regulations applicable to the special use permit process and approval. (OR#15-002)

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request and the proposed revision language. He stated that the ordinances are often reviewed for updates. He stated that the County Attorney has reviewed the language as well.

Mr. Svoboda reviewed the history of the request and how the language has been achieved. He reviewed the specific areas that had been revised per the Commission input and the County Attorney legal language requirements.

~~There was discussion regarding the history of the revision request.~~

Mr. Willer noted that the staff report and Mr. Svoboda's comments referred to a

public hearing being held on April 15th and asked if that had actually been a work session since the public hearing is being held tonight

Mr. Svoboda agreed.

Mr. Willer stated that he wanted to be clear that we are not having a second public hearing.

Mr. Svoboda stated that it had been open to public comment but was a work session.

Mr. Willer agreed.

Mrs. Alley and Mrs. Golon interjected that the April meeting was a public hearing which was indefinitely deferred therefore requiring advertisement once more for the second public hearing tonight.

Mr. Svoboda apologized and stood corrected twice.

Mr. Willer added that he stood corrected once.

The Chairman opened the second public hearing.

There being no public comment, the public hearing was closed.

Mr. Willer explained that this revision is to address the procedural aspects of approving special use permits.

Mr. Schaff made a motion to recommend approval of ordinance revision OR#15-002 as submitted.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. McCloskey

Mr. Schaff

Mr. Willer

NAY

Mrs. Young

Mr. Morris

The motion to recommend approval carried by a 3-2 vote.

OLD/NEW BUSINESS

Mount Vernon United Methodist Church requests a special use permit for an existing non-conforming church, which would bring the church use into

conformance with the Greene County Zoning Ordinance and allow for future expansions, on an approximately 2.00 acre tract which is zoned A-1, Agriculture, located on Dyke Road/Garth Road (76 Garth Road) and identified on County Tax Maps as 36-(A)-4. (SUP#15-005)

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request and gave a description of the property. He reviewed the history of the request and agency comments. He explained that improvements are being proposed which lead to the need for the special use permit. He noted that conditions may be placed on special use permits to mitigate any impacts caused by the special use permit. He added that staff recommends approval after consideration of the following:

- The use does not appear to change the character and established pattern of development of the area or community in which it wishes to locate.
- The use appears to be in harmony with the uses permitted by right under a Zoning Permit in the zoning district and shall not adversely affect the use of neighboring property.
- Staff and agencies were unable to identify potential impacts related to the Special Use Permit; therefore, staff did not provide recommended conditions.
- Due consideration was given to the suitability of the property for the proposed use which does not appear to effect the community in a detrimental manner or increase transportation, schools, parks, playgrounds, or other infrastructure needs.

Mr. Svoboda stated that there would be no additional parking requirements.

Mr. Morris asked if Mr. Seale (VDOT) was asked to attend as previously requested.

Mr. Svoboda stated that Mr. Seale indicated that he would attend if necessary but that he had provided his written comments.

Mr. Schaff clarified that the request is to bring a non-conforming church into conformance with the Zoning Ordinance.

Mr. Svoboda explained that the church is currently non-conforming and unable to expand under the ordinance. He stated that the church is requesting a special use permit in order to become conforming which would in turn allow for expansions. He noted that the trigger for the special use permit is that they would like to add a gazebo which is considered an expansion of the use but noted that it would not require additional parking.

Mr. Morris stated that the safety of people moving to and from the peace garden is an issue.

Mr. Svoboda explained that conditions cannot be placed regarding parking along

the roadway as that would be a VDOT enforcement issue and not enforceable by the Zoning Ordinance. He added that if people park in the road or block traffic, then it would be an emergency services issue or a VDOT issue.

There was discussion regarding the VDOT comments and the requirement that some No Parking signs be posted.

Mr. Morris stated that he spoke with Mr. Seale this week and knew that he was not invited to the meeting. He added that Mr. Seale said that a lot of this has to deal with the survey which has not been performed yet.

Mr. Svoboda stated that he has not spoken to Mr. Seale about a survey and would not put words in his mouth. He added that if there were questions about what Mr. Seale said, then they should be directed to Mr. Seale.

Mr. Morris stated that that was the reason that he wanted to have Mr. Seale attend the meeting to address these questions.

Mr. Svoboda stated that Mr. Seale provided his comments via email and also asked if it was usual for VDOT to attend the Planning Commission meetings. Mr. Svoboda stated that he told Mr. Seale that normally VDOT only attend Planning Commission meetings involving the Comprehensive Plan and that usually written comments were considered sufficient during these types of public hearings.

Mr. Willer stated that he would like to hear from the applicant regarding the VDOT recommendations.

Kendall Tata and Beth Laine, representatives for Mount Vernon United Methodist Church, addressed the Commission.

Mrs. Laine stated that the application was submitted so that the church could place a gazebo at the peace garden, noting that they did not realize that parking would become so involved. She stated that they are prepared to address parking issues pointing out that they have met with Mr. Seale on site to address these concerns. She explained that Mr. Seale has marked along Garth Road where three No Parking signs must be installed and noted that she has an estimate from Performance Signs for those signs. She added that in good faith, they are trying to comply. She stated that they now understand what they need to do to make it safe there for people to park and visit the peace garden. She added that they are fully aware of it and know that parking will be something that the church needs to address aside from the special use permit.

Mr. Willer asked if the No Parking signs are for one side of the road or both sides of the road.

Mrs. Laine stated that at this time Mr. Seale has requested three signs from the peace garden to the church on the peace garden side of Garth Road.

Ms. Tata stated that Mr. Seale marked all of the sign locations, that Miss Utility came to the site, and that they are in the process of getting the signs made. She added that Roger Ray and Associates have been consulted to begin the survey process.

Mr. Willer clarified that the applicant understands the VDOT requirements and is willing to comply.

Mrs. Laine & Ms. Tata stated that they are willing to comply.

Mr. Willer reminded everyone that this is not a public hearing as it was held previously. He added that he was comfortable with the resolution and VDOT's control of it as opposed to controlling it through the special use permit process.

Mr. McCloskey made a motion to recommend approval of special use permit application SUP#15-005.

Mr. Schaff seconded the motion.

~~Mr. Willer stated that it sounded as if Mr. Morris was about to say something.~~

Mr. Morris stated that he is fine with it and enjoys the view in the peace garden noting that he loves it and believes that it is a great thing for the community. He added that he is concerned for the safety of people with walkers and wheelchairs. He explained that part of the Commission's job is to address the safety, noting that he believes it should be there but added that he does not believe that the safety issues have been addressed to allow something that far away from the church.

Mr. Willer asked if there is a sidewalk from the church to the peace garden.

Mr. Morris stated that the sidewalk comes from the church to the road.

Mrs. Laine explained that the church is hoping to get approval during the site plan review to possibly pave an asphalt path from the church to the peace garden.

~~Mr. Willer restated the motion. {Mr. Willer agreed to remove.}~~

The vote was taken.

AYE

Mr. Schaff

Mr. McCloskey
Mr. Willer

NAY

Mrs. Young

Mr. Morris

The motion to recommend approval carried by a 3-2 vote.

Greene County Zoning Ordinance Revision: Revise Article 3-Conservation (C-1), Article 4-Agricultural (A-1) to include Bed and Breakfasts, Tourist Lodging, and Transient Lodging and related uses as uses permitted by-right or by special use permit in the C-1 and A-1 zoning districts and revise Article 22-Definitions and all applicable references to define Bed and Breakfasts, Tourist Lodging, and Transient Lodging and related terms. (OR#15-001)

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request. He stated that the public hearing was held and deferred in order to address how subdivisions are dealt with in the rural area. He explained how the fifty lot threshold was determined in order to maintain continuity within the existing regulations. He noted that this revision would only apply in the A-1 and C-1 zoning districts. He reviewed the regulations as proposed and what types of subdivisions that would be affected, noting that this revision would prohibit this use in subdivisions comprised of fifty lots or more. He pointed out that the Commission may lower that threshold if they prefer noting that it would be within the advertising requirements.

Mr. Willer referred to the top of page 3 of the staff report relating to the temporary events allowance in accordance with the Zoning Ordinance.

There was discussion regarding the temporary events language relating to this revision and its consistency with existing regulations for temporary events.

Mr. Svoboda noted that an email was submitted which refers to some possible exemptions.

Mr. McCloskey referred to the suggestions submitted by Mr. Arsenovic. He reviewed those suggestions as they relate to the acreages of lots. He noted that there seems to be a suggestion to use the guideline of fifty lots or a minimum acreage requirement.

There was discussion regarding those suggestions.

Mr. Schaff noted that it appears to create a loophole.

Mr. McCloskey stated that there could still be a buffer issue with smaller lots and a better buffer with larger lots.

There was continued discussion regarding lot size and buffer areas.

Mr. Willer stated that he would be concerned with that. He asked if there are any other issues to be noted at this time.

Mr. Svoboda stated that there are some nuances that would accompany those suggestions as they relate to acreages, definitions, etc. He noted that these suggestions were received from a citizen and were not generated by staff.

There was discussion regarding the suggested exemptions as to how they would apply by-right.

Mr. McCloskey agreed that parameters must be in place.

Mr. Schaff noted that subdivision developments should be protected as well.

Mr. Svoboda stated that the ordinance is a living, breathing document so that the opportunities that are afforded us based on economics, populations, and other trends that are observed will be able to be supported by the ordinance.

There was discussion regarding future exemption possibilities such as historic buildings and their registration, agritourism advances in the future, etc.

Mr. Schaff asked if it should be opened up a bit.

Mr. Morris stated that he believes that it is too open.

Mrs. Young stated that the revision was deferred previously in order to establish a mechanism to protect subdivisions and that she did not believe that has been done.

Mr. Willer asked Mrs. Young if she was unsure that the issue has been addressed with the new language.

Mrs. Young stated that she was not sure the new language addressed the need.

Mr. Willer stated that the Commission could defer again with specific guidance to staff in the language to be revised in order to better protect neighborhoods. He noted that he was reluctant to defer without providing some guidelines for staff as to what the Commission would like to see included in the revision.

Mr. Morris recalled previous discussions to increase the acreage.

Mrs. Young agreed.

Mr. Schaff stated that it was discussed for a bit.

Mr. Morris stated that there are a lot of houses in the county located outside of subdivisions on two acre lots and asked what would make those homes any different from homes within a subdivision.

Mr. Svoboda stated that there is no difference.

Mr. Morris explained that was why he was addressing the acreage issue that he thought maybe they were better people or something in a subdivision.

Mr. Willer stated no.

Mr. Svoboda reviewed acreage issues and minimum lot sizes within districts. He reviewed the criteria of property divisions and other options to consider for a starting point for the limiting threshold for the use. He stated that staff needs an idea of what the Commission wants the revision to reflect. He reviewed current ordinance requirements, various options for accommodating the use, etc. and asked for guidance as to how to proceed, noting that this is the fourth round of discussion for this revision.

Mr. Morris stated that might be a good reason to leave the ordinance like it is since this is the fourth round.

Mr. Svoboda stated that he would be okay with that, noting that a recommendation needs to be made to that effect and forwarded to the Board of Supervisors as this is a part of the initiative about tourism.

Mr. Schaff made a motion to recommend approval of ordinance revision OR#15-001 as submitted.

Mr. McCloskey seconded the motion.

Mr. Willer stated that minimum lot size has been previously discussed and that he does not have a clear idea as to what would work in that regard.

Mr. Svoboda stated that from a staff prospective, guidance is needed to best utilize resources and achieve the goal of the Commission.

Mr. Morris stated that he did not understand how the burden of the temporary event could affect a lot within a subdivision any differently than it affects a lot outside of a subdivision.

Mr. Schaff explained that the temporary event component is an ancillary effect and that the real issue is the Bed & Breakfasts.

Mr. Morris asked if the Commission is not worried about lot size than why is it worried about subdivisions.

Mr. Schaff stated that the goal is to protect the neighborhood.

Mr. Morris commented that subdivision people are better than people who do not live in subdivisions.

Mr. Schaff stated that his thought was that people who purchased property within a subdivision purchased it specifically to be in a subdivision and not to be in a

business area.

Mr. Svoboda reviewed the types of subdivisions that are able to be created and have been created in the county. He stated that he is okay with whatever the goal might be but needs guidance from the Commission.

Mr. Morris suggested leaving the ordinance like it is.

Mr. Schaff asked if it should be more restrictive including the requirement for a special use permit.

Mr. Morris agreed.

Mr. Svoboda restated for clarification that the Commission would like to propose that tourist lodging be defined and would be allowed by special use permit.

Mr. Schaff stated that he does not believe that is the direction trying to be achieved by the Comprehensive Plan as far as being attractive to tourist and may be detrimental to growing tourism within the county.

Mr. Willer recalled a discussion regarding allowing the market to decide the location of these types of businesses. He noted just because it is made possible does not necessarily mean it is probable.

Mr. Willer restated the motion on the table.

The vote was taken.

AYE

Mr. Schaff

Mr. McCloskey

Mr. Willer

NAY

Mr. Morris

Mrs. Young

The motion to recommend approval carried by a 3-2 vote.

There was a five-minute recess.

Ellis Lyle II & Tammy Durrer/Ellis & Virginia Durrer request a special use permit for an Outdoor Shooting Range on approximately 2.0 acres of a 105.37 acre tract which is zoned A-1, Agriculture, located near 15337 Spotswood Trail and identified on County Tax Maps as 61-(A)-6. (SUP#15-001)

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request noting that the public hearing was held in August and the Commission deferred the decision to tonight's meeting. He stated that the applicant was present to address the requested additional information. He noted that staff does not recommend any conditions as information to address impacts does not appear to be provided in the submitted information. He stated that the concerns of the Commission were as follows:

- The need for a full design of the shooting range to be submitted for review.
- The need to identify the Surface Danger Zone (SDZ) for the proposed range.
- The compatibility of the products proposed to be used in the shooting range (Range System and Troy Acoustics).
- The need for a maintenance schedule for the facility.
- The need for standard operating procedures for the range.

Mr. Svoboda deferred to the applicant for more information for those items.

Lyle Durrer, applicant, addressed the Commission. He asked if there were any specific questions from the Commission.

Mr. Willer stated that Mr. Svoboda had summarized the questions noting that the Commission would like to know more specifics regarding sound propagation, the building footprint and materials, etc., the safety zone down range, etc. He noted that items have been submitted and that some items have changed.

Mr. Durrer stated that the Surface Danger Zone (SDZ) would not apply to this type of range. He noted that the site plan is the same explaining that there will be twenty lanes and that the new drawings show the shooting stalls a little better. He described the stalls as being as if you are in a hallway with eight inches of cement on the left side and eight inches of cement on the right side, a minimum of four feet between those walls, a minimum of seven feet tall with concrete above that, and a minimum of sixteen feet long shooting tunnel, noting that not much can escape that. He stated that the exterior is basically the same. He described the exterior walls as being a minimum of eight inches thick, a minimum of eight feet tall, encompassing the whole shooting range and behind it as well. He noted that the height would be determined when digging takes place in order to conform to the building code. He added that the maintenance schedule has been included in the packet. He noted that the range would be inspected each day before business and issues would be addressed. He added that the bullet traps are rated on a round count, noting that they are monitored and then the lead is reclaimed and recycled by a hired company. He stated that the noise study was also included in the packet, noting that Troy Industries is handling the acoustical applications to get the noise level where it needs to be. He added that the SOP is in draft form until final conditions are determined. He stated that he has submitted everything that was requested by the Commission.

Mr. Willer stated that originally, the exterior walls were proposed to be two feet

thick and now eight inch thick minimums are being proposed.

Mr. Durrer stated that the two feet thick proposal was before the March meeting. He explained that the original proposal was using two feet by six feet blocks and that after speaking with Rose Developers and the NRA, it was noted that the poured walls would be better in order to alleviate cracking. He added that the wall proposal was changed before the last meeting after speaking with range designers.

Mr. Willer asked what the process would be for bullet trap cleaning and round counts.

Mr. Durrer explained that the cleaning process and round count is per lane and that the number is controlled by varying the lanes that are used.

There was discussion regarding the cleaning process and hiring professional companies to perform that process.

Mr. Schaff asked how often the cleaning would need to take place.

Mr. Durrer stated it would depend on business and the round county estimating possibly every 14 months after speaking with other similar range owners.

Mr. Willer asked if there is a round count specified by the manufacturer.

Mr. Durrer stated that there is a limit and that is why the lane usage is alternated in order to maximize the lane usage and the cleaning visit by the hired company.

Mr. Schaff asked about the Range Systems information for floor covering versus the Troy information. He noted that the Range System information provides a round count for the number of bullets that could be absorbed by the covering before replacement was needed, noting that he did not see that information provided in the Troy information. He stated that he hopes that the Troy product would collect bullets as well.

There was discussion about the two products and the performance of managing ricochet and addressing acoustic management.

Mr. Schaff stated that more information has been received but plans have not been submitted. He added that he believes a safe no-escape range can be built but noted that there are no plans showing that is what will be specifically built. He stated that he really wished there was a way to test an identical range to answer some of these issues.

Mr. Durrer stated that there is not a range similar to this to compare to, noting that if they could have found one, they would have done it. He added that the proposed range is above and beyond any range. He noted that he was told that engineered drawings would be needed at the site plan phase. He added that he

did not know if everyone is made to show engineered stamped drawings at this stage in the process.

Mr. Schaff stated that he would expect that if a shopping center was being proposed that the ordinance would address the construction, noting that this is a different endeavor and trusting the local ordinances may not be the same thing which is why more information is needed.

Mr. Durrer stated that he has to follow the Building Code which is a local ordinance and asked if he was not trusted to build to local ordinance when it has to be inspected by the county.

Mr. Schaff stated that it is not a matter of trusting Mr. Durrer but that it is a matter of, in today's society, being able to have the recourse to know that it is built exactly as proposed. He offered scenarios where the project may not be completed and noted that without absolute plans, there is no way to assure completion as approved. He added that he knows that Mr. Durrer wants to build a quiet and safe range but that no specific plans have been provided.

Mr. Durrer stated that if he provided engineered stamped drawings and experienced a scenario that would delay or halt construction, the completed project would still require inspections.

Mr. Willer stated that there are codes for building a house relating to construction that do not address types of windows, colors, etc. noting that his concern is that due to the noise and safety concerns the Commission needs to be sure to get this right before being able to say yes to it. He added that each party is asking the other for guidance but noted that it is not a question of trust. He added that there is a wonderful opportunity for a business here, noting that he wants to be sure of what is being approved since the specifics would be far more important here than in almost any other type of construction.

Mr. Durrer stated that the drawings were completed by a professional range designer and asked what is wrong with the drawing that has been submitted.

Mr. Willer stated that it is fine for the footprint and some interior lines for shooting tunnels but that it does not address the sound, safety, and other issues that have been mentioned by those who have spoken out against this, noting that those interests have to be protected as well.

Mr. Durrer stated that the Troy Acoustics product would be in the lanes and that he felt as if he had provided the information that was requested. He added that these are bona fide professional drawings by a company that has been in business for over twenty years.

Mr. Morris stated that he was a little confused and really lost suggesting that he stop, go outside and take a break or something because a moment ago the option of wheeling a wheelchair down the road the Commission did not have a

problem and did not need it included in the drawings. He stated that now the Commission is trying to override, noting that we have a state building official present who could answer these questions. He asked if the Commission is requesting a set of drawings to approve and override a state department. He asked if he was understanding this correctly and asked if the Building Official could be called in to ask where it falls about the Commission approving a building.

Mr. Willer stated that this is not a public hearing but that the Commission could ask questions of whomever they like.

Mr. McCloskey stated that it did not sound as if the question is around a building code that it was really around is this safe. He stated that he believed it would be built to code as it has to be built to code, adding that it may be built to meet the building code but may not be safe for the noise may be above the acceptable level. He added that by these standards does the building built to code meet the acceptable levels of sound and safety which is not a question of meeting the building code. He noted that we are not asking him to prove to the Commission that it meets the building code.

Mr. Schaff agreed noting that the Commission is asking that he prove that it will meet the safety and sound requirements.

Mr. Durrer referred to the letter from Troy Acoustics relating to sound abatement and explained the construction and design of the baffles and the concept of the no blue sky design, adding that if you cannot see blue sky, you cannot hit blue sky. He stated that he has hired the best range designers in his opinion and that this is their proposal.

Mr. McCloskey stated that the concerns that he is hearing is that there is a list of professionals but no overall professional engineer to say that all of the information placed together will meet the end goal. He added that he did not think that anyone could argue with the professionals that are listed but there is not one complete package of design.

Mr. Durrer stated that the range designer designed it and asked who else you could listen to, noting that he is at a loss.

Mr. Willer referred to previous comments regarding sound in which Mr. Durrer stated that they would work to get the sound to where they need to which implies that it is not there yet.

Mr. Durrer stated that the letter from Troy states that they can get the sound to what they want.

Mr. Willer agreed but noted that the language infers that it is possible but is not there yet. He noted that there are some other issues as well. He stated that approval is being requested for something that still has some wish to it. He noted

that this has generated a lot of controversy with a lot of legitimacy to it and that he wants to be sure that if it is approved that it can be done with confidence to satisfy those concerns. He added that he cannot do that yet and stated that he does not know how to offer anything more specific about what is needed.

Mr. Durrer stated that he thought that at this stage the vote was on whether or not the special use permit could happen and would it be good for the county. He noted that he did not realize that this stage would require plans for the recommendation to the Board of Supervisors. He added that he has done this before and been to these meetings noting that this is completely different.

Mr. Willer stated that it is completely different.

Mr. Durrer stated that state codes cannot be superseded and that the Commission is voting on a recommendation.

Mr. Willer stated that the Commission must be confident in that recommendation.

Mr. Morris asked if the Commission is asking Mr. Durrer to meet state codes or our codes and if so, what our codes are. He added that he builds for a living or tries to but may need to learn a lot tonight. He stated that he is confused as the plans are submitted. He stated that if the Commission wants a certain sound level then he recommended that the Commission tell Mr. Durrer the sound level that they want so he knows. He added that if the Commission is looking for a certain safety level like the two feet blocks, noting that it was his own experience that the blocks are cheaper than a poured wall.

Mr. Willer noted that he understood the expense aspect and clarified that he was not advocating the two feet wall but wanted to understand that aspect.

Mr. Durrer stated that the noise study was to determine the ambient noise level and it states that the range would be no louder than the ambient noise level. He added that he believes that he has done everything that has been asked.

Mr. Willer stated that he understood Mr. Durrer's frustration and agreed that the Commission is feeling the same thing in trying to be helpful and focus on specifics with the information provided. He added that they are not questioning the code noting that the concerns are more in the safety and sound issues in this location and that he could identify difficulties there in saying yes or no to the project.

Mr. Schaff stated that the Standard Operating Procedure does say draft but noted that it did not appear to be proofed well. He added that it often contradicts itself.

Mr. Durrer stated that it was written by an individual that has written several SOPs for a lot of different ranges. He added that once they know more, then more details can be provided and asked where the contradictions are noted.

Mr. Schaff noted that in one place it states that anyone can call that the line is safe and that in another place it states that only the range officer can make this command.

Mr. Durrer stated that it should not be like that as anyone can call a cease fire and that only the range officer can call that the line is hot.

Mr. Schaff stated that the line is safe and the line is hot are different. He noted that the draft SOP is not complete and is really rough.

Mr. Durrer reminded the Commission that it is a draft and that it was written, he read it, and that was something that was missed. He asked if there were any other areas that may have been missed.

Mr. Schaff stated there was also a contradiction relating to wearing eyewear also.

Mr. Durrer stated that it is not done yet.

Mr. Willer stated that conditions may be attached to special use permits. He added that it would be easier to support a gun range if he could say *as presented in this package* as opposed to having a draft. He agreed that there are some minor things that can be addressed but that more specifics would be more helpful.

Mr. Willer stated that another issue that needs to be considered is the location of the proposal. He stated that most of the discussion has related to safety and sound. He stated that it could be a great business opportunity for the county and noted that many of those who oppose it could support it in another location. He stated that the real drawback is the location. He added that Mr. Durrer has done a good job in moving toward a technically sound package but noted that he had some legitimate concerns that outweigh that at the moment. He noted that he believes that there are significant problems as noted by some neighbors and that the location is also near the intended growth area. He referred to Figure 16 of the Polysonics information and noted that a gunshot could be heard above ambient noise at different distances. He added that he was not sure that ambient noise is the right metric for noise impacts. He stated that, whether it is accurate or not, the perception will be that it will be a problem for businesses or homes in or near that growth area. He noted that he finds that to be a more overwhelming problem than the technicalities and added that he could likely support it in another location. He stated that the location is a huge problem for him and how he will vote.

Mr. Durrer asked how something could be obtrusive if it is not above the level of ambient noise.

Mr. Willer referred to the comments from an audiologist which he found interesting as to how the body responds to various types of sound.

Mr. Durrer asked the difference of having 70 decibels between ten and eight both with and without gun fire.

Mr. Willer stated that the information got his attention and that everyone has to shape their vote on various input. He addressed noise at ambient levels that can still be irritating and wondered if the same noise in a different location would cause the same issues. He stated that it would be more attractive in a different location. He added that the Commission is charged with addressing future growth in the county and possible impacts on the growth. He stated that he was not comfortable with the possible impact of this kind of facility at that location and that he would vote accordingly at that point.

Mr. Durrer stated that you must vote how you feel.

Mr. Willer explained that he did not just want to vote yes or no but wanted to offer the basis for his vote.

Mr. McCloskey stated that he also has a concern about location and added that he did not want to continue dragging this on by asking for more information if location is actually the issue and if there is no design in this location that he could be comfortable approving.

Mr. Durrer agreed.

Mr. Schaff stated that he was close to there, adding that it could potentially work in this location if it was designed with the safety and to be quiet but noted that there are no specifics to say that so that would put it in the wrong place for him.

Mr. Morris stated that he believes it would work good in that spot. He referred to Mr. Yost comments from earlier relating to hearing noise while biking on the parkway. Mr. Morris explained that being that far out in a rural area the noise will be heard with all the road traffic and all the stuff the road accommodates it. He stated that Mr. Durrer is willing to meet any safety issues and agreed that there are safety issues that need to be addressed. He stated that the community, restaurants, and businesses could do good with this. He added that it would be located on a piece of property where there would be some controls in place instead of a buddy weekend shoot. He noted that it is good for the county and is a great location and that they own a big farm there and it is their land and that if they want to do it, as long as they can show the safety and times to do it that he was in support of it.

Mrs. Young agreed with Mr. McCloskey regarding not requesting more and more information if that is really not the issue and that she also agreed with Mr. Morris in noting that there are safety concerns and that the applicant appears willing to working on those during the development with the Planning Department.

Mr. Willer stated that it appears that everyone has stated their positions and

asked Mr. Durrer is he had any further comments.

Mr. Durrer had no further comments.

Mr. Morris made a motion to recommend approval of special use permit SUP#15-001 as proposed.

Mrs. Young seconded the motion.

Mr. Willer restated the motion.

The vote was taken.

AYE

Mr. Morris

Mrs. Young

NAY

Mr. Schaff

Mr. McCloskey

Mr. Willer

Mr. Willer stated that the motion was defeated 2-3 and asked if there was another motion.

Mr. Morris asked Mr. Willer if he could ask a question of the applicant.

Mr. Willer stated that he could.

Mr. Morris clarified with Mr. Durrer that there was no willingness to move the location of the range and that he would like to have a vote tonight.

Mr. Durrer agreed that the location is the location that they want.

Mr. Willer thanked Mr. Durrer and Mr. Morris for the clarification.

Mr. Schaff made a motion to recommend denial of special use permit SUP#15-001 due to the following reasons having to do with Article 16-2:

- It would tend to change the character and established pattern of the development of the area or community in which it wishes to locate.
{Has been determined to be correct}

Mr. McCloskey seconded the motion.

Mr. Willer restated the motion.

The vote was taken.

AYE

NAY

Mr. Morris

Mr. Schaff

Mrs. Young

Mr. McCloskey
Mr. Willer

The motion to recommend denial carried by a 3-2 vote.

Mr. Willer announced that the recommendation will be forwarded to the Board of Supervisors for their public hearing process. He thanked everyone for attendance, concern, and civility.

APPROVAL OF MINUTES

Mr. Morris stated that he felt like the minutes should show what each applicant said since this case is likely to wind up in court instead of the Commission approving the minutes under a bundle of information.

Mr. Svoboda asked Mr. Morris if he was asking that the minutes be verbatim.

Mr. Morris stated that it would be fine.

Mr. Willer stated that verbatim or just that there is a list of people who spoke and a list of phrases that were used.

Mrs. Young stated that it is hard to know what information came from whom and that it would be helpful to know who said what if that is possible.

Mr. Morris stated that he felt like that needs to be clarified because minutes were able to be shared.

Mr. Willer stated that normally the minutes are not this complicated with the number of speakers. He asked if that would be possible.

Mr. Svoboda stated that verbatim would take some staff time.

Mr. Willer agreed that it would take a lot of staff time.

Mrs. Alley stated she cannot do transcription nor verbatim.

Mr. Willer stated that he did not believe verbatim is needed and that he did not recommend verbatim.

Mr. Svoboda explained that there is a struggle with the tape in moving to the PAC, noting that you cannot hear everything that is going on.

There was discussion regarding the difficulty in hearing the recording well enough for verbatim minutes to be provided. It was noted that verbatim minutes are not required and that the recording is available for anyone who is interested

in listening to it. There was discussion regarding comments being included as a representation of the hearing. There was discussion regarding the possibility of the minutes being subpoenaed for court.

Mr. Svoboda stated that the motions are typed verbatim or as close as possible since that is the information that matters most.

Mrs. Young explained that a better record of public input would be helpful.

Mr. Svoboda stated that they could work on the general comments, noting that he felt like that was what was provided.

Mrs. Young asked Mr. Morris what he had in mind.

Mr. Morris stated that he had just asked about it because he had spoken with his attorney about going to court.

Mr. Svoboda recommended that Mr. Morris get legal advice about county matters from the county attorney and suggested that he address that with the Board of Supervisors.

Mr. Morris stated that will be fine. He explained that it would be good to know how many minutes each person used. He noted that he had been talking with Mike and Jonas a lot and that he was learning about the Robert Rules of Order and the Code of Virginia. He stated that there a lot of things that they really need to address and deal with, not so much the minutes.

Mrs. Young pointed out that an accurate record is needed.

Mr. Morris stated that there is a sign-up sheet showing the order that people spoke and who they spoke for.

Mr. Willer stated that there is a record of who spoke and what was said in general and that this is the information that each Commissioner takes into account. He added that he is not certain that the comments need to be assigned.

Mr. Schaff stated it would be a whole lot of work for something that would likely never be used.

Mr. Morris stated that he was just making a suggestion.

Mr. Willer stated that when he read the minutes, there were pages of gray areas of words and suggested reformatting the list in order to make it easier to read without trying to match statements to speakers.

Mr. Svoboda stated that staff can try to do that.

Mrs. Alley clarified with Mr. Willer that the Commission would prefer to see the comments listed in a bulleted format as opposed to being separated by semi-colons.

Mr. Willer stated his agreement as did Mr. Schaff.

There was discussion to be certain that everyone had the same understanding of what format the Commission preferred the minutes to be presented.

Mrs. Alley asked if the Commission preferred to approve the minutes tonight with the understanding that the reformatting will be done or if they would prefer to see the reformatting and approve them at the next meeting. She stated that either way, a revised copy will be provided for their personal records in the next packet.

Mrs. Young made a motion to approve the August 19, 2015 meeting minutes with the reformatting of public comments.

Mr. Schaff seconded the motion.

The minutes for the August 19, 2015 meeting were approved by a 5-0 vote with the reformatting of public comments.

OTHER PLANNING MATTERS

Town of Stanardsville Information

There were no updates from the Town of Stanardsville.

Next Month's Agenda

Mr. Svoboda reviewed the agenda for the October meeting. He stated that there are no public hearings scheduled for next month but noted that there will be a presentation by the TJPDC as well as a Comprehensive Plan Work Session regarding Community Development and Land Use.

Mr. Willer asked if the start time would still be at 6:30 pm.

Mr. Svoboda explained that the 6:30 pm start time will be for the Comprehensive Plan Work Session and the regular meeting at 7:30 pm to review minutes and any further discussion regarding other Planning matters.

Mr. Willer asked if this is the last issue specific Comprehensive Plan Work Session.

Mrs. Golon stated that there will also be a Comprehensive Plan Work Session in November to review Forestry and Culpeper Soil & Water Conservation District.

Mr. Svoboda stated that staff will be briefly addressing lot size issues in A-1 and C-1 at the October meeting as well.

Mrs. Golon stated that all land use maps may be reviewed at that time.

Mr. Willer asked if there is any way to pinpoint where houses have been built since the last Comprehensive Plan revision.

Mrs. Golon explained that the GIS providers could likely assist in providing that information by addressing information and building permit issuance.

Mr. Willer stated that the information and trends would be nice to have.

Mr. Svoboda stated that it is likely it can be mapped according to the addressing process or queried by tax map number.

Mr. Willer stated that the writing of the Comprehensive Plan revision is approaching. He committed to providing a nominal outline by next month and encouraged other Commissioners to do so as well in planning for the upcoming revision.

Mr. Svoboda stated that the next meeting would be a good time for that discussion.

Mrs. Golon stated that she would provide a copy of the compiled minutes from each work session.

Mr. Willer stated that it would be helpful.

Mr. Morris asked if there is any way to get RSA to address the Commission since water and sewer seems to be a topic often heard about.

Mr. Svoboda stated that they have been invited but have not committed to a date.

Mrs. Golon stated that RSA provides water and sewer but they do not provide a plan on how those services are provided. She added that she would try to get a copy of the Water Supply Plan to the Commissioners.

Mr. Morris stated that he wondered about water usage at the schools in reference to earlier comments relating to the water supply.

There was discussion regarding water supply, water pressure for fire flow, and insurance rates as a result of water flow.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

11.18.15

Date