

Brian Wheeler

From: Brian Wheeler [bwheeler@albemarle.com]
Sent: Sunday, March 21, 2004 10:31 PM
To: Kevin Castner; Diane Behrens
Cc: Diantha McKeel
Subject: Falconer Memos

Kevin/Diane - Thank you for the memorandum on the Falconer site plan. I have to take issue with a few of the conclusions therein. Where you say it "...may be a 'grand fathered' situation, since the area is already zoned industrial," school staff need to remember the site is zoned LIGHT industrial and that the regulations I reference, in my understanding, apply to ALL *future* applicants intending to operate within the district. The community believes Falconer's proposed use is HEAVY industrial and the vehicles proposed to travel on Morgantown Road, and turning onto and from Route 250, pose substantial safety issues. Thus, traffic alone should certainly give the school system much to ask questions about, hence my emphasis on the zoning regulation reference to ensuring "minimum hazards to vehicular and pedestrian traffic." The ball is in the County's court to make that assessment and tell the community what it has determined and why.

Further, as I mentioned, the performance standards (4.14) apply to all FUTURE applicants of a site previously zoned industrial. Thus, I don't see how there can be any grandfathering. I also feel it is premature for the school division to state there "is no apparent violation" of these standards in the proposed site plan until the certified engineer's report has been submitted and reviewed, and to my knowledge it has not been submitted yet.

The school board needs more information on the Falconer site plan. Past responses are not adequate because the site plan has not been fully developed, and the applicant's proposed use, has gone through numerous changes. For example, it is not clear what Falconer intends to do with respect to storage of explosives. They have said everything from they will be in a mobile magazine, to there won't be any on site, to the explosives will only be stored on site briefly as they switch trucks.

My purpose in raising the issue was to get a request in front of the planning staff such that we could be sure these specific concerns would be addressed as they review the site plan. Let's let the experts do their job, and make sure the School Board gets enough information on the project so that we can ensure the safety and well being of the children at Murray Elementary. The time to do that is BEFORE the Planning Commission is meeting to make a decision to approve or reject the final site plan. I think we need to continue to be proactive on this development project, thus I would encourage the Chairwoman to send a letter to planning staff.

Thanks for considering these additional points.

Brian Wheeler

P.S. Some zoning code references of interest:

ZONING SECTION 26--INDUSTRIAL DISTRICTS - GENERALLY 26.7 PERFORMANCE STANDARDS

Each **future occupant** of an industrial character shall comply with standards set forth in section 4.14 and submit to the county engineer as a part of final site development plan approval, a certified engineer's report describing the proposed operation, all machines, processes, products and by-products, stating the nature and expected levels or emission or discharge to land, air and/or water or liquid, solid or gaseous effluent and electrical impulses and noise under normal operations, and the specifications of treatment methods and mechanisms to be used to control such emission or discharge. The county engineer shall review the applicant's submittal and make comment and recommendation prior to final commission action on the site development plan.

Subsequent occupants shall comply with the standards of section 4.14 whether or not additional site development plan review is required.

ZONING SECTION 27-- LIGHT INDUSTRY - LI

27.4 ADDITIONAL REQUIREMENT

In addition to the requirements contained herein, **the requirements of section 26.0, industrial districts, generally, shall apply within all LI districts.**



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Albemarle County School Board

Brian A. Wheeler

At-Large Member

bwheeler@albemarle.org

89 Langford Place

Charlottesville, VA 22903

tel: (434) 984-2233

fax: (434) 984-8034

www.wheeleronboard.com

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