

**Albemarle County Planning Commission  
FINAL Minutes Work Session June 28, 2022**

The Albemarle County Planning Commission held a work session on Tuesday, June 28, 2022, at 4:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Fred Missel; Daniel Bailey; Luis Carrazana; and Lonnie Murray.

Members absent: None.

Other officials present were: Charles Rapp, Deputy Director of Community Development; Andy Herrick, County Attorney's Office; Bill Fritz; and Vivian Groeschel.

**Call to Order and Establish Quorum**

Ms. Firehock said opportunities for the public to access and participate in the hybrid meeting were posted on the County's website on Planning Commission's homepage and on the County Calendar when available. She said participation would include the opportunity to comment on those matters from which comments from the public would be received.

Ms. Firehock said they did not generally take comments during the work session unless there was great demand.

**Work Session**

**Setbacks and Land Uses**

Mr. Bill Fritz, Community Development Department, said the Berkley Group had been hired to assist with the updating and modernization of the zoning ordinance. He said there was a work session with the Commission on setbacks. He said the project was rather large, so they decided to break it into component parts.

Mr. Fritz said the first part was the setbacks and the land uses. He said before the Commission was the land use component, and it was a rather large document. He requested the Commission to send comments and questions to staff after the work session. He said there were some parts that they did not cover, and they would not be reviewed. He said the vast majority had been addressed.

Ms. Rebecca Cobb, the Berkley Group, said she would discuss the progress so far, then she would give a short presentation followed by a discussion to include next steps. She said in regard to Phase 1 progress, investigation and diagnostic were completed. She said they previously came before the Commission to give the diagnostic report and discuss the district standards. She said they would discuss the use matrix, then incorporate the comments from the Commission, then move to an adoption phase.

Ms. Cobb noted during the diagnostic report presentation, they suggested broadening the terminology to allow for more flexibility, consolidate terms to streamline and increase readability, and modernize terms to address new technology and the present economy. She said in terms of terminology, the County wanted to be competitive with its neighbors and with all of Virginia. She

said they wanted to use terms that were similar or the same as other communities so that when developers came to the County, it was easy for them to understand where the development fit within the community and the ordinances.

Ms. Cobb said the ordinance did not define every use. She said developers would look for a specific use and would find no definition. She said the suggestion would be to define every use and then reduce ambiguity. She said there may be questions about which use applied to a developer. She said when they were broadening terms and consolidating uses, it was important there were strong definitions that were clear about what was included within the use term.

Ms. Cobb said staff was using a use matrix that had about 270 uses. She said it was a large database and difficult to manage and find specific uses. She said during the process, they had decreased the number of uses to 150. She said it was still a large amount, but it was easier to process. She said they wanted to ensure the uses were based on Virginia code requirements. She said there were things in the code that stated a particular use had to be permitted. She said those uses did not necessarily need to be in the local ordinance, but it was good practice to include them because the uses could be overlooked.

Ms. Cobb said they then considered the organization and best practices. She said it included consolidating uses and making sure they were in similar categories. She said the 150 uses were grouped into categories such as residential or commercial. She said it allowed developers to look through the code by category based on development type.

Ms. Cobb said staff was consulted. She said staff provided insight as to what uses were fine-tuned and refined so that they could retain the work that had been done. She said in the code of Virginia, temporary family health care structures were required, so it was added to the use list. She asked if the Commission was in agreement with having the items in the ordinance. She said it was not necessary but a good practice to add them to the ordinance. She asked if anyone objected to the addition of the uses. She said in terms of consolidation, they reviewed uses that were simple, such as assisted living facility and skilled nursing facility. She noted those two terms had slightly different definitions but the same type of impact and the same type of use. She said when it was reviewed how the uses were allowed in the districts, they were identical.

Ms. Cobb said it was similar with boat landings and canoe livery. She said they were slightly different uses with different definitions, but it was the same types of travel at the same times of the day and with similar traffic impacts. She asked if the Commission was comfortable with those types of consolidations, or if anyone objected to those types of consolidations.

Mr. Clayborne clarified that there were terms in the code of Virginia that may not show up in the ordinance. He asked if they needed to take action to add the terms to the local code. He said he did not know why the terms would be added if they could not legally do it by the zoning ordinance.

Ms. Cobb clarified the terms were not in the local ordinance, but they were required to be allowed by the state code. She said jurisdictions had to allow temporary family health care structures. She said it was being added so that when the public reviewed the ordinance, they did not also have to go state code.

Mr. Clayborne asked if they had to take another formal action to put it in the ordinance.

Ms. Cobb explained it would be part of the package. She said as they were updating, it would be part of the update.

Ms. Firehock said the Commission was being asked general questions with obvious answers. She said she had reviewed the use matrix and had annotated it. She asked Ms. Cobb how she wanted to proceed through the workshop.

Ms. Cobb said they would work in broader questions to get direction about permitting the uses. She said she did not want to begin discussing line items. She said, as Mr. Fritz mentioned, to email the line item questions so that they were incorporated.

Mr. Bivins said there were issues that were passionate issues in the community. He noted one was accessory apartments. He said the neighboring jurisdiction was dealing with issues that he did not want in the County. He said he would want to have discussions. He asked why Monticello was in the zoning ordinances. He said he did not understand why it was in the ordinance. He said he did not understand why a nongovernmental entity was in the code. He said he wanted to have a discussion about it at some point.

Ms. Firehock said there were a few items that warranted discussion.

Ms. Cobb said her questions were to warm the Commission up.

Ms. Firehock said they wanted to avoid the situation where it seemed they agreed with all the items. She said she was misquoted from a recent work session.

Mr. Missel said it was not clear as it seemed. He referred to assisted living facilities, and he said his wife worked at one that was unlike many other nursing facilities.

Ms. Firehock said the question was what was the distinction that would cause them to treat it differently in a zoning consideration. She said was it that one had more emergency response or another had more parking.

Mr. Missel said one would be appropriate for the center of Crozet, and the other was appropriate for a rural area where residents worked on a farm. He said they were different in how they were put together.

Mr. Bivins asked if in that consideration, one may be a group home. He said they should not just look at the name, but also at the definition and determine if the definition was broad enough to encompass a multitude of functions on a tract of land. He said that was one of the goals. He said the update would aid the County as it considered development applications while dually serving as an external reference document.

Ms. Firehock noted there were urban assisted living facilities and others with large grounds to walk around. She said she had been in the position of not being able to find the use in the code. She said it was frustrating because it was unknown what to do in that situation.

Mr. Missel said it was an example of how what may be simple can actually be complex. He said they should ensure they captured all the existing uses in the rural area and the urban area as they progressed through the process.

Ms. Cobb said in terms of staff direction, there were concerns about water. She said the County had spent time ensuring uses considered what type of water they used, how much the usage was, and that there were standards and limits to those values. She said staff suggested they continue to separate out uses that the County had already decided to be with water or without water. She said they carried that through gasoline station, restaurant, and convenience store uses.

Mr. Bivins said the real reason it was an issue was because the supervisors said there would be a certain level of services that would be expected in the rural part of the County versus the urban part. He said it was not necessarily that the County was concerned about the function—it was about where the function took place given there were decisions made about how they would provide services to parts of the County designated rural. He said if that were to change, then there may be a softening. He said some of the requirements and criteria they considered were because the Board made decisions about how the County would be as a jurisdiction and were not necessarily concerned about the function.

Ms. Cobb said in keeping with that, they would keep what they had, and if it changed in the future, it was an easy change to make or consolidate.

Mr. Missel said the distinction was not just about with or without water, it was about the amount of water used. He said some of the consolidated items, such as golf course and tennis courts, used very different amounts of water.

Ms. Cobb said that would be an item they considered during the application phase when someone came forward. She said that would be the discussion and the standards they would apply at the time. She said it was just the naming of the use and not the details of the use.

Ms. Firehock said it was not necessarily the regulations that went into the use.

Mr. Missel said it did address what was allowed in which area.

Ms. Firehock said in regard to the golf course example, there were clubs that got the water from pounds on site, recycled water, or had integrated pest management. She said they sometimes used only a little amount of water. She said the update would help developers know which route to apply.

Mr. Missel said as long as it did not affect the degree of the evaluation of staff at the proposal.

Ms. Firehock said they were not making development by-right, they were defining the use terms.

Ms. Cobb said the slide displayed items that they recently received staff comments on. She said if they had questions about those particular uses to hold them because they needed more time to process staff's comments. She said if the Commission had concerns about the items to send the concerns to staff so it could be a part of the conversation.

Ms. Cobb said the next step was to begin considering how the uses were permitted. She said the next step would be to go from the proposed uses and then determine how the uses would be supplied in the districts. She said there was a lot to consider and digest. She said they wanted general direction from the Commission. She said there would be oddities that would need to be shifted, but they could address those and refine them later on.

Ms. Cobb noted the public garage use. She said it was a use that required a special use permit in the RA district and was not permitted in any other district. She said staff had said those types of uses were special and should be standalone uses. She said it was done for most. She asked if the Commission agreed with staff that the uses become standalone uses. She said the decision would otherwise become determining whether vehicle repair service required a special use permit in the RA district which would expand the use—it included body shop, automobile, and truck repair shop. She said the question became whether they wanted the broader defined use to require a special use permit in the RA district. She asked what the Commission thought about the uses that were not allowed in a district other than the RA. She asked if those should be standalone uses or should they consider expanding the use definitions.

Mr. Missel said he was not generally in favor of expanding the uses. He said he was not in favor of expanding uses to the rural area that would be more intensive of water usage or could have potential pollution consequences. He said there were other situations where there may be uses that were agricultural in nature and should have been in the RA to begin with.

Ms. Firehock said she did not agree. She said there needed to be vehicle repair in the rural area. She said they could not make people drive 45 minutes for an oil change. She said there were a few vehicle repair applications that did not continue. She said there was one in particular that proposed to use an existing VDOT public yard. She asked Ms. Cobb to clarify her question regarding the need for a special use permit.

Ms. Cobb said there were options. She said when they did the drafting to create final use matrix, they would have the vehicle repair service use and it would say how it was allowed in each district. She said the question was whether vehicle repair service uses would be allowed through a special use permit in the RA district or if it would not be allowed. She said if the use was allowed by a special use permit, then the Commission could always deny the application.

Mr. Bailey said there were a number of different districts represented. He said some had authorized uses as they consolidated the list, and some were not mentioned. He said in other places, some uses were permitted, and others required special use permits, and they were at different levels of use. He said the Commission was being asked, if they did the consolidation, what were rules of thumb to apply to the consolidation process when there were conflicts between the allowable current designation. He asked if that was what was being asked

Ms. Cobb said that was right. She said the issue would become easier if they discussed the indoor athletic facilities.

Ms. Firehock said requiring a special use permit in the RA was appropriate. She said it was not necessarily everyone's opinion.

Ms. Cobb asked if anyone disagreed.

Ms. Firehock said it would mean development would not be by -right, and developers would still have to apply and go through the process.

Mr. Bailey said at this point, automobile and truck repair shops and body shops were not allowable at all—they were not addressed so they were not even considered. He said they were considering

whether by broadening the definition of the special use permit, it would allow the other uses to be considered.

Ms. Firehock said she would support that.

Mr. Bailey said he did not deny that he was just clarifying what the question was. He said a rule of thumb would determine what to do when uses were consolidated and one was not addressed. He said they could apply whatever the special use permit was across all of the uses. He said it would be hard to do, but they should do it. He suggested they should flag where it happened—where a use previously unauthorized would then be authorized by special use permit. He said they could review what the implications of authorizing the uses would be.

Ms. Firehock said she could answer a direct question if she was asked a direct question.

Mr. Missel said he was missing the current state of affairs. He said they were taking three groups, as an example, and consolidating them into one. He said they were not seeing what the current process was for a body shop in the RA.

Ms. Cobb said currently, body shop uses were not permitted in the RA. She said if there was a blank box, that meant it was not allowed.

Mr. Missel said those were current.

Mr. McCollum said what was on the chart represented the current state. He said the only thing that had changed on the chart was what was in gray with the proposed uses. He said the chart showed what was being consolidated so they could see that there were some uses that were not lining up. He said he liked Mr. Bailey's suggestion where they would flag certain groups of consolidated items to review.

Ms. Firehock said there were definitions in the definition chart where she noted the items were too dissimilar.

Mr. Bivins said they were foolish if they thought those uses were not already going on in the rural area. He said every use which was not permitted in the RA was taking place in the RA without oversight from zoning. He said he would prefer that the activities were on the County's radar.

Mr. Missel said Mr. Bivin's point of existing nonconforming uses was a good one, and it would be nice to see information about those uses when they came up.

Mr. Bivins said they did not know the information.

Ms. Firehock said Mr. Bivins was referring to undocumented or unpermitted uses.

Mr. Bivins said the only way they got the information was if someone complained. He said the way the community worked; people tended to complain if the ordinance showed non-compliance. He said the zoning enforcement worked by complaints.

Mr. Murray said he was looking at the definitions for automobile and truck repair shops, body shops, and public garage. He noted there was no existing definition for automobile and truck

repair shops. He said he was having trouble seeing the difference between the other two definitions.

Ms. Cobb said that was why when they consolidated the uses, it made sense.

Mr. Bailey said there were consolidations that made sense, such as athletic courts. He said the document they were reviewing was linked to the previous definitions to determine whether they were broad. He said there was an added dimension of rural, urban, and development areas. He said they pointed to the indoor recreation and flagged where none of the others were addressed, but the same issue one column to the left of that, where some were permitted and some had special use permits, it was unclear which one should be adopted, as they each had repercussions on development time and ability.

Ms. Cobb said they were looking for guidance on what the Planning Commission thought about when they were making these consolidations as the next steps, and what they thought about expansion of the commercial districts, industrial districts, and even the PUDs. She asked if they wanted more economic development and allow more uses, and so where there was SUP to expand and where there was permitted use and others were SUP, they wanted to open that up and make that permitted uses. She asked what the temperature of the group was for that.

Mr. Bailey said on the slide, four out of five were SUPs, so it would make more sense to make the other an SUP. He said if it was split more and three out of the five were SUPs and two were permitted, that was something they should talk about because it also flagged to him that those things may not belong together and maybe should be two.

Ms. Cobb said she could get examples of that if so desired.

Mr. Bailey said there was likely some analysis that could be done to say that now they were looking at this chart, did they get their definitions and consolidate them right because there was consensus, and they were permitting status across these different districts. He said if there was not consensus and they were wildly varying or disagreeing, maybe they were not grouping them appropriately.

Mr. Murray said there were some other things that did not make sense to him. He said he saw greenhouse commercial was not allowed in the rural area and did not even have a special use permit for it, but then landscaping, which did have special use. He said he saw those as inherently related, currently most of the nurseries and garden centers were in the rural area. He said he would like to see their existing uses could be combined and made by-right.

Mr. Fritz said part of what they were seeing was, for example, the one on the screen was the indoor recreation. He said there were amusement centers, dance halls, and pool tables, which were uses that were very particular and archaic things that came in and may not exist anymore, and when there was an acceptance of it when an indoor athletic center came in and it was made by-right because that was adopted at a much later date.

Mr. Fritz said they had these things, and Mr. Murray was speaking to the difference between the commercial greenhouse and landscaping business, they also had a case where one person came forward to the Board of Supervisors for a particular use on a particular property, and the Board considered it and said it was something they should add to the ordinance, but at the time they were doing it, they were thinking one thing at a time, and time had gone by, and now they had

these uses. He said that was why they were trying to consolidate them, and that was why some of them would be archaic terms and some of them would be very specific uses. He said they would have to take that into consideration, and Mr. Bailey had been discussing using the ranking, which they would have to take into consideration as well. He said he wanted to point out some of those old uses.

Ms. Firehock said she was trying to understand how they could have a productive input in the next 20 minutes and figure out the ones that people had concern about combining versus not.

Mr. Carrazana said one of the things that he thought as he looked at this was that there was a missing component, but that perhaps argued for the special use permit, and that was a scale. He said the indoor athletic facility, which was permitted in C1, and it may be fine depending on the scale, and that particular parcel. He said it may be that there was a wide range of the amount of traffic going into that particular area. He said if it was by-right, it was by-right regardless of the scale. He said it may not be appropriate because of what the amount of traffic it would impose on a particular neighborhood. He said that was the piece that was almost missing. He said it would be the same in the rural areas. He said to Commissioner Bivins' point, it was already happening in the rural areas, so they must decide how to acknowledge that and not ignore them by saying they were nonconforming.

Ms. Firehock said there could be an athletic facility such as a gym, but there could also be someone teaching a yoga class in a room that was not very large and very low impact, which should almost be its own thing. She said she wrote a lot about specific uses and where they should go. She said she did not know what to do about a small landscaping business and how that fit in. She said there were things going on that had nothing referencing them.

Mr. Carrazana said a lot of it to him was the issue of scale. He said perhaps being by-right was fine, but how did they even define that scale? He said he did not know if there was a good precedence for that anywhere.

Mr. Rapp said one way to deal with that, which he had done in other localities and was sure their consultants have as well, was rather than always going to a special use permit, which if looking at this, they had a lot of special use permits. He said what they actually could apply were performance standards, which were different requirements, such as square footage or number of users that influenced the design so that it could be a by-right use and have protection. He said as Mr. Murray mentioned, there was a difference of where it was in the scale of the use, so performance standards could be put in that had to be met if it was in a certain area or of a certain intensity. He said that could be locked into the zoning ordinance first instead of having to recondition it every single time.

Ms. Cobb said that in addition to those use standards, if they wanted to be more open to businesses and make more people expand business they had to new things, then to consider reducing the number of special use permits, opening things up in their commercial districts to a permitted use, have those use standards. She said they also were working on their comprehensive plan, so they should put things in the comprehensive plan that talked about those areas and districts to explain their limits and what they were looking for, so that when an application came in, they could say no, it did not fit.

Ms. Firehock said they did that with drive-thru windows already. She said they used to have to come forward and ask if McDonald's could have a drive-through window, and it was stupid. She asked if Mr. Fritz was going to help them with the process.

Mr. Fritz said as they had conversed about how to put things into the comprehensive plan, so if they allowed a use by special use permit, such as the vehicle repair, they would put into the comprehensive plan what they envisioned what a vehicle repair might be in the rural area, so when they got that special use permit that came in, they had some guidance to make that special use permit decision. He said they started that work also.

Mr. Carrazana said for the rural area in particular, that could work for a lot of these uses by limiting the size to be appropriate. He said there were a few that had environmental impact issues and to him was not limited to size.

Mr. Bivins said it was related to function.

Mr. Carrazana said it was more of the function. He said there were possibly areas that were close to a stream or something else where they would still want special use permit on certain functions that could have environmental impacts beyond just driving a car.

Ms. Firehock said that Ms. Cobb's statement of whether they wanted to make it easier to have business was more of a Board of Supervisors distinction. She said camping was an example where it was difficult to define. She said they had definitions of camping that included tennis courts and pools and event halls. She said that was where they needed to know the scale and how many structures. She said she would not be comfortable simply labeling all camping as by-right.

Mr. Bivins said what Ms. Firehock was speaking about was glamping. He said they were seeing something that was a more rugged activity transforming. He said wineries used to be a place that created extraordinary wines was now because of the business model and had morphed into other things and other parts of business. He said the essence of a winery was a place where people dealt with the earth and sun and grapes.

Ms. Firehock said perhaps there were picnic tables and a tasting bar, but now there were wedding tents.

Mr. Bivins said he was thankful for Mr. Fritz on this, because a number of the exceptions they saw were because of handshakes that took place in the 1970s and 1980s, and they were trying to apply a disimpassioned logic to it today that they were not established that way. He said trying to apply a dispassionate view to it could be helpful in order to allow Mr. Fritz to explain the details of the intimate business dealings that led to them.

Mr. Murray said they mentioned being friendly to business, and one area of opportunity he had seen was in the rural area, they often had agricultural uses that were supportive, and things that may fall more into light industrial and would not necessarily be appropriate for the growth area but were supporting agriculture. He said one at a time, they had permitted many of those uses into the rural area. He said he would like to see them be more explicit about acknowledging those uses that were supporting agriculture and use the comprehensive plan as a guiding document, because they had a whole philosophy about the rural area and growth area, and that should be the lens by which they looked at these uses and whether they were appropriate in each. He said if something was supportive of agriculture, it should be permitted in the rural area.

Ms. Cobb said it was mentioned that the Board had to decide if they were going to be more economic friendly, but this use matrix had to pass through the Planning Commission first, and they needed the direction of how to strike through and allow these uses. She said she needed from them in the next ten minutes if they wanted herself and staff to work together and look at these uses, and when it made sense to broaden it in commercial and industrial uses because they felt the Board would want to open that up and felt comfortable that if it was opened up they could have use performance standards to tighten any concerns or impacts, then they should give that go ahead to make that type of move. She asked if they wanted yes to more permitted uses and yes to more expansion of the special use permits.

Ms. Firehock said in that ten minutes, they could probably give some parameters to look at. She said one they had already talked about would be the number of visitors coming for that use and the frequency and volume. She said when Ms. Cobb was talking about community facilities, there was a written description that sounded more like something internal to a subdivision, but the title made it sound like it was open to the public. She said they needed to be careful with what was an interior facility that was not really a community facility.

Ms. Cobb said related to that particular use was that they had sort of a hodge podge of a lot of different things, some that were public, it was in a community but not necessarily private and the larger community could attend, so that was a tricky one they would need to work through and fine tune.

Mr. Bailey said they had said it would be great for someone to have a draft of the performance standards that they just set about an environmental scale that they could look at and apply. He said something challenging about this was that they got thrown big documents like this and did not have a common framework to discuss how they were assessing them until this meeting, so they needed a common framework. He said it sounded like Mr. Fritz had some with what was legacy and an ontology they could use to break this down and decide.

Mr. Bailey said it was a great use case and would be great to see prior and have suggested rules and considerations, because there were cases with environmental impacts, and if they had those called out because of a decision framework, they could probably move forward and not spent forever wordsmithing the more forward ones. He said heavy manufacturing had impacts environmentally and on the development of the County, so those were the ones that were hard to take this big without the decisions. He said it was probably going back to staff in order to determine how to create a decision framework that could be socialized with the Planning Commission so they could be more productive in feedback.

Ms. Firehock said exactly.

Mr. Carrazana said the best feedback they could give would be they needed to create a way to quantify what is an acceptable level of impact to a particular site. He said the heavy manufacturing was something that could be so varied depending on the level of activity in an area. He said if they could have the parameters, up to this point, it was permitted. He said anything beyond that certain level was where the special use permit came in, but that seemed the easiest way of getting rid of all the SUPs on the screen by creating that framework to make what it meant to build one as special use and one as permitted by right. He said he thought having those parameters would help them get to it.

Ms. Firehock said she hoped they could have another session where they could have these parameters and go back through it. She said an example of that would be that laundromat was in the same bucket as florist. She said they had different intensities of use.

Ms. Cobb said they had heard a bit about being open and there being some easy decisions to make, and they wanted to highlight the more difficult ones. She said there were still quite a few difficult ones, and they did not have the time to work through each difficult one, even if they had example use standards and those types of things. She said if the Planning Commission could email staff some of their concerns and some of those specific items, they could see where everyone lined up and bring them back for direct discussion.

Ms. Firehock said she just sent the definition document to Mr. Fritz. She said for example, mobile food vendors were defined as moving every 30 minutes or so. She said here they were parking at wineries all day, so it was not the same thing.

Mr. Fritz said there was a general agreement to combine and define, agreement that some of them could not be combined because the intensity was too different and they would have to be separate, agreement that old things needed to be updated, agreement that standards were needed where newly defined uses were allowed in a wide variety of districts, and agree that guidance was needed when newly defined uses allowed by SP to guide review of the SP, and agreement that each Commissioner would send their comments to staff so they could work on them. He said it seemed like this was the right path.

Ms. Firehock said yes.

Mr. Murray said as an organizational principle, he would like to see the rural uses more predominantly in the same section.

Mr. Bivins said the County was the collection of all these uses, so he hoped he was only being sensitive, but he would prefer not to separate out the rural uses as a specific entity but for them to look at this as how this worked across all the various land types, they had in Albemarle County. He said the last thing he wanted to start to do was to have conversations that were parochial about where they lived, because they all lived in blended communities. He said that was why all of them could bring a sensitivity to this knowing everything they did had an impact on the places they lived.

Mr. Bivins said he appreciated that 95% of the land mass in Albemarle County was rural, but only 4% was agricultural. He said the rest of it was in other activities but were not in agri-businesses. He said before taking a lot of time, but the majority of their rural land was not engaged in agricultural businesses. He asked if they would be more judicious as they asked things to be cut up, because everyone sat on both a rural and development area, and he did not want them to feel as if they were leaning in one direction.

Ms. Firehock said she would like to see services available to the rural area and easier for smaller businesses to exist. She said there was a hearing a few years ago about a woman who wanted to paint in her historical outbuilding that existed as part of the main house that became subdivided. She said people testified that three times a year, two people came to look at her paintings, and there was traffic. She said there were people across the street with four cars in the driveway and they were concerned that this woman would paint outside sometimes. She said she had to go

through a lot of effort to ensure she had her business license so she could have this use, and she thought that was ridiculous. She said she wanted to make things like that easier.

Mr. Bivins said he did not spend as much time on certain items, so it would be helpful to have a separate context.

Ms. Cobb said they still wanted the Commission's comments on definitions and combining of uses. She said if they felt like there were uses that really did not fit together, or if there's a definition that did not make sense, to let staff know and they would fine tune those items.

Mr. Missel said a defining quality between the rural area and the development area was that they only had one zoning classification for the rural area and one comprehensive planning designation, whereas looking at the growth area, there were a myriad of zoning designations. He said that meant that what they allowed in the rural area had less planning about where it went and what happened to it, which he thought was a reason why it was very relevant to consider it differently, and perhaps they did need some more comprehensive plan designations for a rural area.

Mr. Bivins said at one point, there was an intentionality about why there was less development in the rural area, and was simple to the extent that looking at the first comprehensive plan. He asked if it was in the 1970s or 1980s.

Mr. Fritz said it was 1976.

Mr. Bivins said looking at the legislative history around that time, there was an intentional decision to be looser in the rural part of the community and have fewer boundaries and fewer constrictions. He said perhaps this was an appropriate time to have some additional areas and additional zoning in the rural area as opposed to what history had shown them.

Mr. Murray said a lot of communities had agricultural zoning and it was odd that they did not.

Mr. Bivins said he agreed.

Mr. Clayborne said for the analysis, when looking at consistent uses, it may be helpful to find a gentle coordination with the building code, for example, fire safety. He said there were some uses that simply required a fire sprinkler system, and they did not necessarily want to preclude that from the rural area, but know that there were different hurdles for that. He said there could be issues if there were certain systems in rural areas, so he would like that to be taken into consideration as they moved forward.

Ms. Cobb thanked Mr. Clayborne.

Ms. Firehock said they would send their comments to Mr. Fritz, and they will figure it out and they would talk.

Mr. Fritz said they would get back to them.

Ms. Firehock said they would have specific instructions.

Mr. Fritz said he thought the next meeting would be much more detailed and much more focused. He said Mr. Bivins mentioned it would have been nice to have this ahead of time, but they did not have that opportunity until now to give them that lead time.

Ms. Firehock said she thought they needed a lot of time. She said there were some things they could definitely fix between now and next time. She said she could send the comments she wrote to the rest of them, and they could look at them.

### **Adjournment**

At 5:00 p.m. the Commission adjourned to June 28, 2022, Albemarle County Planning Commission regular meeting, 6:00 p.m.



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Charles Rapp, Deputy Director of Community Development

(Recorded by Vivian Groeschel; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 08/23/2022
Initials: CSS