

Albemarle County Planning Commission
March 17, 2015

The Albemarle County Planning Commission held a regular meeting on Tuesday, March 17, 2015 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Bruce Dotson, Tim Keller, and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present. Ms. Firehock left the meeting at 8:05 p.m.

Other officials present were Rachel Falkenstein, Senior Planner; Ron Higgins, Chief of Zoning; Glenn Brooks, County Engineer, Michelle Roberge, Civil Engineer, David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Consent Agenda:

- a. **ZTA-2015-0000X Farm Distilleries** – Resolution of Intent (Mandy Burbage)
- b. **ZTA-2015-0000X BZA/Variances** – Resolution of Intent (Amelia McCulley)

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review.

Mr. Randolph asked to make an observation. When the Commission looked at the proposal on farm breweries a year ago he commented at the time that the expectation would then be that the next foot to fall here would be in fact distilleries. Now they are positioning for that and he thinks that is a most unfortunate tread for the County and the Commonwealth.

Motion: Mr. Lafferty moved and Mr. Randolph seconded for approval of the consent agenda.

The motion carried by a vote of (7:0).

Mr. Morris said the consent agenda was approved unanimously.

RESOLUTION OF INTENT

WHEREAS, if Senate Bill 1272 is signed by the Governor, Virginia Code § 15.2-2288.3:2 will become effective July 1, 2015 and it will impose limitations on the extent to which localities, under their zoning powers, may regulate various uses and activities associated with limited distilleries; and

WHEREAS, this new legislation requires that any local restrictions on distillery-related activities be reasonable and take into account the economic impact of the restriction on the limited distillery, and the agricultural nature of the activity; and that the regulations allow those activities by right and without a special use permit, zoning clearance or any other administrative permit, unless the activity would cause a substantial impact on the health, safety, or general welfare of the public; and

WHEREAS, it is desired to amend the Albemarle County Zoning Ordinance to comply with Virginia Code § 15.2-2288.3:2 in order to promote the efficient and effective administration of the County's zoning regulations.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Planning Commission hereby adopts a resolution of intent to amend Albemarle County Code §§ 18-3.1, 18-5, 18-10.2.1, 18-10.2.2, and any other appropriate sections of the Albemarle County Zoning Ordinance to achieve the purposes described herein, provided that Senate Bill 1272 is signed by the Governor and Virginia Code § 15.2-2288.3 becomes effective July 1, 2015; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

RESOLUTION OF INTENT

WHEREAS, if House Bill 1849 is signed by the Governor, Virginia Code §§ 15.2-2201, 15.2-2308, 15.2-2309 and 15.2-2314 will be significantly amended, and Virginia Code § 15.2-2308.1 will be added, effective July 1, 2015, and these amendments will revise the criteria relating to variances and appeals; and

WHEREAS, this new legislation also revises the regulations for proceedings before the Board of Zoning Appeals; and

WHEREAS, there is an efficiency to utilize this opportunity while amending the Zoning Ordinance to incorporate the requirements of new legislation to also clarify requirements, update references to other laws, standardize terminology, and make other minor technical changes, to promote the efficient and effective administration of the County's zoning regulations.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Planning Commission hereby adopts a resolution of intent to amend Albemarle County Code §§ 18-3.1, 18-31, 18-34, 18-34A, 18-36, and any other appropriate sections of the Albemarle County Zoning Ordinance to achieve the purposes described herein, provided that House Bill 1849 is signed by the Governor and the amended and added sections of the Virginia Code referenced above become effective July 1, 2015; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

The meeting moved to the public hearing items.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)