Albemarle County Planning Commission
July 31, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 31, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice-Chairman; William Finley, Jared Loewenstein, Rodney Thomas, Tracey Hopper and Pete Craddock. Other officials present were: Joan McDowell, Jan Sprinkle and David Benish.

A quorum was established and the meeting called to order.

Other Matters Not Listed on the Agenda from the Public

Mr. Tom Loach, a resident of Crozet, gave Comments on Clover Lawn. The debate on the merits of the development came down to what was an acceptable number rather than acceptable design. There was really no attempt made to integrate the design between the residential and commercial, and then to blend it into the neighborhood. It wasn't that the developer didn't have every opportunity. In discussions with the applicant, the applicant would call and ask what was the right number. During the discussion, the subject of DISC came up several times. DISC was a committee and the work of DISC was the Neighborhood Model. What the Neighborhood Model is really about is neighborhoods and not numbers. The implementation of the Neighborhood Model asks the residents to accept a change in paradigm. The community of Crozet is willing to work with the applicant to make this proposal work, but we need to focus on design.

Consent Agenda:

a. **(SDP-01-52) Church of the Cross Preliminary Site Plan** – Angled Parking and One-way Circulation Modifications Requests. (Margaret Doherty)

Mr. Rooker asked if any commissioner wished to remove the item from the consent agenda.

Mr. Thomas moved for approval of the consent agenda.

Mr. Loewenstein seconded the motion, which passed unanimously.

Item Requesting Deferral:

a. **SP-2001-001 Beverage Tractor & Beverage, Inc. (Sign #36 & 37)** – Request for special use permit to expand previously permitted [SP99-068] outdoor display and storage of farm equipment in accordance with Section 30.6.3.2(b) of the Zoning Ordinance, which allows for outdoor storage, display, and sales in the Entrance Corridors. The property, described as Tax Map 79 Parcel 4P, contains 2.56 acres, and is located in the Rivanna Magisterial district on Richmond Road (Route 250 E) at the northeast corner of the intersection with Hunter's Way (Route #1146). The property is zoned Highway Commercial (HC) and Entrance Corridor (EC). The Comprehensive Plan designates this property as Rural Area 2. (Dan Mahon) ***DEFERRED FROM THE JULY 31, 2001 PLANNING COMMISSION MEETING. REQUEST DEFERRAL TO AUGUST 28, 2001.***

Mr. Rooker opened the public hearing. There being no comment, the hearing was closed.

Mr. Rieley moved to accept the applicant's request for deferral to August 28, 2001.

Ms. Hopper seconded the motion, which passed unanimously.

Work Session:

a. **ZTA-2000-002 Thomas Jefferson Memorial Foundation** – Amendment of the Zoning Ordinance for the purpose of establishing a new zoning district, Thomas Jefferson's Monticello District. (Joan McDowell)

b. **ZMA-01-10 Thomas Jefferson Memorial Foundation** – Zoning Map amendment from Rural Area district to Thomas Jefferson's Monticello district on land previously owned by Thomas Jefferson (in whole or in part), and owned by the Thomas Jefferson Memorial Foundation, and within the boundaries of the World Heritage List as established by the United Nations Educational, Scientific and Cultural Organization (UNESCO). (Joan McDowell)

Mr. Rieley excused himself because of his working relationship with the Thomas Jefferson Foundation.

Ms. McDowell presented the staff report.

Mr. Rooker asked if the land area was expandable. If land is acquired which meets the definition, does the zoning area change?

Ms. McDowell replied that could be accomplished with a map amendment. It was difficult trying to match up the property with the land Mr. Jefferson originally owned. Mr. Jefferson did not follow our tax map boundaries. The land shown was in whole or in part originally owned by Jefferson.

Mr. Rooker verified that in order to expand the zoning area, the applicant would have to come back and obtain an amendment.

Ms. McDowell replied that was correct.

Ms. Sprinkle pointed out that there is one issue with parcels that are partly within. The zoning department would prefer not to split the zoning district. If it is a 10-acre parcel and 6 are within the area that could be considered for all 10 acres.

Mr. Rooker asked for an explanation of the map.

Ms. McDowell provided an explanation.

Mr. Rooker asked who made those determinations. Does it go to the zoning department for final determination of historical integrity?

Ms. McDowell replied that if it is a special use permit, it would come before the planning commission. If it is a just securing a building permit, then that is something the Foundation is obligated to provide.

Mr. Rooker said there are a lot of uses specifically related to Monticello. The use of outdoor interpretive signs and displays is one of the items. He asked if that would be subject to the sign ordinance.

Ms. Sprinkle replied that signs within the district would not be subject to the sign ordinance unless they were visible from Route 53.

Mr. Rooker brought up the temporary uses listed, included filming and recording and meetings. What are the parameters here. Technically, can they come in and build an amphitheater by-right.

Ms. Hopper pointed out that the uses listed are temporary.

Ms. McDowell responded that they could probably put up a tent.

Ms. Sprinkle verified Mr. Rooker's question.

Mr. Rooker asked for further clarification, technically, could you put up a three-story office building for archaeological study? Could that be done as a matter of right.

Ms. Sprinkle replied yes. Staff would work with the applicant to verify that and change would not affect the designation.

Mr. Rooker stated that it seems to him that we are talking about than the designation. The property is required to be in harmony with the historic integrity. Who makes the determination of historical integrity? Are you saying that the zoning department would have no further inquiry if the World Heritage committee said a proposed change was in harmony?

Ms. Sprinkle replied that staff would have some discretion. We would object to any building out of character with the property.

Mr. Loewenstein pointed out that the organizations that award this status have fairly specific parameters under which this status is awarded. They will not risk losing that status. Given the quantity of land that is involved, if the additions to the landscape are some little distance away from the remaining house and grounds, it's highly unlikely they would affect their status.

Mr. Rooker said he was not suggesting something is wrong with the proposal before us, but he wanted to make sure he understood the parameters.

Ms. Hopper stated she was concerned about some of the by-right uses before us. She believes that the County and the citizens should have more input on those uses.

Mr. Craddock said that we have seen that kind of change in the last several years. We are losing whatever control we have to some organization outside of town.

Mr. Loewenstein stated that he has a question to ask of the applicant.

Mr. Finley asked if there was a model, are there other such districts in the country, or is this something unique?

Ms. McDowell replied that she believes this is unique, but we began by looking at Colonial Williamsburg. Williamsburg does not exactly fit, but it can serve as a model.

Mr. Finley said that he noticed you talk about building, development rights do not enter in here at all, correct?

Ms. McDowell replied that was correct.

Mr. Finley asked if the Foundation paid taxes.

Ms. Kat Imhoff, representing the applicant, replied that the Foundation was non-profit. There will be an economic benefit study coming out August 1st.

Mr. Finley said that there would be no land tax on the 2,800 acres. It looks to me like we are getting something that's not quite equal.

Ms. McDowell pointed out that this would take it out of the rural area district and create another district.

Mr. Finley asked if the University Foundation could create something like this?

Ms. McDowell replied that she did not think there was anything in the County, other than Monticello, that would warrant it's own district.

Mr. Thomas asked if there are any property taxes paid now?

The applicant responded that the property owned by the Foundation is exempted from property tax by the state code.

Ms. Sprinkle pointed out that we have taken all the development rights away. They have actually lost ground regarding development rights.

Mr. Mike Merriam said building can't be done except for staff housing.

Mr. Craddock pointed out that the same could be done for visiting scholars.

Ms. Imhoff thanked the staff. Some of the uses listed are actually by-right in the rural area. They also reflect the uses we have currently. This is not about expanding uses, this is about our existing uses and serving our visitors. We are happy to provide any safeguards we can put on to provide a comfort zone. We want to get more historically accurate at Monticello. We want to get all those buildings down and put them in one central area. The only area we feel we can build on is the existing shuttle station area, it is the only area that has been significantly disturbed. These are not new uses, they are currently in place. The temporary events listed are things that already go on throughout the year. The Shadwell property has a preservation easement on it now. We would not be able to use that property for any of the by-right uses listed.

Mr. Thomas asked if the line went through that property.

Ms. Imhoff replied that it did. The Foundation believes it's purpose is as an archaeological area. The uses retained are small limited parking, interpretive signage, and perhaps a shelter for

interpretative materials. We thought the zoning administrator would be to whom we would need to apply for any changes in our structures. We have all these uses in place, yet everything we do is non-conforming. In a couple of years, we will be returning Monticello to a much more rural environment. We wanted the potential to find ways to phase in easements without going through the special use process.

Mr. Rooker said that he did not quite understand her last statement.

Ms. Imhoff replied that at one point all subdivision was going to be by special use permit. We wanted to put portions of land under preservation easement or Virginia open space easement.

Mr. Rooker verified that it was with respect to the easements.

Ms. Imhoff responded yes.

Mr. Thomas asked if the Foundation had enough land at the intersection of Routes 20 and 53 for the necessary building.

Ms. Imhoff replied that the Foundation would lease about 32.5 acres. There is much to be worked out, including traffic access. It is a fairly large piece of land. The remainder of it is 100 acres plus. The University will likely use the remainder for a research park.

Mr. Thomas asked if any of the current facilities are in that 32.5 acres.

Ms. Imhoff replied no, it is really that intersection of Rte. 20 and Rte. 53. It is deliberately that to provide additional parking to use the trail. Right now, people have to cross Route 20 to get to the trail area.

Mr. Craddock verified that Blue Ridge was not part of that.

Ms. Imhoff said no.

Mr. Craddock asked if Michie Tavern was a part of it.

Ms. Imhoff responded no. This is property that was owned by Mr. Jefferson previously, owned by the Foundation currently and on the World Heritage list.

Mr. Loewenstein pointed out that on page 2, it doesn't say currently owned by the Thomas Jefferson Memorial Foundation. What becomes of this district if the TJMF no longer exists?

Ms. McDowell said that the map amendment is very specific and went with the tax map numbers. We would add in whole or in part owned by the Foundation within the World Heritage site.

Ms. McDowell replied that it says owned by the Foundation.

Mr. Rooker pointed out that you could say "as of" a specific date.

Mr. Benish said that any sale would require a subdivision. There is probably an operation within this that would ensure a review.

Mr. Loewenstein asked what happens if the Foundation is no longer the owner of this property.

Ms. Imhoff replied that's where zoning administrator get triggered. Conforming use would have to be proven.

Ms. Hopper stated that zoning runs with the land.

Mr. Rooker asked if there was something you could put into this that said if the property is no longer owned by the Foundation, it reverts to RA zoning.

Ms. Hopper pointed out that we are all working toward the same goal, but trying to clarify the language. What if you had a split on your board with different philosophies than exist today?

Mr. Merriam responded that the Foundation wants to put the safeguards in there for County involvement. We would like to create mechanisms for the County to step in.

Mr. Rooker said it seems that my primary focus is on paragraph 12 on page 3. He wondered if there is some way to allow repairs, maintenance, and small additions as a matter of right, but to require a special use permit when they become larger in scope.

Ms. Imhoff said she had two suggestions, one being to go back and address the kinds of uses we currently have. For the record it is now the Thomas Jefferson Foundation. If going through the special use permit process for subdivision is necessary that would not be an issue for us. Make it difficult for us to subdivide. We would like to find at way that is not onerous for anybody but is controlling for the County. What we want to do is tear a bunch of stuff down, but concentrate use in the shuttle station area.

Mr. Rooker asked if there was a provision that permitted the rebuilding of existing non-conforming uses as long as the total space did not increase, would that be satisfactory?

Ms. Imhoff replied that she could see how that language would work. You could also identify the acceptable location of the site for the relocation of uses.

Mr. Merriam stated that the applicant does not want to downplay expansion. In some instances 2 or 3 people are working out of one office. Frankly, having gone through the planning process for Monticello, there has been a buildup of staff and activity, but not of space. If we move down to the shuttle station area, we would end up with more built space than we are working out of right now. We are looking at some growth.

Mr. Rooker said he is a little confused about the shuttle station area, is that at the bottom of the mountain?

Mr. Merriam replied that it is where you buy your ticket today.

Ms. Imhoff pointed out that is the only place that's been significantly disturbed. We are decreasing some of the use on the mountain because none of the cars will be up there any longer. In the future people will park at the bottom of the mountain and take a bus service.

Mr. Rooker asked if it was that much of an administrative problem and expense to build new buildings by special use permit. You could come in with a single application for all of the planned building.

Ms. Imhoff responded that there is not a special use permit process for that kind of use.

Mr. Rooker stated that he is talking about making some of the by-right uses special use permit uses. They would still be permitted uses.

Ms. Imhoff responded that there is not a descriptive process for what the requirements would be. She would like to hear from staff on that issue.

Mr. Finley said that in looking at the by-right uses, in eating establishments for staff and visitors, are you saying that no one would need to see a plan for that? Do you charge meal tax?

Ms. Imhoff replied that right now we have food services at Monticello, a food booth managed by Martha's Market. They do pay food taxes. Our plan is to not have any food service up at Monticello in the future. There is a possibility of a cafeteria at the new visitor's center, if the County decides that's a permitted use. We wanted to make sure it is okay to have lunchrooms and vending machine areas. However that is classified, we will always need to have water and drinks.

Mr. Rooker stated that gets into the scope of the activity. What you describe nobody has a problem with. With the language as a by-right use, it can permit something of a much larger scope. The same thing with gifts, souvenirs and antique shops. The way this reads, you could put up a downtown Williamsburg by-right.

Ms. Imhoff replied that both of those are uses we are not doing very much with and expect to do less with in the future. Perhaps we could put in some criteria for the zoning administrator, it would be sad to come for a special use permit for such a small use.

Mr. Rooker pointed out that that was why he asked if there was some way to define a scope of activity. If the planned use went beyond that, it would require a special use permit.

Mr. Rooker stated that we are actually talking about reducing the square footage for a lot of these uses. My feeling is as long as they weren't increasing the square footage of the non-conforming uses, it wouldn't bother me if they relocated them. But in other instances, they were talking about wanting to expand the size.

Mr. Thomas raised the issue of the cafeteria.

Ms. Imhoff pointed out that the cafeteria would be set for the visitor center, which will be in the growth area.

Mr. Thomas asked what impact that would have on Michie Tavern.

Ms. Imhoff replied that they are working very closely with Michie Tavern. We want to provide minimal food support for visitors, but want to make sure people are still driving to Michie Tavern.

Mr. Rooker stated the uses that need to be by special use permit or have some limit are F, H, I, K, M, N, Q, and R.

Ms. Hopper added T.

Mr. Rooker disagreed with the addition of T because it represents a reduction in development rights.

Ms. Hopper said she would still like to see that in the special use permit category. She would feel comfortable making subdivision to promote conservation easements by-right.

Mr. Loewenstein stated that was already in there.

Mr. Finley asked if they planned on doing a master plan.

Ms. Imhoff replied that they have done a site and facilities plan, unfortunately, it is mostly focused on the new visitor's center. That plan has been shared with the Planning Commission.

Ms. McDowell pointed out that the copies were given about a year ago.

Mr. Finley asked if some of these by-right uses are included in the master plan. Can you get an idea of scope from that plan?

Ms. Imhoff replied the you may be able to, though not in the detail you are looking for. This was a concept plan.

Mr. Rooker asked if it was not possible to submit an application plan for this district.

Ms. Imhoff responded that one of the concerns was how to set that up with this concept plan process. That would be rather unusual for zoning map and zoning text amendments. Perhaps we could detail the criteria for the uses that are a concern.

Mr. Rooker replied that we do it all the time. We usually require an application plan that is very specific for rezoning applications.

Ms. Imhoff stated that we started this 18 months ago. We are trying to make up for some past history and bring it into some kind of conformity.

Mr. Benish said you need a district first, and then you can move into a plan of development, which we could probably work towards.

Mr. Merriam asked if the commission thought this was going in the right direction to create this district.

Ms. Hopper said yes.

Mr. Rooker replied that it was a good approach.

Mr. Loewenstein asked if the report was still accurate.

Ms. Imhoff said it was.

Mr. Loewenstein asked for copies of the report.

Ms. Imhoff apologized, as it was her my records that they had shared the plan with the commission. She cautioned that it is a concept plan.

Mr. Merriam said this was intentionally conceptual. We prefer to have sort of a scattered campus arrangement rather than what currently exists.

Mr. Craddock stated that this discussion tonight has helped him. He was under the impression that everything, except Monticello itself, was coming down the mountain. The whole campus idea would be more in congruence with what you would think at Monticello. A proposed eating establishment really cuts Michie Tavern out. Visitors would never see Ash-Lawn or Michie Tavern. He was surprised to hear of the planned building on the mountain.

Ms. Imhoff said that she did not want to overstate what it is. We have over 530,000 visitors per year. A small portion of those go to Michie Tavern. We are all a part of the tourism community in Charlottesville. Our food service for the new visitor center is extremely bare bones. We will offer this as a service, as a courtesy, not an attraction.

Mr. Rooker asked if Michie Tavern was a non-conforming use. He does not necessarily view it as the commission's responsibility to protect one business over another.

Mr. Merriam stated that food service is not something we would even think about managing ourselves. We want to give the visitor a better interpretive experience. Visitors need to have food available during a 3-hour visit. Not everyone is able to take advantage of Michie Tavern and there is not much else available in that area.

Mr. Rooker said that he doesn't know that anybody is saying these uses, with limitations on scope, might not be appropriate.

Ms. Hopper said she thinks they belong in the special use permit category thought. She stated that she thought she heard Ms. Imhoff say that the real intention is to decrease use.

Ms. Imhoff replied not decrease use, we are not expecting expanded visitation, we have a very steady visitation cadre. We are doing this to serve our visitors, to create a more authentic experience. She asked to go back to the uses one more time.

Ms. Hopper pointed out that in some instances she said they did not particularly mean to intensify the use.

Ms. Imhoff stated that the intersection of Rt. 20 and Rt. 53 gets the museum, the eating establishment, the museum shop, the garden center and the classrooms. What it does not have is the buildings, maintenance, grounds, administration and interpreters. We have to be able to use either existing buildings or find a way to move them into one area. We think you can put buildings in the existing parking area. It is a complicated mixture.

Mr. Rooker stated that everyone is in agreement with this approach. Generally speaking, he has not heard any comments or suggestions until the paragraphs which contain by-right uses.

Ms. Hopper suggested on 11.1, the 3rd paragraph, remove "shall be encouraged to locate" and replace with "will be located".

Mr. Rooker said that we talked about clarifying what happens when property is sold.

Mr. Merriam said that the most likely scenario is that Monticello will purchase some property.

Mr. Rooker stated that staff made it clear that the ZTA would speak as of the date that it is established. If property is added later, there would have to be an amendment to the map.

Ms. Sprinkle said there would definitely have to be a map amendment to bring new properties in. Her concern is getting them out of the district.

Mr. Merriam asked if it could just revert to the previous zoning.

Ms. Sprinkle said she did not believe it could. Staff would likely initiate a removal.

Mr. Loewenstein stated that should be articulated more.

Ms. Hopper asked if Greg Kamptner said that it was questionable whether legally you could terminate a special use permit.

Mr. Rooker stated that Mr. Kamptner said that the County has taken the position that where ownership limitation is placed on a special use permit, those provisions would be enforced. But, no new such provisions would be put on a special use permits. The old ones are being enforced. Legal needs to determine the answers to the questions we raised.

Mr. Merriam stated that staff asked for a list of everything we are doing right now and everything we might do in the future. We went through all the activities we are currently doing. He added to that list the uses that are permitted in the rural area district. The slashes were things that didn't seem appropriate for Monticello. The things that are still on the list are just uses that are going on right now. The things that end up under special use permit are the things we thought we might want to get into one day but are not currently doing. By putting things we are already doing over into the special use category, we need to apply for the things we have been doing for 75 years.

Mr. Rooker said the County would grandfather those uses in.

Mr. Rooker said that there could be a general provision that says that the uses, which presently exist, can be continued without an increase in scope.

Ms. Hopper stated that could be for all non-conforming uses.

Mr. Merriam asked if they would need to define the scale of activity for each use.

Mr. Rooker replied that what we have been talking about is primarily building size. He doesn't think anybody has a problem with the existing scope of use. An unlimited scope of increase is not something the commission is comfortable with.

Mr. Loewenstein said that we have to have a way to define in some semi-quantitative fashion what we are talking about. We have to have some idea what scale of the uses is currently. The question is what additional increase might occur without benefit of a special use permit.

Ms. Imhoff said that the commission might want to differentiate between the things that are building related and those that are not.

Mr. Benish stated that it would be helpful for staff to go through the items to determine what the concerns are.

Mr. Rooker brought up the list. He brought up exhibitions related to the history of the site.

Mr. Loewenstein asked if there was any chance that any of those would require a permanent structure.

Ms. Imhoff said she was thinking about display boxes and other ideas. Perhaps we should not list some of these uses. If it does not trigger a building permit, it would not need to be listed.

Mr. Rooker asked if it was possible to break out all the uses that would not need a structure.

Mr. Merriam said that Monticello is unusual in that a display might be structural, such as in Mulberry Row.

Ms. Imhoff said they might rebuild a portion of a slave cabin. We need to recognize the unique nature of this district.

Mr. Loewenstein said suppose you were to decide at some point that you want to consolidate a large group of collections under one roof, would you see that as falling under 12D or someplace else?

Mr. Rooker asked if there was some way to generally say that new structures require a special use permit, existing uses of old structures would not.

Mr. Merriam asked if that would include historic recreations.

Ms. McDowell stated that perhaps a percentage of new construction would trigger a special use permit.

Mr. Rooker said the problem is in the potential for structures for those uses being erected that are beyond a certain scope.
Ms. Sprinkle asked how that would work with a building such as the recreation on Mulberry Row.

Mr. Rooker asked if we could not define some scope that would have administrative approval up to a certain level.

Mr. Merriam stated that perhaps we could define by recreations versus operations facilities.

Ms. Imhoff said that it could go to the zoning administrator and with certain criteria gets triggered to the planning commission.

Mr. Benish stated that we needed to bear in mind 11.3.a.

Ms. Imhoff said it would be helpful to have that spelled out as we were reading zoning administrator and director of planning.

Mr. Benish said if a six-story office building goes up next to the shuttle center, the planning director would deem that inconsistent.

Mr. Finley asked if the rezoning would make them immune to historical preservation ordinances.

Ms. Sprinkle replied that it would not. A site plan would generally not be required.

Mr. Benish said that there is some level of interpretation that needs to be addressed.

Mr. Rooker stated that he did not think that we could take this much further tonight. Staff has a basic understanding our concerns.

Mr. Benish asked in reference item R, is the concern the potential activity with visitors?

Mr. Loewenstein replied yes.

Ms. Hopper said yes.

Mr. Rooker said his concern was the building a new structure of over a certain scope and size.

Ms. McDowell asked what size.

Mr. Rooker said that one of the things we had talked about was an expansion beyond the existing use, is there some percentage we could establish.

Mr. Loewenstein asked if it would then be quantified by number of visitors, existing square footage or something else.

Mr. Rooker responded that it would be hard to do by visitor.

Ms. Sprinkle said you could take an inventory of the square footage of existing uses.

Mr. Finley asked where the visitors were going to eat.

Ms. Imhoff replied that was the great thing about a new visitor's center. In the future, you wouldn't go to the mountain until your tour opportunity has arrived. There would be greater services off the mountain and better staging.

Mr. Rooker said this really applies to on the mountain. Perhaps the increase in scope could be in terms of percentage but also in terms of some absolute square footage increase. We need to have legal look at this.

Ms. Sprinkle asked if Mr. Rooker had a square footage limit that is a plateau.

Ms. Hopper said she was not sure that was the right question.

Mr. Finley asked how the planning commission could come up with a reasonable figure.

Mr. Rooker said it is a question of when it could be done as a by-right or with a special use permit.

Ms. Imhoff replied that she thought they could give some trigger ranges.

Mr. Rooker said he did not think we need to work that out sitting here. Those issues should be worked out with staff.

Ms. Imhoff said she had some problem with the activity-based uses.

Mr. Benish asked if the concern would be at the point where they do require physical construction.

Mr. Rooker said the question was if there was some need to require a special use permit because of the increase in scope of activity unrelated to building. Does Monticello currently hold concerts?

Mr. Merriam replied it depends on what you classify a concert. We have people playing music on the west lawn.

Mr. Benish said the last one is the archaeological dig sites, labs and offices. The digs do require some physical development on site. But you are concerned about the labs and permanent offices. If we address permanent structures by permit, that would the address the concerns.

Mr. Thomas asked if that would eliminate any reconstruction.

Ms. Imhoff said she thought they needed to add some language that says very specifically if we are doing a historic restoration/recreation, that would not require a special use permit.

Mr. Benish said that when something is absent within a district, it's assumed not to be permitted. We have to figure out that language.

Mr. Loewenstein said he thought it might be helpful to be able to look at some sort of quantitative data on what is present there now.

Ms. Imhoff said we tried to figure out how to do scope and scale. We can give you some ranges.

Mr. Rooker said the applicant should work with staff on that.

Mr. Benish stated that if we got a site plan, we would establish what is on site. Any changes could be based on amendments to that site plan. We would set a record for what's there now. We'll need to set the groundwork.

Mr. Loewenstein said he would like to see a copy.

Ms. Hopper asked if the ZTA was put into affect would the non-conforming uses would go out of existence?

Ms. McDowell replied yes.

Ms. Hopper said that on the last page, she didn't really follow the chart on divisions by-right.

Ms. McDowell said it was for conservation and preservation only.

Mr. Rooker asked for any other comments or questions.

Ms. McDowell said that staff has some questions on non-building uses, some of them like H, a hard to get a handle on the concern. She would like clarification on what the commission would like staff to address.

Mr. Rooker said he has no problem as a by-right use within existing structures. We need to try to come to grips with some limitation on scope of use that may not relate to building size. Most of these uses do not appear to be visitor intensive. It would be those uses that would draw large volumes of people that we need to consider some kind of limitation on.

Ms. McDowell said she was thinking about Tufton, which has demonstrations with people going to see where the plants are.

Mr. Rooker replied that's something they can do today, we are not talking about trying to limit the scope of what they are doing today. Staff needs to meet with Monticello to try to put things on various sides of the line.

Ms. Imhoff said she is assuming this will go back to another work session, it is not mature enough for a public hearing.

Ms. McDowell said that we have advertised for a public hearing.

Mr. Benish said that the commission might want to take public comment and not act.

Mr. Rooker clarified that the ZMA was set for public hearing. We are talking about some significant rewrite of the ZTA. We should not have a public hearing until we are relatively certain of what the ZTA is that we want the public to comment on.

Mr. Benish said it has to be both. The commission might have to defer that at the next meeting.

Mr. Rooker asked when it was scheduled. He suggested pulling it.

Mr. Rooker suggested putting a little box in the ad that indicates this has now been deferred.

Mr. Loewenstein asked if the letters had been mailed.

Mr. Benish replied that they had.

Mr. Rooker said that there were two weeks to mail an additional letter.

Mr. Benish said you may have to give an opportunity for public comment as there were a significant number of requests for information.

Mr. Rooker said that we could open it.

Mr. Loewenstein said it was counterproductive to open public comment on something that will significantly change.
Mr. Benish said that there may be people at that meeting that did not get the word.

Mr. Rooker pointed out that there are times when an item is scheduled for public hearing and it's deferred. This would not be any different from any other item.

Mr. Rooker said that at the very beginning of the meeting we can announce there will be no public hearing.

Mr. Rooker said that if people have an interest in this item, the probably won't mind hearing the last work session.

Old business:

Mr. Thomas stated that the July 6 meeting was canceled so he has not had the opportunity to raise the issue of the lighting at the baseball stadium.

Mr. Rooker said that Mr. Tucker did an excellent job of conveying our thoughts.

With no further business, the meeting was adjourned at 7:50 p.m.

_____

V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary