Albemarle County Planning Commission
May 24, 2005

The Albemarle County Planning Commission held a work session and meeting on Tuesday, May 24, 2005 at 4:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Calvin Morris, Jo Higgins, Pete Craddock, Bill Edgerton, Chairman; and Marcia Joseph, Vice-Chair. Mary V. Hughes represented David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; Lee Catlin, Community Relations Manager; Judy Wiegand, Senior Planner; Greg Kamptner, Assistant County Attorney; Frederick C. Dock, of Meyer, Mohaddes Associates; Philip Erickson, of Community Design Architecture and Harrison B. Rue, Executive Director of Thomas Jefferson Planning District Commission and Charlottesville-Albemarle Metropolitan Planning Organization.

Call to Order and Establish Quorum:

Mr. Edgerton called the regular meeting to order at 4:20 p.m. and established a quorum.

***Work Session*:**

Places 29 Work session: Members of the consultant team will give an overview of the planning process, including the transportation study. They will describe the three public participation events, what will happen in between these events, what to expect in the draft master plan, and other information. They will also be available to answer questions from the members of the Commission. Following the consultant's presentation, staff will outline what the commission's role as the advisory committee will be and answer any questions. (Judy Wiegand)

In summary, the Planning Commission held a work session regarding Places 29 in order for the consultant team to provide an overview of the planning process, including the transportation study. Frederick C. Dock, of Meyer, Mohaddes Associates (the lead consultant on the transportation study and the subcontractor on the land use plan; Philip Erickson, of Community Design Architecture (the lead consultant on the land use plan and the subcontractor on the transportation study); and Harrison B. Rue, Executive Director of Thomas Jefferson Planning District Commission and Charlottesville-Albemarle Metropolitan Planning Organization provided an overview of the project and explained their goals and perspectives about the study's scope, expectations and scheduling. The consultants pointed out that one of the unusual things about this project was that the land use plan and traffic study were being done concurrently and both would be fully integrated into the master plan.

Lee Catlin provided an overview of the upcoming meeting and the public participation process that staff has in mind, which included the Advisory Committee concept. She passed out information concerning the Advisory Committee's role. She pointed out that in their Advisory Committee role, the Commission was being asked to help look at the issues of process and procedure, provide liaison between the neighborhoods and businesses, look at the materials to make sure they are clear, and provide comments and suggestions, particularly about the public participation element. She asked that the Planning Commission continue to pass this information along to anyone they think would be interested, and also to continue to forward contacts to her so that the list can be as complete as possible.

Harrison Rue addressed the transportation component of the study. He pointed out that there was no intent on their part to spend any dollars from this study to revisit the Western Bypass or to look at it from the design standpoint to include it in their three alternative networks.

After some discussion and questions for staff, the Commission provided the following comments and suggestions:

- It was suggested that every meeting, both public and private, have a complete sign up sheet to include all persons present including their name and address with possibly a check block for voting district or neighborhood, and all staff persons and

consultants present. This information needs to be posted on the internet to ensure that everyone has knowledge about the element of participation.

- Staff should keep an updated list of representatives for Home Owner Associations, which should be made available to the Commissioners.
- It was suggested that a corner recorder be set up to help people express their opinions, which was a technique used by VDOT, for those persons who cannot read or write.
- The Commission asked about the role of the ARB and expressed the hope that they would be actively involved.
- The Commission questioned whether there would be an opportunity to do a magnet group based on topic.
- The Commission asked that interconnectivity be strongly considered.
- It is critical that political concerns are represented as well as the neighborhood's concerns.

The Commission requested staff to provide the following information:

- Meeting schedule and notification of any meetings scheduled to include the participants, date, time and location;
- Copies of all emails and information distributed concerning upcoming public meetings that take place on the project;
- A complete list of all the participants;
- All materials to be distributed at the public meetings should be received for their review prior to the actual meeting; and
- Record of all times when the consultants meet with various groups and individuals.

The Planning Commission recessed at 5:25 p.m. and reconvened at 6:00 p.m. in Meeting Room 241.

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 24, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Pete Craddock, Calvin Morris, Jo Higgins, Bill Edgerton, Chairman; and Marcia Joseph, Vice-Chair. Mary V. Hughes represented David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Director of Planning; Stephen Waller, Senior Planner; Steve Tugwell, Senior Planner; Amelia McCulley, Zoning Administrator & Director of Zoning & Current Development; Rebecca Ragsdale, Senior Planner; Juandiego Wade, Transportation Planner and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton called the regular meeting to order at 6:05 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Thomas invited comment from the public on other matters not listed on the agenda. There being none, he stated that the meeting would move on to the review of the consent agenda.

Consent Agenda:

Moorman's River Agricultural/Forestal District Additions – Planning Commission to refer applications to the Advisory Committee (Rebecca Ragsdale)

Approval of Planning Commission Minutes – January 18, 2005; January 25, 2005; February 1, 2005; and April 26, 2005.

Mr. Edgerton asked if any Commissioner would like to pull an item off of the consent agenda for discussion or if there was a motion.

Ms. Joseph asked to pull the approval of the minutes off of the consent agenda until the next meeting since they were not listed on the tentative agenda.

Mr. Edgerton stated that he would like to see a graphic of the proposed addition to the Moorman's River Agricultural/Forestal District.

Ms. Joseph pointed out that request would come back to the Commission.

Mr. Kamptner stated that the Commission was just referring that request to the Advisory Committee.

Ms. Higgins moved for approval of the consent agenda with the exception of the minutes.

Mr. Morris seconded the motion.

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

Item Requesting Deferral:

SP 2004-033 Baugher Excavating, Inc. (Signs #19&25) - Request for a special use permit to allow the equipment storage yard for Baugher Excavating, Inc., in accordance with Section 10.2.2(31) of the Zoning Ordinance which allows for Home Occupations Class B. The property, described as Tax Map 19 Parcel 1A, contains 11.373 acres and is zoned RA, Rural Areas. The proposal is located at 6282 Estes Lane, in Dyke, approximately 1,800 feet east of the intersection of Estes Ridge (Route 806) and Simons Gap Road (Route 663) in the White Hall Magisterial District. The Comprehensive Plan designates this property as Rural Area 2. (Joan McDowell) ***DEFERRED FROM THE APRIL 12, 2005 PLANNING COMMISSION MEETING. APPLICANT REQUESTS INDEFINITE DEFERRAL.***

Mr. Rieley asked if someone could give an update on where the outstanding infractions stand.

Ms. McCulley stated that she did not have that information because she did not see this item on the agenda.

Mr. Benish pointed out that the item had just been added to the final agenda today.

Mr. Kamptner stated that they had a trial on the April court docket and collected the civil penalties. They have not filed a new warrant to date, but have been waiting for the outcome of the special use permit.

Ms. McCulley stated that staff will report back with that information at a later date if the Commission would like us to.

Ms. Higgins moved to accept the applicant's request for indefinite deferral for SP-2004-033, Baugher Excavating, Inc.

Mr. Morris seconded the motion.

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

Mr. Edgerton stated that the indefinite deferral request was unanimously approved for SP-2004-033, Baugher Excavating, Inc.

Regular Items:

SDP 2005-022 Avon Park Water Tower Height Modification Request - The applicant has submitted a final site plan proposing a water tank (serving 44 residential lots) that must have a total height of 58 feet in order to meet the Service Authority's overflow design requirements for dedication as a public facility.

Section 4.10.3.1(b) of the Zoning Ordinance states that water tanks, tower and like structures shall not be located closer in distance to any lot line than the height of the structure. In accordance with Section 4.10.3.1(c), the applicant is requesting approval for a Planning Commission modification of the height to distance setbacks in order to allow construction of the water tank in the proposed location. The property, described as Tax Map 90, Parcel 32, contains 9.976 acres zoned R-6 Residential (ZMA 04-03) and Entrance Corridor. This site is located in the Scottsville Magisterial District on Avon Street Ext. (Route 742) approximately one-half mile south of the intersection with Stoney Creek Drive. The Comprehensive Plan designates this property as Neighborhood Density, in Neighborhood 4. (Stephen Waller)

Mr. Waller summarized the staff report.

- The applicant is requesting Planning Commission approval for a modification for the one to one height distance requirements for a water tank. Staff notes that the proposed water tank is being shown in the same location that was approved on a plan that was proffered when the property was rezoned. It was before the Commission last July. However, the height will now be increased from 50' to 58' in order to meet Service Authority requirements for public dedication.
- Staff has reviewed this request for compliance with the relevant requirements of the County Code and recommends approval with conditions that have been provided in the staff report.
- After speaking to an adjoining property owner who had requested that staff and the Commission consider adding to the screening conditions another condition that would require the screening as shown on the final site plan to extend all the way along their shared property line to screen portions of the water tank as well. The applicant was agreeable to that condition. Therefore, staff recommends the additional condition that would basically state that the privacy fence between this property and Mr. Fox's property be extended along the full extent of the property line.
- The applicant has also provided some additional information that was received in response to some Service Authority comments. The information staff received yesterday showed that lot 41, the townhouse lot, will now have to be moved to be at least 60 feet from the center line of the water tank. The applicant's proposed revisions were passed around for the Commissioners to review.

Questions for staff raised by the Commission were addressed as follows:

There was a concern raised about the note that says the "Trees not affected by construction are to be saved." Are the trees shown on the plan the trees to be saved or was there some limit. The 150' privacy fence will probably address the screening concerns, but some of the trees might have to be removed to put in the privacy fence.

- The condition concerning the submittal of the tree conservation plan requests more detailed information than what is provided on the site plan. That plan should show which trees are to be saved and what tree protection measures will be used. If there are any ill effects on the trees from the fence, staff would expect to see that in the tree conservation plan.

- Regarding the question of the revised plan, Mr. Waller pointed out that unit 41 was within 60' of the center line of the water tank. In response to the Service Authority comments and a question staff had email correspondence about yesterday the applicant has provided this quick sketch. It is not an official submittal of the revisions of the plan. Staff has not had a chance to review how those units are going to affect everything else on the plan. The applicant is basically trying to demonstrate that it can be done.

There being no further questions for staff, the public hearing was opened. Mr. Edgerton invited the applicant to come forward and address the Commission on this matter.

Frank Bowel, representative for Weatherhill Development, stated that they accept all the conditions as set forth by staff. Basically if there were any questions or clarifications that he was present to answer them. The comments from the Service Authority were received Thursday of last week. In response to that they tried to meet with Mr. Waller and come up with a resolution. A waiver is still being requested because the sketch the Commission received does not meet the ordinance in terms of setbacks. However, they were able to increase those setbacks to meet the Service Authority's concerns.

There being no questions for the applicant, Mr. Edgerton invited comment from other members of the public. There being none, the public hearing was closed and the matter brought back before the Commission for discussion and an action.

Ms. Joseph noted the following concerns:

- If the water tank topples over she wanted to make sure that there was plenty of room so that it will not land on any structure.
- Condition 3 keeps it open that additional screening trees are determined by current development and the landscape planner. She asked to add to condition 3 that it would not be anything more than would be required by the ordinance for screening. The applicant needs to be able to look and see what is out there and maybe use the existing vegetation. This should not be burdensome because this is an infill and she did not know how one would be able to screen that big structure from that adjacent property.

Mr. Edgerton stated that if the ordinance allows this use then they cannot require more than the ordinance requires.

Mr. Kamptner stated that to address the impacts of granting the waiver they can. But, if there was no waiver involved they would not be able to. But, in this case they could.

Ms. Joseph stated that she would just like to offer an element that is reasonable.

Mr. Waller stated that this condition was in place because this is a final site plan and they also have had a landscape plan that has been reviewed. There is not screening in that area at this point. It was mainly a point of saying that they may require additional screening with the landscape being that a water tank is considered to be an objectional item.

Ms. Joseph clarified that she was just asking that the ordinance guide staff instead of somebody deciding that they wanted to see.

Ms. McCulley acknowledged that was completely appropriate.

Mr. Rieley suggested changing the language of condition 3 after the last comma to say consistent with current ordinance screening requirements.

Ms. Higgins made a motion to that SDP-2005-022, Avon Park Water Tower Height Modification waiver request be granted with the conditions modified as Mr. Rieley stated.

1. Submittal of a tree conservation plan, detailing the methods of protecting individual trees and groups of trees to remain within the area surrounding the water tank, subject to staff's approval. The locations of any tree protection fencing and other methods of protection must be shown on the plan for clear identification during field inspections;
2. The applicant shall install safety fencing that is acceptable to the Service Authority around the water tank lot; and.
3. Additional screening trees shall be installed between the water tank and the boundary that is shared with the townhouses on lots 41 and 42, consistent with current ordinance screening requirements, subject to the approval of current development staff and the landscape planner.

Mr. Morris seconded the motion.

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

Mr. Kamptner stated that earlier there was a discussion about adding a condition about screening and fencing, but he did not hear if the motion included that additional condition.

Ms. Joseph stated that the motion's condition was about vegetative screening. This is different because it is the fence along the property line.

Mr. Kamptner stated that the first motion should be to reconsider so that the Commission can open the action.

Ms. Higgins made a motion to reconsider SDP-2005-022, Avon Park Water Tower Height Modification.

Mr. Morris seconded the motion.

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

Ms. Higgins made a motion for approval of SDP-2005-022, Avon Park Water Tower Height Modification Request, with the conditions as modified by Mr. Rieley and an additional condition to add a screening/privacy fence along the property border with the Fox property.

Mr. Kamptner suggested the wording that the applicant shall install the screening/privacy fencing around the boundary line shared with tax map 90, parcel 31, subject to the approval of current development staff to parallel with the phraseology of condition 3.

Ms. Higgins agreed with Mr. Kamptner's suggestion. She pointed out that the point that she made is that fitting it right on the property line could take out significant trees. Therefore, she suggested that it be along the boundary line.

Mr. Kamptner stated that would leave the location up to the current development staff as well.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0) with the following conditions:

1. Submittal of a tree conservation plan, detailing the methods of protecting individual trees and groups of trees to remain within the area surrounding the water tank, subject to staff's approval. The locations of any tree protection fencing and other methods of protection must be shown on the plan for clear identification during field inspections;
2. The applicant shall install safety fencing that is acceptable to the Service Authority around the water tank lot;
3. Additional screening trees, consistent with current ordinance screening requirements, shall be installed between the townhouses on lots 41 and 42 and the boundary that is shared with the water tank subject to the approval of current development staff and the landscape planner; and
4. The applicant shall install the screening/privacy fencing along the boundary line shared with tax map 90, parcel 31, subject to the approval of current development staff and the landscape planner.

SUB 2005-019 Ragged Mountain Farm Rural Preservation Development (RPD) - Request for preliminary plat approval to create two (2) adjacent Rural Preservation Developments with 20 lots each (40 new lots total) to be served by public roads. The parcels described as Tax Map 74, Parcels 5 and 7, contain approximately 470.297 acres and 33.85 acres zoned Rural Areas (RA), respectively. These sites are located in the Samuel Miller Magisterial District on Taylors Gap Road (Route 708) approximately 1-mile south of the intersection with Dick Woods Road (Route 637) and on Dick Woods Road, approximately ½-mile west of the exit ramp from Interstate 64 and adjacent to the Rosemont and Blandemar Farm Subdivisions. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Stephen Waller)

Mr. Waller summarized the staff report.

- This application is a request for Planning Commission approval of the preliminary subdivision plat for two adjacent 20-lot rural preservation developments that would share a single system of public roads and stormwater management facilities. (See description above.)
- The Site Review Committee has reviewed the layout of the proposed lot for compliance with the relevant requirements of the Zoning and Subdivision Ordinances. They also reviewed the Rural Preservation Development with assistance provided by the staff's Rural Planning Division.
- Staff recommends approval of the Rural Preservation plat with the conditions provided in the staff report.

- Staff notes that the applicant has also received approval that would allow each RPD to have two preservation tracts. That approval is subject to additional conditions that would be applied to this application if the RPD is approved.

A question was raised by Ms. Higgins on condition 3 regarding the plat being subject to the Current Development Division's engineering review for compliance with Section 903.B.6.a. Why was staff calling that out specifically when that would be required generally to any development like this?

Mr. Waller stated that it was the section from the Design Standards for the requirement for erosion and sediment control plans and submittal of stormwater management plans. He pointed out that these are general requirements that would go out in their preliminary approval letter basically telling the applicant the things that the final site plan would have to comply with. Because it is a subdivision plat it is subject to Planning Commission review. Basically it will be the same comments, but it will be coming from the Planning Commission as opposed to coming from the administrative staff.

Ms. Higgins asked if staff had a copy of Section 903.B.6.a.

Mr. Waller stated that he did not have a copy of that section.

Mr. Edgerton stated that Ms. Higgins' comment was good because when they approve something they assume the law is going to be enforced in all matters and they don't start listing specific sections. That is obviously part of the approval process.

Ms. Higgins stated that it makes one think that they picked that particular one out for some specific action. When the Commission was making a specific condition she likes to see what it is. She suggested that it should just say compliance with stormwater regulations.

Ms. McCulley stated that staff can look at that for future subdivision plats.

Ms. Higgins pointed out that two years from now when someone is reading the manual, which is not a Code document because it does not have an effective date they could go back and know what was effective at the time. In the future it might not make sense unless it is either attached or explained. It is not an ordinance.

Mr. Kamptner stated that it was not and it would be helpful to know. One of the purposes of the Design Standards Manual is to provide the community with recommended designs. The community can assume that this particular design has satisfied the minimum requirements of the Water Protection Ordinance. But, you as a Commissioner don't know what that particular design is and would have to rely on staff.

Ms. Higgins stated that they could recommend a guidance document as a condition of approval, but she has never seen it worded that way. However, for the Commission to take an action that specifically references something that they cannot read, she felt was a stretch. She stated that it needs to be attached.

Ms. McCulley stated that staff would look at that.

Mr. Kamptner stated that he could run upstairs and make a copy to attach.

Ms. Joseph suggested that the condition be changed to simply say needs engineering approval.

Ms. Higgins suggested that it say engineering's review for compliance with the County Design Standards Manual. If they are not picking out a specific section, then she did not have a problem with it. She felt that it was confusing.

Mr. Edgerton stated that the Commission would discuss their preference later in the meeting. He opened the public hearing and invited the applicant to address the Commission.

Tara Boyd, representative for the request, posted some extra exhibits.

Mr. Rieley stated that there is a provision for mountain protection within the Comprehensive Plan. But obviously the ordinance was never adopted. He asked if the map identifying the mountain resource areas was as a part of the Comprehensive Plan.

Mr. Waller stated that it was a part of the Open Space Plan in Chapter 2.

Mr. Rieley asked what the contour line was as it relates to the Ragged Mountain proposal.

Mr. Waller stated that it had 800 foot contour lines.

Tara Boyd stated that she was glad that he had asked about that because that was exactly what she was putting up on the board. Staff expressed some concern, as well as the Planning Commission, during their last visit on this matter about the protection of the mountain resource. Obviously, the Ragged Mountains are the predominant resource on this property. The switch from doing a by-right subdivision to a RPD, although it was a little painful administratively, has turned out to be quite a boom for the protection of the mountains. The by-right plan for the two parcels each contains 20 lots with 18 development lots and 2 preservation lots. This would be the by-right justification for the RPD. She pointed out that all of the orange spots, which were building sites, and the green shaded area is all in the 800 foot contour, which was a pretty big chunk of the property. But, there are a number of sites shaded in orange (14) that would have been within the 800 foot contour area on a by-right plan. By doing the RPD they ended up with 2 building sites in the 800 foot contour. Therefore, they were very pleased with the way this plan turned out. As part of staff's recommendation, there were some negotiations about additional conditions with the use of the four building sites that will be within rural preservation developments. That includes the two that are in the 800 foot contour area. That would ensure additional protection such as muted colors of the buildings so that they would be less visible, preserving trees within the building sites and minimizing clearing and driveways, etc. They agreed to use full cut off lighting and only one exterior light per doorway. These were all accepted by the Director of Community Development or Zoning Administrator as part of the approval process. They feel like this has been a cooperative effort with staff to come up with something that has ended up being a lot more fitting to the property than their original proposed by-right plan.

Ms. Higgins asked about the wording of condition 7 and if that has been pursued yet.

Ms. Boyd stated that it was her understanding that if the Planning Commission approves a RPD that the Public Recreational Facilities Authority is then required to take the easement. Although she had raised a good point, she pointed out that the easement would not be recorded prior to signing the plat. The easement would go to record with the plat.

Mr. Kamptner stated that actually the County would be a co-holder with the PRFA.

Ms. Higgins asked if they were certain that this meets all of the requirements of the PRFA.

Mr. Kamptner stated that they had a model rural preservation tract deed. The PRFA has authorized the PRFA's Chairman to sign without the deed going to the body as a whole. The PRFA will be considering an RPD where the applicant is requesting a guest cottage. This will be going to the PRFA within the next month or two. The owners are asking for something that is less restrictive than is in the standard deed. What Ms. Boyd has told you is that they are agreeing to impose additional restrictions on the preservation tract. Typically, once the parties have agreed to the final terms of the deed, they would contact the Chairman of the PRFA and the Director of Zoning and Current Development, who are the two authorized signatories to the deed.

Ms. Higgins stated that the approval and recordation cannot be a condition of the plat.

Mr. Kamptner stated that the deed for the preservation tract would typically be recorded with the plat and not before, and the County is a co-holder. It would have to be approved by the County as well, and in this case it would be Ms. McCulley.

Ms. Boyd asked if they would take recordation out of the condition.

Mr. Kamptner stated yes because that it would not be a condition of the final plat approval.

Ms. Higgins stated that condition 7 would say approval of a preservation easement by the County and the PRFA.

Mr. Rieley asked Ms. Boyd to explain what was meant by her wording of permeable materials that have been stabilized.

Ms. Boyd stated that this actually comes from another easement that she worked on in a different matter. It was an easement with the Thomas Jefferson Soil and Water Conservation District. They were favoring the use of permeable materials for a driveway so long as they are stabilized so that if it was gravel or whatever that it does not run down the side of the slope. There would have to be a railroad tie or something there to keep it in, but it allows more water to soak back into the soil. From David Hirschman's prior reports, the mountain areas tend to be important recharge areas for groundwater. Therefore, the more they can do to help that the better.

Mr. Rieley stated that this was not going to help it at all. There is no such thing as permeable materials that have been stabilized. If they have been stabilized, they are not permeable. On a steep driveway like that the amount of recharge that would occur as the result of having a group of gravel driveways is inconsequential. There is absolutely no empirical information anywhere that would suggest otherwise. It just sounds good.

Ms. Higgins pointed out that it would be very hard to maintain.

There being no further questions for Ms. Boyd, Mr. Edgerton invited public comment from other members of the public on this matter. There being none, he closed the public hearing to bring the matter back before the Commission for consideration.

Ms. Higgins asked that condition 3 be modified by placing a period after review and deleting "for compliance with Section 903B.6.a of the County's Design Standards Manual." She felt that the entire condition could be deleted because the plat required full engineering review.

Mr. Waller stated that the conditions were actually telling the applicant everything that they needed to look at and have addressed before they can get administrative approval of the final site plan.

Ms. McCulley stated that she did not see any problem with modifying the condition and generally saying engineering review required.

Ms. Higgins asked that condition 7 be amended to say, "Approval of a preservation easement by the County and Public Recreational Facilities Authority for Preservation Tract."

Mr. Edgerton and Ms. Joseph complimented the applicant for coming up with such an improved plan.

Mr. Rieley questioned why they were enthusiastic about a plan that is currently at odds with our Comprehensive Plan. The Comprehensive Plan identifies the Mountain Resource Areas as worthy of protection and they have two building sites that are absolutely on top of the ridge. He felt that it could not be any worse because of the area's high visibility. He felt that even with the mitigation measures agreed to that the two houses on these ridges were still going to be visible.

Mr. Craddock pointed out that the Mountaintop Committee had been working on these issues for over two years and had not reached a consensus in order to set a public hearing.

Ms. Higgins moved for approval of SUB-2005-019, Ragged Mountain Farm Rural Preservation Development, subject to the conditions as modified.

The Department of Community Development shall not accept submittal of the final subdivision plat for signature until tentative final approval for the following conditions has been obtained. The final subdivision plat shall not be signed until the following conditions have been met:

1. The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available from the Department of Community Development.
2. Approval of all new road names by the E-911 Addressing Coordinator.
3. ~~3.~~ The plat shall be subject to the Current Development Division's engineering review.
4. Virginia Department of Transportation approval for road plans in accordance with the requirements for acceptance into the state system.
5. Virginia Department of Transportation approval for the relocation of the proposed access to the preservation tract identified as Lot A-20.
6. [14.309 & 310] Written approval from the Health Department for all septic and reserve drainfield locations.
7. [10.3.3.3.f] Approval of a preservation easement by the County and Public Recreational Facilities Authority for the Preservation Tract.

Mr. Thomas seconded the motion.

The motion carried by a vote of (6:1). (Rieley – No)

SUB 2005-086 Fray's Mill Rural Preservation Development (RPD) - Request for preliminary plat approval to create a 9 (nine) lot Rural Preservation Development (9 lots and a preservation tract of 79.1 acres). The total acreage of the subdivision is 122 acres. The property is zoned RA, Rural Areas. The property, described as Tax Map 20, Parcel 29 is located in the White Hall Magisterial District on Frays Mill Road (Route 641) approximately 1-mile east of the intersection with Buffalo River Road (Route 743). The Comprehensive Plan designates this property for Rural Area uses in Rural Area 1. (Steve Tugwell)

Ms. McCulley stated that staff used standard conditions for these approvals. Therefore, the Commission will find the two same conditions that they modified for the prior application that they will probably want to modify here. Those are conditions 3 and 6.

Mr. Tugwell summarized the staff report.

- The applicant is proposing 9 development lots served by one internal public street and one preservation tract.
- The development lots will average 4.37 acres each and 81.39 acres for the preservation tract.
- The revision of this plat resulted in the preservation tract increasing by 2.2 acres. The total acreage of this preservation tract of the rural preservation development is 122 acres.
- This proposal also includes a request for a modification of Section 14.505.(B) to allow lot 9 and the preservation tract to gain access along the existing public road, Route 641 Fray's Mill Road.
- Staff has determined that this proposal adequately meets the requirements of the County Code and all relevant sections as related to Rural Preservation Developments. Staff recommends approval with the recommendations provided in the staff report.

Mr. Edgerton asked where the preservation tract would be accessed.

Mr. Tugwell stated that the preservation tract was not going to be accessed off of the internal street, but off of Fray's Mill Road.

There being no further questions for Mr. Tugwell, Mr. Edgerton opened the public hearing and asked the applicant to come forward and address the Commission.

Bill Ledbetter, representative for Roudabush & Gale, stated that they prepared the plat. They worked very hard with staff to get all of the conditions that they wanted, which included the providing buffers, move lots off of buffers and trying to get everything working. To answer the question concerning the preservation tract access, the reason that they are trying to come off of Fray's Mill Road is to keep out of that stream with the driveway coming around. If they tried to access it off of the new road, it would force

them to do a stream crossing. The current location allowed them to stay on the head of that stream and come around it.

Mr. Rieley asked if they located the headwaters of the stream in the field and it was not just off of the USGS maps.

Mr. Ledbetter stated that they had located the headwaters of the stream in the field and this was very accurate. The County topo shown has been field verified for the road, streams and the cemetery location.

Mr. Edgerton asked if anyone had any questions for Mr. Ledbetter. There being none, he asked if there were other members of the public that would like address the Commission on this matter. There being no further public comment, he closed the public hearing to bring the matter back before the Commission for consideration and action.

Mr. Rieley stated that it appeared that this preservation tract more than most of the ones that the Commission has seen recently really does preserve a chunk of land that can be utilized for agriculture and the lots are compact in the 2 acre range. He felt that the plan had been done very sensibly and he supported it. He moved for approval of SUB-2005-086, Fray's Mill Rural Preservation Development, subject to the conditions as modified.

The Division of Zoning and Current Development shall not sign the final subdivision plat until the following conditions have been met:

1. The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available from the Department of Community Development.
2. Approval of all new road names by the E-911 Addressing Coordinator.
3. ~~3.~~ The plat shall be subject to the Current Development Division's engineering review.
4. Virginia Department of Transportation approval for road plans in accordance with the requirements or acceptance into the state system.
5. [14.309 & 310] Written approval from the Health Department for all drainfield locations.
6. [10.3.3.3.f] Approval of preservation easement by the County and Public Recreational Facilities Authority for the Preservation Tract.

Mr. Morris seconded the motion.

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

***Public Hearing Item**:*

ZTA 1999-006 Special Events – Request to amend Section 3.1, Definitions; amend Section 4.12.6, Minimum number of required parking spaces for scheduled uses; amend Section 4.15.4, Signs authorized by sign permit; amend Section 4.15.8, Regulations applicable in the RA, VR, R-1 and R-2 zoning districts (signs); amend Section 10.2.2, By special use permit; add Section 5.1.43, Special events; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Section 3.1, Definitions, to add a definition of "special events," which would be one- to three-day events such as meetings, conferences, banquets, weddings, dinners and private parties, where attendance would be by invitation or reservation, for up to 150 persons; amend Section 4.12.6, Minimum number of required parking spaces for scheduled uses, to provide the minimum number of parking spaces required for special events; amend Section 4.15.4, Signs authorized by sign permit, to establish the frequency and duration of temporary signs for special events and to expressly provide when temporary signs must be removed and no longer displayed; amend Section 4.15.8, Regulations applicable in the RA, VR, R-1 and R-2 zoning districts (signs), to establish 8 square feet as the maximum size of temporary signs for special events; amend Section 10.2.2, By special use permit, to allow special events in the Rural Areas zoning district by special use permit; and add Section 5.1.43, Special events, to establish supplementary regulations pertaining to the prerequisites for and the operation of special events. (Rebecca Ragsdale)

Ms. Ragsdale summarized the request. (Attachment: ZTA-1999-006 Staff Report)

- This ZTA proposal was initiated by a Zoning Text Amendment (ZTA) application which was submitted in August 1999 by Mrs. Randolph requesting that Tourist Lodging in the Zoning Ordinance be amended to allow for weddings, special events and corporate meetings. This request was tabled by the Planning Commission in April 2000, following staff's recommendation that this request be deferred until completion of the Rural Areas section of the Comprehensive Plan.
- The Rural Areas Plan was adopted by the Board of Supervisors in March 2005. Following the applicant and the Planning Commission's request to reactivate this ZTA, a resolution of intent to amend the ordinance was passed on January 18, 2005.
- The intent of this is to allow Rural Area landowners to have additional uses to offset any financial pressures they may be under to subdivide and to encourage the protection of rural area structures given its character and to possibly rehabilitate some of the historic structures. This would implement the Guiding Principles of the Rural Areas Plan by providing alternatives to land fragmentation.
- The proposal is based on the regulations for farm wineries as a starting point. There are some consistencies with that. What this proposal does is add special events as a definition in the definition section. Right now it is defined in the winery section. It also adds some provisions for temporary signs for these events and some supplementary regulations for them. This tries to meet some of those Comprehensive Plan goals to help rural area landowners, but it is expected to be special event uses and any structures or improvements related to them would be reversible and would not be in conflict with the rural character.
- The highlights of the proposed ordinance includes:
    - Special events would typically be on a single day or may be up to 3 days. These would be events where attendance is by invitation or reservation and not events that would be advertised and open to the public and whose participants do not exceed 150. These events would be things like corporate meetings, banquets, private parties, weddings, and dinners. The limit for the number of people is in the definition in this proposal.
    - The next provision is for the number of parking spaces, which is consistent with wineries. It is one parking space per 2 ½ participants plus one for an employee or staff who might be coming to the site to support it, such as caters or vendors that would need to park there and be part of the event.
    - Currently the ordinance allows up to 4 temporary signs. This amendment would allow 12 with one for each event where the sign would be up letting the people coming to the event know where it is located. These temporary signs would be in addition to the places that may already have farm signs. The temporary signs would be removable after the event. The sign would be limited to 8 square feet.

Mr. Edgerton asked what the other four temporary signs could be used for.

Mr. Kamptner stated that the other four temporary signs would be used for the existing authorized temporary signs, which can be issued for up to four for each establishment per year. Those temporary signs are valid up to 15 days. The 12 temporary sign permits would only be valid for the duration of that particular event.

Mr. Edgerton asked that the language be clarified to say these special event temporary signs would be in addition to the four temporary signs that are already allowed.

Mr. Kamptner stated that staff would clarify that language.

- Ms. Ragsdale continued to highlight the proposed ordinance.
    - These special events would take place on properties that have a primary rural area land use that is supportive by the Comprehensive Plan. This special event proposal is not intended to address places that are already able to do special events under the ordinance. This would cover the other rural area uses. Examples of places that already may be able to do this are farm wineries, clubs, lodges or churches, which could have weddings or these meetings.
    - The special use permit would include a concept plan that would show structures to be used, the size of the structures, the entrance and the parking area from which during the

special use permit evaluation and review it would be recommended by staff. Then the Planning Commission would provide a recommendation as to whether a site plan would be necessary or not based on the review and the improvements. Staff has included provisions to ensure that the Health Department, the Building Official and the fire safety aspects are covered. During the special use permit process these reviewers would identify any issues. Their comments may or may not be addressed at the special use permit, but the special use permit would be conditioned and then when these applicants come in for a zoning clearance request those conditions would be followed up on to make sure that any requirements would be met at that time that may not have been specified. For example, if the applicant was using a different structure or something that the Building Official needs to look at. With the zoning clearance it is expected that the applicant will clarify anything that they have not specified during the special use permit process, such as exactly what the events will be such as a corporate dinner, wedding, etc.

Ms. Joseph stated that if the applicant did not specify what they are going to use this for that it would just be like a blanket special use permit for a special event. Then at zoning compliance time the applicant would determine what it will be used for.

Ms. Ragsdale stated that specifically the event, the date and the number of the expected attendees. During the special use permit process they would be looking at whether it is appropriate for any type of these events to occur there. If they want flexibility to have a wedding, corporate dinner, or uses that are similar and they don't know who their clients or customers will be that will be coming there, then that will be specified at the zoning clearance stage. The zoning clearance is also a way to track the number of people, ensure the clients and track the number of events for the year with the date of the event.

- Regarding structures for special events, staff wanted to prevent people from building new structures in the rural area that would not be in keeping the character or build structures strictly for a commercial use. These would be existing structures such as barns that could be rehabilitated for this use and would be in keeping with the rural character so there is a provision that it would apply to structures that are already built. But, it is not intended to apply to tents or garden structures with the square footage specified and any structures. It is intended that the minimum yards would be 75 feet for the front and 50 feet for the side. There are provisions for screening the parking and also allowing portable toilets.
- This ordinance specifies 1,000 feet as a setback for portable toilets, but they meant to modify that to be that of a primary structure.
- The number of events is 12 in the supplemental regulations. There are also provisions that are consistent with farm wineries regarding kitchens and food service. These places will not have full scale commercial kitchens that could turn in to a restaurant. It was meant just to be a warm up area for caters that come on site.
- That is the proposal that is before the Commission.

Mr. Edgerton asked if there were any comments or questions for staff.

Mr. Joseph stated that she had talked with Jan Sprinkle regarding some of the aspects of things that would be considered accessory to agricultural use that would not be under this provision. Several examples of that would be if someone wanted to do a corn maze, pick your own strawberries or raspberries and hayrides. That type of use would not be regulated by this. Those uses would still be allowed and considered part of the accessory to the agricultural use.

Mr. Edgerton opened the public hearing and invited the applicant to address the Commission.

Althea Hurt Randolph, applicant, stated that she was very happy that the Commission was finally hearing this request, but she was very sorry that it has taken such a long time. In the interim, she has gotten married, moved to the site and now has a family. The following were points that she did not have any problems with.

- The idea of the event being for a single day or conducted up to three days.
- The idea of the signage.

- The idea that it was something that one was invited to and it was not opened to the general public.
- She had no problem with having to show where things were located, but being a developer's daughter she never wanted to have to do a site plan.
- The idea that they or anybody would have to get clearance from the Virginia Department of Health, Fire Department or Building Officials.

She pointed out that following were things that she did not like and had concerns with.

- She never wanted to have to submit a site plan.
- She opposed having to file an application for every single special event. Since she did not want to be a wedding coordinator, she disliked the idea that you would have to have a permit. Any sort of hurdle she would like to not have.
- Under d) 1, it says structures used for special events, it has to be a structure that has been in existence, etc. Down at the bottom of the page it says modifications to farm buildings or structures as defined in Virginia Code, Section 36-97 shall allow the structure to revert to an agricultural use. One of the things that she wants to do is to take an existing pool house that is near a pool that was filled in with dirt some 40 years ago. It would be a wonderful place to convert into bathrooms. She questioned whether the pool house was located 1,000 feet away from anything else. It would be a modification to a structure and it would not revert back to an agricultural use. But, it was never an agricultural use.
- Under parking, it says that the special use permit may require by condition that the applicant provide a surety or other guarantee in an amount deemed necessary by the zoning administrator to be sufficient to assure the reseeding or restoration. That appears to be a bit overreaching. If she wanted to pave her backyard for her agricultural use they could not do anything about it. It just does not seem right that if she puts in gravel that she would then have to post a bond.
- She had some concerns regarding the number of special events a year. If the rehearsal dinner was on Friday night and the wedding was on Saturday, then that would be one event. But if family A wanted to have a rehearsal dinner on Friday night and family B wanted to have a wedding on Saturday, then that would be two events. So 12 events per year means that you have a New Year's Eve party, some company's Christmas party, some company's Christmas luncheon, internal medicine department decides to have their retreat and then four weddings. Due to the cost of complying with all of the requirements, she did not feel that there would be very many applicants interested in doing this for only 12 events per year. Therefore, she suggested that the County should not make it too hard to obtain this permit because no many people will stay in this business. Therefore, she asked that the County not restrict this to 12 events per year. In addition, she opposed the limitation of 150 people per event.

Mr. Edgerton asked if there were any questions for the applicant.

Ms. Higgins asked how many events she thought would be enough.

Mrs. Randolph felt that it ought to at least allow two events per weekend, but actually she did not think that a number should be put on it. She suggested that the limitation be that there could only be 12 events of a certain size because a rehearsal dinner of 40 people was not a big deal. If someone goes to the expense to do this she felt that they should not be so limited. If someone goes to the expense of getting their home ready for garden week, which she felt was similar to her proposal, that she felt that they should be able to get the people through there and have a lot of events and then be able to leave town.

Ms. Joseph asked since this was in the supplementary regulations does that mean that they change that per applicant.

Mr. Edgerton asked if there was any other member of the public present that wanted to speak on this matter. There being no public comment, the matter was placed before the Commission.

Mr. Kamptner stated that under Section 5.1 is the ability to waive that requirement. The applicant would need to ask to waive the limitation of 12, which was selected because that was what was in the farm winery regulations.

Ms. Joseph stated that this would not limit someone to 12. If they could come in with a reasonable request that makes sense because it was site specific in whatever they were doing, then that number could increase.

Mr. Kamptner stated yes, and that the Commission could impose additional conditions on the waiver.

Mr. Thomas asked if the event could last more than two or more days.

Ms. Higgins asked if they could define events.

Mr. Kamptner stated that it already allows up to 3 days.

Ms. Higgins questioned if Garden Week would fall under this category. She pointed out that it was advertised and many people visit the homes. She questioned the wording, "lawful conforming structures" and if they were trying to limit it to structures that comply with current setbacks. She voiced this concern because staff has to go through these concerns. She suggested using the wording that "the exterior is maintained." She felt that if an existing structure is not safe and not usable that they shouldn't encourage the structure to be restored.

Mr. Thomas stated that it sounds like this is too restrictive for the purpose that this particular applicant wants to use it. Overall, it is just too restrictive and too broad. If he was the planner and had to interpret this that he would probably never have someone plan a wedding. He felt that it would not work. It is just too restrictive for some reason.

Mr. Craddock asked if Clifton has a lot more events and a lot more people.

Mr. Benish stated that Clifton's situation is where those types of uses are considered accessory to a by right primary use, which is an inn. Therefore, it does not require a special use permit. For a resident to be able to do this on a regular basis it would require a special use permit.

Mr. Rieley suggested that the Commission go through some of these regulations and try to form a consensus. He agreed with Ms. Higgins about d)1 and iii) on page 14 that the structure shall be restored as faithfully as possible.

Mr. Edgerton agreed.

Ms. Joseph stated that the idea was to be able to reuse or for adaptive reuse of historic structures. She felt that was where that came from.

Mr. Kamptner stated that the regulations as written are limited to historic structures.

Ms. Higgins felt that the intent was a good one here, but she could see it being hard to interpret and more restrictive.

Mr. Rieley felt that it was reasonable to say that this should apply to uses that are now conforming within the ordinance. He stated that if you read it with medications to farm buildings or structure, it clearly does not apply to the pool house that Mrs. Randolph is talking about.

Mr. Kamptner stated that if it was not lawful and conforming, then it was illegal. That would include a house that was built 3 years ago that is set back 5 feet from the right-of-way.

Ms. Higgins asked if the house was built 150 years ago and was 5 feet from the right-of-way if that could not be allowed.

Mr. Kamptner stated that would be a nonconforming use. It would be allowed to continue, but there are limitations on expanding or increasing the intensity of the use. That is why that particular class of structures is not included. If the Commission wanted to change this they would have to go back and amend the nonconforming of these regulations in Section 6.

Ms. Higgins asked if there was a structure that was built 10 foot off the road and someone wanted to do a special use permit to do weddings if they could not allow it.

Mr. Kamptner stated that they could allow it only if the applicant could get a variance that made it lawful.

Mr. Rieley stated that if they were specifically addressing structures for special events that he would think about agricultural buildings. There is nothing in here that talks about the structural capacity of a building to support that. For public use you would use 100 pounds per square foot as opposed to 60 pounds per square foot for the first floor of a residence or something like that. Is that something the Commission needs to be concerned about?

Ms. Higgins pointed out that the Building Official would address those issues anytime they received a request to reuse the building.

Mr. Edgerton suggested that they leave that provision in.

After discussion on the parking and setbacks, the Commission was in consensus that the setbacks should be consistent with the existing rural setbacks.

Mr. Rieley agreed with Mrs. Randolph that it was sort of overkill on the parking. It seems that most of these events were going to be in a field somewhere in areas in which they are encouraging agriculture. That area could be plowed certainly without a special use permit. He felt that bonding, reseeding and restoration does seem to be overkill. Also, the provision that delineated spaces and bumper blocks should be required only as determined by the zoning administrator is something that they could leave out entirely. There is not situation that he could imagine where they would require bumper blocks in a rural area.

Mr. Kamptner stated that provision is actually an exception to the general rule.

Mr. Rieley suggested that it be left out and be made clear that provisions of Section 4.2.1.6.d & e) does not apply because these are temporary events.

Mr. Edgerton suggested that on page 14.d.3 that they leave in “if the parking area is on grass or in a field, the applicant shall reseed and restore the parking area site as required by the zoning administrator.” The rest of that sentence should be deleted. He suggested that it be made clear that it does not apply to existing paved areas.

Mr. Rieley suggested that they add something like, “suggesting stabilized turf” as sort of a model, but he did not want to encourage parking lots in the rural areas. This language does not preclude parking in the grass or on a field.

Mr. Kamptner stated that to address Mr. Rieley’s concern it could be restated to say, “Not withstanding Section 4.12.16.d and e) the delineation of parking spaces and provisions of bumper blocks shall not be required.” If it is a particular circumstance that they think it would be appropriate, then they could impose a condition on the special use permit.

Ms. Higgins questioned if the garden week’s events would fall under this category.

Mr. Benish stated that was by invitation.

Mr. Kamptner stated that they could ask the zoning administrator, but he did not think that she has ever determined that is a use that requires some kind of zoning clearance.

Mr. Edgerton pointed out that they do charge money.

Mr. Kamptner pointed out that there were still many uses that would fall under the accessory uses to agricultural.

Mr. Rieley suggested that the last sentence in subsection f will be changed to read, "If the parcel is so subdivided, special events shall thereafter be prohibited on the resulting parcels, without modification." This would allow some one if they have a large piece of property and want to subdivide off some property that does not affect their special use permit, to come in and get a modification to the special use permit.

Ms. Joseph stated that the whole idea is that you are giving someone an opportunity to do something other than agriculture in the Rural Areas; therefore, they don't have to subdivide.

The Commission supported changing e) 2 to increase the number from 12 to 24 events per year.

The Commission supported deleting the noise limitation in subsection e (2) and has it regulated by the current ordinance requirements.

Mr. Kamptner pointed out that the Commission could deal with these issues through the special use permit process for the individual site.

Mr. Kamptner pointed out that if you were on a small parcel surrounding residences they could impose conditions that prohibit outdoor amplified sound and put other restrictions on it. Therefore, they could deal with it through the special use permit process.

Ms. Joseph stated that the scale was really going to govern this.

Mr. Thomas stated they had not discussed the number of participants. If the applicant can come back and up the number of participants with a special use permit it would be fine.

Mr. Cilimberg stated that the number was specified in the definition.

Mr. Kamptner stated that number was outside of that. He suggested that the number be deleted from the definition and put a cap on the number of participants in the special events regulations.

In consensus, the Commission supported Mr. Kamptner's previous suggestion.

Regarding the event count, Ms. Higgins asked if it would be prudent to say that events less than 40 people don't count against their event number. This would get around the frequency of impact.

Mr. Cilimberg noted that the one thing to keep in mind is that the winery is a use associated for the purposes of the rural area. Some of this is to actually supplement the purpose of the rural areas. He felt that it was a distinctive point between wineries and getting into more commercial activities that are not related to agricultural purposes.

Mr. Rieley asked if staff has considered the tier approach.

Mr. Benish stated that enforcement of tiers regarding these numbers would be very difficult.

Mr. Rieley agreed that they need a benchmark in order to have something to measure the activity by if there is a problem.

Mrs. Randolph stated that she would like to encourage Ms. Higgins' suggestion that events with less than 40 people not count against the 24 total events allowed. She acknowledged the enforcement problem with the tier approach. She thanked the Commissioners for dropping the regulation on noise at weddings because it would be difficult to tell people that they could not have any amplification at all.

Mr. Kamptner stated that this request may come back to the Commission in mid- to late June if staff has to readvertise the ZTA because of these changes. If not, it will come back in a couple of weeks for action with a draft noting the changes the Commission requested. But, it will not delay the item getting to the Board of Supervisors.

Mr. Rieley asked if there was any advantage to the Commission taking an action and giving Mr. Kamptner direction to do the final language to avoid getting into a situation that they have to readvertise. He asked Mr. Kamptner to go over the changes that he had noted.

Mr. Kamptner stated that the changes that he noted are as follows:

- In the definition, delete the number of 150 and move that to make it a regulation in 5.1.43.
- Adjust handwritten page 11 (typed page 3) to clarify the temporary signage and increase the number so that it corresponds with the number of events allowed.
- Adjust handwritten page 14 (typed page 6) in Section d(1) to delete (ii), clarify section (iii) so that it refers to farm buildings or farm structures as those terms are defined so that there is no ambiguity there.
- Section d(2) make the yard setbacks consistent with the RA yard requirements and they will have those requirements comply to tents and the portable toilets.
- Parking in d(3) will read the number of off-street parking for a special event shall be as required in Section 4.12.6 notwithstanding Section 4.12.15.a - g the additional parking areas for special events shall consist of or be constructed of pervious materials and include a reference to stabilize turf to be approved by the County Engineer. Asphalt and impervious materials are prohibited and continue all the way up to the semi-colon and the deleting the requirement for bonding. Then continuing with the next sentence, “In addition to the requirements of section 4.12.5, the parking area shall be onsite and be screened from abutting parcels by topography, structures or new or existing landscaping. Notwithstanding section 4.12.16(d) and (e), the delineation of parking spaces and the provision of bumper blocks shall not be required.
- Change subsection e(1) to include a limit of 24.
- Delete the noise limitation in subsection e(2).
- Change portable toilets in subsection e(4) to simply cross reference the minimum yard requirements.
- Subsection f will be revised at the end of the first sentence to include a clause, “without amendment of the special use permit.”
- The last sentence in subsection f will be changed to read, “If the parcel is so subdivided, special events shall thereafter be prohibited on the resulting parcels, without modification.”
- Change subsection e(5) Portable toilets to read, “If required, portable toilets shall be located no closer than whatever the minimum yard setbacks are.”

Mr. Rieley moved for approval of ZTA-1999-006, Special Events, as modified according to what Mr. Kamptner just read.

Mr. Morris seconded the motion.

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

Mr. Kamptner stated that this matter would only come back to the Commission if the request has to be readvertised.

Worksession:

CPA 2005-001 Albemarle County Land Use Plan Transportation Update - Work session to review a draft update of the Transportation Section of Comprehensive Plan. (Juandiego Wade)

Mr. Benish stated that the primary purpose of this amendment was to do a housekeeping update to the Comprehensive Plan. It primarily references the new UNJAM Plan and the Pedestrian Bicycle Greenways Plan that was approved at the TJPDC level. The Commission does not have all of the information that they would need to adopt this amendment yet. There would also be amendments to the Land Use Plan

Map and there are references to some of the roads that need to be changed on that map. There are also profiles for each of the development areas that reference certain projects that need to be updated too. Staff has not provided those to the Commission. Therefore, there will be more information coming to the Commission probably at another work session, unless the Commission feels that they don't need another work session. But, staff is trying to stay on schedule the best they can. Therefore, staff got this to the Commission at this point in time so that they could get the discussion started. There are several mistakes in the document and several points that staff wanted to clarify. There are a couple of minor points that may anticipate some questions that the Commission had. On page 7, under the County there is a reference to bulleted items and that Jefferson Area Bicycle Pedestrian Plan should have been listed as one of the new items in bold there. The other major change is on page 13. That was the discussion of the Route 29 Corridor Studies. Based on Mr. Wade and his discussion recently about what the statuses of those are with VDOT, staff thinks it best not to reference them at all. Therefore, staff drafted language that sort of tried to begin to incorporate that in here, but it has such dubious standing that it is best not to reference them. Therefore, the best thing to do is just basically delete from US Route 29 Corridor Development Study down to the Route 250 Project. Staff recommends that they not try to deal with that section. On page 14 in the last bolded paragraph regarding the 250 East discussion the first sentence says that the study recommended a series of short term and long term recommendations and then it starts with a capital The Comprehensive Plan will be amended all the way through the Board of Supervisors period was not suppose to be there. He pointed out that if you read that paragraph it was very confusing. The point of that paragraph was that they are looking at that plan as part of the Pantops Plan, which will be incorporated. There is not Board action other than how they deliberate on the Pantops Plan. There are some typos that staff needs to correct. Staff has received some comments from several people. The goal here is that staff did not want to make this a major overhaul, but to spruce it up and make references to documents that have been adopted so that they are officially in the Comp Plan. That is kind of the goal of this section.

Mr. Wade stated that he just had a couple of things to add. Since this was given to the Commission, staff did get some comments from the public that the plan should have some type of reference that the VDOT right-of-way should be considered for multi-use trails and that the County should work with railroad companies for their right-of-way to be used for multi-use trails as well. Staff will look into that to see if they can add some type of recommendation and the implementation for that as well. Just as a follow up to what Mr. Benish was saying about the 29 North Corridor Study, Route 29 has been studied a lot in Albemarle County. This particular study was at first for Albemarle County north to Warrenton. Then they studied it again from Route 29 south of the city all the way to North Carolina and Danville. It took several years and it was kind of delayed. They waited for the CTV Commonwealth Transportation Board to take action. They never did and they never will. VDOT ultimately ended up just printing out the document. It really has no standing, particularly in Albemarle County. Even if it did, because of the area south is not a growth area in the County and there are not significant changes in the County and they are always planning towards the north side. It really does not have any big impact on the County, but they were very involved with the study. They asked for an update after this was printed and was advised that really the CTV was not going to take action on it.

Mr. Benish stated that other localities up and down the line have used that plan. Honestly, he did not know if they adopted it as their plan. VDOT really has no official standing other than just a general study. He stated that staff needs to reconfigure just to establish what the standing of the study is. Staff will not reference the parkway because UNJAM references the parkway. Staff will provide the statute. Basically, the recommendations are wrong and should just simply cite the status of the studies. He pointed out that some of the recommendations are also found in UNJAM as well. So they just need to decide how redundant they are in the plan and whether they reference the recommendations of CHART so that when CHART changes. Otherwise they would be constantly changing multiple plans. It is kind of a style thing that they need to make a decision in. Do they want to make sure whichever document someone picks up that they see the current recommendation and you refer them to the lead document so that the amendments are made one time? He pointed out that it depends on how much they want this to be a guiding tool and how much you want this to refer to other documents that someone has to pick up and look at.

Mr. Rieley stated that one of the initiate to come out of CHART was that they were very concerned that the CHART plan really stress the importance of small scale interconnected streets and networks as the

preeminent way to deal with traffic rather than trying to solve it on a few big roads. It is a theme that they hoped wouldn't get lost in the shuffle. He noted that he was just reiterating it.

Mr. Thomas stated that he had written down a CHART question for Mr. Morris. He asked what the status was of CHART right now.

Mr. Morris stated that they had gone through that last Wednesday night. They were wondering whether the MPO, since they serve at the pleasure of the MPO, really wants them to meet once or twice in the next two years. It was indicated that they felt that it was not the best use of their time to continue meeting. He felt that they have a real good core of people and they are very concerned about following up on interconnection, looking at the eastern by-pass and maybe something south of this on Berkmar Drive, Hillsdale Drive and so on. But, this may not be what is really wanted at this particular time. In essence it was suggested that when they are looking at the next long range plan they will call you, don't call us.

Mr. Thomas stated that it sounds like the citizen input from CHART, which is so badly needed, the ideas could hit the table and the lines could be drawn on the map, is going away and the powers to be on a higher level are going to make the suggestions as to what you will talk about.

Mr. Morris stated that was what he had gathered from their last meeting. It was just kind of in limbo, but they made their recommendations. Now they feel that they have a valuable role to play, but they fully understand that they serve at the pleasure of the MPO.

Mr. Thomas stated that he hated to see that citizen input go by the wayside.

Mr. Wade stated that for the last six months or so the agenda for CHART remained basically the same. The main item was what Mr. Rieley had said to discuss those interconnected roads and those were the things that they concentrated on. They probably may have given three or four resolutions or suggestions to forward to the policy and technical committee. But, he felt that they had discussed all of those roads to the point that they were really finding some items to address and those meetings could get long. Many times the meetings did not start until 7:30 p.m. and did not end until 9:30 p.m. There were just a faithful few that would stay until the end.

Mr. Thomas stated that it came up at the MPO Tech meeting and he was a bit discouraged to hear the fact that it had been downgraded.

Ms. Higgins stated that a couple of weeks ago Mr. Cilimberg had mentioned something about East Rio Road getting a designation change to an arterial. She asked how that would affect funding, what benefit is it to change, what are the pros and cons of that and why is that being pursued.

Mr. Wade stated that it was being pursued because basically the ARB wants to review it under the Entrance Corridor regulations.

Mr. Benish stated that to meet Entrance Corridor regulations it must be an arterial road.

Ms. Higgins asked what the implications were on how road improvements are done based on its designation. She asked if that was better or worse. She felt that it would not be good.

Mr. Wade stated that was why it was going through a state review because they really look at those closely. Part of the state and federal formula funding is based on a number of arterial roads.

Ms. Higgins asked if it was harder to get arterial funding.

Mr. Benish stated that it would just change the formula, but he did not know how hard it is. But, he felt that the state was much more stringent on how much roadway they have in the arterial system state wide. Therefore, it is not a local decision. You can change within the more local systems, collector and below, and there is much more latitude if they carry it at the local level. But, once you get into the arterial system that is a state distributed system.

Ms. Higgins stated that if the goal is that the ARB wants to review the development along it and they are doing something that has other implications then she was concerned. She asked how it is an Entrance Corridor.

Mr. Benish stated that it was an Entrance Corridor into the historical district of Park Street downtown here.

Ms. Higgins noted that it would be an Entrance Corridor to the city and not to the county.

Mr. Wade stated that the western side of Rio Road and Hydraulic to Woodland Road is an Entrance Corridor. Staff feels that it meets the guidelines that VDOT has for an arterial road as far as it connects some local streets and it has an entrance to another locality being the city of Charlottesville. They just sent the letter off a couple weeks ago. They only do it every ten years. The last time that they did it in this area is 1995. Therefore, it might be coming up again to review it again. But, it is not easy to get. VDOT is really strict on it.

Ms. Higgins felt that it might not be the best decision to upgrade it due to future funding.

Mr. Benish stated that it would affect the formula as to how they would distribute the money. It could affect the amount of money available. There are a couple of ways that it may affect us. It is about a two mile stretch and he did not know what the cost implication is for that change.

Mr. Wade pointed out that in our letter to the state they did not mention that the reason they were doing it was because they wanted to control the design. It had to do more with the land use according to their guidelines because they felt that it would not have helped our case and it really was not the only reason that they were doing it.

Mr. Edgerton stated that Ms. Joseph had submitted two pages of questions, which he felt would be nice for the Commission to have the answers to.

Mr. Wade stated that staff will address all of the items that she brought up and will make those changes when they bring this back.

Mr. Edgerton pointed out that Mr. Morris' update on CHART really worries him. Without going into the specifics of what they have read here, he would really like to personally say that he would like to see more of the emphasis put on sort of reinforcing the County's commitment on this interconnectivity. If you read this without a lot of other awareness you might not know that is a solution. He felt that a lot of these plans have been referenced and a lot of the work that is ongoing and will be developed in the next few months or year and a half is going to support that. But, they have tried to figure out a way to look at some of our transportation problems and realize that one system can't solve our local problems and the regional problems.

Mr. Wade stated that staff will beef that up. What they asking was to have this as an amendment to it. This document goes in to detail and is available on line. Staff wants to put more of that component in here, but this is what they are going to have people referencing. It has a lot of information on that.

Mr. Benish stated that staff could go through this page by page or make the corrections and bring it back at a later date. He suggested that they might want to go back to the general design standards for roads because that is where they establish what their expectations for roads are. They use these for private road developments as well, but they have other areas that guide us there. This really helps us with public road projects. One of the things that they have begun to work with was the different standards for rural roadways and some general reference points to differentiating what public roads are like in the rural areas to the development areas in terms of the standards. If the Commissioners are thinking along the lines of sort of more specific types of networks and roads that you want that you think are missing here, then this is one place that they might want to work on this in more of just in a housekeeping manner.

Ms. Joseph pointed out that the Board was going to make some sort of policy on the aspect of someone coming and actually paying for upgrades of roads in the rural areas. She felt that was coming up soon.

Mr. Wade stated that was coming up on June 8.

Ms. Joseph pointed out that might be something that is include in here, too. That really changes our whole land use growth policy if someone goes out and improves a rural road that the County did not anticipate. It would sort of open up that whole area.

Mr. Morris stated that he was getting more and more requests to attend meetings where there is a hint of interconnecting things coming about and neighborhoods are complaining and hollowing. Even neighborhoods that were for it a year ago are now saying stop this. Therefore, they need to work on this issue.

Mr. Edgerton stated that it was going to be a difficult battle. But, the reality is that the final decision is going to have to be their responsibility to the community future versus our responsibility to the individual property owner.

In summary, the Planning Commission held a work session to review the draft update of the Transportation Section of the Comprehensive Plan. Staff discussed the proposed document. The Planning Commission provided comments and suggestions as noted below. Staff will incorporate the Commission's comments, make corrections to the document, update the status of all of the projects and bring the corrected draft and the additional information back for further review.

- The primary purpose of this amendment was to do a housekeeping update to the Comprehensive Plan primarily to reference the new UNJAM Plan and the Pedestrian Bicycle Greenways Plan that was approved at the TJPDC level.
- The Commission does not have all of the information that they would need to adopt this amendment yet. There would also be amendments to the Land Use Plan Map. There are references to some of the roads that need to be changed on that map. There are also profiles for each of the development areas that reference certain projects that need to be updated too. Staff has not provided those to the Commission. Therefore, there will be more information coming to the Commission probably at another work session, unless the Commission feels that they don't need another work session.
- But, staff is trying to stay on schedule the best they can. Therefore, staff got this to the Commission at this point in time so that they could get the discussion started.
- There are several mistakes in the document and several points that staff wanted to clarify.
    - There are a couple of minor points that may anticipate some questions that the Commission had.
    - On page 7, under the County there is a reference to bulleted items and that Jefferson Area Bicycle Pedestrian Plan should have been listed as one of the new items in bold there. The other major change is on page 13. That was the discussion of the Route 29 Corridor Studies. Based on Mr. Wade and his discussion recently about what the statuses of those are with VDOT, staff thinks it best not to reference them at all.
    - Therefore, the best thing to do is just basically delete from US Route 29 Corridor Development Study down to the Route 250 Project. Staff recommends that they not try to deal with that section.
    - On page 14 in the last bolded paragraph regarding the 250 East discussion the first sentence says that the study recommended a series of short term and long term recommendations and then it starts with a capital The Comprehensive Plan will be amended all the way through the Board of Supervisors period was not suppose to be there. He pointed out that if you read that paragraph it was very confusing. The point of that paragraph was that they are looking at that plan as part of the Pantops Plan, which will be incorporated. There is no Board action other than how they deliberate on the Pantops Plan. There are some typos that staff needs to correct. Staff has received some comments from several people.
    - The goal here is that staff did not want to make this a major overhaul, but to spruce it up and make references to documents that have been adopted so that they are officially in the Comp Plan.

Old Business:

Mr. Edgerton asked if there was any old business.

Regarding the Lewis and Clarke Center that the Planning Commission recommended to the Board, Mr. Benish pointed out that there was one piece of information left on the table. There was a question as to whether there was enough urban type of zoning in the rural areas. What he had offered to do with Ms. Ragsdale was to give the Commission a zoning map to look at to determine if that is an issue worthy of any other issues to consider. If staff does not have to do a staff report, he felt that they could look at it on June 7 to see if the Commission feels that is a useful thing to do.

In consensus, the Planning Commission felt that was a good thing to do.

Ms. Higgins asked Mr. Kamptner the status of the law suits on several of their items since they had deferred the discussion on them.

Mr. Kamptner stated that the Spurzem (Gazebo Plaza) case was at the discovery stage and the trial is set for November. The Faulconer case is at the discovery stage, too, although the discovery has not begun yet. Planned Parenthood has two separate cases. One was the Board of Zoning Appeals case and the other is a Board of Supervisors' case regarding the special use permit. The County is challenging the merits of the Board case at the pleading stage. There was a hearing in court a couple of weeks ago and the Court is allowing additional briefing. The Court's decision will probably be decided some time in June.

Mr. Edgerton asked if there was any further old business. There being none, the meeting proceeded.

New Business:

Mr. Edgerton asked if there was any new business.

Mr. Rieley asked that a name plate be ordered for Mary V. Hughes who sits in for David Neuman, Architect for the University of Virginia.

Ms. Joseph stated that she would email what the Rural Preservation Committee has been up to. They did have an interesting program tonight about the preservation of historic stores in Albemarle County.

THERE ARE NO ITEMS SCHEDULED FOR MAY 31ST. THEREFORE, THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON JUNE 7, 2005.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:55 p.m. to the June 7, 2005 meeting.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Recording Secretary)