Albemarle County Planning Commission
April 10, 2007

The Albemarle County Planning Commission held a meeting on Tuesday, April 10, 2007, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Pete Craddock, Duane Zobrist, Jon Cannon, Bill Edgerton, Eric Strucko, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; Rebecca Ragsdale, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Review of the Board of Supervisors Meeting – April 4, 2007

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on April 4, 2007.

- The Board of Supervisors referred the Biscuit Run Rezoning back to the Planning Commission. The Board did indicate a particular interest and emphasis that the project should be a high level transit community through its design and the potential for bus service, as well as even service that might be provided more locally by the developer for people coming and going from the City and employment areas like the University. The Board agreed with what the Commission had indicated that there should be more flexibility for the use of transportation dollars enabled through the proffers.
- The Commission's concern was expressed to the Board for their desire to see that whatever came back would have an opportunity for sufficient staff review and the report one week in advance of their meeting. Staff already has talked to the developer about that real need, which was expressed at their last meeting. The Board has the same expectation.
- The applicant has asked to reserve May 29 for the Biscuit Run public hearing. Staff is anticipating a submittal later this week or by next Tuesday, which will give more time than they had indicated in the public hearing that would be a minimum necessary. The applicant feels some need to make sure that, in fact, there is plenty of time for review and to get all of the matters in order before the Commission hearing on May 29. This date will be dependent on staff receiving all of the material that is required as part of the application in a manner that will allow for the staff review.

Public Hearing:

ZMA-2006-00021, Avemore Commercial Amendment (Sign #80):
PROPOSAL: Rezone 1/10 acre from R-10 Residential (10 units/acre) to R-15 Residential (15 units/acre) to allow for an addition to the parking area to support Avemore Commercial.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 (Pantops) in the Development Area.
ENTRANCE CORRIDOR: Yes.
LOCATION: a portion of Garnett Center Drive, East of Route 20 North (Stony Point Road), South of Fontana Drive.
TAX MAP/PARCEL: TMP 78-B-3-1.

MAGISTERIAL DISTRICT: Rivanna.
STAFF: Elaine Echols

AND

SP-2006-00044, Avemore Commercial Amendment (Sign #80):
PROPOSED: Addition of a small area to Avemore commercial (approved SP00-69 & 00-70) to allow for parking to support the commercial uses.
ZONING CATEGORY/GENERAL USAGE: R15 Residential (existing zoning is R10 and this SP is being processed concurrently with ZMA 2006-00021 to rezone from R10 to R15).
SECTION: 18.2.2.11 Offices & 18.2.2.12 retail uses.
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 (Pantops) in the Development Area.
ENTRANCE CORRIDOR: Yes.
LOCATION: a portion of Garnett Center Drive, East of Route 20 North (Stony Point Road), South of Fontana Drive.
TAX MAP/PARCEL: TMP 78-B-3-1.
MAGISTERIAL DISTRICT: Rivanna.
STAFF: Elaine Echols

Ms. Ragsdale summarized the staff report and gave a power point presentation. (See Staff Report.)

- This rezoning is to allow a portion of former Garnet Center Drive (0.167 acres-Attachment A) to be zoned to R-15 with a concurrent application for a special use permit for supporting commercial, to be added to the Avemore Commercial plan for parking and landscaping. Research through the Avemore rezoning and the special use permit files show that this area was shown on the Conceptual Development Plan but was not rezoned because it was not included on the plats submitted as part of the rezoning. While the existing R10 zoning also allows retail and commercial with an approved special use permit, the rezoning of this additional area will allow consistency between zoning and proffers with the rest of Avemore.

- The addition of the small strip of land will allow the applicant to make minor changes to the plan to improve parking layout and circulation of the commercial portion of Avemore.

- The conceptual plan has been approved. The first phase has been approved and the request goes back to the ARB. The minor flexibility will allow the landscaping to change from white pines when the request goes back to the ARB

- Staff has identified the following factors favorable to this rezoning and special use permit request:
  1. The rezoning and special use permits are consistent with the Land Use Plan and are very minor amendments to an already approved development.
- Staff has not identified factors unfavorable to this request:
  1. Minor revisions are needed to the proffers and plan.
- Staff recommends approval of ZMA 2004-010, provided that proffers and plan are revised based on staff's recommendation for landscaping revisions.

- Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2006-044 for Avemore. No conditions of approval are necessary because this area is shown for parking and landscaping only on the proffered conceptual plan.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Germaine Jessup, representative for Stonehaus Development, complimented Ms. Ragsdale on a very through report. The only thing he would add is that this is somewhat of an unusual situation because the

reason that the piece of property was left out was because of a surveyor during the initial rezoning work. So through the site plan process staff actually brought this to our attention that there was some question as to who owned that piece of land. They discovered that they owned it and executed a deed of confirmation to clarify that ownership. That allowed them to improve the site plan by pulling the parking further back away from Fontana Drive. He would be happy to answer any questions.

Mr. Morris asked if they had met with their neighbors at the farm. If so, what is their reaction to having the commercial area right next door?

Mr. Jessup replied that they actually initiated the Wilton Farms HOA meeting. They had a meeting with them at the Avemore project. Two members from that community attended. The primary concern was from the most adjacent neighbor, Mathew Welch, who is the one where the screening buffer would be against. Frankly, most of Mr. Welch's concerns were related to construction because that road was currently used for construction during the construction of Avemore Phase I and will be used during Avemore Phase II, which is entering construction to begin. They are going to be installing a privacy fence along the side to screen his property during construction. Then they will install a staggered row of double trees. Just last week they walked the site with him to go over those details and he was supportive.

There being no further questions for the applicant, Ms. Joseph invited public comment. There being no public comment, the public hearing was closed and the matter was before the Commission.

Motion on Rezoning:

Mr. Morris moved, Mr. Edgerton seconded, for approval of ZMA-2006-00021, Avemore Commercial Amendment, with minor adjustments to the proffers.

The motion passed by a vote of 7:0.

Motion on Special Use Permit:

Mr. Morris moved, Mr. Edgerton seconded, for approval of SP-2006-00044, Avemore Commercial Amendment, as recommended by staff.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2006-00021 and SP-2006-00044, Avemore Commercial Amendment will go before the Board of Supervisors on June 6, 2007 with a recommendation for approval.

Work Session:

CPA-2005-00002, Growth Management Policy Update - Resolution of Intent and Draft Proposal to amend the Land Use Plan component of the Albemarle County Comprehensive Plan by revising the Growth Management and Public Facilities sections to be consistent with the more-recently adopted Rural Areas component of the Comprehensive Plan. Amendment would change policy identifying agriculture and forestry as priority uses in the Rural Areas to a policy identifying multiple important aspects of the Rural Areas to be protected.

- Mr. Benish presented the staff report. The work session is on the proposal to amend the Land Use Plan section of the Comprehensive Plan to be consistent with policies adopted in the Rural Areas Plan.

- On March 2, 2007 the Board of Supervisors adopted the Rural Areas Section to the Comprehensive Plan. It included new guiding principles for the Rural Areas. The Planning Commission was part of that discussion process. The guiding principles for the Rural Areas emphasized a number of resources that were important to the defining principles for the Rural Areas.

BACKGROUND:
The “Growth Management” section of the Land Use Plan, which was originally adopted in 1996, includes the following Goal:

> GOAL: Protect and efficiently utilize County resources by:
>
> A. Emphasizing the importance of protecting the elements that define the Rural Area:
>
> 1) Agricultural and forestry resources
> 2) water supply resources
> 3) natural resources
> 4) scenic resources
> 5) historic and cultural resources
> 6) limited service delivery
>
> Of these, the protection of agricultural and forestry resources is the highest priority.
>
> B. Promoting the Development Areas as the place where a variety of land uses, facilities, and services exist and are planned to support the County’s future growth, with emphasis placed on infill development.

The second paragraph of the introduction to the Growth Management section states:

> “Planning efforts also focus on means to discourage development in the Rural Areas and support activities consistent with the character of the Rural Areas. This is accomplished through education, incentives, and voluntary and regulatory measures. Agricultural and forestal resources have been identified as the most critical County resources and the desired primary land use in the Rural Area. Such uses play an important and long standing role in the environment, heritage, and economy of the County. Loss of these resources to development is irreversible and irreplaceable. Maintenance of these resources also provides an opportunity to conserve and efficiently use other resources such as: (1) water resources (with use of property conservation techniques); (2) natural, scenic, and historic resources with the maintenance of pasture land, farmland, and forested areas; and, (3) fiscal resources by limiting development and lessening the need to provide public services to wide areas of the County. In the interest of this growth management strategy, residential development is considered a secondary use in the Rural Areas.”

On March 2, 2005, the Board of Supervisors adopted a new Rural Areas section of the Comprehensive Plan that included “Guiding Principles” establishing policy regarding the features that make up the Rural Areas. The new policy states that the following features are to be recognized as important “defining principles” of the Rural Areas in policy development:

> “i) Agriculture - Protect Albemarle County’s agricultural lands as a resource base for its agricultural industries and for related benefits they contribute towards the County’s rural character, scenic quality, natural environment, and fiscal health.
> ii) Forestry resources - Protect Albemarle County’s forests as a resource base for its forestry industries and watershed protection.
> iii) Land Preservation – Permanently preserve and protect Albemarle County’s rural land as an essential and finite resource through public ownership or through conservation easements.
> iv) Land Conservation – Protect Albemarle County’s rural land through planned management of open spaces to prevent exploitation, destruction, or neglect.
> v) Water supply resources - Protect the quality and supply of surface water and groundwater resources.
> vi) Natural resources - Preserve and manage the Rural Areas' natural resources in order to protect the environment and conserve resources for future use.
> vii) Scenic resources - Preserve the County's rural scenic resources as being essential to the County's character, economic vitality, and quality of life.
> viii) Historical, archeological and cultural resources - Protect the Rural Areas' historic, archeological and cultural resources.”

The Planning Commission emphasized the equal value placed on all those resources. On July 19, 2005, the Planning Commission adopted a Resolution of Intent to amend the Growth Management section of the Land Use Plan to make it consistent with the Rural Areas Plan.

STRATEGIC PLAN:

Goal: 2.1 Protect and/or preserve the County's rural character

DISCUSSION:

In order to make the policies in the Land Use Plan and the Rural Areas Plan consistent, the older policies of the Land Use Plan must be updated. Attachment A is a draft Resolution of Intent that the Commission could adopt as the first step in the policy update. This new resolution replaces the one adopted on July 19, 2005, as staff has found another section of the Land Use Plan—the Community Facilities section—that also needs to be made consistent with the Rural Areas Plan.

Attachment B is the proposed amendment of the Growth Management section. Attachment C is the proposed amendment of the Community Facilities section.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached Resolution of Intent. The proposed amendment language will be brought back to the Commission for a public hearing on April 24th.

Staff sees the goal of this Comp Plan Amendment as housekeeping, but to bring forward in the Growth Management Policy the intent reflected in the Rural Areas Section of the Plan to provide for a more equal prioritization of those resources. Staff has provided a modified resolution of intent because they realized that there were some other sections that they had to bring into consistency with the plan, the Community Facilities Section of the plan. But, also more importantly for the work session discussion today revised language to our Growth Management Policy to make those statements consistent with the Rural Areas section. He opened up for questions. He noted that one public comment had been received from Mr. Olivia. Mr. Olivia raised a good point regarding language that is in the Rural Areas Section of the plan. He passed out copies of the section. One point that Mr. Olivia did make was that the Board did adopt the statement that said that agricultural and forestal activities are an important land use to the Rural Area. The distinction really is that was trying to articulate a land use activity and that agriculture and forestry are an important land use activity and it is primary. That paragraph goes on to state that residential is a secondary land use. The Growth Management Policy emphasizes resources. It is really talking about the resources that they are protecting. That paragraph that is referenced in the Rural Area section really speaks to a land use or an activity like something that would be identified in a zoning ordinance as a by right, primary or non permitted use. If the Commission thinks that there is some confusion there, they can go back and look at that section. Staff is certainly open to doing that.

Ms. Joseph asked if it really says that residential is secondary.

Mr. Benish distributed copies of the first page of the introduction to the Rural Landscape section. In the bottom of the paragraph on page 1 it says in the interest of growth management strategy residential development is secondary use in the Rural Areas. The paragraph was intended to put in a comparative intent for the activities that would take place, agricultural and forestry being more of a primary type of land use. Residential would be relevant to that as a secondary land use. The Growth Management Policy is really talking about the resources that they are trying to protect and not the activities. There is a little bit of a distinction.

Mr. Benish continued that Attachment B was the amendments to the Growth Management Policy. The strike through is the language to be deleted and the underline would be the new language that is included in the plan. It simply adds and reorders and really just renames a lot of the resources that

were already there. Land conservation and land preservation are actually new. There are a couple of changes within that attachment, which were typos to bring the language up to date. Staff took out "new" emphasis. This said complimented by an emphasis on infill development. Attachment C is the Community Facilities Plan introduction. Staff realized that it also paired with the Growth Management Policy. Therefore, staff wanted all the sections that refer to the Growth Management Policy to have the same statement. That language had to be amended as well. It is essentially the same amendment.

Mr. Zobrist asked if the new language being proposed would make it more difficult for a developer to get a rezoning in the Rural Area outside of the Development Areas.

Mr. Benish replied that he did not think that it makes it any more difficult than the current Growth Management Policy. What it does is really more directive as they look at policies generally for our land use planning and specifically for the Rural Areas that they look at all of those resources and realize that they are all important and they have to balance them all. Not any one of them is given greater priority over the other. That is really what the amendment does. That was a source of a fairly significant amount of discussion during the Planning Commission review when they were discussing and updating the Rural Areas section of the plan. It does not change the emphasis on rezonings in the Rural Areas at all.

Mr. Cilimberg said that they don't typically see much in the way of rezoning in the Rural Area because generally speaking there is not a new zoning district that people would be pursuing that would be consistent with the Rural Area. Where they had some rezoning activity has been primarily with dealing with old Planned Residential Developments that were created back in the 70's in scattered areas around the County. It provides guidance in decision making generally though.

Mr. Benish noted that this was a work session for the Commission's comment and discussion. A public hearing is scheduled for the April 24.

Ms. Joseph noted that it does guide where they are going to spend money, or in other words, where they might put a rescue squad or a school. It does talk about the fact that it is a limited service delivery area. People who live in the Rural Areas should not expect to have the kind of service that one would have in the urban area.

Mr. Cannon said that the Board of Supervisors adopted new language for the Rural Areas Comprehensive Plan on March, 2005. They adopted the defining principles. He assumed those defining principles differ from principles earlier articulated in at least the respect that they don't identify agricultural and forestry resources as the highest priority, but put them on the same footing as other resources. He asked if that was correct.

Mr. Benish replied yes, that when the Board adopted those guiding principles and added that language that Mr. Olivia referred to, they did not go back and change the guiding principles for the Rural Areas. Those put all of those resources on equal footing.

Mr. Cannon noted that the section passed out seemed to place priority on agricultural and forestal resources.

Mr. Benish said that in hindsight he could see where there could potentially be some confusion. The way staff was thinking of that language in the Rural landscape was that it was emphasizing land use as opposed to resources. So it was saying that from a land use activity what they might designate in a zoning district does by right or special permit it was giving agricultural and forestry land uses a priority. It would be different than protecting soils for agriculture.

Mr. Cannon said that in the language of the plan to be consistent with what the Board of Supervisors did in March, 2005, staff wants to say something like agricultural and forestal uses have been identified as preferred uses or the most preferred uses as distinct from residential uses that also involve some agricultural and forestal activities, but are just houses. That is the distinction staff wants to make.

Mr. Benish noted that if the Commission feels that Mr. Olivia's points are valid he wanted to make sure at this work session that they were comfortable with that existing language in the Rural Area Landscape or whether they wanted staff to clean the language up so that it is less confusing in terms of the intent there. When staff drafted the staff report they were comfortable with that original language that is in the Rural Area Landscape. He just wanted to call attention to it.

Mr. Cilimberg noted that the resolution of intent left the possibility of making other changes beyond the Growth Management Community Facilities Section that were deemed necessary. It could be done if the Commission feels it is necessary.

Mr. Edgerton felt that Mr. Olivia's comments were right on target. He felt that it was confusing and that just changing that one sentence to adjust it so that there is no confusion would be very helpful thing to do. He asked if it would be hard to change the resolution of intent to add a sentence to that effect.

Mr. Cilimberg felt that they did not need to do it. It was there and staff can do that.

It was the consensus of the Commission to make that change.

Mr. Benish said that staff would try to get away from the word "identified" in that sentence. It was really the intent to try to recognize that agricultural and forestry has been important traditionally and it is still important to us, but that identification implies that they are referring back to something that is no longer in the plan. That is what staff will work on.

Mr. Cannon asked if staff was also going to work with the distinction between critical County resources versus preferred land uses. He felt that is where they unlock that problem.

Mr. Benish replied that staff would come back with language for the Commission at the public hearing that hopefully addresses that.

Ms. Joseph asked to make sure that staff is keeping agriculture as the prime use. If they have it in the Comp Plan that agriculture is not the prime use, then they start changing the zoning ordinance and someone starts complaining about chickens.

Mr. Benish felt what the Board was striving to do was recognize agriculture as a use. Staff will continue to do what the Board was striving to do. But, that does not change making all of the resources that make up the Rural Areas in equal views. Staff will work on that so that it does not imply in one place that there is not priority and in other place there is a priority. They are actually talking about two levels of review in this.

Ms. Joseph said that there will be more clarification and more consistency.

Mr. Benish agreed that they would try to make sure the paragraph was speaking to a land use activity as opposed to resources. They want to equalize the resources.

Ms. Joseph invited public comment.

John Olivia said that he was not sure what box he opened with his email. As an overview he said that his wife and he own a farm in southern Albemarle County. It is a commercial farm they have run for the past 20 years. He also is trained as biologist and served on the Bio-Diversity Work Group. He was a member of the County Natural Heritage Committee. His concern was that in the rural areas planning it is vital that they recognize on the one hand that natural resources are crucial to our well being and they have to activity protect these if they are going to have a good sustainable future. He was heavily engaged in agriculture. Food producing agriculture is critical, too. He also understands that agriculture has many side effects that sometimes are seriously detrimental to our natural resource conservation. It is something that he has been involved in for years. Rural Areas land use planning issues are very important. They have to recognize that they have multiple objectives for our rural areas and what different uses are going to foster sometimes are in conflict with the land use. The only way they are going to succeed in their thinking if they take a kind of multi-objective point of view and try to identify the things

that need to be resolved to mitigate it. In our planning they have to think not in terms of a single priority, but at a kind of system level. If they try to optimize a single aspect of this sort of rural areas land use system, which is really what the recent Comp Plan called for. They are not going to protect the home entity and will not even help the individual components. Back in the 1989 Comprehensive Plan there was a statement, which is seen in the old Growth Management section, which says of these the protection of agricultural and forestal resources is the highest priority. He has always seen that as a big difficulty. In the new Natural Resources chapter of the Comp Plan, which was written after the old Growth Management section, dates back to 1995 or 1996 reflected1989 thinking in its text. In 1999, the County adopted a new Natural Resource chapter with some very strong commitments to protect water and bio-diversity. Then in 2005, they adopted a new Rural Areas chapter. In the vision statement and many other sections, which he cited in his email, there is this kind of permeation of much broader thinking in terms of how they think about the Rural Areas. The text that is up for revision tonight is kind a vestige of much earlier thinking, which attached the single highest priority to agriculture. He thinks that is unproductive and not what they need in the end. He hoped that the Commission would change that.

Mr. Cannon asked if there was a particular sentence that he could identify that needs changing.

Mr. Olivia noted that he just had a chance to look at the handout. But, he would say that Attachment B, the Growth Management section that staff has provided is a wonderful improvement over the prior language.

Mr. Cannon said that would strike out the sentence that protection of agriculture and forestry resources is of the highest priority.

Mr. Olivia urged the Commission to do that. In short, he felt that Attachment B is great stuff.

There being no further public comment, the public hearing was closed and the matter before the Board.

Ms. Joseph noted that she liked the section about service delivery.

Mr. Zobrist said that staff did a great job on this.

Mr. Craddock suggested that on Attachment B the last sentence should be underlined in capital letters, "IT MUST BE RECOGNIZED THAT THE DESIRED INCREASED DENSITIES IN THE DEVELOPMENT AREAS WILL ALSO REQUIRE AN INCREASED COMMITMENT BY THE COUNTY FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS."

Mr. Cilimberg reiterated that the Commission was accepting the language essentially that they provided tonight and staff will put together some revised language for the Rural Areas section that reflects the discussion of uses versus resources.

Ms. Joseph agreed that was clear.

Mr. Benish noted that it was called to staff's attention that there was another section that could be read to be inconsistent with what they just amended. So staff will take another look at it and make sure that it reads clearly and consistently. He noted that the old resolution of intent did not refer to the Community Facilities section, which was Attachment C.

Mr. Kamptner pointed out that the resolution was broad enough to include any changes to the Rural Areas Plan.

Mr. Cannon noted that they needed to revise the resolution to include the Community Services.

Mr. Benish noted that the Commission needs to adopt the resolution in Attachment A.

Motion: Mr. Edgerton moved, Mr. Craddock seconded, for approval of the resolution of intent for CPA-2005-00002, Growth Management Policy Update with the revisions as discussed to amend the Land Use Plan component of the Albemarle County Comprehensive Plan by revising the Growth Management and

Public Facilities sections to be consistent with the more-recently adopted Rural Areas component of the Comprehensive Plan.

The motion passed by a vote of 7:0 to adopt the resolution of intent.

Ms. Joseph said that the public hearing would be held in two weeks

Old Business:

Ms. Joseph asked if there was any old business.

- The Planning Commission Retreat will be held on Friday night, April 20 for dinner at Three Notch'd Grill at 6:00 p.m.
- On Saturday, April 21 the retreat will be held at the Meadows at 8:45 a.m. to 11:45 a.m.
- The major topics will include the first three items on the Commission's list.
- The Commission asked that Ms. Catlin be present. Also, either Mr. Graham or Mr. Cilimberg should be present.
- The Commission asked staff to provide the following information for discussion at the retreat:
    - Analysis of development activity, including building permit information. The Commission wanted to review the information for trends and state their desired outcomes. What is the current inventory in the growth area and how has it changed over time and what they need to do in the future for desired outcomes. They are looking for some measurement in our process for achieving Comp Plan policies.
    - The Commission wanted information on easements and what the trends are in the Rural Areas. They are looking for data and information sources. Jon Cannon is to take the lead on this to come up with some suggestions.
    - The Commission asked for information regarding affordable housing so they can discuss the direction and adequacy of the proffers they are seeing.

There being no further old business, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business. There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:15 p.m. to the Tuesday, April 17, 2007 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road.

V. Wayne Cilimberg, Secretary

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