Albemarle County Planning Commission
April 6, 2010

The Albemarle County Planning Commission held a meeting, work session and public hearing on Tuesday, April 6, 2010, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Duane Zobrist, Vice-Chairman; Ed Smith, Thomas Loach, Chairman; Don Franco and Calvin Morris. Absent were Linda Porterfield, Russell (Mac) Lafferty and Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia.

Other officials present were Amelia McCulley, Director of Zoning/Zoning Administrator; J.T. Newberry, Code Enforcement Officer; Susan Stimart, Business Development Facilitator; Bill Fritz, Chief of Current Development; Elaine Echols, Principal Planner; Rebecca Ragsdale, Senior Planner; Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Loach asked for committee reports from the Commissioners.

- Mr. Franco reported the Fiscal Impact Committee Meeting was cancelled.
- Mr. Zobrist noted that an ACE Meeting was scheduled for next week. He was unavailable to attend the Tuesday MPO meeting.
- Mr. Morris reported that the Pantops Steering Committee will meet on April 22nd for a guided tour of the new Martha Jefferson Hospital.
- Mr. Loach noted that the Crozet Master Plan update would be discussed later in the meeting.

There being no further reports the meeting moved to the next item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loach invited comment from the public on other matters not listed on the agenda and also on any consent agenda item. There being no comments, the meeting moved to the next item.

Consent Agenda:

Approval of minutes: October 20, 2009, November 10, 2009 and March 31, 2009.

Mr. Loach asked if any Commissioner would like to pull an item from the consent agenda for further review. There being none, the matter was before the Planning Commission for action.

Motion: Mr. Franco moved and Mr. Morris seconded for approval of the consent agenda.

The motion carried by a vote of (4:0:1). (Smith abstained) (Porterfield and Lafferty absent)

Mr. Loach noted the consent agenda was approved.

Public Hearings:

SP-2009-00009 BB&T Drive Thru
PROJECT: SP-2009-00009/BB&T
PROPOSED: Additional drive thru lane and ATM kiosk.
ZONING CATEGORY/GENERAL USAGE: CO - Commercial Office
SECTION: 23.2.2(5) Special Use Permit, which allows for drive-in windows serving or associated with permitted uses.

COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service - community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre); and Regional Service - regional-scale retail, wholesale, business and/or employment centers, and residential (6.01-34 units/acre) in Neighborhood 2.
ENTRANCE CORRIDOR: Yes
LOCATION: Southeast side of Seminole Trail (Route 29N), approximately 300 feet south of the entrance to Fashion Square Mall.
TAX MAP/PARCEL: 61/134
MAGISTERIAL DISTRICT: Rio
(Summer Frederick)

Ms. Frederick presented a Power-Point presentation and summarized the staff report for special use permit, SP-2009-0009 BB&T ATM.

Staff has identified the following factors favorable to this application:

1. The proposed development complies with Zoning Ordinance Section 31.2.4.1: Special Use Permits as indicated in the staff report's assessment.
2. This application is an amendment of the existing drive-thru, which has functioned without adverse impacts since its construction 20 years ago.

Staff has identified the following factors unfavorable to this application:

1. Comments from the ARB are not available at the time of this report.

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit SP-2009-009 BB&T Charlottesville (ATM) with the following condition:

1. Development of the site will be in general accord with the site plan drawing titled *Proposed Site Layout revisions for new ATM Bldg*, dated 08/18/09, and initialed SEF.

Mr. Loach invited questions for staff. There being none, the public hearing was opened and the applicant invited to come forward.

Ms. Frederick noted that the applicant was not present.

Mr. Loach invited public comment. There being none, the public hearing was closed and the matter brought before the Planning Commission for further discussion and action.

Motion: Mr. Morris moved and Mr. Smith seconded for approval of SP-2009-00009, BB&T Drive Thru subject to the condition recommended in the staff report.

1. Development of the site will be in general accord with the site plan drawing titled *Proposed Site Layout revisions for new ATM Bldg*, dated 08.18.09, and initialed SEF.

The motion was passed by a vote of 5:0. (Porterfield and Lafferty absent)

Mr. Loach noted that SP-2009-0009 BB&T Drive Thru would go before the Board of Supervisors on a date to be determined with a recommendation for approval.

ZTA-2009-00018 Farm/Wayside Stands

ZTA-2009-00018 Farm stands, farm sales, farmers' markets – Amend Secs. 3.1, Definitions, 4.15.5, Signs authorized by special use permit, 4.15.6, Signs exempt from the sign permit requirement, 10.2.1, By right, 10.2.2, By special use permit, 11.3.1, By right uses, 11.3.2, By special use permit, 12.2.1, By right, 12.2.2, By special use permit, 13.2.2, By special use permit, 14.2.2, By special use permit, 15.2.2, By special use permit, 16.2.2, By special use permit, 17.2.2, By special use permit, 18.2.2, By special use permit, 19.3.2, By special use permit, 20.3.2, By special use permit, 20A.6, By right, 20B.2, By right, 22.2.1, By right, 23.2.1, By right, 24.2.1, By right, 27.2.1, By right, 27.2.2, By special use permit, 28.2.1, By right, 28.2.2, By special use permit, 35, Fees; repeal Secs. 5.1.19, Wayside stands, 5.1.35, Farm sales, 5.1.36, Farmer's market; add Sec. 5.1.47, Farm stands, farm sales and farmers' markets, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would repeal the existing regulations pertaining to wayside stands (5.1.19), farm sales (5.1.35) and farmers' markets (5.1.36) and establish new regulations for farm stands,

farm sales and farmers' markets (5.1.47) regarding the respective uses, maximum structure sizes, and minimum yard and parking requirements; would allow farm stands and farm sales by right in the RA (10.2.1), MHD (11.3.1) and VR (12.2.1) zoning districts, allow farmers' markets by right in the NMD (20A.6), DCD (20B.2), C-1 (22.2.1), CO (23.2.1), HC (24.2.1), LI (27.2.1) (exterior or temporary or existing structures) and HI (28.2.1) (exterior or temporary or existing structures) zoning districts, and allow farmers' markets by special use permit in the RA (10.2.2), MHD (11.3.2), VR (12.2.2), R-1 (13.2.2), R-2 (14.2.2), R-4 (15.2.2), R-6 (16.2.2), R-10 (17.2.2), R-15 (18.2.2), PRD (19.3.2), PUD (20.3.2), LI (27.2.2) (new structures) and HI (28.2.2) (new structures) zoning districts; and would amend and add definitions of various terms related to farms stands, farm sales and farmers' markets (3.1), exempt off-site agricultural product signs from the requirement to obtain a special use permit (4.15.5), and exempt on-site agricultural product signs from the sign permit requirement (4.15.6); and, would create a new class of fees for a special use permit for farmers' markets and establish a fee of $490.00, which is a 50% reduction in the fee that would be charged under current regulations. The proposed fee is authorized by Virginia Code § 15.2-2286(A) (6). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia.
(Amelia McCulley)

J.T. Newbury passed out copies of two charts for comparison of the existing and proposed regulations. (See Staff Report Attachments A and B)

Ms. McCulley presented a Power-Point presentation and summarized the request.

- In response to a recent zoning complaint about an off-farm sale, staff recognized this ZTA need: the farm is not always the best sales location and other permitted locations are limited off-farm.
- Therefore, our current zoning regulations are not adequately implementing goals within the Rural Areas portion of the Comprehensive Plan. This ZTA will better connect local agricultural producers and consumers.

History of ZTA process:

- December 10, 2009 – public roundtable from diverse interests with valuable input;
- January 19, 2010 – Planning Commission work session;
- (Today) – Commission public hearing; and
- May 5, 2010 – Board of Supervisors public hearing

There are three different terms or uses that staff feels should accommodate the different types of opportunities and locations for selling agricultural products:

- Allow **Farm Stands** for selling "local" agricultural products and merchandise off-site from the producing farms.
- Allow **Farm Sales** for the on-site sale of agricultural products and merchandise with subordinate sales of accessory merchandise.
- Allow **Farmer's Markets** for off-site sale by multiple farmers. Also allow subordinate sales of accessory merchandise.

Farm Stands –
Current:
On-site sales only in RA
By-Right: RA, MHD, VR,
PUD-C, PDSC, PDMC & HC. On-site sales only in RA

Proposed:
***Off-site sales** By-Right: RA, MHD & VR.

Farm Sales –
Current:
By-Special Use Permit: RA & MHD.

Proposed:
By-Right: RA, MHD & **VR.**

Farmer's Market –
Current:
By-Right: PUD-C, PDSC, PDMC, HC, C-1 & DCD.

Proposed:
By-Right: PUD-C, PDSC, PDMC, HC, C-1, DCD, NMD, CO, LI & HI.
By-Special Use Permit: RA, MHD, VR and Residential Districts & LI / HI w/ new structure

At the last work session staff had proposed Light Industry. The Commission suggested that Heavy Industrial be added by special use permit. There is one proviso that if existing or temporary structures are used it will be by right in Light Industry; whereas, if new structures are proposed for that purpose, then it would require a special use permit. The reason is to be sure that they get a closer look at those investments of new construction for non-industrial uses in industrial districts.

Summary of Revisions – (Attached to Staff Report in Draft Ordinance)

1. The revisions resulted from Commission input at the work session, including how to handle the process (includes adjacent owner notice), by-right off-site signage (RA & VR) and administrative setback reduction. With the permission of the adjacent owner the setbacks can be reduced. Staff has figured out a form for during that because they want to be ready to implement this as soon as the Board adopts the ZTA. Also, staff added the farmer's market use in Heavy Industry. In both LI and HI, farmer's market will be by-right unless new permanent structures are proposed. Staff has worked on the adjacent owner letter, which is codified in the draft ordinance in terms of a requirement on their part to provide notice.
2. Staff also recommends fee subsidy / reduction from commercial SP (for farmers market) from $980 to $490. If the Commission is so inclined they could potentially further reduce the fee to $110. Currently there is a special use permit fee for a minor amendment to an existing special use permit or making a non-conforming use conforming. Those are for relatively minor, lower levels of review kinds of permits. Staff envisions that the special use permits being set up for Rural Area/Residential will very often go into locations where they already have infrastructure consisting of parking and an entrance. It is a pretty straight forward review if the site already has an approved entrance and parking. In that event it may make sense to subsidize the fee even more for the farmer's market and drop it even below $490 to $110, which is something staff would like the Commission to think about. Staff also recommends reducing setbacks to what is required for other structures in that district.

Conclusion:
Staff recommends approval of the draft ordinance for farm stands, sales and farmer's markets in Attachment D of the staff report.

Mr. Loach invited questions for staff.

Mr. Franco asked about staff's suggestion regarding the fee reduction.

Ms. McCulley replied that a special use permit was only going to apply to the Rural Areas District for a farmer's market; Monticello Historic District; Village Residential and the Residential Districts; and in Light Industrial and Heavy Industrial when they are proposing a new permanent structure.

Mr. Franco pointed out that personally his goal was to have the fee represent the amount of work that staff has to do. Therefore, he could see a reduction in that fee in the Rural Areas. If it was a new structure in LI or HI, then it seems that would require more effort and the half fee would make more sense there. He would support a fee reduction because this is a use we want to encourage and should not be an income generator for the County.

Mr. Morris agreed.

Mr. Smith asked if this was a one-time fee.

Ms. McCulley replied yes that it was a one-time fee. The permit runs with the land and typically is not issued just to the permit holder. Staff would want any property owner, leaser or manager of the farmer's market to enjoy the use of it subject to the conditions.

Mr. Loach agreed with Mr. Franco that the fee should be on a sliding scale depending on the amount of staff work. At the last meeting an issue was brought up by a member of the community about an identification sticker being posted so that if someone was setting up they would know if they had been through the process. He asked if any further work has been done on that.

Ms. McCulley replied that staff was open to input. With the zoning clearance application staff was suggesting that they display that on site to indicate County approval of their market. Regarding the fee, she asked Mr. Kamptner if they could do it as a major versus minor review similar to major and minor site plan review. Major would be $490 if they were talking about new infrastructure.

Mr. Kamptner replied yes if staff could identify a basis for the various fees that are going to be imposed. He assumed all the fees would be reduced below the County's actual cost. If they could identify a reasonable basis to establish different fees for different types of applications, then that is acceptable.

Mr. Loach opened the public hearing and invited public comment.

Joe Jones, resident of White Hall and current President of the Albemarle County Farm Bureau, reiterated what Ms. McCulley had said. Last fall there was a case they found was not in compliance with the County Ordinance. They called a meeting of stakeholders, which was very beneficial, where a lot of information and questions before the Commission surfaced. He expressed support for Ms. McCulley and all of the work staff has done on this. As a group of farmers they can support the proposal, particularly the fee reduction.

Morgan Butler, with the Southern Environmental Law Center, commended County staff and the members of the agricultural community for their hard work on this effort. They tipped their hat to the Commission and Board for looking for ways to expand opportunities for local farmers to sell their products. Doing so not only supports the County's rural economy and our local farmers, but also provides benefits to the rest of the community which seems to be growing increasingly aware of the value of buying local produce and supporting local agriculture. The draft ordinance strikes a reasonable balance between facilitating a sale of local agriculture and protecting the public health and welfare. However, there are three issues he would like to flag for their consideration before this ordinance is finalized and sent to the Board of Supervisors.

1. Of the three activities farm sales, farm stands and farmer's markets, it is only farm stands that require that the agricultural products being sold there are grown local. He could not find any explanation of why farm sales and farmer's markets don't also require that local nexus. It seems clear from the staff report and the relevant sections of the Comprehensive Plan that the purpose of these amendments is to promote local agriculture. He asked what the rationale is behind only having that local nexus apply to farm sales.
2. The provision requiring the next door neighbor be sent notice of a submitted application states that the notice must only be mailed only five days prior to the zoning clearance being acted upon. This means that the abutting landowner could end up seeing a notice only a day or two before the decision. That seems hardly enough time for a landowner to contact staff, get some grasp of the proposal and offer feedback that in all likelihood would be useful to County staff and will help diffuse potential problems before the new use is up and running as opposed to after. They recommend that the notice period be extended to something like two weeks or something more reasonable.
3. Most importantly would be to ensure that these uses limit their impacts on the County's fragile natural resources. Page 4 of the staff report states that the zoning clearance approval process will require a confirmation that any earth disturbance such as one for a new structure complies with the County's Water Protection Ordinance. However, he did not see where this is clearly reflected in any of the proposed ordinance language. He could not find any explicit reference to the Water Protection Ordinance in Section 31.5, which lays out the requirements for zoning clearance or on the clearance application form that is on the County's website. If the expectation is that these uses will comply with the Water Protection Ordinance, then they believe that should definitely be the case. It needs to be more explicit in the new ordinance sections and clear to applicants in how to go about demonstrating that compliance. In sum, they applaud this effort and the great work that has gone into it and the important purposes behind it, but just believe that these three issues: the

lack of the local nexus for agricultural products sold at farm stands and farmer's market, the very short notice period and ensuring compliance with the Water Protection Ordinance warrants additional consideration.

Neil Williamson, with the Free Enterprise Forum, applauded staff for quickly moving this forward and embracing what the Comprehensive Plan talks about in keeping the rural areas economically sustainable. He differs with Mr. Butler with regard to neighbor notification. In his world view and based upon the discussions with the winery action the rural areas primary purpose is agricultural. This action for the farm stands, farm sales and farmer's market clearly support the agricultural primary uses of the rural area. He was not convinced that neighbor notification for a by-right use in the agricultural area is necessary. He understands their desire to keep the public input and did not think that two weeks is onerous, but simply did not agree philosophically that a by-right use should have that type of notification.

There being no further public comment, Mr. Loach closed the public hearing to bring the matter before the Commission.

Mr. Zobrist suggested that they tie in that the sponsors for the farmer's market that rent space show proof that they have a business license.

Ms. McCulley replied that staff should definitely communicate with Business Licensing, but could not recall what their thresholds are for when the license is required for itinerant service for transient type of uses. She asked Mr. Kamptner if they need to cross reference that requirement.

Mr. Kamptner replied for any commercial activity it is a given that they need to comply with business license requirements.

Mr. Zobrist clarified that he was suggesting shifting the enforcement from something that was impossible to enforce to where the person who is letting them in to pay their daily rents can require a business license or tell them that they can't sell.

Ms. McCulley noted that was a good point. Staff sends copies of all the approved zoning clearances to Business Licensing, which would put them on notice that there is a business locating at that location, what it is and who they need to contact about it. Staff can talk further with them about the best way to do it.

Mr. Morris asked staff to refresh his memory as to the Commission's discussion about the requirement of having locally produced products on all three and why it was now just for one.

Ms. McCulley replied that at the Roundtable staff had recommended local agricultural products and merchandise for both the farm stand and the farm sales. Staff heard from owners of farm sales, who are people that have invested in buildings that are open five to six days a week as a regular on-going commercial enterprise, that they need the flexibility to fill in other products out-of-season or if they have run out of cantaloupes or whatever their situation is and they are trying to open enough hours and have reliable products. So they asked staff to drop the local requirement for farm sales. Staff heard that and agreed because it is on the farm and still serving the same purpose and would not be abused. The primary products are going to be from their farm since they can't afford to buy out all of their products from others.

Mr. Loach asked if the notification was for five business days.

Mr. Kamptner replied that it was for five days because that is the requirement that is established for rezoning or individual notices required for special use permits, and subdivisions and site plans in advance of the site review committee. The neighbors get a five day notice for all of those types of applications. They have had a couple of other types of processes where there were suggestions for that period to be lengthened. He felt it was easier for everybody if they keep it uniform. He recognized that it was not a long period, but right now it is consistent and for the most part has worked fine. When they do a wholesale re-codification of the zoning ordinance they may look at extending that period. If they do extend those dates he felt that it would be across the board.

Ms. McCulley pointed out that staff needs to make an effort to get the notice out early-on after receiving an application. But, there is review that the request will need to go through that can take much more than five days depending on whether it has to be sent to the Department of Health.

Mr. Cilimberg noted that in actuality a lot of our notices are much further out than five days, which is the minimum.

Mr. Newberry added that in conversations with different sellers they have talked about labeling locally grown produce as being a market driven requirement that they put on themselves because they have found that people who are very interested in the origin are willing to pay more once they have more information about the product. There are some people that will do those themselves even if it was not required.

Mr. Smith asked if his grandson wants to sell tomatoes on the side of the road does he have to have a business license.

Ms. McCulley replied that she did not think so because there were a lot of exemptions and she thought that someone would need to have $5,000 of income along with several other thresholds to meet. Her understanding is that the occasional lemonade stand does not fall into a business license.

Mr. Loach asked Mr. Jones to respond to Mr. Zobrist's point about the origin of where the produce comes from and whether it is problematic.

Joe Jones said the question had come up as to what is local produce and had suggested that local be defined as Albemarle County and any adjoining county so that the produce would have to come from within that geographical area. He thought that the market will take care of itself because the good sales people will put up a sign to label the produce locally grown in Albemarle County. If there is no sign, then people should just ask where the produce came from. He did not think it needs to be put in the ordinance or codified to say where the produce came from.

Mr. Franco noted that it would be hard to enforce.

Mr. Jones said that it would be self regulated by the consumer. If someone bought a rotten tomato, then they won't use that vendor any more.

Mr. Loach asked staff to address Mr. Butler's question about the protection of the natural resources and watershed.

Ms. McCulley noted that it is clearly the intent unless it is explicitly exempt under State Law, for example E & S requirements, that it be regulated. The question is if it is necessary just because sometimes there is the lack of clarity used in agriculture in the Water Protection Ordinance and should they have a reference in this.

Mr. Kamptner pointed out water protection is made subject to the Water Protection Ordinance for any land disturbing activity related to the construction of farm structures including but not limited to agricultural structures or roads not associated with tilling, planting, and harvesting. They can either amend this and make a direct cross reference over to that exemption or clarify it. About a year and a half ago they had an internal discussion with the applicability of that provision to a farm winery and the various types of improvements. Staff can clear that up so that it is clear.

Mr. Franco asked what the next step would be.

Ms. McCulley replied that the next step was the public hearing with the Board of Supervisors on May 5. She wanted to make sure that there was consensus that they would amend the ordinance to require signs on non-locally grown produce.

Mr. Zobrist noted that there are federal laws for all produce to be clearly marked and labeled that come into this country from a foreign country. He had nothing against buying it and enjoys it, but would like to know where the produce came from, which gives him some idea as to what the pricing ought to be. He was willing to pay a significant premium for fresh grown produce from our county.

Mr. Loach asked how he would amend this to include that.

Mr. Kamptner said that there was a limit as to the extent to which they can regulate as a zoning regulation. The one thing they could do for facilitating and enforcement would be to require some kind of posting for farm stands because that is the category authorized and allowed to sell local agriculture products. Beyond that maybe they can consult with the state for some ideas, but he was not sure how far they can go in a zoning regulation.

Mr. Zobrist suggested that the produce sold at the facility not grown in Albemarle County or adjoining counties be clearly marked non-locally grown. He supported locally grown produce and felt that would help the local producers.

Mr. Smith noted it was a good idea, but asked how they would enforce it.

Mr. Franco agreed with Mr. Smith that it was a nice idea, but was willing to move this draft forward to the Board with that as a stated concern. He did not think they have to draft the language for it tonight. He would prefer to move the ZTA draft language forward with a flag saying that the Board of Supervisors should think about this concern.

Mr. Zobrist agreed with the suggestion.

Mr. Franco questioned how the Commission feels on the fee aspects.

Mr. Loach agreed with the fee reduction based on a sliding scale as suggested by staff. Staff will need to look into that, which he assumed could be done prior to the Board hearing so there would be a staff recommendation.

Mr. Franco moved for approval of the draft ordinance with the changes to the fee structure as discussed; a note to the Board of Supervisors with respect to the locally grown product; and making sure that the Water Protection Ordinance is referenced properly.

Mr. Morris seconded the motion.

Mr. Kamptner noted that in re-reading this today there were a couple of punctuation errors and an old reference to a farm stand, which was out of place when the ordinance was reorganized. Those types of corrections will need to be made as well.

Motion: Mr. Franco moved and Mr. Morris seconded to amend the motion to forward a recommendation of approval for the adoption of ZTA-2009-00018, Farm/Wayside Stands, as presented and edited with the following amendments.

- Changes to the fee structure as discussed;
- Note added to the Board of Supervisors with respect to the locally grown product;
- Include additional minor corrections; and
- Make sure that the Water Protection Ordinance is referenced properly.

The motion passed by a vote of 5:0. (Porterfield and Lafferty absent)

Mr. Loach noted that ZTA-2009-00018 Farm Stands, Farm Sales, Farmer's Markets would go before the Board of Supervisors on May 5, 2010 with a recommendation for approval.

ZTA-2010-0001 Industrial Districts – Phase I

ZTA-2010-00001 Industrial Uses - Amend Sec. 27.2.2, By special use permit, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 27.2.2 by adding as uses permitted by special use permit in the Light Industry (LI) zoning district all of those uses permitted by right in the Heavy Industry (HI) zoning district that are not otherwise permitted by right in the LI zoning district. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of

Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Susan Stimart)

Ms. Stimart presented a Power-Point presentation and summarized the staff report. (See Staff Report)

ZTA-2010-0001 Industrial Districts – Phase I - Adding HI uses in LI Districts by Special Use Permit

Why add HI uses?

- Industrial Inventory study showed shortage of HI parcels, and poor disbursement. There is one pocket in Places29 and then two smaller parcels in Crozet.
- To address this issue, the Board directed staff to investigate allowing HI uses in the LI district by special use permit, to be followed by a more lengthy review of all uses in the Industrial district.

Industrial District ZTA Timeline

- 2/3/2010 - Industrial Inventory/Board of Supervisor direction
- 3/16/10 Resolution of Intent for allowing HI uses in LI district by SP
- (Today) – Planning Commission hearing
- June – Board of Supervisors public hearing
- Phase II underway to add other uses to the LI district and minimize office uses

Summary of Current Overlap

Staff reviewed a chart of the current overlap currently in effect noting that some of the uses are effectively allowed in the two different zoning districts, but only one in LI by special use permit. There is also additional utility for the wood planing activity and the vet practice in other districts.

In the second graphic it shows the current LI by special use permit and current HI by special use permit. The column on the left would be expanded to include the uses by special use permit that are indicated on the right. Many of the HI uses by right are subject to a fair number of federal, state and local regulations in how materials are transported, stored and managed. (See PowerPoint Presentation)

Conclusion:

- Staff recommends adoption of the proposed ordinance in Attachment C.

Mr. Loach invited questions for staff. He asked how the criteria was being developed for which uses they were going to take from one column and moving over, or all of the uses going to be allowed. If so, then why have two categories at all.

Mr. Cilimberg replied that the right hand column would move into the special use permit in the LI. The reason they would have the distinction is that in the LI district only those uses shown in the right hand column would be provided with a special use permit. In other words, it has that extra legislative review, whereas in the HI District the by-right uses already exist as allowed there. So what they were doing is opening up the possibility for any of those uses on the right to also be developed in the LI District, but only by special use permit. There is a broadening of the opportunity.

Mr. Loach noted that they would need a whole new set of criteria for those special use permits.

Mr. Cilimberg said that there are already a number of regulations in the ordinance for industrial uses, which they were actually looking at now for future modification. Performance standards are mentioned in the report and in one of the attachments, which already exists for industrial uses in both LI and HI.

Ms. McCulley pointed out that performance standards apply to any use of industrial character, which are requirements related to emissions into the environment for the most part. It includes noise, dust, glare, air pollution, water pollution, vibration, electrical interference, and those types of things, which are currently in the ordinance. As part of the next phase staff is assessing those regulations to see if they should be modified or updated to reflect state and current standards. Those are general engineering environmental impact standards. There are supplementary regulations that relate to particular uses. For example, petroleum storage has a list of regulations just for that type of use. Staff is working on those, too. There

may be more special buffers to add since they would be allowing the use in LI Districts that might be getting closer to some other uses such as that relating to storage areas. This is their opportunity with phase 2 proceeding along as they do this phase 1 to look at tightening down and adding some more applicable regulations for these industrial uses in general.

Mr. Franco asked if the timing of phase 2 was relative to phase 1. He asked if they were approving the ability to do it before they have the standards or does it all get finished at the same time.

Mr. Cilimberg said that they already have the standards in place as mentioned in Section 26.7 of the Zoning Ordinance, which refers to Section 4.14. They are not making these changes without standards because they already apply. The update of that will be part of phase 2. He asked Ms. Stimart what time frame they are looking at since she has been working on the timeline with the committee.

Ms. Stimart replied that phase 2 was three or four months out.

Mr. Zobrist pointed out that the question being asked is the same question he has. He understands that they have standards for HI and LI. The question being asked is how they decide when to grant the special use permit, and whether it has to be granted if it complies with all of these standards. His understanding is that special use permits are completely discretionary. He asked if that was the law.

Mr. Kamptner said that special use permits are discretionary.

Mr. Zobrist asked if they have to state a reason for not granting a special use permit.

Mr. Kamptner said that the action cannot be arbitrary and there has to be some basis.

Mr. Zobrist said that it was a good idea to go back to these ordinances and make sure that they don't clamp with each other. But, certainly they don't want to see a cement plant next door to a professional building. That would be their valid basis. It is only the general standard that is set or established by the case law.

Mr. Kamptner said there are standards and certain criteria in the Zoning Ordinance for all special use permits, but each evaluation is on a case-by-case basis.

Ms. McCulley pointed out the general standards for review of any special use permit is a finding that the use will not be of substantial detriment to adjacent property, that the character of the district will not be changed thereby in that the use will be in harmony with the purpose and intent of the ordinance and with public health, safety and general welfare. That is section 31.6.1.

Mr. Cilimberg noted that is also the section that staff cites in staff reports for special use permits.

Mr. Franco said his concern is how staff will evaluate this in the future if an application comes in for a special use permit for a HI use in LI. Past experience would show him that there may be input from the surrounding community and it is always going to be that there is a negative impact. Without performance standards that are up-to-date or modernized he did not know how they were going to rule positively to Section 31.6.1 or how they were going to process it in that light. That is his concern. Right now he did not know about the engineering performance review that takes place because transportation is not an issue. He thought if they look at HI coming in someone is going to argue that LI could be a warehouse and be a much smaller use than what he would expect from a sawmill.

Mr. Cilimberg noted that is part of what they would evaluate because they were not limited to just the performance standards when they review a special use permit. That is one element. They are also reviewing for the broader impact and relationship of the use to the location and the facilities to support it. In a sense the special use permit review is like a rezoning for a very site specific location and the use proposed there. So they are not hemmed in by what they already have in the ordinance. Actually the performance standards update is more to make sure that any industry is meeting the standards that were expected today for their general performance in any location.

Mr. Loach said that to some extent he would rather require the special use permit than to start arbitrarily moving things from one column into the other to make them allowable in the LI.

Mr. Franco pointed out that he was not proposing that they make it allowable. He was following staff's recommendation of a special use permit so that they have that ability and understand that. But, if they are really trying to encourage HI uses in these other places he did not know that they were giving the business community clear enough guidance on where it might be acceptable or not. There may be too many gray areas where everybody is going to say HI has been a higher more intense use and isn't appropriate for LI. Maybe that is just something they will have to live with.

Mr. Cilimberg said he thought it was the first step. They may ultimately end up with one general industrial district, which they don't know at this point. Industry is different now than when these LI and HI districts were introduced in the ordinance in 1980.

Mr. Loach pointed out that technology changes in the HI industry may make it very appropriate in the LI district because many of the negative consequences may have been ameliorated. With that said, he agreed with Mr. Franco that those negative consequences must have the appropriate level of measurements so they can say it meets those standards.

There being no further questions, Mr. Loach opened the public hearing and invited public comment.

Lucy Goeke noted that in part this has to do with what will come up next because her understanding of the Crozet community was that they were light on Light Industrial in this area. They are considering changing RA to LI in the next agenda item. If they are already light in Light Industrial she questioned why they are already going to move HI to LI. She agreed that it should be with a special use permit, but felt that it opens up a whole can of worms. They are already changing LI into commercial and now want to change HI into LI also.

Neil Williamson, with Free Enterprise Forum, said this was an interesting action and a very small step. He did not see a huge number of applications coming in, but felt it is an important first step in making LI workable for LI uses as Ms. Stimart explained in the PowerPoint presentation. It is important to note that the special use permit is a higher level of consideration and would anticipate significant negative feedback from neighbors, etc. He was still trying to come up with a use that would make its way through the public hearings required to be in LI. However, each of those categories and some others that would fit into those categories that are not applicably described are about jobs. It is important to recognize that they do need to think about the ideas of the jobs behind these applications.

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

Mr. Morris said that it was a very good first step.

Mr. Franco agreed that it was a very good first step. They were moving forward in a positive manner. He felt it is going to be important to get those performance standards so that there is a way to get the special use permit through the process eventually.

Motion: Mr. Franco moved and Mr. Morris seconded to forward a recommendation of approval for the adoption of ZTA-2001-00001, Industrial Districts – Phase I, as presented in Attachment C of the staff report.

The motion passed by a vote of 5:0. (Porterfield and Lafferty absent)

Mr. Loach noted that ZTA-2001-00001 Industrial Districts – Phase 1 would go before the Board of Supervisors on June 2, 2010 with a recommendation for approval.

The Planning Commission took a break at 6:59 p.m.

The meeting reconvened at 7:07 p.m.

Work Session

Crozet Master Plan

Work session to discuss recommendations for changes to Crozet Master Plan prior to developing full master plan draft. (Elaine Echols)

Ms. Echols and Ms. Ragsdale presented a PowerPoint presentation on the Crozet Master Plan Revision to go over the recommended updates and revisions that staff has been working with the community on. The revision process and the items staff wants to address in the update were before the Commission in September, 2009. Since the fall staff has been meeting monthly with the Crozet Community and with the help of the Advisory Council to review the items that they had said needed to be addressed with the update.

Crozet Master Plan Revision

- Recommended Master Plan updates
  - *Residential Land Uses*
  - *Downtown*
  - *Business & Employment Uses*
- Public comments on recommendations
- Discussion by Commission
- Recommendation for any changes

Focus Areas

CRITICAL FOCUS AREAS:

- Population and density at the fringe
- Downtown
- Business and industry on Rt. 250, including Yancey Mills area and prospects for greater economic self-sufficiency

OTHER AREAS FOR REVIEW & UPDATE:

- Transportation
- Environment and Community Facilities
- Preserving Crozet as a small town

There will be updates to the text of the plan to simplify the document, such as no longer using the table and replacing the other design components of the plan.

In the beginning of the master plan process, guiding principles are developed with community input to shape the plan. They are intended to capture what is most important to consider in the plan and what the community values and its goals are. They are on one of the handouts with their entire wording, but capture what is most important to consider throughout the master plan.

- Physical design of neighborhoods and downtown, which are an appropriate scale to the community;
- Values: multiple transportation options, especially pedestrian and bicycle options;
- Housing that attracts people from many socioeconomic experiences;
- Local biz and jobs;
- Variety of cultivation, rec, conservation of natural resource assets, the variety of benefits they provide to the community;
- Shared histories as a foundation of the sense of community;
- Crozet actively supports its community facilities and the role they play in the lives, park, fire, rescue;
- "Preserving Crozet as a small town. . . ." will be added to the vision statement.

Place-Type and Built Infrastructure Map – Updated

- Staff reviewed the color coded map.

Overall Recommendations

- Less land designated for higher residential densities and new lower density land use category;
- Fewer Mixed Use areas designated surrounding Downtown;
- Area designated Downtown remains about the same as in 2004 plan – Changes to boundary;
- More areas designated for employment opportunities;
- Updates to Transportation Map and Recommended typical road sections;
- Updates to Green Infrastructure Map.

Staff explained the 2010 Master Plan-Community Revisions – from March – which focused on the Downtown being the heart of Crozet.

In a chart staff compared the residential land use in the 2004 Master Plan to the 2010 Updated Master Plan.

- The changes are primarily in the lower density residential categories. Staff has added a new category that is even lower than Neighborhood Density. It is Neighborhood Density Low up to 2 dwelling units per acre. That is going to apply to the edges of the development area. It was clarified that the Urban Density in the Neighborhood Density areas are not intended to be mixed use and that the most density in the Urban Density category would be 12 dwelling units per acre instead of the 18 suggested in the 2004 plan.
- The Mixed Use Category in Downtown remains about the same as in the 2004 plan, but there is less area designated Mixed Use. It is centered on other major centers instead of some of the smaller areas in Crozet.
- The CT designations will be updated to be consistent with other master plans and land use categories.

Staff went over the major changes and updates in the Western Area of Crozet and Crozet Area. The emphasis is on Density in the primary center of Old Trail Village and Downtown.

Staff reviewed the changes East of Crozet Avenue

Staff explained the Centers and Focal Points in the Development Areas: Downtown, Mixed Use/Employment, Schools, and Parks.

Staff went over what the significant land use adjustments are from the 2004 plan, lower density at fringes and some areas of green space; and additional areas designated LI. Staff will discuss Downtown a little later in the presentation.

Staff explained the Downtown changes.

- Commercial
- Redevelopment,
- Reuse
- Infill
- Up to 36 units/acre

Mixed Use

- Multi-family
- Reuse/conversion
- Up to 18 units/acre

Crozet Master Plan - Challenges

- Economy/County Budget = delays for initiatives;
- Limited building space and low vacancy rate;
- Internal conflicts in Master Plan among goals;:
- New buildings for new businesses vs. preserving historic resources;
- Respecting existing neighborhoods and transitioning of houses into shops or apts;
- Protecting streams, new development and redevelopment.

CROZET MASTER PLAN REVISIONS

BUSINESS AND INDUSTRY ON ROUTE 250
Proposed Summary of Changes:

- Designate land uses to match current industrial zoning;
- Update industrial land use categories in existing development area;
- Designate more industrial land within the Crozet development area (There is an additional parcel of about 11 acres that is actually zoned Rural Area, but is adjacent to the employment center, staff has designated Light Industrial.);
- Continue protection of Route 250;

- Comprehensive Plan Amendment Applications- *Yancey and Ploumis -- not recommended*.

Light Industrial

Crozet Employment Neighborhood/Rt. 240 Corridor
Community Input Map

Staff reviewed the map.

- Crozet Employment Neighborhood/Rt. 240 Corridor
  Alternative
- **CPA 2007-02 Ploumis** (property at corner of Rts 240/250 request for commercial from preservation)
  (As submitted to the County in 2007- Not Recommended – Suggestion made that request be looked at with five-year update of Master Plan.)

PC Recommendation in 2008

- Additional commercial development on Route 250 is not supported by the Comprehensive Plan:
  Protect Route 250 from further commercial development.
  To maximize capacity, the county must limit the amount of development on properties adjacent to Route 250 from I-64 to Route 240 as called for in the Master Plan.
- Public input to-date has not been in support of amending the land use plan for this property

CPA 2008-002 Yancey Mills Business Park
(as submitted to the County in 2008)
Not Recommended by Planning Commission

The Board of Supervisors recommended that the request be looked at again with the five-year update of the Master Plan.

PC Recommendation in 2008

The proposal is to include property in the Crozet Development Area and amend the Land Use Plan from Rural Areas to Industrial Service to eventually allow industrial rezoning. (Ex. Contractor's office/equipment storage yard, flex space, office space)
The proposal involves a site that includes existing HI Zoning, is adjacent to major highway access (including and interstate interchange), and utilities.
The proposal would provide for light industrial space and employment opportunities fulfilling some objectives of the Economic Development Policy.

- The proposal would provide some opportunities for employment in the larger Crozet area and potentially address some of the jobs-housing balance called for in the Crozet Master Plan. It could complement the expectations for Crozet's Downtown area by providing heavy industrial and other larger scale industrial uses if limited to those types of uses.
- The site is located adjacent a heavy industrial site and along a corridor developed with commercial and industrial uses under old zoning.

Based on the scope and scale of the proposal as submitted, consistency with Comp Plan & CMP, PC did not recommend further Study because:

  - The proposal is inconsistent with the Growth Management Policy and Rural Areas policies, and would impact important resources identified in the Natural Resources and Cultural Assets Plan for protection.
  - The proposal is located within the water supply watershed
  - There is no sewer capacity to serve the proposed development.
  - Additional commercial activity on Route 250 is not supported by the Comprehensive Plan and Crozet Master Plan, which calls for limited development along the fringe areas of Crozet and along Route 250 West.
  - The proposal could compete with the Crozet downtown area for businesses unless the proposal is restricted to only uses not expected to locate in the downtown area.

Public input to-date has not been in support of amending the land use plan for this property

Staff reviewed the Master Plan Place – Type and Built Infrastructure Map

CROZET MASTER PLAN REVISIONS

MASTER PLAN RECOMMENDATIONS:

- Two major north/south connector roads:
  - Western Avenue (Now Old Trail Drive)
  - Eastern Avenue, including Lickinghole Bridge, and Crossing of CSX tracks between Acme and Con Agra buildings
- A new east/west road south of the railroad tracks, "New Main Street"
- Jarman's Gap Road improvements
- Discourage use of Half Mile Branch Road/encourage use of Western Avenue and Route 64
- East-West Drive (with bridge across Slabtown Branch)
- Safety improvements to Meadows intersection with Route 240.
- Frontage road for school
- Eastern Avenue, including Lickinghole Bridge, and Crossing of CSX tracks between Acme and Con Agra buildings

Transportation

Typical Road Sections-for new roads or improvements to existing roads

- Avenue
- Street
- Rural Road

There was a lot of community input that Crozet Avenue should provide for a multi-purpose path probably on the western side.

ENVIRONMENTAL/PARKS/GREENWAYS & COMMUNITY FACILITIES

- Retain recommendations of 2004 Plan.
- Remove neighborhood trails that can't be built.
- Create multi-purpose paths in locations where road right-of-way is in place.
- Place emphasis and priority on key linkages and destinations in Crozet
- Continue to plan for future school site when needed. That proposed location has shifted to the west.

Process

That concludes the quick overview of what the changes are, the recommended revisions that were discussed with the community and the community recommendations for the update of the plan. The next step after receipt of the Commission's input would be for staff to packet everything into an updated draft, checking in with the Advisory Council, taking that out to an open house in May with the community, and at the end of the summer (July/August) having public hearing with the Planning Commission and the Board of Supervisors.

Public comment was taken from the following persons:

Celeste Ploumis, resident of 562 Crozet Avenue, spoke on behalf of her CPA application. She presented a PowerPoint presentation and made the following comments:

- Planned growth had brought four traffic lights within a mile of her home along with countless shopping centers, a great increase in population and therefore traffic. The most recent VDOT traffic count shows 17,500 cars per day at this intersection making it by far the busiest intersection in the area. It made the area an ideal place for commercial development and an unbearable place to live.
- Her house sits within 12 yards of the busiest road in Western Albemarle County. The corner has 75 percent more traffic than any other commercial site in Crozet.
- Her property was zoned CT-1/R-1 zoning while the northeast corner enjoys existing CT-5/Highway Commercial with less traffic, which has already been granted for a 30,000 square foot commercial office building. Traffic is good for commercial, but not for residential. She pleaded for relief from an unbearable situation and asked that a suitable use for the property be found.
- Her initial proposal for a garden center is a low impact transitional use for the property, which would use the existing house and greatly improve the aesthetics of the corner. The proposal's

landscaping of the grounds would provide a lovely gateway to our community. This seems to be a reasonable alternative since Downtown Crozet does not have room for a garden center.

- She had previously asked for a change in the Comp Plan and zoning to allow a low impact use for the property. A garden center would be in keeping with Crozet's agricultural heritage, create a lovely park like setting, keep the house intact and protect the 250 scenic values by preventing it from becoming a run-down rental property. She asked for help on these issues.

Tom Murray, real estate appraiser from Richmond, Virginia and friend of Ms. Ploumis, agreed with Ms. Ploumis' in support of her request for a change from CT-1 to CT-5 for the property. He believed that a garden center is an ideal use for that location and would enhance Crozet. To place preservation on Ms. Ploumis' property was imposing an easement without compensation. A garden center use was a transitional use and would enhance and meet the needs of keeping Route 250 beautiful and provide gardening supplies for the citizens of Crozet locally.

Chris Holden, property owner adjacent to Ms. Ploumis' property, noted that he had 13 acres that wraps around her residential lot and abuts Crozet Avenue and Route 250. He is sympathetic to Ms. Ploumis' concerns about traffic, but they all have to live with that. The citizens of Crozet have voiced near-universal opposition to the Ploumis proposal and do not want to see any more commercialization along this stretch of US 250. The Ploumis request, if granted, would be in direct opposition to the will of the people in the area.

Ginny Martin, legal guardian for Evelyn Claytor who is the property owner of 1282 Crozet Avenue, asked the Planning Commission to reconsider adding both the Conley and Claytor property back into the Crozet Master Plan as an expansion to allow the Downtown Crozet business area. The expansion would contribute to the healthy growth in and around the Downtown Crozet business area. Her mother's property will be placed on the market during the next thirty days with Mr. D.B. Sandridge as the agent of Real Estate III in order to obtain Medicare benefits for nursing home care until it is sold.

Mr. Zobrist asked what the property was currently zoned.

Ms. Ragsdale replied that the property was currently zoned residential. On the new map the property has gone back to Neighborhood Density and not Mixed Use.

Lucy Goeke, resident of Hillsboro Lane off of Route 250, spoke in opposition to the Ploumis request. She agreed that there is a traffic problem and felt if one more property on 250 becomes commercial that it will be the tipping point.

Tom Oakley, owner of the property being talked about tonight, noted that over the years he had been in discussion about selling the property as commercial. He had opportunities to sell the property as commercial, but has not been able to do it. As a business person he realized the importance of drawing businesses to Downtown Crozet in order to keep it alive. He asked to be allowed to combine the three properties commercially in order to expand Downtown Crozet.

D. B. Sandridge, realtor for Tom Oakley's property, pointed out that house is the next house in line from the commercial area. From the Dairy Queen there are currently two homes zoned commercial and then there is the Oakley property. It is about 20' to the last house zoned commercial. Mr. Oakley, the Martin's and the Conley's have expressed the desire of their property to be included in the commercial area. He felt that it is a great opportunity for Crozet since it would create a large parcel, which was conveniently located to Downtown Crozet, particularly if all three parcels are put together. He was surprised that the Community Association has said that they did not want this to be part of the commercial area. It makes a lot of sense for this property to be some kind of transitional use or business.

Carlo Ramos spoke in support of the Ploumis request because that is the ugliest corner in the County and a garden center would be a perfect solution. It would offer jobs in the community and bring in revenue.

Tom Goeke, resident of Hillsboro Lane, spoke against the Yancey Mills project because he lived across the street. He participated in the Crozet Master Plan revisions and the CCAC as a non-member. He fully supports the Planning Commission's recommendations from November, 2008 with special attention to the eight unfavorable factors. The CCAC has passed a resolution against the Yancey rezoning. The revised plan has recommended against the rezoning both as a result from the survey, public meetings and forums.

Both his neighbors and family feel they would be severely negatively impacted by a rezoning and are firmly against the rezoning.

Barbara Westbrook, resident of Crozet, sympathized with Ms. Ploumis since she would not want to live at that busy intersection. Ever since she was a little girl 60 plus years ago that intersection has been busy. She opposed the request to allow additional commercial on Route 250 due to the increase in traffic and being contrary to the master plan. Also, a precedent could be set by allowing residential to be replaced with commercial and there was no guarantee that the use would be a garden center.

Mary Gallo, resident of Crozet, asked the Commission to endorse the revised master plan as presented and endorsed by the Crozet Advisory Council. It is consistent with the guiding principles of the original master plan and brings the population potential closer to what was the intent of the original plan. It also preserves the scenic nature of Route 250 as well as supports the vitality of Downtown Crozet. She was happy to see that it shows the boundaries of the growth area being held firm, which was one of the promises that was made to the community in the development of the master plan. She opposed the expansion of the development area to allow the proposed industrial park because of health concerns related to the close proximity of the schools, the pollutants, the increased traffic, and the question about the water treatment capacity.

Mary Rice, member of the Crozet Community Advisory Council, noted that she was very proud of the work that they have done. She was very thankful to the County for all the work put into the Crozet Master Plan. They have had five months of forums, which have been very well attended. She encouraged the County to keep the faith with the Crozet citizens and deny any industrial park at that intersection.

Tim Tolleson, with the Crozet Community Advisory Council, echoed what Ms. Rice said. They were very appreciative of all of the long hours and hard work that County staff has put into working on the master plan. Staff's recommendation would do a very good job and be faithful to what they heard from both area residents and the Crozet Community Advisory Council. He stressed that they are neighbors to the people with the two CPA requests. It is not easy to do, but the CCAC thinks it is the better thing for the community that those two CPA requests be denied. He stressed the need to preserve and enhance the Crozet feel of a small town. At their meetings the majority of the community felt that the two CPA requests should not go forward at this time.

Delia Wilson, resident off Birch's Creek Road, spoke against the Yancey Mills industrial project due to its close proximity to her neighborhood. The Route 250 area is agricultural and beautiful.

Bill Schrader, CCAC member, noted that staff did a great job in communicating changes to the master plan. He asked that the Commission keep three points in mind. By listening to the citizens they made sure they were reducing points that could have different kinds of growth in order to keep the residential area strong. In doing that they were able to reconnect with the citizens of Crozet by taking the density and the population levels that have been talked about in the past down to a manageable level. At the highest in the future build-out they were talking about the 17,500 range. That made a huge positive impact to the citizens as they read through that in some of the changes that were made by changing the density. Those are two areas the citizens felt very strongly about. They would like to make sure that is maintained correctly as they look at the map. Lastly, in their meetings it was overwhelming that the two CPA projects were not thought of positively in the community. He asked that they control the traffic and keep the area rural by not allowing the Yancey rezoning. He recommended that the Commission take the Master Plan with the changes and forward it on with recommendations with the work that the CCAC has done.

Mike Marshall, Chairman of the Advisory Council, pointed out that their recommendation had been well considered and very publicly addressed. When they recommended against Yancey they have seriously looked at the proposal to arrive at no. When they recommend against the Ploumis request they seriously looked at the proposal. A lot of what came up in the discussion about these issues with the plan is timing. In his opinion timing is everything in life. This is what they think the best plan for now is.

Will Yancey, representative for the Yancey Mills Business Park, presented a Power-Point presentation and explained his request.

- There seems to be two competing visions for where to put an employment center in around Crozet. The one described tonight was around the old Con Agra and the current Music Today, which

extends along Route 240. The Yancey proposal is to keep the business traffic down closer to the interstate in the area south of the existing sawmill and north of I-64. Off interstate picking up and delivery trucks can't go through Downtown Crozet because of the 11.5' bridge. Four miles down the road Route 250 and 240 meet at the Mechums River Bridge where one was faced with an awkward and dangerous left turn. Once negotiating the turn the big truck goes up a narrow curvy uphill road at 35 miles per hour and goes past a number of subdivisions before getting to the proposed industrial area on Route 240. They were talking about hundreds of homes and thousands of people. It is 6.5 miles from the interstate interchange to get to the proposed area, which was 13 miles round trip. The proposed Yancey Mills Business Park on his property would allow a delivery truck to get right back on the interstate from Route 250 with virtually no traffic impact whatsoever.

- They have heard tonight a lot about the necessity of preserving the rural and scenic character of Route 250 in this area. They have owned the saw mill for 60 years and have not really thought of it as that scenic. He pointed out that 90 percent of the proposed business park is not located on Route 250, but is in fact behind the saw mill. He noted the character of Route 250 in about a mile and a half radius of this proposed business park. Those businesses include the following: Blue Ridge Builder Supply, Watkins Landscaping, a strip mall with Dominos, Harris Teeter, a bank, a second strip mall with a Subway, Gateway Gas Station with an upcoming third strip mall, Brownsville Market, Warren James Auto Body Shop, an area where Arbor Life parks trucks, a third gas station D & W Market, coming soon a fourth gas station called the Restore N' Station, the Moose Lodge, Foley and Robinson and then the 36-acre sawmill.
- The four-lane divided highway is ideal for any kind of truck traffic. It is only a couple thousand feet on the road from the interchange in. The property borders Western Albemarle High School on 1,100'. There is an existing baseball field that almost touches their property. On another field it looks like home plate come onto their land. They knew from the beginning that this general area would totally be off limits to development. They never imagined doing anything that would disturb the high school. So they imagined that land as vacant. They questioned why they should leave that area vacant and asked if the high school needs it. In discussions with the local school board they learned that in fact they can't keep their current fields in good shape the way they are. They would like to have a discussion about perhaps donating a piece of land to the high school. He asked that they consider the proposal.

Neil Williamson, with the Free Enterprise Forum, noted that he had a policy question for this Commission regarding how the county was going to handle the process to get back the development area lost for Biscuit Run in December. As they move through the master planning process it seems as he hears again and again that they are holding the boundary sacrosanct. They believe that the number that they came up with in 1980 was the right number for development area balance. The question is if that was the right number in December and it is a different number now how are they going to get back to that number. He asked if they were going to do it through the master planning process or take the acres that were taken out of the development area and cut them up across the development areas through the master plans and find a place for them.

There being no further public comment, Mr. Loach closed the public comment to bring the matter before the Planning Commission for comment.

Mr. Loach thanked the CCAC for all of their work.

The Planning Commission reviewed and discussed staff's recommendations for changes to the 2010 update of the Crozet Master Plan. The Planning Commission agreed with the recommendations of staff and made the following suggestions:

1. Reconsider the land use recommendations for the area north of Downtown to consider allowing commercial use in the area as a "transition" area. The Commission recommended that the Crozet Advisory Council discuss the area further.
2. Performance standards should be developed for the potential commercial uses near Downtown in any transition areas
3. Areas that are in conservation easements should be shown as Greenspace on the Land Use Map and consideration given to designating more areas for conservation in Crozet.

4. The Commission asked for more information about by-right zoning in Crozet and implementation of the master plan, specifically identifying any conflicts between by-right zoning and the recommended master plan.
5. One Commissioner asked that CCAC provide what they believe would be acceptable conditions for the Yancey property if it were developed industrially. The Planning Director noted that the recommendations from the industrial inventory report did this already and that the CCAC and Crozet Community did not support those recommendations.
6. The Commissioners asked staff to bring back the Interstate Interchange recommendations from the LI Study Review.

Staff will proceed to meet with CCAC and the public to receive input once the plan language is drafted incorporating their direction as noted above. After receipt of public input, staff to schedule another work session with Planning Commission. No formal action was taken.

Old Business

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

New Business

Mr. Strucko asked if there was any new business.

- NO MEETING ON APRIL 13, 2010
- Mr. Morris and Mr. Zobrist will be absent on April 20th.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:04 p.m. to the Tuesday, April 20, 2010 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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