Albemarle County Planning Commission
June 15, 2010

The Albemarle County Planning Commission held a meeting, work session and public hearing on Tuesday, June 15, 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, Calvin Morris, Linda Porterfield, and Russell (Mac) Lafferty. Absent was Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia.

Other officials present were Rebecca Ragsdale, Senior Planner; Joan McDowell, Principal Planner; Francis MacCall, Senior Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; David Benish, Chief of Planning; 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.

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. There being no comments, the meeting moved to the next item.

Review of Board of Supervisors Meeting – June 9, 2010.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on June 9, 2010.

Consent Agenda:

Approval of minutes: December 1, 2009, December 8, 2009, and May 4, 2010

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. Morris moved and Mr. Lafferty seconded for approval of the consent agenda.

The motion carried by a vote of 7:0.

Mr. Loach noted the consent agenda was approved.

Work Sessions:

CPA-2009-00002 Crozet Master Plan
Review of the revised Crozet Master Plan draft, dated May 13, 2010, and work session to discuss the draft, receive public comment, and make recommendations prior to a public hearing on the revised master plan. (Rebecca Ragsdale)

Ms. Ragsdale presented a PowerPoint presentation on the revised draft of the Crozet Master Plan dated May 13, 2010. When reviewing the summary of changes staff intended to make to the 2004 plan staff met with the CCAC and prepared the draft as presented. It includes everything except the implementation chapter. Staff has had that out in the community since May 13 when they had an open house to go over the draft again and then another community open house opportunity. Staff has also met with CCAC a second time so they had time to look at the draft and comment on it. The Commission has those comments in the packet. Staff would review the highlights of the draft, explain how they have responded to the April 6 comments and let them know what they have heard in terms of public comments since the draft was released.

In the work session tonight staff would:

- Review the draft Crozet Master Plan
- Receive public comments on recommendations
- Discussion – (Extra time needs to be spent on the Mixed Use Areas around Downtown.)
- Receive recommendation for any changes
- After the Commission recommendations, staff will revise the text, maps and advertise for a public hearing on the revised master plan tentatively scheduled for July 13, 2010.

The key features or changes include:

- Land Use - Staff went over that in April in terms of the significant changes being to residential density, both the land use categories and then areas designated for higher densities on the land use map. That is how staff addressed the concern about the ultimate population capacity in the plan. Staff also updated the LI categories and designated some properties that were shown for residential, which were actually zoned industrial.
- Downtown – Some changes were made to the land use designations in Downtown and the importance of Downtown emphasized.
- Transportation - Updated transportation maps and put some emphasis on some areas of priorities that staff heard from the community.
- Walkability - There is a key theme in the plan, again with more emphasis than was in the 2004 plan, on making Crozet more walkable. The community indicated through the process some particular areas or connections that were a priority to them.
- Parks & Green Systems - Updated the Parks and Green Systems Map, which was formerly known as the Green Infrastructure Map in the 2004 plan, to reflect updated areas for green space and trails
- Local Business & Economic Development - Changes or updates made to local business and economic development strategies.
- Supporting Adjacent Rural Area - With the 2010 revision staff was trying to recognize Crozet's relationship to the surrounding agricultural and other activities around it in the rural area. Agriculture and agritourism are going on around Crozet and are related to what might happen in the development area.
- Priority Areas/Implementation - Included in the staff report was the draft of the implementation chapter. That has not been reviewed by the community and so the draft received in the packet was the first time that it has been out for public comment. Staff has tried to identify the key priority areas with that. There is a more detailed project table staff is still working on. Staff wants to make sure they review that carefully with all of the other agencies and departments that are listed. The table would have cost estimates and more detail than what is in the text of the chapter.

At the work session in April there were comments about what the existing zoning is in Crozet. Before going into the land use and other highlights staff wanted to let them know what the current zoning is in Crozet. Staff reviewed the zoning map noting that the majority of Crozet is R-1 and R-2. There is some R-4 and R-6. Some of the properties designated on the land use plan for open space, for example with the R-1 or R-2 zoning if they develop by right, could develop in larger single-family detached lots. But the land use map is really showing what areas to preserve with the Neighborhood designation shown in yellow where the density in the more urban forms of housing would take place. This is the draft land use plan that has been out since May 13.

Staff designated the edges of the development area with either green space or the lowest density residential category. Staff has emphasized that urban density would happen in the existing centers, such as Old Trail, the Downtown area and some urban density along new Main Street.

Staff reviewed each category and provided some examples. She noted that the upper end recommended in Crozet is up to 12 units per acre. In the Downtown area it is up to 36 units per acre where they would expect the most commercial mix and broadest range of types of commercial uses.

Office/R&D/Flex/Light Industrial categories are the updates to what was formerly known as the Employment Category in the 2004 Plan. This is to be primarily consistent with our newer master plans like Places29. So Office/R&D/Flex/Light Industrial in this land use plan is only shown for the portion of the Barnes Lumber Yard in Downtown and then the ConAgra/Acme area is shown for future Light Industrial. There is no Heavy Industrial area designated within the Development Area.

The Transportation Plan has been updated since the last time reviewed. The recommendations are still the same regarding future new roads and reflected on this map. Streets that are development plan approvals are shown. Other new streets or more local connections are shown in orange. Staff has heard public comments regarding some of the orange connections, particularly between Park Road and Crozet Avenue. In the 2004 Plan there was a category that was for long term conceptual proposed roads. The public comment was that they need to go back to the 2004 Plan or eliminate these roads entirely in this plan. Staff believes that there needs to be that distinction as far as the orange color for the staff recommendation for the map before going to public hearing.

Typical Street Sections –

- Avenue (Urban Category)
- Street (Urban Category)
- Rural Road

Updated Parks and Green Systems Map

Staff has received public comment on the two categories used on this map and when they use the term semi public open space that perhaps needs a new name and better description in terms of what that is. It includes both the environmental features that would be preserved and also open space or common area in subdivisions and that sort of thing. There was concern in referring to some of those areas as semi public. That is a change on the list of CCAC comments and concerns.

The Implementation Chapter

- Establishes the priority projects and initiatives, which are grouped into categories:
  - Community Life – To continue the neighborhood planning efforts with the master plan by having a planner assigned to work with Crozet and continue with the Crozet Community Advisory Council in the role that the Board of Supervisors establishes. In July the Board will be looking at refining the role and charge for all of the advisory councils given their experience since the first one in Crozet was established. There will be more advisory councils with the new master plans that have been adopted and the Board has to recognize some of the challenges and staffing for all of those committees. There is still the recommendation in the master plan to continue that at some level or other.
  - Transportation - Other recommendations in the transportation category are completing the Jarman's Gap Road improvements, the first key segments of New Main Street, and working towards Eastern Avenue and official maps so that can be established.
  - Land Use Recommendations – The implementation priorities are reflective of some of the zoning text amendments they have heard would be needed to implement some of the recommendations. Having a zoning category that works is the next step for any of those mixed use areas that are shown around Downtown and any of the other ordinance amendments that may be needed for the recommendations on the Land Use Plan.
  - Parks & Green Systems – Identifies the key parks and green way segments for the near term in terms of focusing the efforts.
  - Business Development Support – Adding some of the new initiatives that are under way with tourism going on in the western region in conjunction with other counties. Also pulling together and reorganizing some of the strategies that were in the '04 Plan for business development supporting continuing those efforts for Downtown and the employment areas.
  - Detailed implementation table still in development

- Establish where priority areas are in terms of geography on the map and what they have recommended although there is no map prepared yet. It would be the areas in and around the Downtown area including the mixed use areas, all properties designated Light Industrial, and the employment area. It would also recognize that the area in between would be a key priority area in the future. As mentioned they wanted to come back and spend a few minutes going over the Downtown recommendations and the surrounding mixed use areas including the block between Carter Street and Blue Ridge Avenue with that mid-block being designated mixed use and looking north of Downtown to Wayland Drive as a boundary for mixed use.

- Over the course of the Master Plan study process the Downtown boundaries have been identified as a focus area to study throughout the process. Staff has had a number of conversations with the community, the Planning Commission, and CCAC about where these mixed used areas should happen around Downtown so that there is a transition from the primarily commercial area into the surrounding neighborhoods, but it is done at a scale that is not too obtrusive.

- The existing text for the Mixed Use Areas around Downtown:
    - Direct smaller scale commercial and office activities to these areas;
    - Encourage reuse of existing viable structures for commercial and service activities;
    - Uses should generate significantly less traffic than uses allowed in Downtown;
    - New buildings should be compatible in scale and massing with surrounding residential structures, with consistent building heights and setbacks
    - Allow for stream buffer reductions in exchange for reclamation/additional plantings to mitigate runoff. This is a recommendation of the plan that would require some amendments to the Water Protection Ordinance. The CCAC comments suggested that the Crozet Master Plan should go a step further in being more specific about these areas in terms of limitations to building height and better explaining the buffer reductions.

Regarding other comments from the April 6 meeting regarding the Interstate Interchange Policy and the Yancey Mill Interchange, the CPA that the applicant submitted is not recommended because it is outside of the growth area and in the water supply/water shed. It was a comprehensive plan amendment to include it in the development area or amend the comprehensive plan so that it was a development area that would be rezoned and served by public water and sewer and developed intensely. Those were the factors that the Commission recommended denial of the CPA on when it was originally reviewed in November, 2008. Staff has some additional information and community input from the review of the proposal through the master plan revision process since the Commission's recommendation went to the Board. The Board advised the Commission to look at this in the context of the master plan revision process. Also, the industrial inventory study was completed that did make some recommendations for this interchange.

Albemarle County Industrial Inventory Study
Interstate Interchange Recommendations

- NO expansion of Development Areas
- NO rezoning to Industrial Zoning Districts
- NO Commercial Retail
- Low-level of on-site employment
- Would not need water and sewer service

Although they did not recommend expanding the development area, there were recommendations in the study for the two interchanges that are in the rural areas, Yancey Mills and Shadwell. The study recommended the two interchanges be considered for some level of commercial uses but not involve expansion of the development area, rezoning to industrial districts, or have high traffic generating uses. Staff provided additional information in the packet about what the recommendations of the study are and referenced all of the information staff provided in terms of staff's analysis and recommendations that happened on the Yancey CPA. This is a separate initiative from the master plan. Staff just wanted to provide that information in terms of responding to the questions and comments from the April 6 work session.

Staff wanted to go over the highlights in the master plan with the Commission and take public comment to make sure to answer any questions about the mixed use around Downtown. Staff identified and recommended that they make the changes identified by the Advisory Council. There is one map correction staff heard from a property owner this evening. Regarding Haden Lane and Crozet Avenue the 2004 Master Plan and all of the maps throughout the revision study process have shown some Neighborhood Density on the other side of where Haden Lane would extend and across from Old Trail. When they went back to update the maps and reflect properties under easement they had an error discovered today that they inadvertently identified that property as green space, which was of concern to the property owner. That is a recommendation in terms of correcting that error on the map.

Mr. Zobrist asked staff to explain the change further.

Ms. Ragsdale noted that Mr. Zobrist's property is under easement. As Mr. Zobrist pointed out at the April 6 work session they wanted to reflect properties that are under easement as green space and not show them for Neighborhood Density. When they went back to correct the map to reflect the Zobrist property as being under easement staff inadvertently designated all of the Mawyer family property. That property owner also noted some concern about green way connection shown across her property. Staff will make that map correction. Staff is hopeful that the text of the plan reflects or addresses the suggestions from last month in terms of promoting easements on properties that are shown for green space or have environmental or scenic resources.

Mr. Loach invited questions for staff. He asked staff to clarify the change of the Barnes Lumber property to flex zoning. He asked how many acres of LI were being added to Downtown.

Ms. Ragsdale replied that it was about 8 acres, which would roughly be the same acreage on the Barnes Lumber property as to what was shown in the 2004 plan. Staff just shifted where on the property the office/R&D/flex was shown so that the portions adjacent to Downtown are shown for Downtown.

Mr. Loach asked staff to work on getting the language better defined for mixed use. It was noted that transition zones will be important. Therefore, there needs to be some delineation in what kinds of development would be allowed. This will be important for the northern area as well as on Carter Street. The transition zone needs to have some sort of delineation of what they are going to be facing with development. There needs to be some language to give some degree of comfort that what goes in there will be within a size, scale, operating hours, etc. that won't be harmful to the existing community.

Ms. Ragsdale noted that staff recognizes that as being important to clarify.

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

Public comment was taken from the following persons.

Judy Stigler, owner of 1286 Crozet Avenue for 21 years, noted that her property was the northern most property on the west side of Crozet that is being designated to be changed to mixed use. During the past 20 years Crozet has changed a lot with most changes very good. She had never been resistant to the change, but the current proposal concerned her because it encroaches on some of the historical downtown residences built in the early 1900's. On June 8 she talked with Ms. Ragsdale about some questions. Ms. Ragsdale indicated that she had left an envelope in her door that day. When she looked at the map she was stunned to see that her property was included as were the Shiffletts who own 1275 Crozet Avenue. The Shiffletts sent in an email in opposition. She was more concerned when she read the definition of mixed use and realized that it really did not restrict anything. It actually said it could be up to 18 units per acre for dwellings. That would be totally unacceptable. It does not make sense for her property to be included. She shared the driveway with the property to the north. There is 21.5 feet between their houses, which includes the driveway. She has used her property as a home for 20 years and did not intend to use it for anything else. She opposed her property being changed to mixed use. She opposed having the possibility of having apartments and townhouses nearby. There are other areas in Crozet that were designed with higher density in mind as well as commercial spaces that any businesses can use if looking to move into the area. Those do not need to be built in an older residential neighborhood. A parking lot would need to be built for commercial use, apartments or townhouses, which would include increased lighting and a potential place for people to hang out. As narrow as those lots are along there it would certainly increase the noise level that she would experience in her home and be a disturbance to the quiet enjoyment that she has there. She respectfully asks that the Planning Commission leave the creek just south of 1278 Crozet Avenue as the deciding line between the mixed use and residential.

Barbara Westbrook, a Crozet native representing about 35 homes in Park View, distributed a map showing the three connector roads to Pine Lane listed on the transportation map plan. (Attachment A) There are seven houses on Pine Lane, which was one lane wide. The entire subdivision is private and the homeowners take care of the maintenance of the roads. The proposed road coming from Park Road over to Pine Lane would bring all of the traffic of those wanting to make a shortcut to Route 240 and 250. This would include traffic from Brookwood Subdivision, Westhall Subdivision, a trailer park and Crozet Park. It

would be an enormous amount of traffic to bring over to this one lane road. Also, it is a very dangerous section of road, which is on a hill and curve. The sight distance is very limited. The roads on a piece of paper look like a good idea, however, in reality when driving in this section it would be a dangerous place to bring roads out. It is a bad idea to bring this amount of traffic from over 200 homes down through Pine Lane. When Eastern Avenue is built that would be the most obvious connection to Brookwood, Westhall and the trailer park. The guiding principles say that existing neighborhoods in the Downtown area will be preserved. So she would really like to preserve their neighborhood, which is basically a cul-de-sac. Under transportation two new roads are planned to help connect different parts of Crozet, being Eastern Avenue and Main Street. She requested that the Commission give consideration in deleting these roads.

Emily Novey, of 5732 Wayland Drive, noted her property is right behind the Shiffletts that was two properties just north of the rescue squad. Her family moved to Crozet four years ago with the dream to raise their family here. They love the quiet neighborhood, the large backyards, and the feeling of safety in knowing their neighbors. She noted the following concerns.

- They were concerned a couple of years back when the Crozet Master Plan reflected a very similar picture of mixed use areas in their neighborhood just north of Downtown. They actively participated in the community meetings to have their neighborhood remain residential. She thought that the issue was resolved, but here they are again. She opposed the neighborhood being changed with this proposal. She did not want a parking lot in her backyard with asphalt, security lights and increase traffic. She did not want these businesses to sit empty at night. She did not want to worry about what was going on in these back lots when she lets her children outside to play in the yard. She did not want more trash from businesses flowing down the stream behind the house. She requested that they not change their neighborhood because they need to keep families in these houses to keep the neighborhood residential. She asked that they keep the focus on revitalizing the current Downtown areas. There are many businesses Downtown that need their support right now and various spaces for sale or lease already zoned for commercial use. She suggested that they give those businesses their support and not try to force additional businesses into their residential neighborhood.
- The other issue that has been brought up is the suggestion that the stream buffer just north of downtown be reduced in the name of development. These stream buffers were set up to protect the waterways and should not be compromised for one or two properties that are in favor of development. She was shocked that this is even being suggested. She would invite anyone to come by and view this stream during a rain shower. As mentioned, it not only carries a lot of water from what she assumed is runoff coming from the parking lots up on Three Notched Road and the Dairy Queen, but it also already carries a lot of trash from these businesses. They certainly don't need more of this type of runoff and trash by allowing mixed use development in our neighborhood. Let's continue to protect our waterways and honor the 100 foot stream buffer. And let's take cues from these elements and see that this stream buffer is clearly a dividing line between what is the current Northern edge of Downtown Crozet and its Northern neighborhood, Wayland Park.

Stu Armstrong, representative for Crozet Development Solutions LLC, said they own eight contiguous parcels in Crozet just west of Blue Ridge Avenue. Crozet Development Solutions LLC has a track record of providing creative solutions for complex problems. In other words, they are community sensitive and environmental sensitive. They are work force mixed income sensitive in the work they do. They try to take all of those elements into consideration. They just submitted a site plan for phase one of some of these properties. Before a pre-submittal they have met with the communities several times and done focus groups. They just got back results in putting out 5,000 surveys to understand the needs of the community and what they might be looking for in the design types. He prepared a quick economic impact analysis as follows. Their total acreage is 39 acres with 14 acres of floodplain leaving about 25 total developable acres. Their property is zoned R-6 with CT-1, CT-4 and CT-5 overlay from the previous master plan, which potentially could create up to 290 development rights using the density incentives. Under the proposed revised master plan it had been brought to their attention that the property would be R-6 with no density bonus, which allows 150 units. There would be a net loss of 140 potential units. Whether they would develop that much or not is to be determined. But the flexibility that is built in the current overlay is important to allow them to meet the needs of the community. The $19,000 proffer per unit is 2.6 million dollars of revenue the county won't get. The money they make off of the houses allows them to offer assistance to teachers and police officers. By losing $10,000 per unit of potential profit would be 1.4 million dollars. He had no other means to help buy down the cost of the house. According to the National Homebuilders for every million dollars of project development cost is 12 local jobs. In other words, if they

lose 140 units at $150,000 a unit of construction that is 21 million dollars of economic development that definitely won't occur. That is 250 full time jobs. The bottom line is that he would appeal to the Commission that he had been in his job 15 years and he has watched the Crozet Master Plan unfold. He has watched the DISC principles come together for the community. He was concerned that they are starting to undo some of that. They have some real estate that is strategically positioned in the community where they think they can provide some of the answers relative to their overall goals of affordability workforce housing. He asked that the Commission consider that before making a change.

Ginny Martin, guardian for Evelyn Claytor who is the property owner of 1282 Crozet Avenue, noted that the request had been made to add the Conley, Oakley and Claytor properties on the northern side to be added back into the Crozet Master Plan as an expansion to allow mixed use. These three parties made the request because none of the three properties in and of themselves are attractive to potential buyers as evidenced by the fact that Mr. Oakley's property has been on the market for over three years. The intermittent stream and the associated buffer is a deterrent to potential buyers of the properties. The Claytor and Conley properties are small lots with aged deteriorated structures located on lots that will not allow for any expansion of the existing structures. Zoning setbacks limit what can be done with these two properties. The Stigler and Shifflett property recommended to be included in the mixed use are not the same because the lots are well maintained and appeal to home buyers. Collectively these properties create a 1.67 acre parcel that could be attractive to a potential buyer who could utilize the existing structures or could construct a professional building that would be both well maintained and functional to the Crozet community. Given the recent reduction in space in the Crozet Square she believed that they are all acutely aware that the Downtown Crozet footprint needs to be expanded to even maintain the existing businesses and support growth of those existing businesses for new opportunities. These three property owners are ready and willing to work to provide Crozet and Albemarle County with an opportunity to see what could be available and what would meet the needs of the community and remain the residential integrity of the surrounding neighborhoods. Collectively they ask this Commission to place the three parcels in the mixed use designation in the Crozet Master Plan document to allow them to see what can be built that will meet the needs of the Crozet community.

Tom Oakley, Crozet resident, asked that the Commission allow the mixed use on the three parcels.

Mike Marshall, Chairman for Crozet Advisory Council, asked to remind everyone about the principles and history of the Crozet Master Plan. There are three things to keep in mind when making the decision:

1. The growth area boundary is based on the water shed, which is very sound reasoning. The water shed is the basis of the boundary. Outside the boundary is rural area. The Crozet Master Plan and the Advisory Council agreed that outside of the boundary should be rural area.
2. The primary principle of the master plan is that the development of Downtown into a walkable pedestrian community is the essential first goal.
3. To the extent possible Route 250 should be left as open and free access to get to I-64 as possible. There is some stale zoning in there that presents a problem for the plan. But the idea is that those properties understand that their role is not to become magnified.

- When the plan was passed in 2004 it had huge problem in that the existing zoning in Downtown actually discouraged the development of Downtown. From 2004 to 2006 there was a process to develop a new zoning district for Downtown. In the process of doing that transition areas (mixed use) there was a lot of work. During the process all the surrounding neighborhoods around Downtown realized that mixed use actually meant the introduction of commercial use in an established neighborhood. There was a lot of resistance.
- In the plan today centers for higher density are around Downtown. The areas north and west of Downtown they take out these higher densities because they have heard from those residents that they see themselves as representing residential infill and not commercial introductions. On Carter Street they drew it back off of Blue Ridge, but Carter Street is a unique situation as there are several undeveloped lots in it. In North Downtown they have residents competing on what that decision ought to be. Essentially that was consistent, too. They take it back to the residential status quo. This is an important principle. It also bears on what they think about Mr. Armstrong's request regarding West Village on Blue Ridge Avenue. The way the plan sees it is that these are infill projects where the established density is already basically set by what has come before. He noted that they pulled these things out in order to react to the population questions. In the last plan they thought 12,500, but subsequently some decisions were made by the Board of Supervisors that violated the spirit of the plan and the Crozet citizens became highly offended. A lot of what they are

trying to do now in the revision is see that those population targets, which they now estimate to be in the 15,000 to 17,000 range, are adhered to as closely as possible. That is the other reason that some of these densities have been reduced.

Neil Williamson, Free Enterprise Forum, noted that a lot of the same issues heard tonight were heard 10 to 15 years ago in DISC. He learned tonight that they were seeking conservation easements within the development area. It is an interesting concept. He understands the philosophy of conservation easements to preserve those areas designated to be conserved, but to actively pursue them in the development area raises some concerns for him. The main reason he wanted to speak was in regard to Chapter 8 Implementation on page 46. He had spoken on this issue a number of times in regards to priority areas. The plan states that while decisions regarding private development proposals and investments should not be based solely on these priority areas. Decisions on development proposals should be made with an understanding where public investments are being focused. Some might suggest that they are not being focused based on the progress on the Crozet Library. Land use decisions should be consistent with the priority areas establishing the plan. New proposals outside the priority area should not be approved if planned facilities are not in place to support the project in the existing neighborhood. He felt that was passing the buck. If this government has not come forward and funded the infrastructure needs of community, that is not a new development's issue. The new development should definitely support the infrastructure needs created by that development. But to pass the buck to new home buyers because they could not fund the Crozet Library is unfair and philosophically wrong.

Mary Gallo, new member of the Crozet Advisory Council, said that she was involved with the original master plan, but became disenchanted after the initial rezonings effectively doubled the population density that was intended by the master plan in the community. She had been impressed by the efforts of staff in this master plan revision and felt it had done a lot to restore faith and trust with the community, which had been lost. She encouraged the Commission to approve the master plan revisions as presented. As referenced earlier it is in keeping with the guiding principles of the master plan, especially with focusing commercial development in Downtown Crozet, keep the boundaries of the growth area firm, preserving the scenic nature of Route 250 and it builds the population potential numbers closer to the original intent of the master plan. Going forward this plan will only be as good as their future decisions particularly for those on Route 250 including Re Store N Station and the Yancey proposals. The decisions could have the potential to undermine this plan. She urged the Commission to approve the master plan revisions and to respect the master plan in future decisions in the surrounding areas.

Mary Rice, resident of White Hall and a member of the Crozet Community Advisory Council, asked the Commission to support the recommendations from staff and the CCAC about the Crozet Master Plan. She particularly supports the recommendation to not increase the growth area for the Yancey proposed industrial park. The Crozet Master Plan came first. They have been working on this since 2001. One of the main principles has been the hard boundaries. They have done all of this work thinking about the layout of this plan. She sat on the Transportation Committee in 2002 – 2004 and one of the main principles of that committee was to facilitate traffic from Downtown Crozet to I-64. One of the reasons is that the county has made a commitment to not four-lane 250. There is only one way that they can take Crozet from a 3,500 population to 16,000 and not send everybody in on Route 250 and that is to get people to go west to go east on I-64. If an industrial park is sited at the interchange of Route 250 and I-64 that blows the whole transportation plan. That will clog the transportation right there at that critical intersection and encourage the thousands of people who will move to Crozet to all travel on Route 250. The pressure will then be on the county to four-lane Route 250, which is something the county has made a commitment to not do. She supports the staff and CCAC in their recommendations for the Crozet Master Plan.

Will Yancey, representative for the Yancey Mills Business Park, made the following comments in a PowerPoint presentation.

The Complete Master Plan Draft: Ch. 4 – Future Land Use

- As part of the development of the 2009-2010 master plan update, a larger area was studied, which included land southwest of the existing Development Area along US 250 West to the interchange with I-64. At the direction of the Board of Supervisors, the larger area was studied to see if any conditions had changed since adoption of the prior land use plan and whether additional industrially designated land was needed in Crozet at this location…If conditions had changed, expansions of the Development Area boundaries would be considered.

- As a result of the study, the County found that the existing Development Area contains sufficient industrially designated land for this part of the County. Therefore, this Master plan does not contain any recommendations for expansion of the Crozet Development Area.

ASSESSMENT OF THE AVAILABILITY AND DEMAND FOR INDUSTRIAL ZONED PROPERTY IN ALBEMARLE COUNTY - JANUARY 11, 2010

- There is a very limited amount of undeveloped land designated available for industrial uses in the southern urban areas (Neighborhoods 4-7) or in Crozet. There is a limited amount of undeveloped industrial land designated near the interstate highway or rail in the Land Use Plan. Many of the remaining undeveloped areas designated consist of smaller-sized parcels; some do not currently have direct access to roads and some areas do not have utilities on-site or nearby.

ACME Visible Property

- Whenever he brings this up to people in Crozet they always say but there is Acme Visible Records. The same study goes on to say Acme Visible Records in Crozet is considered unavailable in the current inventory due to its 4 years into a 10-year environmental clean-up program. Other key Acme property hindrances include its 10' ceilings (far too low for industry standards), half the property is landlocked by the CXS rail line, and the owners will only consider lease offers. He thought that renders Acme Visible Records not a panacea for all of the problems associated with the lack of industrial land in Crozet.

The map shows there are two choices. One is 1,200 from the interstate where traffic could get off and go about 1,200' on Route 250 and access a business park. Or someone could drive 7 miles down Route 250 to Route 240 at the Mechums River Bridge up the narrow curvy two lane road past six subdivisions all of which are densely populated. He questioned if they want to put truck traffic on that road given the number of homes. A lot of the lots designated LI are only 3.5 acres, which have tremendous Water Protection Ordinance buffer issues. The lots are unsuitable for development.

The other problem they hear about is that they need to keep Route 250 beautiful. He presented photographs of other businesses within a mile and a half of the Yancey sawmill. It is not exactly what he would call scenic. Coming from the interstate all the way up past the sawmill it is already a four-lane road. It is ideal for handling the type of traffic that a business park would generate. It was said at the last meeting by several people on the Crozet Community Advisory Council that they really gave the Yancey proposal a hard look, but they could not make it work. He noted in an article from the Crozet Gazette published by the Chairman of the CCAC with a date of January 2009, which is 18 months ago that was before this whole process got started. The word "shove" is not exactly a neutral verb that is indicative of an open mind. Therefore, they feel like the whole process was rigged from the start. They think that it is incumbent upon this Commission, as well as the Board of Supervisors, to take this out of the revision of the master plan process and give it a hard independent look on its own because this is a county-wide problem and not just an issue for Crozet.

The Planning Commission took a break at 7:09 p.m.

The Planning Commission reconvened at 7:15 p.m.

Mr. Loach asked when the Crozet Community Advisory Council meets again.

Ms. Ragsdale replied that the CCAC meets on Thursday and the Crozet Master Plan Update is on the agenda.

Mr. Loach pointed out that the council still has an opportunity to discuss the mixed use at that time and hoped that staff would have some draft language. He noted that the mixed use has worked out well in the Crozet Master Plan in the following areas: Clover Lawn on the east side; Old Trail on the west side; and in the Downtown Crozet Plan to build residential on top of commercial. The issue is about the areas where residential has been rezoned to mixed use that potentially could be commercial and what the ground rules would be for that development.

Ms. Porterfield asked where was the property for potential mixed use that could be made developable if they lessen the stream buffer.

Ms. Ragsdale pointed out the stream corridor was shown north of Downtown. The properties shown with hatching indicate potentially they are for mixed use with the stream buffer, which includes properties for the two Shifflett families, Stigler, Novey, Claytor, Oakley, and Conley are included.

Mr. Lafferty asked if it was a 100-foot buffer, and Ms. Ragsdale replied yes.

Mr. Benish replied that these properties had no buffer because the homes are built and the land is built right up to the swale, which is the issue. The suggestion in the plan for the waiver of the buffer is to encourage the actual construction of redevelopment so to get some improvements to the existing swale area.

Mr. Lafferty noted that he was more concerned with the scale of the drawing. He asked if the 100' buffer would be from the stream bed or if it actually would go up to the houses as shown.

Mr. Benish replied yes, the houses are within the buffer.

Ms. Porterfield pointed out staff indicated it would require a change to the buffer ordinance, which would apply to the entire county.

Ms. Ragsdale replied that was not necessarily true. Crozet is unique because it is a development area in the water supply/water shed. In the ordinance they can reference the Comprehensive Map where they would allow these exceptions. The idea is that it would be very limited. It would be more reclamation in establishing a buffer in these particular properties that are already developed in Crozet. It would not diminish any of the Water Protection. Staff saw that there may be opportunities on these properties if they do redevelop to actually improve the water quality situation.

Ms. Porterfield asked if the Commission could grant a waiver.

Mr. Benish noted that it would require amendment to the Water Protection Ordinance.

Mr. Cilimberg noted that the Water Protection Ordinance is administered by the Board. The provisions in Crozet are not the same as in other development areas because it is a development area that drains ultimately to the South Fork Rivanna Reservoir. What is somewhat unique here is that the boundaries of Crozet are within the reservoir water shed and actual boundaries for the Lickinghole Creek Sedimentation Basin, which was built to support Crozet and provide additional protection for the reservoir. The buffer areas in Crozet have been treated differently than in other development areas. Staff would be writing in some special language that would address that.

Mr. Benish pointed out that the intent for these exceptions is just for these hatched areas. There are one or two other properties that have been identified in addition to these five properties in this area.

Ms. Ragsdale pointed out that staff had taken the mixed use to the CCAC who had some concerns. Staff did some outreach to other properties so they could make comments to the Commission. There are three owners staff has heard from that would like the designation. The consideration for the boundary was to go all the way up to Wayland Drive, which is why the Stigler property was designated and the two Shifflett properties on the other side of the road. These are the three additional property owners that have spoken with concerns against the mixed use and then the one behind the Shifflett's property going east.

Mr. Zobrist suggested not going past the swale. He supported leaving the buffer in place and sticking with the Water Protection Ordinance as is. That is a natural divider between the high and low density.

Mr. Loach noted that he had been back and forth on this issue. He felt it is not a bad thing, but questioned how the mixed use could be implemented to be compatible in the residential neighborhoods. He could understand the concerns of the adjacent neighbors in how do they do that. He recommended that comments be obtained from the CCAC. He hoped that it would work well because it had to be done on Carter Street.

Mr. Benish noted that the CCAC had some reservations about this extension and wanted to hear from the residents. Staff sent out information to the residents. Staff will take the Commission's input back to the CCAC in two days and further deliberate on the mixed use.

Mr. Zobrist suggested that they might be rushing this and perhaps they should take another month to get the input and schedule another work session.

Mr. Lafferty noted that he had seen several businesses close in the Downtown area and felt that proceeding on schedule might help.

Mr. Cilimberg pointed out that the direction from the Board was that this be forwarded by August. That was set out with the Board's initial action on the review of the master plan. Currently the review of the master plan is on schedule.

Mr. Benish noted that they have been working on the plan for some time. There is a section missing that is the implementation table that goes with Chapter 8. The Commission's input plus getting with CCAC this Thursday gives staff an opportunity to continue to refine the plan. They can come back and hear from the general public from an advertised public hearing and get comments that they might not have heard today. Then if the Commission is not comfortable with the plan that is something they could bring up with their Board member. The Commission could actually look at that public input process as a next step to see the next iteration of the plan. The Commission could take that public input and decide how comfortable they are at that point in time. .

Mr. Cilimberg suggested that there were two more Tuesdays in July that the Commission could potentially defer action to and still be on schedule.

Ms. Porterfield suggested that the Yancey Mills Business park proposal should be considered separately from the Crozet Master Plan since decisions affecting interstate interchanges are County-wide issues. The interchanges should be studied to see if there is a better use for our interchanges to not only put some of this commercial there, but potentially to put some of the other things like she heard from the residents of Crozet last week when they were here to talk about Re Store N Station. The discussion was more about the use than the water usage. It might be more appropriately a use that is down at an interchange where the traffic gets off to use it and then gets back on again. The county needs to bring in entities that not only provide taxes to Albemarle County, but provides jobs and places for people outside the county to buy things. The access is important to do that. She was uncomfortable with the Crozet Master Plan killing the opportunity for that interchange to be studied and felt that it belonged in an overall study for the entire county.

Mr. Lafferty felt that it does not do that.

Mr. Loach pointed out that the Board directed that Yancey be further studied. Regarding the traffic going around to Crozet what Mr. Yancey failed to say is that the Acme LI is not going away and eventually will be used. The traffic will be in addition to Mr. Yancey's truck traffic going through there. Regarding job the Crozet Master Plan has opened three new commercial centers in the last five years providing many new jobs.

Mr. Morris agreed that the Yancey proposal had been studied with the master plan as requested. It now needs to be studied separately and distinct so as not to be an anchor to the Crozet Master Plan.

Mr. Cilimberg noted that in the Board's direction in February staff was directed to begin the process to study whether the interstate interchange policy and other elements in the Comprehensive Plan should be amended to allow low impact industrial uses outside of the development areas where there are no water or sewer connections. Staff should incorporate this into the planned update of the Comprehensive Plan and bring back to the Board a resolution of intent to amend the appropriate elements of the Comprehensive Plan. Staff has that in their marching orders to undertake as part of the Comp Plan work.

Ms. Porterfield said she would like to see the Yancey proposal removed from the Crozet Master Plan resolution.

Ms. Benish asked if she was recommending complete silence in the master plan.

Ms. Porterfield replied yes because it has another way to be studied.

Mr. Loach noted that the community was asked to take this into consideration during the master plan review and the community gave its finding of this and does not support the Yancey proposal.

Mr. Franco asked if staff had a response to Mr. Armstrong's questions about property in the back of Orchard Acres.

Mr. Cilimberg noted that the Commission did not have to take an action tonight. Staff would work with the public and Planning Commission's comments to bring back for a public hearing. On the last matter they can include the approach they feel that needs to be taken regarding that particular issue as part of their ultimate recommendation to the Board when they take action on the master plan. It is not something the Commission needs to decide tonight necessarily.

Mr. Franco asked if there has been a reduction in density.

Ms. Ragsdale replied that the Comp Plan designations are changing to lower densities. The properties in the 2004 plan were designated Urban Density/green space/open space/Neighborhood Density and then some of their properties were designated Urban Density and Mixed Use. In the 2010 plan it is all shown as Neighborhood Density, which is 3 to 6 units per acre. It was recognized with this particular property that a portion of it was designated for open space in the 2004 plan, but there was some portion of it that was outside of the floodplain and developable.

Mr. Loach noted that a lot of this was done to rectify the population in the revision.

Mr. Franco reiterated that the recommended density by the Comp Plan has been reduced to reflect the environmental features that were not dealt with in the beginning with respect to the density. It was also to reduce the overall density in Crozet.

Mr. Loach pointed out that the population was 12,000 and now they were at 17,000. So it is still about 30 percent above.

Mr. Franco noted that there were several different places in the Comp Plan right now that deal with the by right zoning outside the growth area specifically in the Route 250 corridor. He was a little concerned by the language that is used in it. On page 31 next to the last paragraph the first bullet says do not approve any new development along the US 250 West Corridor. He did not have a problem saying that they should not rezone properties out on US 250 West Corridor, but he would like clarification that they are not talking about taking away development of by right zoning.

Mr. Benish said that he did not think that they can. Staff will think of a better way to articulate that.

Mr. Franco noted that it was also on the next page at the bottom where it talks about the relationship between the land use planning and current zoning. He knew the master plan is not supposed to be dealing with properties outside the development area, but they constantly seem to be dealing with properties outside. It would help to have some kind of statements in there about this development on 250. They heard tonight from at least two of the speakers who talked about how important to keep development in the growth area Downtown and not to be pulling away from it when they talk about how it could really destroy the master plan to allow development to take place. He felt this was the appropriate place to put the reference to the by right or stale zoning that is on 250 outside the growth area and what potential it has to erode the master plan and what condition that might be looked for developing under. He asked what their vision for outside of that area is for those by right parcels.

Mr. Loach pointed out that the intent for the master plan was to make Downtown the focus of the commercial social development in Crozet and limit development where they could on Route 250. That was always in the plan from the first plan until now. He realized that there is by right zoning and everybody recognizes that. With that said they would like to see that, too.

Mr. Franco suggested that when they see a use as too intense can they tell people more specifically what our expectations are or vision is as opposed to saying no development. Again, he did not know if this is the right place.

Mr. Loach agreed that they should go back and reword that, but felt there was a way to have their cake and eat it too.

Mr. Franco noted in regards to Yancey that he had concerns about the traffic and the truck traffic going into Downtown. He accepts what Mr. Loach said about having not eliminated Acme. Maybe that is something that makes sense to possibly trade this out for Acme. Again, he had not been a party to all of the discussions that have taken place in Crozet, but one of his points was that consideration of Yancey is not an either/or, but maybe it should be. He asked if there is any reason not to if that was a premise that they would not downzone or eliminate uses at Acme, then maybe that is something they should be considering. It is all an assumption of what the LI is.

Mr. Lafferty noted that Acme may employ people directly from Crozet and would not require a lot of traffic.

Mr. Zobrist pointed out that there would be an Eastern Connector that would help with the truck traffic.

Mr. Franco said that it is not for the trucks because it was stipulated no truck traffic on the Eastern Connector.

Mr. Franco said as far as the process he agreed with Mr. Zobrist that it is hard to process the information. He recognized that there is still a public hearing and that they don't have to vote on it right way. Therefore, he encouraged them to move forward trying to address these changes brought up tonight along with getting a recommendation on the mixed use and whether it be in or out or intensity changes and what type of restrictions to put in to address the residents' concerns.

Mr. Loach agreed.

Mr. Smith agreed with Ms. Porterfield with regard to the Yancey property. As far as Acme is concerned it is seven years until it is remediated and then however long it takes for someone to do something with that. As far as the road is concerned, they may never live to see that built.

In summary, the Planning Commission asked that the following be further addressed:

- The Crozet Community Advisory Council list of comments/corrections provided in Planning Commissions staff report as Attachment F should be made to the master plan draft prior to public hearing.
- Revise the draft Land Use Plan map for the Moyer property from Greenspace to Neighborhood Density at the end of Haden Lane near Old Trail (TMP 56-13) to be consistent with the 2004 master plan map and previous maps used during the 2009-2010 master plan revision process.
- Add an additional category of streets for more long-term conceptual pedestrian, bike, vehicular connections (similar to how the 2004 master plan shows dashed road) and show these on the Transportation map.
- Revise wording on page 31-32 of the master plan draft to acknowledge there are properties with by-right zoning that could develop along the Route 250 Corridor.
- The Planning Commission directed staff to discuss revisions to the Mixed Use Areas around Downtown section of the master plan with the Crozet Community Advisory Council at their June 17, 2010 meeting.
- Some commissioners commented that CPA-2008-02 Yancey Mills Business Park should be considered separately from the Crozet Master Plan process as they believed decisions affecting interstate interchanges are County-wide issues.

Staff is to move forward to address the changes brought up and to set the July 13 public hearing date.

Mr. Benish noted that this is Rebecca Ragsdale's last week in Planning since she is moving with Community Development to the Zoning Division. Next week will be her last meeting working on the Crozet Master Plan.

Mr. Loach on the behalf of the Planning Commission thanked Ms. Ragsdale for all her good work particularly on the Crozet Master Plan.

Work Session

ZTA-2009-00012 Home Occupations
Planning Commission work session to discuss amendments pertaining to Home Occupation Class A and Class B in all zoning districts currently allowing home occupations by right and by special use permit and to any other regulations of the Zoning Ordinance deemed appropriate. (Joan McDowell/Francis MacCall)

Ms. McDowell explained the proposed amendments to Home Occupation Class A and Class B in a PowerPoint presentation.

Purpose of ZTA-2009-00012:
- Implement the Comprehensive Plan
  - Re-evaluate by-right uses and uses by special permit, such as home occupations
- Provide clarification, flexibility, and a streamlined process for home occupations in both the Rural Area and the Development Area, while continuing to protect the neighborhood character and the quality of life for all residents

Current Ordinance:
- **Class A**
  - By-right use with only employees living in the residence
  - Business use takes place inside the residence
  - Allows up to 7 customers per week
  - One trailer permitted
- **Class B**
  - By special use permit
  - May allow employees living outside the residence
  - May allow use of accessory buildings
  - May allow customers

Proposed Amendment:
- Combine Class A and Class B Home Occupations
- Creates a single, by-right, Home Occupation Permit
- Creates supplemental regulations for a single, by-right, Home Occupation Permit
- If an applicant cannot comply with the supplemental regulations, waivers from the Planning Commission can be requested

Section 3 -- Definition: (Combines Class A and Class B)
Home Occupation: An occupation conducted within a dwelling unit solely by one or more members of the family residing within the dwelling unit, with or without the use of one accessory structure and up to two (2) additional persons not residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work offsite and do not come to the dwelling unit or to any accessory structure to engage in the occupation.

Section 5 -- Supplemental Regulations (proposed)
- **Neighborhood Character**
  - No changes in the outside appearance other than a maximum four square foot sign
  - Accessory structures setbacks would be required to have the same setbacks as primary structures
  - Would allow a ministerial decision to allow accessory structures used for home occupations to have the same setbacks as accessory structures not used for home occupations
    - Not a detriment to abutting lots
    - No harm to public health, safety and welfare

- Owner of abutting lot consents to the reduction

- **Size**
  - 25% of the gross floor area of the dwelling (no change)
  - 50% of the accessory structure
  - 1,500 total s.f. maximum (no change)
  - Use of one accessory structure and dwelling
- **Sales**
  - Direct sales would be allowed for items hand-crafted on the premises and items directly related to the HO (equipment, tools, music, instruments)
- **Parking / traffic**
  - 30 vehicle trips per week
  - 10 vehicle trips on any one day
  - Parking off the street for vehicles/trailers associated with the home occupation
    1 total trip = one vehicle arriving and exiting a site during a designated time period
    (a trip is a single one-direction vehicle movement - arrive or exit)
    Intent: 30 customers / employees (living outside dwelling) per week; with no more than 10 customers/employees in any one day -- total trips
- Traffic would be reduced due to the residents living and working in the home not needing to travel to and from work. The additional traffic that could result from the home occupation could be off-set by this reduction of occupant/employee travel.

- **Zoning Clearance**
  - Currently required for Class B
  - <u>May</u> be required by the zoning administrator if it is determined to be necessary in order to ensure public safety and if off-street parking is available.

- **Days / Hours of Operation**
  - 7 days per week
  - 7 AM to 8 PM (for HOs having customers, clients, employees, students visiting the property)
  - Number of Home Occupations
  - Unlimited, provided that the cumulative total does not exceed the limitations for a <u>single</u> Home Occupation permit (size, number of employees, traffic, etc.)

- **Outside Storage / Hazardous Materials**
  - No outside storage of goods, products, equipment or other materials
  - Hazardous materials are controlled by other regulations, including the Building Code and the Fire Code; therefore, staff believes that hazardous materials can be omitted from this ordinance

- **Commercial Vehicle Parking**
  - Parking off-street
  - Commercial vehicles >12,000 pounds (gross) park inside enclosed building, except where permitted under Sec. 4.12.3.b.2
  - No more than 2 commercial vehicles at any one time
  - One trailer maximum 24' long
  - Does not restrict private vehicles not used for HO

Text Changes

- **<u>Definition: Text Changes</u>**: Home Occupation Class A: An occupation conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; <u>with or without the use of one or more accessory structures and up to two (2) additional persons not residing in the dwelling unit</u>; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit <u>or to any accessory structure</u> to engage in the occupation. (Amended 8-5-09)
- Home Occupation, Class B: An occupation conducted within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of one or more accessory structures;

provided that nothing herein prohibits the occupation from engaging other persons who work offsite and do not come to the dwelling unit or any accessory structure to engage in the occupation

- **Neighborhood Character Text Changes**: There shall be no adverse change in to the outside appearance of the dwelling unit, buildings or premises accessory building, or other visible evidence of the conduct of such home occupation provided that a home occupation, Class B, may erect one home occupation Class B sign as authorized by section 4.15 of this chapter. No more than one sign shall be permitted on the property, regardless of the number of home occupations being conducted. Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a rural or residential area and shall be specifically compatible in design and scale with other development in the area in which it is located. Any accessory structure which does not conform to the setback and yard regulations for main structures in the district in which it is located shall not be used for any home occupation; however, the zoning administrator may reduce the minimum required setback and yard regulations, but to no less than setback regulations contained in section 4.11.2, upon finding that (i) there is not detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
- **Size: Text Changes**: Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided that not more than twenty-five (25) percent of the gross floor area of the dwelling and no more than fifty (50) percent of one accessory structure shall be used in the conduct of the home occupation, including storage, and in no event shall the total floor area of the dwelling, accessory structure, or both, devoted to such occupation, exceed one thousand five hundred (1,500) square feet; provided that the use of accessory structures shall be permitted only in connection with home occupation, Class B;
- **Sales: Text Changes**: There shall be no direct sales on the premises, other than items hand crafted on the premises and items that are directly related to the home occupation, such as but not limited to tools for pottery making and frames for artwork; in connection with such home occupation; this does not exclude beauty shops or one-chair barber shops
- **Parking/Traffic: Text Change**: No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, A maximum of 30 vehicle trips per week with no more than 10 vehicle trips on any one day shall be permitted and any need for parking generated by the conduct of such home occupation shall be met off the street. A total trip consists of one vehicle entering and exiting a site
- **Zoning Clearance: Text Changes**: Except as herein provided, no home occupation shall be established without approval of the zoning administrator. Upon receipt of a request to establish a home occupation, Class B, the zoning administrator shall may refer the same to the Virginia Department of Highways and Transportation for approval of entrance facilities and the zoning administrator shall may determine the adequacy of existing parking for such use. No such clearance shall maybe issued for any home occupation, Class B, except after compliance with section 5.2.3 hereof.

Proposed -- New

- **Proposed: Days/hours of operation**.
  Home occupations may operate seven (7) days per week; hours of operation shall be limited to 7 AM to 8 PM for home occupations that have employees, customers, clients and /or students visiting the property
- **Proposed: Number of Home Occupations:** The total number of home occupations on one parcel is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or the accessory structure shall not be greater than the impact of one home occupation.
- **Proposed: Outside Storage / hazardous materials:** There shall be no outside storage of goods, products, equipment, or other materials in the conduct of the home occupation.
- **Proposed: Commercial vehicle parking:**
  All need for parking of commercial vehicles generated by a home occupation shall be met off the street. Commercial vehicles greater than twelve thousand (12,000) pounds gross vehicle weight used in the conduct of the home occupation shall be parked in an enclosed building, except where permitted under Section 4.12.3.b.2. No more than two (2) commercial vehicles shall be permitted on-site at any one time. No more than one (1) maximum 24' long trailer shall be permitted on-site at any one time. This provision is not intended to restrict private vehicles not used in the conduct of the home occupation.

Existing - no changes proposed:

- All home occupations shall comply with performance standards set forth in section 4.14.
- Tourist lodging, nursing homes, nursery schools, day care centers, and private schools shall not be deemed home occupations.
- Prior to issuance of clearance for any home occupation, the zoning administrator shall require the applicant to sign an affidavit stating his clear understanding of and intent to abide by the foregoing regulations
- Waivers, if approved by the Planning Commission

Mr. Loach invited public comment. There being none, public comment was closed to bring the matter before the Planning Commission.

The Planning Commission reviewed and discussed staff's proposal for changes to Home Occupations in ZTA-2009-00012 and asked staff to provide additional information to address the following:

- Maintain a class B of certain higher-intensity or impact businesses that require notice to neighbors (before approval) similar to what we are doing with farm sales. This type of notice does not send it to the PC.
- Show more of a direct comparison of existing versus proposed regulations versus "by-right." Some confusion, for example the employee who can park his work truck and trailer anywhere, but if it's his business he is restricted as to location/number and what is by-right parking for a non-home occupation.
- Remove restriction from accessory structure as to % use and just use overall square footage limit of 1,500 square feet.
- Change (not similar but complimentary) or eliminate reference to façade of building.
- Change "total trip" to "round trip." Mr. Franco was concerned this is inconsistent with our other trip calculations (a single trip).
- Identify which types of home occupations may not work in Rural Areas or Development Areas. This discussion included whether some of the trailers, etc. that could be accommodated on residential lots, particularly if smaller sized lots. May want to consider setbacks for trailer parking.
- Address gun sales as a home occupation, if allowed by federal law.
- Hours of operation – to relate only to times when employee, customer or outside activity occurs.
- Identify specific home occupations that would be allowed or prohibited.
- Identify thresholds that would require additional review if determined that they may have impacts.
- Discussion of what would be required with a Certified Engineer's Report and Zoning Clearance and when they would be required.
- Take out hazardous materials since they are covered by other regulations.
- Include applicant affidavit for all applications.

Staff will proceed to address comments and suggestions and schedule another work session to provide follow-up information to 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. Loach asked if there was any new business. There being none, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:58 p.m. to the Tuesday, June 23, 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)