Albemarle County Planning Commission
October 19, 2010

The Albemarle County Planning Commission held a meeting on Tuesday, October 19, 2010, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Russell (Mac) Lafferty, Duane Zobrist, Vice-Chair; Ed Smith, Thomas Loach, Chair; Linda Porterfield, Don Franco and Calvin Morris. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present. Duane Zobrist, Vice-Chair arrived at 6:30 p.m.

Other officials present were Summer Frederick, Senior Planner; Gerald Gatobu, Principal Planner; Bill Fritz, Chief of Current Development; Wayne Cilimberg, Director of Planning; Ron Lilley, Facilities Development Project Manager; Margaret Maliszewski, Design Planner; Stewart Wright, Permits Planner; David Benish, Chief of Zoning; Amelia McCulley, Director of Zoning/Zoning Administrator; Phil Custer, Engineer; Ron Higgins, Chief of Zoning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Loach 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 none, the meeting moved to the next item.

Review of Board of Supervisors Meeting: October 6, 2010, and October 13, 2010.

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on October 6, 2010, and October 13, 2010.

Old Business:

Mr. Loach noted that next on the agenda was SUB-2008-00287, Fontana under Old Business.

SUB-2008-00287 Fontana
The request is for preliminary plat approval to create seven (7) lots on 2.85 acres. The property is zoned R-4, Residential. A modification request of Section 4.2.3.2 to allow activity on critical slopes accompanies this application. The property, described as Tax Map 78E, Parcel A is located in the Rivanna Magisterial District on Brunello Court at its intersection with Fontana Drive Extended. The Comprehensive Plan designates these lands as Neighborhood Density, in Urban Area 3. (Summer Frederick)

Ms. Frederick noted the project for SUB-2008-00287 Fontana was first presented at the October 5, 2010 meeting and the project has not changed. It was her understanding that the Commission had questions for the applicant or his representative who was present. She offered to answer any questions regarding the project.

Ms. Porterfield asked how the project was back before the Planning Commission. She was confused at what action the Commission took at the last meeting where they ended up with two (3:3) votes.

Ms. Frederick referred the question to Mr. Kamptner.

Mr. Kamptner pointed out he was not present at that meeting. His understanding was there was a motion to approve, which was hung up on a 3:3 vote. Then there was a motion to deny, which was hung up on a 3:3 vote. In order to clear the procedural problem, a decision was made that the motion to deny would essentially be treated as a motion to reconsider. That is why the request is back before the Planning Commission. The applicant's representative is present tonight. He understood there were questions

some Commissioners had of the applicant, which is why the request is back before the Planning Commission.

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

Steve Driver, representative for Mr. Nichols, apologized for not attending the last meeting. They did not get the notification. He was present to answer questions regarding Fontana.

- He explained that Fontana Phase 4C was approved for a rezoning by the Board a couple of years ago. The last phase is currently broken down into three sections. Section one would include the 7 lots that actually front on Fontana/Via Florence, which is the next phase that is proposed. With the rezoning approval, the applicant was required to submit proffers. The proffers require he do all of the mass grading and so forth for all of Phase 4C, which includes 34 lots total. In a letter dated June 16, the critical slopes waiver requested was for all of Phase 4C and not just section one. Many of the critical slopes in this final phase of the subdivision are basically a result of construction activities, which would include the extension of Fontana Drive, construction along Via Florence, and also some trail construction. Some of the other critical slopes are associated with jeep trails that go through the wooded areas that are yet undeveloped. The old jeep trails were pushed in by dozers many years ago.
- Basically, they were asking for a waiver of critical slopes for all of Fontana 4C, the final phase, which they have identified to be about 2.4 acres. Again, a lot of that is due to previous construction. On the adjoining development, they plan to tie in with the walking trails the old jeep trail that comes onto the Fontana property. That area also comprises a number of critical slopes along the old jeep trail. On the exhibit along Via Florence, there is an area that has been cut out into the hillside. The dirt in that area was used as fill for the lower part of Via Florence, which are just excavated slopes that will be mitigated or done away with once that development occurs.

Mr. Loach invited questions for the applicant.

Mr. Morris noted in the way these trails are depicted, the trails appeared to be the only way that residents have to walk anywhere unless they go out into the street.

Mr. Driver replied that the particular section of the trail highlighted between the upper cul-de-sac actually provides an interconnection to the adjoining development. That is its sole purpose. That cul-de-sac is specifically designed, unlike other roads in Fontana, to include a walking trail along its edge that would act as a sidewalk.

Mr. Driver noted the other street called Vermilla Court would also be designed to include a sidewalk along its roadbed as well.

Mr. Morris asked if those were sidewalks and not walking trails.

Mr. Driver replied that was correct. In addition to that, he pointed out a line across the lower lots 39 – 34 on the north side of Vermilla behind the houses. That particular line would have a dual purpose. It would provide maintenance access to the stormwater management facility. They thought it would be a nice feature to duplicate and combine it with a walking trail that would eventually tie into the previous section they just looked at. When finished, all of these trails would interconnect.

Mr. Morris asked if the trail system is complete.

Mr. Driver replied that most of the trails are complete. There is one section that is under some degree of debate. It is along Avian Way and is not shown on the map. The trail that runs along a fiber- optic easement south of Avian Way is not completed. The owner would like to maintain that as a grass trail because it is mowed. It seems unnecessary to make the grass trail a gravel area since it is flat. There is a little section north of Avian Way that he would be committed to build, which would go from Avian Way a very short length up to the power line. Other than that, most of the other paths are in place.

Mr. Morris asked if the other section with the double cul-de-sac would be in place before any of the other houses are up for sale.

Mr. Driver replied that he could not remember the specifics of the proffers, but they are very clear about when houses can be started. One of the requirements is that a mass grading plan would have to be submitted and approved for all of phase 4C before the first phase could be started. That gives the County Engineering and Planning Departments the privilege of looking at the grading of the lot and trails that are proposed.

Mr. Kamptner asked staff to explain the concept and benefits of mass grading plans.

Phil Custer, engineer, noted the mass grading proffer was thought to be a good idea during the rezoning to eliminate the disjointed grading that happens when individual building permits and builders come in as patch work in a development. This plan provides an opportunity to make sure they maintain even grades throughout the development of the project. That has to be approved before the preliminary plat can be signed off on by Current Development. The principle reason it was put together was to direct water away from houses of adjacent owners, which is his primary concern. The mass grading plan allows for steep slopes as long as they are planted with a low-maintenance ground cover such as juniper or something that does not have to be mowed in the hopes that the slopes won't erode over the future. Steep slopes will be a necessity in this development, especially in section 3. It will require that the edges will become steep when they put in a road or driveway, which was anticipated with the rezoning.

Mr. Fritz noted that with the mass grading plan they were also doing a single unified erosion sediment control plan during construction.

Mr. Morris asked if this has been brought before the Fontana Homeowners Association.

Mr. Driver replied yes, but he could not provide their reaction because he has not attended any of the meetings. However, they are aware of it. He believed that the owner was a participant in the meetings, which were based on the covenants and restrictions for the subdivision. They would reserve lot one to incorporate the erosion control in that place. Therefore, that will be the last house built in that section.

Mr. Morris asked if staff has heard from the Fontana folks.

Ms. Frederick replied she received a call from the President of the Homeowners Association who had several questions. They talked about the mass grading plan and the fact that this was not going to be graded like the rest of Fontana in individual lots. The Homeowner's Association received a letter, and the President announced it at their meeting.

Mr. Zobrist arrived at 6:30 p.m.

Mr. Lafferty asked if he felt that everything could be taken care of in the site itself, and Mr. Custer replied "yes."

There being no further questions, Mr. Loach invited public comment. There being none, he closed the public hearing to bring the matter before the Planning Commission for further discussion and action.

Ms. Porterfield questioned if they could have them build the trails and the sidewalks prior to putting in any of the houses due to the Commission's prior concern regarding public safety of the residents. In this economy, she did not know how long it was going to take to finish these areas.

Mr. Loach asked if she was asking if it could be a condition.

Ms. Porterfield replied yes, she was wondering if that was doable. It would at least guarantee that the people don't have to walk in the street.

Mr. Fritz replied that the sidewalk with that road would go in with the construction of the road. The path that is in the other section is not part of the road plans, but he thought that they could condition it.

Mr. Kamptner asked if the proffers cover the trails for this phase.

Ms. Frederick noted that it is in the reference to the prior phases.

Mr. Fritz noted they talked about this two weeks ago. There was concern about the importance of providing paths because this development was allowing activity on critical slopes. He thought they could tie the path construction to the critical slope waiver and state it be done with the road construction.

Mr. Lafferty said that they were making a valid point. When the proffers promise to do something that should have been done before, there is a concern that they will not be done this time. He thought that the proffers do say that they will put in the paths that should have already been put in. That was his understanding.

Mr. Fritz noted the paths were proffered.

Ms. Porterfield asked if they could also get those paths finished up with this one.

Mr. Fritz noted that he talked with Ron Higgins and they are actively working on the paths in the other sections that were covered by other proffers.

Mr. Franco pointed out what they heard last time was that some of the conditions of approval for this phase require that before construction started or before COs that the paths in the other sections had to be completed. Therefore, those other paths are taken care of by the proffers and by the process. It is probably limited to just the paths in the one section here. He would assume that sidewalks would be built as part of the roads. In either case the problem they are dealing with from the past, since the paths were part of the community overall, was the paths were never bonded as part of an individual section. In this particular case, they have the ability to bond these paths as part of the section because of the mass grading plan and everything else. Therefore, there should not be an issue about making sure that the paths are completed.

Mr. Morris noted that it could be a condition as suggested by Ms. Porterfield.

Mr. Fritz pointed out it would be more appropriate to tie the construction of the paths so it shall occur prior to the issuance of the first certificate of occupancy for a dwelling in that block. That is a better tie.

Mr. Franco said personally he would just like to make sure they are bonded.

Mr. Fritz said the paths have to be bonded prior to the signing of the subdivision plat. It puts a completion date on it, but does not tie it to a specific action.

Mr. Franco said that he was not sure he would tie it to a specific action. With the mass grading plan, the trails would be graded out. There may be reasons why they don't want to put them in at the beginning since they could be in the way and be destroyed from going back and forth over them. He could think of a number of reasons why it may make sense to delay installation of those paths.

Mr. Morris pointed out staff's suggestion that prior to the first certificate of occupancy the trails are in would solve that.

Mr. Loach pointed out that Mr. Franco's point is that may not be applicable in all cases.

Mr. Loach suggested putting in something like "as soon as practical," which gives the County the ability to make that decision, but does not preclude them from the first house.

Mr. Franco said he tends not to go with subjective terms like "practical." If they are really bent on making sure that it goes in early in the process he would prefer to say that when one half of the units on the cul-

de-sac are done or prior to the issuance of 50 percent of the COs. He thought that the bonding process would take care of the timing.

Mr. Morris pointed out his concern is the history of this project that indicates those trails are not being created in a very expeditious manner. They need to ensure it will be done in this one.

Mr. Smith said from the standpoint of safety until they have the house built on either side there are going to be travelers going back and forth, which requires putting in a safety fence to keep people out of the walkway to protect themselves. If they do, then they are restricting the construction sites.

Mr. Morris noted that was a good point.

Mr. Kamptner noted if they were looking for a more objective standard, it could be left to the discretion of the subdivision agent. At some point, they will have the definite location of the trail, and they will be monitoring how the development is progressing.

Mr. Fritz said the bond has to come up for renewal each year, which would be staff's opportunity to reevaluate it.

Mr. Franco said he was comfortable with staff understanding that the desire of the Commission is to make sure that the paths go in early in the process and leave the bonding to staff to figure out as part of the process.

Motion: Mr. Morris moved and Mr. Franco seconded for approval of the critical slopes waiver for SUB-2008-00287, Fontana, subject to the conditions recommended in the staff report, as modified.

1. A Water Protection Ordinance plan shall be submitted for all of Phase 4C, and the site grading shall be constructed as one (1) phase.
2. The path in Section 2 shall be installed as early as deemed appropriate by the subdivision agent.

The motion was passed by a vote of 6:0:1. (Mr. Zobrist abstained since he was late and not part of the discussion.)

Mr. Loach noted that SUB-2008-00287, Fontana was approved with conditions. This matter does not require Board approval.

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

Regular Item:

SDP-2010-00067 Pantops Fire Station – Preliminary
PROPOSED: One (1) story, 9,889 square foot Albemarle County Pantops Fire Station.
ZONING CATEGORY/GENERAL USAGE: Planned Development Mixed Commercial (PDMC)
SECTION: Chapter 18 Section 32 and Section 25A.2.1.1 of the Zoning Ordinance. [This application includes a request to modify Section 4.2.3.2 of the Zoning Ordinance to allow activity on critical slopes].
COMPREHENSIVE PLAN LAND USE/DENSITY: Greenspace in Urban
Area 3
ENTRANCE CORRIDOR: Yes
LOCATION: Off Peter Jefferson Parkway [State Route #1140] approximately 600 feet west of the intersection of Peter Jefferson Parkway [State Route #1140] and Richmond Road [State Route #250]
TAX MAP/PARCEL: Tax Map 78 Parcel 31
MAGISTERIAL DISTRICT: Rivanna
(Gerald Gatobu)

Mr. Gatobu presented a PowerPoint presentation and summarized the staff report.

Last year this matter was reviewed as a comprehensive plan review by the Planning Commission and was approved by a vote of 6:0. There was a lot of discussion at the time about having open space. The

request is for a critical slopes waiver for 0.22 acres. There was some discussion about the sizing of the fire station to accommodate a community meeting space. Mr. Morris and Mr. Jennings will speak more to that issue. The review for compliance was done September 15, 2009 by the Planning Commission.

Favorable factors:

1. Application meets technical criteria for disturbance of critical slopes; and,
2. Disturbance of critical slopes will allow the construction of a public fire station that will be located centrally in the Pantops area; close to neighborhood centers and compatible surrounding land uses.
3. Comprehensive Plan Review (or "2232 Review") was approved by the Planning Commission at its meeting on September 15, 2009, by a vote of 6:0.

Unfavorable factors:

1. None indentified

Mr. Cilimberg has looked at the request in terms of a variation and stated that it can be granted if the wooded areas delineated by the edge of woods on the plan that are being graded or shown as being disturbed are revegetated. Approval will allow construction of a fire station to serve the Pantops community.

Staff recommends approval of the critical slopes disturbance waiver.

Mr. Loach invited questions from the Commission.

Mr. Morris asked how many parking places are projected.

Mr. Gatobu replied based on the plan there are 12 parking spaces plus one handicap space.

Mr. Morris asked if there is room for additional parking on the northwest end of the building where the four parking spaces are located without disturbing more critical slopes.

Mr. Gatobu replied that is something staff would have to look at. He asked the applicant to provide a parking analysis based on the use. The applicant put a note on the plan. Below that, it says, "based on the requirements of a 6-month crew." Staff can go back and look at it in terms of getting a parking analysis including getting more parking.

Mr. Morris noted that the entrance to that road has been moved further back away from Peter Jefferson Place. He asked if it was far enough back so that a ladder truck can get out without blocking the entrance.

Mr. Gatobu replied yes. He pointed out that VDOT is not part of it because most are private roads. They had the discussion in terms of trying to make sure they can get a truck in and out. That location will work. Captain Charles Baber was present at the site review meeting.

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

Dan Eggleton, Fire & Rescue Chief, noted that initially the station is programmed to open with just an engine; and long-term, an ambulance would be added if the need is there. Basically, they are constrained with this site because of the conditions. They believe with the surrounding stations that long- and short-term this station will meet the need with just an engine and ambulance. There will be a 24-hour crew of 6 total with volunteers on the nights and weekends.

Mr. Loach asked if the parking spaces would be adequate with the volunteer staff.

Mr. Eggleton replied that they felt it was adequate since long-term there would be two for the ambulance and four for the engine .

Mr. Morris asked if he sees any problem making it a two-story building. It would be better than building a separate building.

Mr. Eggleton replied it would be additional cost. There are certainly some conditions that must be met in order to have apparatus below the living quarters. In general, they try to stay away from that kind of design. Otherwise, he did not see any other conditions that would prohibit that. The constraints of the site and the owner's desire to move the building back as far as possible really limited their opportunity to add any additional community space or other amenities to this station. There are other options in the Pantops area in meeting community space, and they are willing to work with what they have right now. He suggested they consider using space at the Martha Jefferson Hospital.

Mr. Morris noted that is the problem. They have no other areas. There are no churches or schools in the area. He suggested if they are building a public building, make it for multiple uses.

Ms. Porterfield questioned if they are making it too small and should add another engine since it is in close proximity to the Scottsville District and the Village of Rivanna. This fire station will be the next closest to her district.

Mr. Eggleton said that they felt comfortable with this limitation, which was adequate for short and long-term needs with the other stations in the area.

Ms. Porterfield noted she would love to see them get an ambulance because there was none at the East Rivanna Fire Station. The closest one is even farther away.

Ron Lilly, with the County Facilities Development Department and project manager of project, asked to add to what Mr. Eggleston has pointed out. On the subject of a community room, he did not know that there was ever a conscious decision not to provide a community room in this facility. Generally, they have tried to do that with fire stations and have in the two they have built in recent years. He thought there was a de facto decision not to about two years ago when this particular parcel became available. The CIP for this project essentially downsized what was going to be a Pantops Station of a fuller size regular station to a 7,500 square foot station. They were actually beyond that now partly because they were going to take down the existing maintenance shed and put it back behind the station. In addition, after some more programming, once the basic location was set by virtue of a Comprehensive Plan review they found that 7,500 square feet wouldn't quite cover all that they needed even without a community room. In addition, the particulars of this site are somewhat subject to what the Worrell Land folks are allowing as they are providing this site to us. Going two stories may be problematic quite honestly. They never really discussed anything other than a one-story station with them. They have a real sensitivity to maintaining an open-space feel to that parcel as much as possible. In terms of a community use on this site, it is a little gray; but in a memo of understanding with them, they have essentially said they understand this will be strictly limited to a fire station use and not a lot of public in and out. There is sort of a trade off for what amounts to a free site with what the preferences might be if they had a better larger site and more money to develop. He would be happy to take other questions, but just wanted to point those things out.

Mr. Loach questioned if there was a possibility of adding the second floor for this community meeting room, would they have enough parking for the staff, volunteers, and the community coming in.

Mr. Lilly replied that he did not think so. Typically, the community meetings that have occurred at Monticello and Hollymead have been roughly 20 to 30 people. Therefore, they are probably talking about 15 cars. The dozen parking spaces provided almost maxes out what is available on this site. Therefore, that is a real issue as well.

Mr. Loach said if that becomes improbable is there anything in the long-term Master Plan for the Pantops area for a public facility.

Mr. Lilly replied that he did not know. It may be that someone dealing with the Comprehensive Plan or the Pantops Master Plan in particular has a better sense on that.

There being no further questions for staff, Mr. Loach invited public comment.

Dick Jennings, Chairman of the Pantops Council, thanked Mr. Lilly for bringing a lot of information to his attention and to his colleagues here tonight on the Pantops Council. They were appointed by the Board of Supervisors as one of the two Master Plan Community Advisory Councils to be supportive of implementation of the Master Plan for the Pantops Area and also to be an advocate for an enhanced quality or sense of community. Part of their interest in this is they would like to have a community center in Pantops. He sent a memo previously to the Planning Commission that pointed out in Pantops there are no schools and many civic groups like to meet in schools. There are no churches, police station, fire station, or rescue squad within the development area boundaries. There are many of the normal attributes of a community missing in Pantops. The Pantops Council members would like to be able to enhance the quality of life in Pantops and start a conversation about how to strengthen the quality of the community. He thought they would be perfectly willing to talk with anybody that the Commission might want to refer them, including Mr. Lilly or anybody else, in terms of finding space for the community. Their purpose for being here is not to interfere with the fire station plans. They strongly support the fire station in Pantops.

Neil Williamson, with the Free Enterprise Forum, said he finds it useful when public buildings come forward to take a look at the process because he does not speak on particular applications. In the discussions, he has heard a great deal with regard to community rooms, the ambulance service, and the need perhaps for two engines. However, he has not heard much with regard to the nexus for approving or denying critical slopes. When folks ask him why he thinks an administrative approval for critical slopes is necessary, he would raise this discussion.

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

Motion: Ms. Porterfield moved and Mr. Morris seconded to approve SDP-2010-00067, Pantops Fire Station Critical Slopes Disturbance Waiver Request upon finding that the request satisfies the requirements of section 4.2.3.2 as outlined in staff's report.

Mr. Morris suggested meeting with Peter Jefferson's Board as soon as the Director, Mr. Dracopoli, gets back into the country and at least ask about building a two-story facility. There are ways of doing this.

The motion was passed by a vote of 7:0.

Mr. Loach noted SDP-2010-00067, Pantops Fire Station Critical Slopes Disturbance Waiver Request had been approved. It did not require Board action.

David Benish noted that he would answer the Commission's question about other capital facilities in the CIP. At this point in time, there are no others proposed in the Pantops area. He pointed out the Lewis and Clark Center, when built, does have public meeting room space; and they have indicated that would be available. That is located on public land and they consider it somewhat of a public type of facility. That is the one future possible site that would have public meeting room space.

Mr. Loach said that he understood Mr. Morris' and the community's position. On the other side in Crozet, they had to essentially not use their station because they had to put more room in for other things in the station, which sort of confined what they could have for the public. Again in Crozet, they ran into problems with the parking and had to limit the public use.

Mr. Morris said he understood that, but he did not feel that they could just automatically shove it off to the background. They need to look at this as a possibility.

Mr. Loach asked if there were any libraries.

Mr. Morris replied that there was no library. Based upon the formula that Jefferson Madison Regional Library uses for distance between any two libraries, Pantops does not even come into the equation of getting a library.

Mr. Benish pointed out that the Pantops area was within about a 30-minute walk of Downtown Charlottesville. When they look at facility needs for things like schools, libraries tend to get places that are a little bit more removed from existing facilities. The proximity of Downtown works against Pantops a little bit. That is why they try to get in the few opportunities that they do have for public facilities.

Ms. Monteith noted there was a private Montessori School. She asked if there has been any discussion with them about the use of their facilities in the evening.

Mr. Morris replied not to the best of his knowledge.

Mr. Benish noted that there were actually two Montessori schools and there is one church right on the boundary.

Mr. Morris pointed out that they have used that church before.

SDP-2010-0006 Mill Creek/Snow's Garden Center (AT&T)
The request is for approval of a treetop personal wireless service facility with a steel/metal monopole that would be approximately 77 feet tall (10 feet above the height of the reference tree), within a 30 x 30 foot lease area. This application is being made in accordance with section 27.2.1.(19) of the Zoning Ordinance which allows for Tier II personal wireless service facilities by right in the (LI) Light Industry zoning district. This application includes a request to modify Section 4.2.3.2 to allow activity on critical slopes. The site is located on 1995 Snow Point Lane [Private] at the intersection of Avon Street Extended [State Route 742] and Stoney Creek Drive [Private]. The property, described as Tax Map 90 Parcel 35, is 8.167 acres in size, and is located in the Scottsville Magisterial District. The Comprehensive Plan designates the property as Industrial Service in Urban Area 4. (Gerald Gatobu)

Mr. Gatobu presented a PowerPoint presentation and summarized the staff report.

The proposal is to install a Tier II personal wireless service facility. The proposed facility will consist of a 77-foot tall monopole, associated equipment and a fence. The monopole will be ten (10) feet above the reference tree.

A balloon test was conducted on September 9, 2010. During the site visit, the balloon was launched a few feet off the proposed monopole location. The balloon was raised to the same elevation as the proposed pole, ten (10) feet above the reference tree. Staff reviewed photos of the balloon test. The balloon was visible for a short period of time from the northbound lane of Avon Street Extended [State Route 742] well as from the southbound lane of Avon Street Extended [State Route 742]. The balloon was also visible from Parham Construction off Scottsville Road [State Route 20]. The trees around the balloon provided a backdrop; therefore, visual impact was mitigated. The balloon was also minimally visible at the Roof Center off Scottsville Road [State Route 20]

The monopole at the proposed elevation of ten (10) feet above the reference tree is not expected to have an adverse impact on Avon Street Extended [State Route 742] and Scottsville Road [State Route 20] entrance corridors due to its limited visibility. The ground equipment will not be visible from the entrance corridor. The "Java Brown" color of the monopole and antennas is expected to help limit views of the facility.

Staff would have to work with the applicant to get a fall zone. The tower is 77'. There is a deficit of about 34.7' that will fall on the adjacent property.

Based on findings presented in the staff report, staff recommends approval at the proposed ten (10) feet above the reference tree. The proposed facility will require the disturbance of critical slopes. There are two motions associated with this project. The first concerned the critical slopes disturbance waiver. The second is to approve or deny the personal wireless service facility at the proposed height at 10' above the

reference tree. The ARB has reviewed the proposal and has recommended approval. The critical slopes waiver meets the technical criteria for disturbance of critical slopes. It is only about 261 square feet of critical slopes that were created when they were doing Snow's Garden Center. Staff did not have a site plan that shows that. It is only minimal disturbance. The tower is not that visible from Avon Street Extended and Scottsville Road. The applicant will get an easement on the adjacent property with a document acceptable to the County Attorney. The applicant needs about 34.7 feet to complete the fall zone. The personal wireless facility will not impact any aesthetic or historical resources.

Recommendation:

Section 5.1.40 Personal Wireless Facility- Staff recommends approval of this personal wireless service facility at the proposed height of ten (10) feet above the reference tree.

Waiver of Section 4.2.3.2 – disturbance of critical slopes - Staff recommends approval of the critical slopes disturbance waiver.

Mr. Loach invited questions for staff.

Mr. Lafferty noted that in the staff report it mentions a setback waiver.

Mr. Gatobu replied there are two ways to go about it. The Planning Commission can grant a waiver of the setback requirement or the applicant can get an easement. In this case, the applicant chose to go with an easement. There are two actions for the Planning Commission to take. The first is for the critical slopes waiver, and the second to approve the tower itself.

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

Kathryn Carmichael, representative for AT&T, spoke for the request. She presented a PowerPoint presentation and explained the improvement in the coverage. AT&T is proposing to improve wireless coverage along Route 20 as well as along Avon Street Extended. There is a hole in coverage that they are proposing to fill. She reviewed an overview map showing the proposed location of the tower and the tree coverage in the area. The site is in a heavily wooded area surrounded by trees. The neighboring parcel has a lot of area already paved with cement. Therefore, they are using most of the access road on the adjacent parcel with a minimum disturbance of about 180 feet in length and ten feet wide with gravel added. She reviewed several photo simulations. The lease area is heavily wooded. She noted the significant backdrop of Carter's Mountain and the heavy tree coverage in the photo simulations. It is a small amount of critical slopes they are disturbing. There is a short distance that one can see the very top of the tower further down Avon. As mentioned, the access road is already exists for the most part. She was happy to answer any questions.

Mr. Loach invited questions for the applicant. There being none, he invited public comment. There being no public comment, he closed the public hearing to bring the matter back before the Planning Commission.

Mr. Zobrist disqualified himself since he has worked for the owner of the property. He has not communicated with staff or anyone with respect to this and he would not be participating in the discussion or the vote.

Motion 1: Ms. Porterfield moved and Mr. Smith seconded to approve SDP-2010-6 Mill Creek / Snow's Garden Center (AT&T) Tier II Personal Wireless Service Facility critical slopes disturbance waiver based upon a finding that the request satisfies the requirements of section 4.2.3.2 as outlined in staff's report.

The motion passed by a vote of 6:0:1. (Zobrist abstained.)

Motion 2: Ms. Porterfield moved and Mr. Franco seconded to approve SDP2010-6 Mill Creek / Snow's Garden Center (AT&T) Tier II Personal Wireless Service Facility at the proposed height of ten (10) feet above the reference tree.

The motion passed by a vote of 6:0:1. (Zobrist abstained.)

Mr. Loach noted that SDP-2010-00006, Mill Creek/Snow's Garden Center Tier II Personal Wireless Service Facility was approved at the proposed height of 10' above the reference tree. The critical slopes waiver was approved with no conditions. This is not a matter that requires Board approval.

The Planning Commission took a five minute break at 7:18 p.m.

The meeting reconvened at 7:26 p.m.

Work Session:

ZTA-2010-0005 Signs ZTA
To discuss ideas and comments on potential sign ordinance amendments that have been put forward in roundtables in response to the Board of Supervisors Resolution of Intent adopted May 12, 2010. (Ron Higgins)

Ron Higgins presented a PowerPoint presentation and summarized the staff report. He noted that Steward Wright, Permits Planner, actually worked with signs and had been working on this project. Margaret Maliszewski had also been working on this project since the ARB had to be intertwined in this process.

BACKGROUND: On January 6, 2010, the Albemarle County Board of Supervisors adopted a "2010 Albemarle County Action Plan" which included as item #6 the following: *"Sign Ordinances – The sign ordinances need to be re-examined to ensure they do not overly restrict economic vitality of area businesses. Staff should work with local retailers to develop new ordinances that will help promote good business practices as well as maintaining quality aesthetic values."*

The Board of Supervisors adopted a Resolution of Intent regarding the sign zoning text amendments (ZTA) on May 12, 2010. To begin this process, on May 13th we hosted an initial roundtable discussion to seek input from those in the sign industry, business community, local elected and appointed officials and various other groups, to hear what they had to say about the present sign ordinance and sign permit approval process. Staff captured all of the comments. A second roundtable was held June 29, 2010 to solicit comments and suggestions on the subject from a broader group before reporting this information to the Planning Commission and Architectural Review Board (ARB) for discussion and further action.

On August 16th, we held a work session on the Potential Sign ZTAs with the ARB. They were asked to comment on a number of items including: the predictability of the sign review process in the entrance corridors; improvements in sign application materials and application process; changes in sign regulations for planned developments; making some standards more consistent (e.g. wall sign allowances, setbacks, window sign sizes); window sign regulations and applicability; review of sign packages and coordination with site plans; entrance corridor guidelines, and; increased heights for wall signs.

At that work session, the ARB provided comments and suggestions on changes to allowable wall sign heights, freestanding sign sizes and window sign area limits. Of particular note was their request to have the Planning Commission and Board of Supervisors provided with data on the number of signs that actually are submitted for review and approval and the number of those reviewed by the ARB and Design Planning staff. They were concerned that we have a full understanding of the actual review times and the number of applications that are submitted incomplete. The ARB also suggested that window sign regulations should be simplified and be treated the same whether or not they were in an entrance corridor. Regarding the actual size allowance for window signs they said that zero percent is not the answer, but were unsure what the right number should be. They were concerned that there is a point where a window ceases to be a window and becomes a sign.

The suggestions for amendment staff had already discussed with the ARB prior to the BOS Action Plan of January 6, 2010 included: changes to the "off-site" designation in planned developments; allowances for

increased sign size and height when shopping centers can present a consolidated sign for the center that includes tenants; increases in the height limit for wall signs; and some possible process changes and county-wide administrative approvals.

While this action plan came out in January, staff was working on some of these issues because they had experienced some difficulties in applying strictly some of the ordinances for such things as the Planned Commercial Development. Staff has being gathering all of this information, putting it on the website, and trying to share it. A lot of input has been received outside of the roundtables. The sign application and the materials that go with it have been improved. Staff has also been providing a lot of coaching to the applicants so they understand the process and what information they need to submit for the review. The biggest obstacle to getting a sign permit approved is giving staff what they need to look at.

Staff analyzed data on the number of sign permits reviewed and the timelines for administrative and ARB approvals. The total number of sign permit applications that have been submitted for 2008 (109), 2009 (109) & 2010 (100) have been about the same each year. Given that most signs are for development areas, it is not surprising that two thirds of these are in entrance corridors and receive ARB or design staff review before issuance. The average total county review time has gone from 77 days in 2008 to 34 days in 2009 and 23 days in 2010. That is a 70% reduction for time it takes for total review and approval. Further analysis reveals that the longer review times are not due to design review but due to the fact that applications are submitted with incomplete information resulting in applicants often resubmitting as many as three and sometimes four times before a sign can be approved. It is also quite common for a sign application submittal to need a Board of Zoning appeals action (variance or special permit). In some cases, a sign refers to a use that has no approved zoning clearance.

One thing that has been evident in the discussions with various stakeholders, is the perception that the process takes too much time and effort on the applicant's part. We have not heard a large outcry about the standards themselves. It is our conclusion that the sign permit review and approval data confirms this but puts the issue in some perspective. To this end, staff has been working on a number of efforts to streamline the approval process including: better coaching of applicants on what to provide to get a speedy review; county-wide administrative ARB approval standards; and improvement to the sign application and materials to better guide applicants.

Mr. Wright has said if someone is applying for a sign in Albemarle County, they have to be applying for a sign for a use that is permitted. The applicant must receive a zoning clearance before getting the sign approval. Therefore, the sign permit is an incomplete application until they get the zoning clearance. In addition, someone might apply for a sign application and not realize that they are submitting an application for something that might require a variance, clearance, or special use permit.

Areas where we have found consensus include Planned Developments and Shopping Centers:--The "site" should be redefined to include the entire planned development in order to address the issue of "off-site" signs in unified developments, thus not requiring an SP for these as now required.

--The size for the freestanding sign for planned developments and shopping centers should be increased to 64 sq. ft. maximum to allow for up to four "anchor signs" to be included within the primary sign. The current ordinance limits this to 32 sq. ft. in some districts and 24 sq. ft. in other districts. In shopping centers with at least 100,000 sq. ft. in gross floor area, you can have one anchor sign at 6 sq. ft. for each 100,000 sq. ft.

--The anchor sign provision should be allowed for shopping centers of at least 50,000 sq. ft.

Some general sign regulation issues include:

--Freestanding and monuments sign setbacks should be made consistent (e.g. all 5' instead of some 5' and some 10' as the current regulations require).

ISSUES AND DECISION POINTS:

The primary areas where decisions and guidance are requested are (*current regulations in italics*):

Window Signs: *Existing regulations define a window sign as "any sign affixed to the exterior or interior of a window or door or within 3' of the interior of the window or door…" Window signs are limited to 25% of the area of a window or door and no more than 25% of the aggregate area of the window or door. In the entrance corridor these are limited to 9 sq. ft. per business and require a certificate of appropriateness. Window signs currently do not require a sign permit. Staff does not receive many complaints on window signs.*

Options for addressing these include:

--not having them subject to reviews at all (no permit, no ARB). **Staff recommends this.**

--requiring a permit. **Not recommended.**

--requiring non-illumination. **Not recommended.**

--having a 50% maximum coverage area per window with no other review. **Staff recommends this.**

--having a maximum size area apply to all (e.g. 9 sq. ft.) with no other review. **Not recommended**.

--having the window signs be a percentage of wall sign allowance. **Not recommended.**

Wall Signs: Questions for these include:

--should the area maximum be the same in all commercial and planned districts (e.g. 1½ sq. ft. of area for each 1 linear foot of wall)? *Currently it is 1:1 in some and 1½ :1 in other areas.* **Staff recommends the single standard of 1½ : 1.**

--should the height allowed be above the *current 30' maximum* in non-residential development for buildings that are taller? Should this be a distance from the top of the wall or a "not to exceed" standard? **Staff recommends this limit as "not to exceed the cornice line" on any building.**

Temporary Signs: Questions for these include:

--should the number per year increase from the *current limit of four*? **Staff recommends yes, but with a total limit on number of days per year.**

--should the length of time they are up be increased from the *current limit of 15 days*? **Staff recommends an allowance for temporary signs while a permanent sign is being made.**

--should it just be a 60 day limit per year that can be used by the property as needed? *Currently this can be done in four separate 15 day periods with at least a day lapsing between each*. **Staff recommends this be allowed to be used in any combination of time periods totaling 60 days per year.**

--should sandwich board signs be allowed in all planned development districts as they currently are in the Downtown Crozet District? *In DCD they are allowed one per establishment at maximum height of 4' and 2' width or 8 sq. ft. per sign face. It cannot block pedestrian passage, shall not be in vehicle area, and shall not be illuminated. The signs must be removed during non-business hours and are exempt from Entrance Corridor review.* **Staff recommends this.**

Staff requests comments or guidance on the pending ordinance changes. Once the Commission points staff in the appropriate direction, we then plan to set this ZTA for public hearing with the Commission and Board as soon as practical after the ordinance amendments are developed.

Mr. Loach invited questions or comments for staff.

Mr. Smith suggested they have “in scale” picture examples of all of these to make it simple for the public.

Mr. Higgins agreed that was a good suggestion to include more graphics. Staff will provide pictures of good examples of signs at the public hearing.

Mr. Kamptner noted that the current sign regulations have a number of diagrams, which could be enhanced to be included in the ordinance.

Mr. Lafferty noted staff mentioned in the report that perception is probably part of the culprit. That seems to be a marketing problem instead of an administrative problem. Some of the solutions look like they are going to require more staff time in an era that they seem to be cutting back on staff and staff time.

Mr. Higgins noted that he believed it would take less staff time in many respects. All of the ideas have been discussed by staff; and if it were going to take more work, they would be talking about it. One of the ideas that came out of the proposal that would add to the Code Enforcement Officer time was backed off on a little bit for that very reason. He did not think they were adding a lot of staff time to these things. One of the last things the ARB said at their work session if they wanted a couple of guiding principles was to make it consistent and simple. That would help everyone in the process and result in less staff time. If it takes 77 days to look at something and then 23 days, it is a lot of improvement. He hoped to continue moving in that direction.

Mr. Lafferty suggested they try to protect the aesthetics of the County, which was the reason for the original sign ordinance. He would hate to see them lose that. There are plenty of examples around the United States where there are very strict sign ordinances and yet retail and commercial seem to flourish. He asked if he knew of any studies that show a relationship between signage and revenue.

Mr. Higgins replied that he had one study acquired from the American Planning Association, which was probably the most comprehensive thing that was done on design as it relates to the economy and economic development. That does show that a certain amount of prosperity follows a very well-designed community, which includes the signage. Staff does not have a specific study aimed at the economic benefits of that, but there is a lot of review on that out by the APA.

Mr. Lafferty said he would hate for the retailers to think that maybe the lack of business in Albemarle County is because of the sign ordinance and if they put up a huge sign it would triple their business.

Mr. Higgins noted that some shopping center managers have said some tenants won’t come into their shopping center if they don’t have a consistent way to deal with individual businesses in a shopping center. If they have some flexibility with temporary signs, that helps to deal with special events and tends to be more business friendly. The ARB Design Guidelines have a lot of graphic representation on property lines and treatment of signs. It gives terrific examples on how to do this and make it work.

Ms. Porterfield asked about landscaping that impedes the visibility of a sign.

Mr. Higgins replied that many times in the development of the site the sign plans are left out. Just selecting the appropriate type of plants could make a difference. Consistent setbacks could help with that problem. Another solution would be to allow relocation of the sign on the site if a tree grows in the way.

Ms. Porterfield suggested that staff put something in that gives the business the opportunity to relocate the sign if they can give staff a good reason. In the newspaper, there have been statements indicating some businesses are not allowed to use the colors of their logo or the way their sign is perceived throughout the country. She suggested that should be thrown into the discussion since some businesses are recognized absolutely by their colors and sign.

Mr. Kamptner pointed out that was an ARB issue that was regulated through the Entrance Corridor Guidelines where there is authority to regulate aesthetics. It is not in the general sign regulations.

Ms. Porterfield suggested that they try to even the score for businesses in Albemarle County and not make the look of a sign be dependent on what road the business sits on.

Mr. Morris noted one of the interesting examples was the sandwich boards. Word got out that a Commissioner was visiting their business and they took in the sandwich board, which had the menus on it. He had no idea that was restricted and supported putting it in.

Mr. Lafferty noted that panel trucks are parked with signs that are moved around.

Mr. Higgins pointed out that there is a provision where they can approach that.

Mr. Loach asked going back to the basics of the beginning of this with the reasoning on the Supervisors' Economic Policy, did staff find any data that shows their current policy has had a negative effect on business in the County.

Mr. Higgins replied no. However in writing the action plan, the Board had heard some concerns about the process. In his opinion, by the time the action plan was adopted there had been a fair amount of attraction at the staff level of those concerns and improvements were already being made to help that perception. He thought that was continuing to happen.

Mr. Loach asked what accounted for the 77 percent reduction in time and how did they accomplish that.

Mr. Higgins replied that staff improved the application, had better up-front coaching, and coaching during the process, In addition, staff tried to catch an incomplete application as quickly as possible. An example was that one inspector went out and measured a building to help calculate the allowed square footage, which was to the applicant's advantage who had an out of state sign company.

Mr. Zobrist said it sounds like this is more of a process problem than an ordinance problem since nobody had spoke to him about the signage, except for the timing. He thought staff has done marvelous things if the numbers are correct on the time improvements. He suggested they should work on making the process better as opposed to changing the ordinance unless they have real specific objections to the ordinance.

Mr. Higgins pointed out the proposed changes are relatively modest and actually add corrections to things staff was working on before the action plan. He agreed that the action plan is a perception of process and staff hopes they are doing things to improve that.

Mr. Loach said he would rather see staff spend their time on process improvement than some of the other instances talked about that would increase staff time for other things. He would hate to see staff take steps that would essentially increase their work load in one section when it should be focused on doing a better job with customer service and process.

Mr. Wright added that none of what staff has brought before them tonight is going to increase staff time whatsoever. If anything, it is going to greatly reduce the amount of time staff spends dealing with these things. A great example is with Hollymead Town Center that has eight parcels where they have run into special use off-site sign permits. By changing one word in the ordinance from "lot" to "development," all those special use permits that go in front of the Board of Zoning Appeals would be eliminated. It is a sign that staff could approve instead of having to apply for a special use permit and holding a public hearing. Eliminating presentations to the Board of Zoning Appeals greatly reduces staff time. With the window signage, 99% of those on the Entrance Corridors have not been brought to the County or spoken about at all. Not to require a permit or a review would reduce staff time. To take the commercial areas and make everything the same standard from 1.5 to 1.0 would reduce staff time in the review. The work Ms. Maliszewski did to improve the ARB information on the website and the sign application forms has drastically reduced staff time. What takes time is incomplete applications, variances, and special use permits. Everything being proposed would improve staff's time and make the process easier.

Mr. Loach suggested temporary signs might be a slippery slope they should watch if it was going to cause a problem with enforcement.

Mr. Wright replied there was enough staff to handle that since they typically inspect three temporary signs a week. It is not an overwhelming chore to do.

Mr. Higgins noted the past two years encompassed an atmosphere of regular staff reductions. He was pleased and surprised to see those numbers since zoning has one half the staff they had two years ago. It has been a good laser approach to cut down on the time.

Mr. Loach congratulated staff on the 70 percent reduction in turnaround time. He invited public comment.

Jeff Werner, with Piedmont Environment Council, agreed with Mr. Smith and Mr. Lafferty about having graphics to show what they are talking about. He agreed 100 percent with the need for regulations that are predictable and consistent. The idea of staff working with applicants is necessary. One of the notes from the roundtable was the need for staff to work with folks when they have those unanticipated problems. One example is the stereo business with the sign in the trees or having a temporary sign when their new sign was not ready. The County needs to be working with the applicant directly on those types of problems. Examples could be brought in from all over the country where major retailers and companies have adapted to very strict local regulations. The whole thing about strict regulations driving businesses out of communities is an absolute myth. He could provide examples of that. Those types of businesses want to work to get into this community. Mr. Zobrist said it best that these are process issues and not issues to change regulations. Two items to consider are as follows.

1. Window signs - The ARB asked when does a window stop being a window and become a sign and when does this fenestration become potential billboard space. With that loophole, he thought that illumination needs to be thought about either having signs lit from the outside or the inside.
2. Sandwich boards - On windy days, the sandwich boards blow over. He was concerned about the liability of sandwich boards blowing into Route 29 or parking lots. If the County allowed sandwich boards, then whose fault was it when someone is hit with it.

Neil Williamson, with the Free Enterprise Forum, said that a business-friendly environment is one that welcomes well-regulated signs, but also welcomes signs. He made the following comments.

- There was information discussed at the Roudtable about the Target sign. This room was filled with folks looking forward to Target coming because it was a great store. However, they were concerned with the visibility of their sign from the Entrance Corridor. Signs are important to business. He did not find the Hilton Head signage a good example since it was developed in a uniform fashion. If they put that forward, all they would be doing was causing new businesses to have an unfair disadvantage in competition with other businesses that already have their signs.
- He was concerned with the window signs. If the window sign had perforated holes at 50 percent that covered the whole window, were they actually that concerned about window signs. The idea about 3 feet from the window being considered a sign came out of the prior roundtable. He questioned how ridiculous is that. He agreed that Mr. Werner raises a good question about when does a window become a sign. However, 99 percent are not regulated now and he did not see people coming to the County screaming about it. It is not really an area of concern.
- The other issue he got commentary about was with regard to the idea of the equality with the one-to-one ratio in commercial districts. He thought that was important. He pointed out that a waiver was approved for Albemarle Place so that could be an equal issue. He did not think applicants should have to go through that waiver process and should be uniform all the way around. He appreciated all that staff has done thus far. The discussion has been good and much of what has been done is moving favorably.

Morgan Butler, with Southern Environmental Law Center, commended staff for the Roundtables. He emphasized staff's point that the issues they were trying to address are largely ones of perception and process.

- There is a quote in the staff report that they have not heard a large outcry about the standards themselves. This reminds him of the old saying "if it ain't broke, don't fix it." The statement suggests that there is no clear need for ordinance changes to allow more signs, to allow bigger

signs, or to allow higher signs. Yet some of the proposed changes brought up in the executive summary are a bit surprising because that is what they would allow. It also seems that many of the more significant changes proposed in the executive summary relate to only one or two concerns and those concerns could be better addressed with one or more targeted changes rather than a scattered approach.

- Rather than pursue a number of potentially overlapping and unnecessary changes right out of the gate, they urge staff to take a more measured approach. For example, it is clear one concern of the changes was meant to address making it easier to know what stores are located in Planned Developments. Four different solutions have been proposed to this one issue. First, increasing the size of wall signs or bigger signs. Second, getting rid of the height limit on wall signs, higher signs. Third, allowing anchor signs outside more development, more signs. Fourth, getting rid of the special use permit requirement for off-site signs in unified developments. Again, still more signs. If they are to allow more anchor signs outside of shopping centers so out-of-town people can know what stores are in the development, then they also need to allow those stores to have bigger and higher wall signs. Other than pursuing all four of these changes at once, each one of which would be a significant change, they recommend that they focus on one or two initially. For example, eliminating the special use permit requirement for off-site signs within an unified development or allowing more developments to include anchor signs.
- In short, they think there are some small improvements that can be made to the County's sign ordinance. They believe it makes sense to do this very carefully, very deliberately, and with very small steps. With regard to making it easier to identify and to find the stores located in a particular development, let's take one well-aimed shot rather than a shotgun approach. This would allow the County to assess progress incrementally rather than opening the door all at once to a combination of ordinance changes that could clutter Albemarle County streets and highways. Finally, the last point was about consistency and wanting to make the requirements in one district consistent with other districts. That is often times a legitimate concern to try to address. He was concerned that in every change proposed tonight that stems from a desire to have consistency that it is proposing the higher or more liberal standard be the consistent standard. He asked why they have to go up to make consistency. Why can't there be a meeting in the middle.

Mr. Loach invited further public comment. There being none, he closed the public comment to bring the matter back before the Planning Commission for further discussion.

Mr. Higgins noted that if there was any disagreement with the suggestions, staff would like to know. Regarding some of the next steps in the schedule he pointed out during the next two months staff will work to develop the Sign ZTA ordinance draft to take to public hearing in January. Staff hopes to have a third Roundtable in January to obtain public comment.

Mr. Loach reiterated what he had heard was that it seems to be more of a process problem than an ordinance problem. They would rather see staff focus on process rather than what Mr. Butler said to try to make multiple changes. He would rather see them drill down and work on process so that their main goal is customer service.

Mr. Higgins pointed out that some of the proposals are designed to help the process in a very big way.

Mr. Higgins said that staff would come back with a ZTA to change a standard that improves the process.

Mr. Zobrist said if they want to change a definition on a sign he understands since that is all about process. He agrees with that wholeheartedly. He suggested they use the ordinance to simplify the process if possible. However, let's not mess up norms that they have established over a long period of time in the County.

Mr. Wright asked to clarify one thing to the Commission. As far as the zoning ordinance changes, the only real proposal is to allow property that is zoned Commercial Office, CO and Commercial, C-1 to be allowed the same wall signage as property that is zoned HC, Highway Commercial or Planned Development. That is it. In about a month or so, they will see the Kohl's sign go up with anchor signage below it that is going to be 56 square feet that is allowed by the zoning ordinance right now.

Mr. Zobrist said that he was fine with that.

Mr. Wright emphasized that they were not talking about making everything bigger because they really were not.

Mr. Zobrist noted that was not his perception.

Mr. Franco said his perception is that staff is making this simpler to implement and more consistent across the board. Personally, he thought that staff was going in the right direction.

Mr. Morris agreed with Mr. Franco completely.

New Business:

Mr. Loach asked if there was any new business.

Resolution of Intent – Body Shops

Mr. Kamptner pointed out the resolution of intent before the Commission proposes to initiate a zoning text amendment that would add body shops to the HC, Highway Commercial District. When staff was looking at this issue when it came up within the last couple of months, they identified that the C-1, Commercial District, which is generally recognized as a less intensive district than the Highway Commercial, allows automotive and truck repair by right and body shops by special use permit. The Highway Commercial District, allows automotive and truck repair by right but it does not provide for body shops. As the resolution notes there are a number of other districts that allow body shops by special use permit. Mr. Cilimberg can fill in, but one of the goals of this zoning text amendment would be to add some consistency in the way uses are classified.

Mr. Cilimberg noted that Mr. Kamptner had covered this fully.

Mr. Franco said process-wise they are doing a resolution of intent to study it and move this question forward.

Mr. Zobrist noted that they would be doing an ordinance change as a zoning text amendment.

Mr. Kamptner noted that there is a landowner who is of interest and their representatives are here in the audience and may wish to speak in support of the resolution.

Mr. Loach invited public comment.

Mike Deardane, representative for Brown Automotive, said they also operate the Brown Collision Center on Route 29. The Brown Collision Center used to be a new car dealership. When Brown consolidated its sales operation into the new Brown Automotive Center on Route 29 North, it retained a Collision Center in the location at the former Brown Honda Dodge Dealership across from Fashion Square Mall. What Brown Automotive would like to do is to continue to operate its Collision Center in that location. The collision component has been there since 1981. Visually it looks like a new car dealership. It does not look the way people perceive body shops. In terms of benefit to the County, its use is a collision center as opposed to a new car dealership, which is zoned for in the Highway Commercial classification. Becoming a Collision Center only has reduced the traffic by about one half. Visually, the impact is the same. The traffic impact is less. Again, this is a use for a operation that has been in place since 1981. It is just that the new car sales have moved down the road. As Mr. Kamptner mentioned, current a Collision Center requires a special use permit in the C-1, Commercial District and LI, Light Industrial District. They think that it makes sense to permit it as a special use in the Highway Commercial District.

Mr. Cilimberg said that from staff's perspective this is a housekeeping item. It was discovered in researching the ordinance. In 1992, a Collision Center was just overlooked in terms of actually having it as a special use permit in the Highway Commercial District.

Motion: Mr. Franco moved and Mr. Zobrist seconded for approval of the resolution of intent regarding body shops in the Highway Commercial (HC) Zoning District as drafted.

The motion passed by a vote of 7:0.

Mr. Loach said the Planning Commission adopted the following resolution of intent regarding body shops in the Highway Commercial (HC) Zoning District. A public hearing is to be scheduled for the Body Shop Zoning Text Amendment.

RESOLUTION OF INTENT

WHEREAS, the Highway Commercial (HC) Zoning District was established to permit commercial establishments other than shopping centers, primarily oriented to highway locations rather than to central business concentration; and

WHEREAS, the HC Zoning District allows automobile and truck repair shops by right, but does not allow body shops either by right or by special use permit; and

WHEREAS, the Commercial (C-1) Zoning District permits commercial establishments which are primarily oriented to central business concentrations, with the intention that this district exist in the County's urban area, communities and villages, and the C-1 Zoning District allows automobile and truck repair shops by right and body shops by special use permit; and

WHEREAS, body shops are also allowed by special use permit in the Planned Unit Development-Commercial (PUD-C), the Light Industry (LI), and the Planned Development-Industrial Park (PD-IP) Zoning Districts and by right in the Heavy Industry (HI) zoning district; and

WHEREAS, body shops authorized by special use permit, subject to conditions to address any impacts from such a use, would be a use that is consistent with the purpose and intent of the HC Zoning District and the character of the uses currently permitted by right and by special use permit in that district.

WHEREAS, it is desired to amend the Albemarle County Zoning Ordinance to authorize body shops as a use permitted by special use permit in the HC Zoning District.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Planning Commission hereby adopts a resolution of intent to amend Zoning Ordinance § 24 and any other sections of the Zoning Ordinance determined to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

- ***THERE ARE NO PLANNING COMMISSION MEETINGS ON TUESDAY, OCTOBER 26, 2010 AND TUESDAY, NOVEMBER 2, 2010.***
- ***THE NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, NOVEMBER 9, 2010.***

Adjournment:

With no further items, the meeting adjourned at 8:31 p.m. to the Tuesday, November 9, 2010 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

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