Albemarle County Planning Commission
May 17, 2011

The Albemarle County Planning Commission held a public hearing, and meeting on Tuesday, May 17, 2011, 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, Ed Smith, Calvin Morris, Vice-Chair; Don Franco and Duane Zobrist, Chair. Commissioners absent were Linda Porterfield and Thomas Loach. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Wayne Cilimberg, Director of Planning; Francis MacCall, Senior Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Zobrist 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. Zobrist 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 – April 20, 2011.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on April 20, 2011.

Committee Reports

Mr. Zobrist reported that the MPO Tech Committee met. An analysis was done of the MPO funds that are allocated to our areas, which is being reviewed. The information is available if anyone is interested.

Regular Item:

ZTA-2011-00003 Special Lots – Amend Sec. 3.1, Definitions, and Sec. 4.2.1, Building site required, and add Sec. 4.3.02, Special lots, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 3.1 by adding a definition of "special lots," which are lots created for uses serving specific delineated public purposes; amend Sec. 4.2.1 to provide that special lots do not require a building site; and add Sec. 4.3.02 to provide that special lots of any size may be created in all zoning districts. The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, and 401 McIntire Road, Charlottesville, Virginia. (Amelia McCulley) ***DEFERRED FROM MAY 10, 2011***

STA-2011-00001 Special Lots – Amend Sec. 14-106, Definitions, and Sec. 14-302, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend Sec. 14-106 by renaming the term "non-building lot" to "special lot," and changing the reference to non-building lots in the definition of "remnant"; and amend Sec. 14-302 to refer to special lots. The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office. (Amelia McCulley) ***DEFERRED FROM MAY 10, 2011***

Mr. Zobrist noted that the two requests for STA-2011-00001 Special Lots and ZTA-2011-00003 Special Lots would be taken together.

Ms. McCulley handed out corrected amendment language for the subdivision draft. She presented a PowerPoint presentation and explained the proposal for ZTA-2011-03 and STA-2011-01 Exemptions for Creation of Special Lots, as follows:

What are Special Lots?

Special lots are established for purposes such as public parks and greenways, central well or sewer facilities, pre-existing cemeteries, public utilities, road rights-of-way and the like.

Examples of Special Lots:

- A typical greenway may be a 100' wide swath that could run 100 or 1,000 feet.
- A well lot can be as little as 100' X 100' or 10,000 square feet.

These special lots may not need to meet all of the Subdivision and Zoning Ordinance requirements.

Special Lots may not meet these requirements:

- Min. Lot Size (2 acres in RA);
- Min. Lot Frontage or Width (150 or 250 ft in RA);
- Min. Building Site (30,000 sq ft);
- Lot Shape;
- Submittal of groundwater assessment, or
- Agency Approvals: Health Dept, VDOT, etc.

Ms. McCulley asked to make one clarification since she had a good question from Morgan Butler with SELC this afternoon. This ordinance amendment for the zoning and subdivision ordinance is all about the creation of the lots. Any use of that property is still subject to the full zoning and subdivision requirements. As an example, if this ordinance is passed they could create a lot for a personal wireless facility. It would be exempt from certain requirements such as the lot size, building site, and so forth. However, you could not get a permit or an approval, building permit or any tier of approval permit from the county without having to comply with requirements such as critical slope requirements. Therefore, this is just for the creation of the lot or the subdivision of the lot, and not for the use itself. The use is still subject to all the development types of requirements.

Mr. Zobrist asked what is happening now. He questioned if they just would be locating it on a bigger lot.

Ms. McCulley replied that many lots go to record without County approval because that is something the Health Department requires. Greenway lots have been allowed through the administrative decision she made a couple of years ago as outlined in a memo attached to the staff report. That is the way the County has allowed it just by an administrative determination.

Mr. Zobrist noted as a result of a subdivision they file a plat map and it shows the greenways. The greenways are shown on the plat map, which is stamped and recorded.

Ms. McCulley replied that was correct. That greenway lot typically is not going to meet the full zoning and subdivision ordinance requirements.

Public Purpose

- Allow the creation of special lots (with a limited and identifiable special purpose) with exemptions from certain (Zoning and Subdivision) requirements necessary for the creation of lots intended for development.
- Requiring that these lots meet all requirements is not necessary to their specified use and can discourage property owners from providing land for these special purposes, such as greenway donations.

Background

- Codify consistent administrative practice (memo dated February 13, 2007)
- Provide consistency between Zoning and Subdivision Ordinances
- Origin: staff initiated resolution of intent adopted by the Commission on April 19, 2011.

Discussion

- Approval of a special lot will be subjected to limited requirements and approvals that are appropriate given the limited use of the property. Building permits, site plans or whatever follows the actual use of the property and is still subject to the full zoning requirements. Notes on the plat creating the special lot will state the identified purpose of the special lot and will limit the allowed use.

Recommendation
- Adoption of the draft ordinances for ZTA 2011-03 and STA 2011-01.
- Board of Supervisors public hearing is scheduled for June 1st.

Mr. Zobrist asked if that means each of these special lots will be given a tax map# or will they just be part of the parcel. He asked how that would work.

Ms. McCulley replied that once the special lots are recorded they would get a tax map number.

Mr. Zobrist asked if the special lots would be taxed accordingly as the special use.

Ms. McCulley replied that was correct.

Mr. Smith asked if the special lot would be taxed as the property around it.

Ms. McCulley replied that she did not know the answer to that. Some special lots are exempt because they are actually for public use and exempt from taxation.

Mr. Zobrist noted that the answer is the law states that they can be taxed based upon the use that they are permitted to have. It has to be the fair market value of that use.

Mr. Kamptner noted that it would be the highest and best use. By definition, it is what these parcels can be used for. It could be used for wells, streets, greenways, and other public uses such as that. A number of these special lots will be owned by public entities that are going to be exempt from taxation anyway.

Mr. Zobrist said it would bring the value down because of the limitation on use.

Mr. Zobrist opened the public hearing and invited public comment. There being none, he closed the public hearing to bring the matter before the Planning Commission for action.

Motion: Mr. Franco moved and Mr. Morris seconded for approval of ZTA-2011-00003 Special Lots and STA-2011-00001 Special Lots based on the information provided in the staff report.

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

Mr. Zobrist noted ZTA-2011-00003 Special Lots and STA-2011-00001 Special Lots would go to the Board of Supervisors on June 1, 2011 with a recommendation for approval.

Planning Commission Training and Discussion –

Best Practices for Public Bodies in Public Meetings

Deferred training and discussion until all Commissioners will be present.

New Business:

Mr. Zobrist asked if there was any new business.

- Commissioners Morris, Zobrist, and Lafferty will be absent at next week's meeting on May 24th. In order to have a quorum all other Commissioners will have to be present.

- The Clerk of the Board of Supervisors has asked if the Planning Commission could be available for a joint meeting with the Board and the ARB on the afternoon of August 3rd to receive information on and discuss possible changes to the County's ministerial (site plans and subdivisions) and legislative (re-zonings and special use permits) review processes. Staff will be preparing information for this meeting and will provide it to the Planning Commission the Friday prior to this joint meeting. Please let staff know if you will NOT be able to attend.

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

Old Business:

Mr. Zobrist asked if there was any old business.

- Mr. Cilimberg noted that in June they had the possibility of consolidating into just one meeting, including the Planning Commission Training and Discussion, Best Practices for Public Bodies in Public Meetings that was postponed tonight. At this point, there is only one Commission meeting scheduled in June, June 7th, based on items that need to be reviewed. Greg Kamptner and some Commissioners will not be here for that meeting, so in the interest of finding a date on which both Greg and all Commissioners can attend, for each of you staff needs to know the Commissioner's availability for the following dates:
  - June 14th
  - June 21st
  - July 12th
  - July 19th
  - July 26th
- Staff will determine the best date to schedule the training in consideration of other items that may also need to be scheduled.
- Last week the Commission asked staff to draft a memo to the Board of Supervisors regarding the size conditions for the Re Store N Station Special Use Permit that notes the allowances that resulted that were larger than what was originally proposed and requesting any feedback regarding this matter. Staff has done that in a first draft. Staff requested that the Commission review the memo between now and next week and provide any changes. It will need ultimately to go to the Board under the Planning Commission. Staff will send an email version tomorrow as well for Commissioners not here tonight.
- Mr. Zobrist noted that he would not be part of that since he has to disqualify himself. Mr. Franco questioned if he should be a part of it since he was not present at the public hearing. Mr. Kamptner replied that Mr. Franco could provide input to it.

Adjournment:

With no further items, the meeting adjourned at 6:23 p.m. to the Tuesday, May 24, 2011 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 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)