Albemarle County Planning Commission
February 28, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, January 28, 2012, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Ed Smith, Thomas Loach, Richard Randolph, Don Franco, Calvin Morris, Chairman and Russell (Mac) Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Scott Clark, Senior Planner; Joanne Tu Purtsezova, Planner; Christopher Perez, Senior Planner, Megan Yaniglos, Senior Planner; Glenn Brooks, County Engineer; Ron Higgins, Chief of Zoning; Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, 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. Morris invited comment from the public on other matters not listed on the agenda.

Neil Williamson, with Free Enterprise Forum, noted that the State Code is rather specific in establishing the responsibility of the Planning Commission to recommend the Comprehensive Plan. He spoke regarding a presentation at last week's MPO meeting on a federal grant project to develop a housing affordability and transportation index for the Thomas Jefferson Planning District. He expressed concern that, based on questions asked at the meeting, this work would be used to develop recommendations in the County's Comprehensive Plan without any opportunity to question the data being developed and no input from the Planning Commission. He re-emphasized that the Comprehensive Plan is the responsibility of the Planning Commission to bring forward to the Board. He asked the Commission to ask more questions.

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

Deferred Items:

SP-2010-00042 David Brown Auto Detailing and Repair
PROPOSED: Special Use Permit for a public garage with auto detailing and repair
ZONING CATEGORY/GENERAL USAGE: Rural Areas (RA) - agricultural, forestal and fishery uses
SECTION: 10.2.2 (37) Public garage
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources / density.5 units / acre of development lots
ENTRANCE CORRIDOR: No LOCATION: 599 Rocky Hollow Rd. (Rt. 769); east of Stony Point Rd. (Rt. 20)
TAX MAP/PARCEL: 062000000076A1
MAGISTERIAL DISTRICT: Rivanna (Scott Clark)
DEFERRED FROM THE JANUARY 24, 2012 PLANNING COMMISSION MEETING

Scott Clark presented a PowerPoint presentation and summarized the staff report.

This is a special use permit request for a public garage, auto detailing and repair in the rural areas zoning district. As mentioned in the staff report Mr. Brown has been operating a public garage on his property without the necessary special use permit. He is requesting to continue operating the 3-bay, 1,608-square-foot repair facility. On June 4, 2011, Mr. Brown was notified that his existing public garage was not permitted by right in the Rural Areas zoning district, and was in violation of the Zoning Ordinance. (VIO-

2011-093) Since then the applicant has been working with staff in conjunction with the current special use permit application to turn this into a permitted use and try to rectify this violation. He reviewed the conceptual plan for the special use permit noting the dwelling was not part of the permit request and the location of the stream. A lot of the parking area and part of the structure is included in the Water Protection Ordinance stream buffer as noted on the plan. There have already been some impacts to the stream buffer on the property.

Factors Favorable:

1. Similar public garages have been approved in the past because they provide a useful service to Rural Area residents.
2. With the recommended conditions, which limit the scale of the use, the hours of operation, the storage of vehicles, and other related activities, the use would have limited impact on adjacent properties.
3. Approval of the special use permit with conditions would lead to mitigation of some of the already-created impacts of this existing, non-conforming use.

Factors Unfavorable:

1. The impacts of this use could be detrimental to rural character and resources if not appropriately scaled and managed.

Potential Impacts Addressed in Proposed Conditions of Approval:

- Noise
- Light
- Water Impacts (chemical and septic)
- Development within stream buffer
- Scale of commercial use in the Rural Areas

RECOMMENDED ACTION:

Staff recommends approval of SP-2010-00042 David Brown Auto Detailing and Repair, with the 13 conditions recommended by staff as listed in the staff report.

Mr. Morris invited questions for staff.

Mr. Randolph asked if the permittee violates any of the terms that staff has set out here, which he thought were very thorough, what are the consequences.

Mr. Clark replied that becomes a zoning enforcement matter. The terms of the violation can be rectified and go back to what is permitted. If it goes on for a long term, then there are civil penalties and other means that can be used to encourage the land owner to get back to what is permitted.

Mr. Smith asked if he is in operation now.

Mr. Clark replied the applicant is not in operation at the moment.

Mr. Smith questioned how he makes a living.

Mr. Clark replied that he did not know and he did not ask.

Mr. Dotson asked if the owner is the resident of the house that is adjacent.

Mr. Clark replied yes, the owner lives in the house on that same site.

Mr. Dotson asked if by any stretch this could be considered a home occupation in any of the tiers the County has.

Mr. Clark replied no. Even in a Class B, Home Occupation the use has to be contained in the extra structure, which this could not because there is parking outside.

Mr. Smith asked how they would police condition 11.

Mr. Clark replied essentially it would be only through a complaint. If someone was to come in and tell the zoning department Mr. Brown has three persons working on the site or coming in from outside, then staff would investigate it. They don't have the staff to be there every week looking to see who works there.

Mr. Cilimberg noted that all of the requirements of the zoning ordinance are essentially handled through complaint. It includes conditions of special use permits and other zoning regulations.

Mr. Morris asked if they have received any concerns from neighbors regarding this.

Mr. Clark replied there was one email, which the Commission received from Mike Miller who owns one of the adjacent properties. Mr. Miller was concerned about the noise and the impacts on property values of the surrounding land.

Mr. Morris noted that email was received in January. As he recalled that gentleman is not currently a resident in that area.

Mr. Clark replied that was correct in that Mr. Miller owns the property but lives in another state.

Mr. Morris asked if there were any others.

Mr. Clark replied that he had one call from a nearby resident who was concerned about the level of traffic on the site. He responded by telling her what they were doing to manage that, which is the number of cars and hours of operation. He could not tell the Commission whether that satisfied her concerns.

There being no further questions, Mr. Morris opened the public hearing and invited the applicant to address the Commission.

David Wyant, representative for the applicant, said that he would answer a couple of the questions. Mr. Brown is unemployed. He used to do deliveries and everything around to convenience stores. Since he has been unemployed he is trying to start back up his repair work and body shop. He is familiar with garages and has been before the Commission on several others. He said the conditions are acceptable, except for the following suggestions.

- Regarding employees, he asked the Commission to consider allowing Mr. Brown one or two employees. When Mr. Brown was hurt in order to keep the business going he would need somebody to help him do the work. There is a fellow that helped him part time. In the Class B, Home Occupation some are allowed one or two employees. They don't want a lot of traffic so only want one or two employees working. He asked that they allow something like that so Mr. Brown would not end up in violation of the conditions.
- They have three parking spaces for vehicles that are waiting to be repaired. It would be helpful to staff and the applicant to define that. In the past he has used basketball analogy in that once they get beyond a certain point that is the garage. All the garage activity and everything associated with it had to be behind that. The rest of it is his residence just like the rest of the residents in the county. The reason he brought that up was the inoperable automobiles. On a parcel of land they are now allowed two inoperable vehicles if it is not personally involved in the business That have to distinguish that because otherwise he gets calls back from staff to go help these folks understand what they have as a condition. He would suggest they work it out with Amelia or someone in the zoning department how they would define the three parking places that he uses for the garage. It would be helpful to Mr. Brown as well as to the staff in policing this kind of operation.

Mr. Morris invited questions for the applicant.

Mr. Dotson said he was curious about the applicant's story. He asked if the garage was pre-existing when Mr. Brown bought the house and the garage. He noted Mr. Brown was unemployed. However, he was imaging this as something somebody might do in the evening or on weekends to supplement an off-site job.

Mr. Wyant replied that he was not sure exactly about all the details. It has been a long time ago since he went over a lot of this with the Commission and the applicant is not here tonight. He recalled that the garage was built on sometime afterwards. The work was done on the side at night. It was one of the trades Mr. Brown has been doing through his life. Then he kind of shut the business down. It is one of those one horse operations where he maybe just works weekends and night time. However, he has not been doing anything. He has been on Mr. Brown to make sure they stay clean until they get through this and meet all of the conditions. They could then get a clearance to be ready to go.

Mr. Dotson noted one of the reasons he was curious about that is condition #2 says the work shall end at 6 p.m. He was picturing somebody who was off the day job coming home and working a couple hours after dark.

Mr. Wyant said that has been an issue in the past with garages because folks have worked part time. However, at this time Mr. Brown is not employed and his intent is just to run the garage operation as his livelihood. As far as he knows he is collecting unemployment right now.

Mr. Dotson noticed that the business title is David Brown's Auto Detailing and Repair yet what they are asked to approve is a public garage. It sounds like a much bigger door than detailing and repair.

Mr. Wyant replied they went over that earlier, which is why they have conditions. What Mr. Brown is doing is mostly parts, replacement and some touch up paint within that small garage. There are three bays in the garage. He does not have the heated paint booth or everything like that. It is just a small auto repair business, which is why these conditions are recommended.

Mr. Randolph asked if permitted what is his goal in terms of the number of people that would be working in this facility.

Mr. Wyant replied that he did not think Mr. Brown anticipates having over one or maybe two at the most. He had run into the limit of two employees before with the Class B licensing out in the rural areas. They need to make sure that Mr. Brown clearly understands if employing people they can't have but X number. He just needs a helper sometimes in doing some of this work. He does not work by himself.

Mr. Randolph said it would be unusual for this kind of work for him to be working alone and also doing the bookkeeping and billing.

Mr. Wyant replied that Mr. Brown had a lady that helps a lot with the bookkeeping and other things. As far as putting parts on that is not a one person job. Therefore, he thought they ought to be realistic in what they are probably going to encounter out there. He was glad somebody asked about the time because he would ask to move the start time up to 9:00 a.m. to be more reasonable and make the quitting time later, but not too late into the night.

Mr. Randolph said in a normal operating garage there are a fair number of inflammable toxics that are going to be on site. If he is doing any auto body work, then that is an extra level of toxins. Does he already have installed in this garage exhaust fans to accommodate the type of work where there is toxic exposure for the employees?

Mr. Wyant replied that he was not sure about that. He did not remember seeing the exhaust fan. He has his compressors and things out back. The one thing they have had in the other garages is storage of any fluids. Some of those garages were more like a real garage and not just a detailing shop. All that has to stay inside of the structure and it cannot be put outside. Parts cannot be stored outside in order to have a good appearance.

Mr. Dotson asked how he would go about attracting customers. Does he advertise or have affiliation with an in town garage that sends him work?

Mr. Wyant replied that he had an affiliation with two other garages that send him work. Since he had been physically down he has not been able to do any operation. However, he has one or two service stations or public garages that send him work. It is amazing when someone lives out in the rural area how these relationships go on and where they get their work.

Mr. Lafferty asked if that is the way he gets the vehicles to the site when inoperative.

Mr. Wyant replied most of the time that is correct. In the times he has been at the site and talked to him about it people can drive the vehicles up for minor repairs. Of course, they will use tow trucks. Regarding the noise issues, he noted the compressors now have been silenced. He was not sure where the neighbor lives that was asking about that. However, that is part of the conditions for a garage.

Mr. Morris asked if there are any plans for signage out at the road.

Mr. Wyant replied that he had not heard Mr. Brown mention a thing about signs. It is by word of mouth.

Mr. Morris invited public comment. There being no public comment, the public hearing was closed to bring the matter before the Planning Commission.

Mr. Franco asked staff to comment on the outside employee aspect. It seemed pretty reasonable that somebody from the outside might come and help them occasionally. He asked if there was a problem rewording the condition.

Mr. Clark replied it makes sense if the condition was reworded to permit a small number of employees. Having no restriction on that would lead to a lot of concern for the zoning department.

Mr. Kamptner noted as a point of reference major home occupations in the rural areas allow up to two additional persons to work in permitted home occupations.

Mr. Franco asked if staff could support putting that condition in as it is with home occupations.

Mr. Clark replied yes that he could support adding that condition. The overall concern is to keep the level of travel down. Each person coming in theoretically is two trips a day coming and going. So that is not a large number of trips on the road being added.

Mr. Franco noted if it were a home occupation it could generate that many trips as well. He assumed this request was going for a special use permit because it was considered more intense. However, it seems like they ought to at least allow for that impact because it seems pretty reasonable. The hours of operation was also designed to limit the traffic impacts as well. With the realization that some of this work may want to be conducted in the evening is the noise ordinance enough to take care of the concerns about sound for the impacts to the adjacent properties. They have a rural noise ordinance.

Mr. Cilimberg replied from the standpoint of noise it would regulate based on the hours that the noise is being created and it would not deal with traffic.

Mr. Franco asked if he saw a way of allowing for work to take place in the evenings but not have the traffic.

Mr. Cilimberg replied that would be hard even on a complaint basis to regulate. He suggested that they just adjust the hours that are allowed for the operation to be in accord with what is reasonable for the circumstance. It would probably be more about adjusting what is now listed as between 7:30 am and 6:00 p.m.

Mr. Franco noted that it was suggested they use 9:00 a.m. He asked if staff was comfortable if they use 9:00 a.m. to 7:30 p.m.

Mr. Clark replied there is a condition that says the actual work has to occur inside the building. If the garage was run according to the conditions the only activity outside are the arriving and departing of vehicles and vehicles being shuffled around. He thought with the combination of that condition and the noise ordinance it would take care of the noise concerns. Neighbors may or may not appreciate the late hour of traffic like that. Since this is a small use limited to a three-bay garage the amount of traffic added during those hours is probably not going to compare to that already created by the residential uses on the road.

Mr. Loach said to some extent staff had answered the questions about the noise. The potential for the noise and traffic seemed to be the biggest complaint from the letters and emails staff received. As far as the garage concerning the exhaust and storage of solvents does the county handle that.

Mr. Clark replied no, those are all state level regulations.

Mr. Cilimberg noted those are also building code regulations, which are county administered in addition to whatever the state regulations would be.

Mr. Lafferty said he appreciates how much staff has bent over backwards to try to accommodate this. Obviously, from his standpoint if this was a new project it would never go through. He thought staff has tried to work with the owner to make it possible.

Mr. Morris agreed. It is right next door and he did not know it existed.

Mr. Smith noted realistically Mr. Brown only has three bays and he is a man operating by himself. He questioned how many cars can be coming and going. He felt that the traffic would be negligible with three bays

Mr. Franco said even if this was a new use it is regulated by a special use permit, which means they ought to be looking at it. He did not think the use should be prohibited just in general. It is a reasonable use in the rural areas. It is very low impact. It is the kind of thing seen in the rural area. He did not have a problem with the use in there even if it was a new use.

Mr. Morris noted that it was located back up in the woods.

Mr. Loach pointed out that it was similar to the garage approved in Earlysville.

Mr. Lafferty pointed out this was within the stream buffer.

Mr. Franco said that made him a little nervous. However, it is an existing disturbance. He was not sure how the residential disturbances occur any way. It looked like other than some of the parking spaces they would have been coming in for mitigation. It looks like mitigation has been conditioned as part of this, and he was comfortable with that.

Mr. Dotson said these are the kind of issues he hates. It is sort of a head/heart issue with the economy and a person's livelihood affected being the heart issue. The head issue is he would never put a public garage in this location and never put structures in the stream buffer. However, the structures are already there. He thought that mitigates it. If instead of repairing cars he was repairing tractors and farm equipment it probably would be the same impact. However, he would be more comfortable because it would seem more appropriate in the rural area. He was trying to get over the fact that it was cars and simply think of it being repairing things.

Mr. Randolph echoed that sentiment. If they were not presented with the existing structure he totally agreed with Mr. Lafferty that if it was a new application he thought they would be unanimous in disapproval. He really wrestles with the issues here similarly. He was not so sure if it was going to be a local service or whether it was really a service for some dealerships in town that are going to farm out automobile to have specialized work done at a lower overhead cost. In that case he thought they need to watch that very closely because they may see more of this happening as dealerships are restricted in

terms of their square footage and their ability to expand. There is going to be more urgency to utilize spaces like this in the rural areas. However, as long as they are covering the noise considerations that the neighbor from out of state raised, then he did not think they could do much else with it.

Mr. Kamptner noted the other issue Mr. Wyant raised regarding condition 10 was if there could be more specificity with respect to where the vehicles would be parked outdoors. He did not know if staff could craft a condition right now. He was not sure if zoning goes out to the site and works with the applicant to be able to describe the area so that can be placed in the condition when it reaches the Board of Supervisors. He asked that the motion acknowledge the parking delineation since zoning staff was shaking their heads in agreement with that.

Mr. Cilimberg noted the plan in attachment C does show parking spaces. Mr. Wyant brought this up and he also worked on this plan. It does appear that there are more than three locations where those three vehicles could be parked.

Mr. Franco said the issue Mr. Wyant was bringing to light was that without the special use permit he is allowed to have two non-functioning or inoperative vehicles on his property. With the special use permit he would now be limited to not having any on his property outside the garage. What they are trying to do is allow two personal disabled vehicles to be on the property. That is a question for the Commission regarding when the home occupations came through there were conditions where someone lost some of the rights that they might have by right so to speak when they got a home occupation. He asked if the Commission would be comfortable allowing that. He was comfortable with it and unless someone objects he would make that part of the motion.

Mr. Loach asked if there is a duration factor with the disabled vehicles.

Mr. Clark pointed out there are two other conditions that address this issue. Condition 9 says the parking will only take place in the designated or depicted parking spaces shown on the plan in attachment C. Condition 5d requires the vehicles not be stored on the site for more that 30 days.

Mr. Franco said what they were going to be asking zoning staff to do is to meet with the applicant to take the submitted site plan and designate which spaces are associated with the garage. These conditions would apply to those spaces and not to the rest of the site.

Mr. Loach asked if he was saying the garage itself can have two disabled vehicles and the detached house itself could have an additional two.

Mr. Franco said the garage has to store disabled vehicles in the garage itself.

Mr. Cilimberg said the permit is applicable to the operation for which the permit was requested as a special use permit. The question that needed clarification was if they had their own two inoperative vehicles parked in one of these spaces that are designated for the three associated with the garage are they going to run into trouble because of that. That is a zoning question. Staff can work on that between now and the Board meeting to see if further clarification is necessary. Ron Higgins is here from zoning and he can certainly think about this. If the Commission just wants to make sure they have that opportunity to clarify, staff can do that between now and the Board meeting.

Mr. Kamptner said the current regulations require the inoperative vehicles be screened from view. Staff has been looking at and may be coming forward with a proposed ordinance amendment submitting not only the regulations pertaining to inoperative vehicles in the zoning ordinance, but in another part of the County Code. They can't regulate inoperative vehicles to the extent that they would like to. However, they may be coming forward with something that will do a little more than they do right now.

Mr. Loach noted it was mentioned in the 29 rezoning the Commission heard not too long ago that disabled vehicles seemed to be more prone to leakage of fluid, which was what the Commission was concerned about. That is the only concern he has with that factor.

Mr. Franco asked how he would like to address that.

Mr. Loach replied that if zoning can take care of it and if they are already addressing it that he had no problem with it. He thought that screening was one thing. However, if they were putting the inoperative vehicles inside the garage they have much better control over it.

Mr. Clark noted there is also the 30 day limit on the storage of a vehicle.

Mr. Loach said that 30 days is a long time for leakage particularly near the stream buffer.

Mr. Franco noted the Commission dealt with that issue on 29 north and on Route 20 south. The question came up about leaking fluids, and the answer was if it was really damaged to that extent most of the fluid loss was at the accident site. There was very little leakage once the car had been towed from the wreck site.

Mr. Smith said the only problem he had was with condition 5d. If anyone had done repair work they know someone cannot always get the parts they need in 30 days. He was not saying give him 60 days or 90 days, but to say they have to be realistic when that does not happen.

Mr. Franco said that was reasonable. He asked does the storage apply in the garage.

Mr. Clark replied that condition 5 reads anywhere on the site.

Mr. Randolph suggested that 45 days would more appropriate.

Mr. Loach suggested using 30 days as the standard guide. Staff could use common sense with the enforcement if the ordered parts were not available.

Mr. Morris said he was hearing him say that they at least have proof that action has been taken to order the parts.

Mr. Loach agreed if they have a receipt that says the part is back ordered it seems that it is reasonable. He did not think they need to change the 30 days in the condition since it was probably not that common. He did not think 30 days was the magic number and 45 days would not be a big difference in the enforcement of it.

Mr. Franco said that is not how the zoning ordinance was written. He thought that 30 or 45 days means 30 or 45 days.

Mr. Loach said they need to have a standard they can follow so they can handle those who would abuse it. He did not think in this condition that is the case.

Mr. Cilimberg suggested that Ron Higgins could speak to this. However, the reality is the violation does not exist until it is 31 days. If it was complaint driven then they are going to hear at 31 days that somebody exceeded their 30 day limitation. Then zoning will go out within a few days and talk to them about it, ask for information, and tell them that they need to comply. It is going to end up being 45 days before it probably ends up getting fixed anyway. The reality is that time is going to past before real enforcement action takes place beyond them being told they need to get this vehicle repaired because it is beyond 30 days.

Mr. Randolph said the reason for 5d is to ensure that the vehicles don't sit there parked leaking fluids into the nearby adjacent stream.

Motion: Mr. Franco moved and Mr. Lafferty seconded to recommend approval of SP-2010-00042, David Brown Auto Detailing and Repair, with the conditions as noted in staff's report with an amendment to the following conditions:

- condition 2 to allow the hours of operation from 9:00 a.m. to 7:30 p.m.;

- condition 10 to have staff work with the applicant to define which spaces on the site plan are associated with the garage and which are associated with the residence,
- condition 9 to be addressed as well for the parking issue; and
- condition 11 to amend it to be consistent with the home occupation allowing two outside employees.

Mr. Kamptner suggested that condition to read, "There may be up to two additional employees other than family members who reside in the home on the site associated with this use."

Mr. Dotson noted as an observation that had there been neighbors to voice concerns he might vote differently. However, he was prepared to support the request.

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

Mr. Morris noted that SP-2010-00042 David Brown Auto Detailing and Repair would go to the Board of Supervisors on a date to be determined with a recommendation for approval with the following conditions as amended.

1. Development and use shall be in general accord with the conceptual plan titled "Site Plan David Brown's Body Shop," prepared by David C. Wyant, Sr., and dated October 27, 2011 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator to be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Concept Plan:

    - limits of disturbance
    - location and size of buildings and structures
    - location of parking areas
    - extent of paving
    - environmental features, including the stream and steep slopes on the site

    The Zoning Administrator may approve minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The hours of operation for the public garage shall not begin earlier than 9:00 a.m. and shall end not later than 7:30 p.m., each day, Monday through Saturday. The public garage shall not operate on Sundays.

3. Compliance with the Virginia State Department of Health regarding water supply and septic system shall be verified by the Health Department prior to issuance of a zoning clearance and the commencement of the special use.

4. All outdoor lighting shall be only full cut-off fixtures and shall be shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to issuance of a zoning clearance.

5. The following activities are prohibited anywhere on the site:
    a. Gasoline sales
    b. Installation and/or use of a paint booth
    c. Sale or rental of vehicles or other motorized equipment
    d. Storage of vehicles on the site for longer than 30 days
    e. Outdoor storage of inoperative vehicles, parts, equipment, machinery, and/or junk

6. All detailing and/or repairing of vehicles shall take place inside the existing garage.

7. The impervious surface, including any impervious paving, on the site shall not be expanded beyond its extent on the date of this application. (November 15, 2010).

8. The permittee shall install and thereafter maintain a minimum twenty (20)-foot deep landscaped buffer adjacent to the stream. This planting shall use native tree and shrub species listed in Appendix A of the Riparian Buffers Modification & Mitigation Guidance Manual, published by the Virginia Department of Conservation and Recreation and/or the brochure Native Plants for Conservation, Restoration, and Landscaping, published by the Virginia Department of Conservation and Recreation. Trees and shrubs shall be planted at the densities specified in Appendix D, Table A of the Riparian Buffers Modification & Mitigation Guidance Manual, published by the Virginia Department of Conservation and Recreation. Landscaping shall be installed prior to issuance of a zoning clearance. No vehicles may be parked or other business or earth-moving activities shall take place within this buffer.

9. Parking of vehicles associated with the public garage shall take place only in the parking spaces depicted on the Concept Plan. **(Staff to work with the applicant to define which spaces on the site plan is associated with the garage that is associated with the parking issue.)**

10. There shall be no more than three (3) vehicles awaiting repair or waiting to be picked up after repair parked outside the garage at any one time. **(Staff to work with the applicant to define which spaces on the site plan is associated with the garage that is associated with the residence.)**

11. There may be up to two additional employees other than family members who reside in the home on the site associated with this use.

12. Approval from the Department of Environmental Quality, if required, shall be required prior to issuance of the zoning clearance.

13. The use shall not lawfully commence until the Special Use Permit is approved and all applicable conditions of approval have been met.

Before moving forward, Mr. Morris welcomed Professor Spain and her class to the Planning Commission meeting.

Public Hearing Items:

SP-2011-00031 Greenbrier Emergency Animal Hospital
PROPOSED: Request to amend SP-2009-00030 to extend veterinary services to include specialty medical care and expand the space in the existing building. The emergency animal hospital use remains. No residential units proposed.
ZONING CATEGORY/GENERAL USAGE: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre) and C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
AIRPORT IMPACT AREA: Yes
ENTRANCE CORRIDOR: Yes
SECTION: Sections 22.2.2.5 and 24.2.2.4 of the Zoning Ordinance which allows for veterinary office and hospital uses.
COMPREHENSIVE PLAN LAND USE/DENSITY: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in Neighborhood 1 of the Places 29 Master Plan
LOCATION: 370 Greenbrier Dr. approximately 675 feet west of the intersection of Greenbrier Drive and Route 29 (Seminole Trail)
TAX MAP/PARCEL: 061W0-01-0A-00500
MAGISTERIAL DISTRICT: Rio
(Joanne Tu Purtsezova)

Joanne Tu Purtsezova presented a Power-Point presentation and summarized the staff report for SP-2011-00031, Greenbrier Emergency Animal Hospital.

- The main purpose of Planning Commission review is to amend the conditions of SP-2009-30 specifically to add an outdoor dog walking area to expand the veterinary services to include internal medicine and surgery and to expand into the entire building. The proposed designated dog walking area is shown on the 2005 survey done by Aubrey Huffman.
- All of the factors currently are favorable. None of the reviewing agencies have any objections to the proposal. Staff recommends approval with conditions as stated in the staff report.

Mr. Morris invited questions for staff. He asked the proximity of this to the hotel or motel that is in the area

Ms. Purtsezova replied the hotel was pretty close at about 100' and staff has not heard anything from them.

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

Jo Higgins representative for the owner, pointed out there was a building closer towards 29 between the hotel and this building. Therefore, the building at 370 Greenbrier Drive is completely isolated. On Westfield Drive there is another veterinary clinic that this building backs up to. The Flowers Baking Service is kind of an industrial use. There is really no proximity to residential in that whole blocked area. She explained the request as follows.

- This building is called Greenbrier Emergency Veterinary Clinic. This service in the end of the building provides services to all veterinarians because it stays open all night and closes in the morning. Right now the injured animals that are typically brought in at night and on weekends are moved to possibly the person's primary veterinary care person. There is a veterinarian who has moved into the area who is doing chemo therapy, oncology and things like that for animals, mostly dogs and cats. She had one of her previous clients who were actually transporting their dog to northern Virginia to receive chemo therapy use this service. The clients were extremely pleased to have this service available locally because Richmond was the other referral that they got and northern Virginia was a very long tract to bring the dog home each time after these visits. This is not a normal clinic.
- The clinic that was approved in the special use permit previously in 2009 did not open. This is a way to give more space to surgeons and specialty veterinary givers. They will actually treat the animals brought in during an emergency and referrals from the normal wellness clinics. It provides a service that is not really based here as yet. As seen in the conditions they are really just asking for the conditions to be more manageable. The only change, of course, is the square footage area. It is not like this is going to completely take over the building at one time. They expect it to be gradual. The first remodeling will be two units next to the emergency clinic for these initial doctors to move in. However, they really hope to establish a practice that provides a service that is not available in the urban areas. The specialty is now people are spending more money on their pets.
- The only change to the conditions is about the time limit. The limit imposed in 2009 was specifically related to the emergency clinic opening and closing. Since they are all internal to the building it does not make any sense. They will move animals internally and walk them down the hall. The doctors more readily will walk down to the emergency clinic and see their patient. So there won't be any outside activity. It would be impossible to put limits on the hours because the night time operation would go on, and then they would leave. Then the day time operation would pick up. They thought that was a reasonable thing to do.
- She went back and researched a lot of special use permits and looked at the language. Of course, this is not an overnight boarding use. No animals, other than the ones that are under a doctor's care, are to be in the building. That was the amendment to condition 5. It actually referenced condition 3, which should reference condition 4. It is to clean it up and reference the entire building address. There have not been any complaints that they know about. Mr. Loffler actually is the landlord and the operational person for this and he has not had any complaints. They have been very good tenants. She believed there were some comments the last time when the SP-2009 was amended that he had only heard good things. Hopefully, that will continue.

- The dog walk area is up against the chain link fence in the corner. The real purpose of this is to designate when people get out of their car to go to a specific area for cleanliness. No dogs will be left there unattended. It is so they can put in a dog station with a little bag rather than people just searching the whole parking lot wherever they see a green spot. It is not anything that should be an encumbrance or a bother to the neighbors. It actually backs up to the other veterinary clinic.

Mr. Morris invited questions for the applicant.

Mr. Randolph asked if the owners of the hospital would be comfortable if they indicated that the animals to be serviced by this facility would not be any mammals other than dogs and cats or animals smaller than that.

Ms. Higgins replied that in all the other special use permits that she researched there is no limitation on this. There is a description of veterinary clinic. However, an avian has birds. They don't do horses, which is an equine. This is called small animal veterinary center, which is defined in the ordinance. She has not been asked that question. A horse or cow can't be taken there. She did not know if they take swine, as an example. She did not know the answer to that question. She would hesitate to put a restriction on this when it is not on any of the previous special use permits. She went back through the records to almost every special use permit that has been issued. Her understanding is the only purpose for special use permits in this kind of district is just to look at the nuisances, which have to do with outside barking, kennels, and that sort of thing. Whatever size animal goes in the door she did not think it would be any different to anyone. However, she would hesitate to say that would be agreeable unless there is some reason for it.

Mr. Randolph noted the follow up question is that there is no reason why somebody with a sick lama could not be able to bring the lama to this facility at night.

Ms. Higgins replied that this is a small animal veterinary hospital and that is livestock. She suggested that Mr. Cilimberg might know the answer. There is an animal hospital for livestock across the mountain where people go near Lexington. There is also one in Gordonsville. They are known as having an operation room for horse deliveries. This would not meet those same criteria.

Mr. Loach asked for clarification. They are talking basically about a 24-hour operation. They are saying the hours of operation shall be between 5:30 p.m. each Monday through Thursday and 9:00 a.m. the following days between 5:30 p.m. and 9:00 a.m. Then it says the specialty clinic is 9:00 a.m. to 5:00 p.m.

Mr. Higgins replied no, that he was looking at the old conditions. The recommended conditions have no hours designated. Those have been removed.

Mr. Loach asked if this is still going to be a 24-hour operation.

Ms. Higgins replied that the emergency veterinary clinic is in one suite at the end. This will expand the use to allow other surgeons. That use will continue to operate as a tenant in this building. They are owned by a different veterinary group. This request is to allow other suites. The emergency veterinary clinic closes at 8:00 a.m.

Mr. Loach asked if they have specialty in the day and then the emergency clinic at night.

Ms. Higgins replied yes, it was all in the same building.

Mr. Loach said it was basically in two different suites and a 24-hour operation for the building.

Ms. Higgins replied yes. The emergency veterinary clinic will be locking their door and they go home. Then the new people will come in.

Mr. Loach said the operation in itself is wholly an outpatient service with no boarding.

Ms. Higgins replied there was no boarding of animals unless they were there for medical treatment which was a condition. That condition seemed to appear most often on special use permits. Rather than wording it differently she suggested using that language since it was on some of the other special use permits that have been approved.

Mr. Loach asked staff on the recommended conditions under 1 it says there shall be no outside exercise area. He asked how that is differentiated from the walking area.

Ms. Purtsezova replied they discussed this internally already and came to the conclusion that the walking area is really for, as Ms. Higgins referred to, an area for cleanliness and making sure there is an area for urination and such so there is no issues with that. That area where there are a lot of trees is not really designed for dogs to be running around.

Ms. Higgins noted at the last veterinary clinic she worked with on Rio Road they actually at the end of their building have a fenced exercise area inside of a privacy fence attached to the building. That was by their special use. This has no attached exercise area or kennel area, which is what they usually call an exercise area. This is basically to walk their dog. Anyone might walk in that area versus the people from inside the building.

Mr. Cilimberg pointed out that the purpose for the second sentence in the condition was to distinguish the walking of animals from a general outside exercise area.

Mr. Smith questioned if he took his dog in at 7:00 a.m. and he needs a serious operation would they start and leave at 8:00 a.m.

Ms. Higgins said that was a very good question. The emergency clinic usually coordinates closely with one of the other clinics in the area. Some of them do double shifts. They actually staff rotationally. However, now there are some permanent folks. She would guess that if they took someone in at quarter of 8 that she would guess they would. However, she had been there at 8:30 a.m. a couple of times and the door is locked. She has never seen those folks yet.

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

Motion: Mr. Franco moved and Mr. Loach seconded to recommend approval of SP-2011-00031 Greenbrier Emergency Animal Hospital with staff's recommended conditions.

Mr. Kamptner suggested a non subjective revision to condition 4 to read, "No overnight boarding shall be permitted, except for those animals under emergency medical care." It is minor grammatical changes to improve its readability.

Mr. Franco accepted the friendly amendment, which was seconded by Mr. Loach.

The motion passed by a vote of 7:0.

Mr. Morris said the request would be forwarded to the Board of Supervisors with a recommendation for approval at a time to be determined with the following conditions, as amended.

1. There shall be no outside exercise area. However, walking of animals is permitted and shall be delineated with either post and cable or fencing to an area in the northwest corner of the parcel as shown on the attachment (described in 3);
2. No animals are to be confined outside;
3. Use is limited to 370 Greenbrier Drive as shown on the attached Land Title Survey Showing Parcel B-1 Section One Westfield created by B. Aubrey Huffman and Associates, LLC, dated April 13, 2005;

4. No overnight boarding shall be permitted, except for those animals under emergency medical care.

SP-2011-00029 Keswick Tower
PROPOSED: Special use permit amendment request to SP-2004-00039 because the conditions of approval limit the antennas number and size on the tower to those that were shown on the original construction drawing. The proposal consists of collocation of three new antennas and relocation of three antennas in an existing array on an existing tower, as well as the location of associated ground equipment.
ZONING CATEGORY/GENERAL USAGE: (RA) Rural Areas – agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
SECTION: 10.2.2(48) which allows for Tier III personal wireless service facilities in the RA Zoning District.
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).
ENTRANCE CORRIDOR: YES
LOCATION: 4464 Richmond Rd. Keswick
TAX MAP/PARCEL: 09400-00-00-041A1
MAGISTERIAL DISTRICT: Scottsville
(Christopher Perez)

Christopher Perez presented a Power-Point presentation and summarized the staff report for SP-2011-00029, Keswick Tower. A Special Use Permit amendment is requested to SP-2004-00039 because the conditions of approval limit the antennas location, number and size on the tower to those that were shown on the original construction drawing. This is an amendment to an existing tower that is 149 feet tall and they would be collocating at the 90' elevation. The Planning Commission will need to make recommendations on the appropriateness of the proposal.

This is a proposal for the collocation of three new antennas and the relocation of three existing antennas in an existing array on an existing tower at the 90' elevation, as well as the location of associated ground equipment within the existing enclosed compound. The elevation of the existing tower is 149' and no height increase is proposed.

To accomplish the proposed collocation an alternative mounting style, dual antenna mounts, are employed which differs from the approved flush mounts. The ordinance requires the antennas be no more than 12 inches from the tower, however the alternative mounting arrangement causes the maximum standoff distance to be 18 – 24 inches from the tower requiring a modification to Sections 5.1.40(c)3i and (c)3ii.

- Zoning Ordinance Modifications:
  - **Section 5.1.40(c)(3)i**
  - **Section 5.1.40(c)(3)ii**

Section 5.1.40(c)(3)i - The number of arrays proposed exceeds the three that are permitted by the ordinance, however the previous Special Use Permit (SP-2004-39) modified this condition to allow for five arrays and placed conditions on them requiring an amendment to the SP if a proposal to relocate any of the antennas on the structure, increase the number or size of antennas, or increase the distance from the structure. Thus this application requires an amendment of the SP conditions to address the proposed addition of three new antennas and relocation of three existing antennas in an existing array on the existing tower at the 90' elevation.
Section 5.1.40(c)(3)ii - Maximum standoff distance 12" from tower. Given the existing visual impact of the tower, the resulting additional impact of the 24 inch standoff distance for the proposed antennas on the existing array is not seen as significant.

The proposal supports the use of an existing structure to provide for service needs, and staff can recommend approval of the modification for this particular proposal.

Factors Favorable:

- No height increase of the existing 149' tower is proposed and no additional array is needed to provide the additional service, rather only collocation on the existing tower at the 90' elevation.
- The proposal is on an existing facility and will not increase or cause any new impacts to adjacent properties.
- The Design Planner has reviewed the proposal and has recommended approval. Given the size of the existing tower and the distance from Route 64 an Entrance Corridor, the proposed 24" standoff distance is not expected to create additional negative visual impact to the entrance corridor.
- According to the applicant, the only viable alternative to the 24" standoff distance is to allow a full-sectored array similar to those that were approved for three of the carriers located higher on the tower. It is staff's opinion that the alternative option would increase visibility far more than the current proposal.

Staff is able to support all of the recommended modifications described in the staff report because the facility is existing. The proposal does not appear to increase the visibility of the existing tower based on the existing conditions of the site.

Factors Unfavorable:

- Alternative mounting style which increases the antenna standoff distance to 24" rather than the permitted 12".

Recommendation: Staff recommends approval of the proposed changes to the existing personal wireless service facility, and modifications, based on the analysis provided in the staff report subject to the conditions of approval, as follows.

- All work shall be done in general accord with what is described in the applicant's request and conceptual plan , entitled "Keswick Johnson Property 4460 Richmond Road Keswick, VA Existing Co-location LTE (4G) Upgrade" prepared by Stuart P. Patterson and dated 2/15/12

Mr. Morris invited questions for staff.

Mr. Lafferty asked if it was a 4G installation, and Mr. Perez replied yes.

Mr. Lafferty asked if the request required ARB review since the tower could be seen from I-64.

Mr. Perez replied that it does not require ARB approval. The Design Planner has looked at the request and found that it was far enough away from the Entrance Corridor that it would not be an impact.

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

Laurie Schweller, attorney with LeClair Ryan, represented Verizon Wireless. In summary they are simply requesting an amendment to two of the conditions of the existing special use permit. One of those would allow the distance from the tower to any point on the face of the antenna panels to be up to 24" as opposed to 12". The other would allow 6 panel antennas in the current array at the 90' level as opposed to 3. The way those would be structured is rather than having one antenna come from each of those three faces they would have a dual mount at each point with two antennas. The whole purpose of this request is to bring the LTE service. As they know Verizon Wireless is working on a build out of 4G through the county and this is an application in that series. The existing panel antennas are dual technology. They have the PCS in the cell and the new three antennas that would be provided with the three dual mounts would provide the LTE. Other than that there is no change to the facility except generator LTU equipment that would be screened behind the existing fencing and landscaping.

Mr. Morris invited questions for the applicant.

Mr. Smith asked the distance to I-64.

Ms. Schweller replied that it was very close to the I-64 Corridor. She could not tell him exactly what the distance is. When traveling around on Richmond Road and Black Cat Road all around the site it is actually not visible from those surrounding roadways because it sits in sort of a divot. However, going both westbound and eastbound on I-64 this is one of those last three towers one sees between here and Fluvanna County. It is about 7.5 miles east of Charlottesville. The tower itself is very visible from I-64. As seen in the drawings and the photo simulations their antenna array is the fourth or fifth one down and they appear flush mounted. With a tower of this size a 24" extension is not going to look any different from a 12" extension. It won't look anything like the top three arrays.

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

Mr. Cilimberg noted that two motions would be needed.

Motion on Modifications:
Motion: Mr. Franco moved and Mr. Lafferty seconded to recommend approval of granting the modifications of Sections 5.1.40(c)(3)i and (c)(3)ii for SP-2011-00029 Keswick Tower for reasons outlined in the staff report.

Mr. Morris invited discussion.

Mr. Randolph noted an observation and concern that there is no compelling reason not to approve this. However, he thought they need to be mindful of what is best described as "antenna creep" that as technology changes they are going to constantly have these reapplications on this tower with additional waivers of the zoning ordinance. It is just inevitably and regrettable. So he was just wasting a regret about that they are forced into a position here that automatically the zoning ordinance is going to have to be waived over and over again probably in perpetuity as they move forward.

Mr. Cilimberg pointed out it has already been taken care of for us. Mr. Kamptner can describe what was in the legislation passed last week and signed by the President. Therefore, they may not even have these kinds of applications before the Commission any more.

Mr. Kamptner said buried in the bill that extended unemployment benefits and the payroll tax deduction there was a bill that affects the locality's zoning authority for personal wireless service facilities. It is the first encroachment by Congress into the authority that reserved to localities under the Telecommunications Act of 1996. What this provision says is that a state or local government may not deny and shall approve any eligible facility's request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. They don't know yet what substantially change means. Does it mean substantially change from the original approval or as he pointed out each incremental change. However, staff will look at that and, of course, they need to incorporate these provisions into our Wireless Regulations, which staff is already looking at updating anyway for a proposed Zoning Text Amendment. This particular application seeing the graphics he thought it would be hard to argue that this was anything other than a very diminutive change in the physical dimensions of the facility.

Mr. Morris noted that his point was well taken.

Mr. Lafferty said it was just going from ugly to slightly more ugly.

The motion passed by a vote of 7:0.

Motion on SP-2011-00029:
Motion: Mr. Franco moved and Mr. Loach seconded to recommend approval of SP-2011-00029 Verizon Wireless, Keswick - Tier III PWSF with the conditions outlined in the staff report.

1. All work shall be done in general accord with what is described in the applicant's request and conceptual plan , entitled "Keswick Johnson Property 4460 Richmond Road Keswick, VA Existing

Co-location LTE (4G) Upgrade" prepared by Stuart P. Patterson and dated 2/15/12

The motion passed by a vote of 7:0.

Mr. Morris noted that SP-2011-00029 Verizon Wireless, Keswick – Tier III PWSF and modifications would go to the Board of Supervisors on a date to be determined with a recommendation for approval.

The Planning Commission took a ten minute break at 7:19 p.m.

The meeting reconvened at 7:31 p.m.

ZMA-2011-00005 Greenbrier Commons
PROPOSAL: Rezone 2.000 acres from Light Industry (LI) zoning district which allows industrial, office, and limited commercial uses (no residential use) to Neighborhood Model (NMD) zoning district which allows residential (3-34 units/acre) mixed with commercial, service and industrial uses. No residential units proposed.
ENTRANCE CORRIDOR: NO
PROFFERS: NO
COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in Neighborhood 1.
LOCATION: 340 Greenbrier Drive, Charlottesville, VA.
TAX MAP/PARCEL: 061W0010A00800
MAGISTERIAL DISTRICT: Rio
(Megan Yaniglos)

Ms. Yaniglos presented a Power-Point presentation and summarized the staff report for ZMA-2011-00005, Greenbrier Commons.

This is a proposal to rezone an existing Light Industrial building and property from Light Industrial, LI to Neighborhood Model District (NMD), which would allow both Light Industrial uses and Highway Commercial uses.

The applicant has been seeking a tenant for this 33,000 square foot building and has been unsuccessful thus far so wants to rezone the property from Light Industrial to Neighborhood Model District. The tenants that have been interested are commercial uses that cannot lease the space that is currently zoned Light Industrial. The property will contain Highway Commercial and Light Industrial uses and will be restricted to 25% Commercial and 75% Light Industrial per the Code of Development. There are no proffers necessary for this rezoning. It is an existing site with no new development proposed, but rather just a change in the use of an existing building. The code of development covers the restrictions of the uses on the site and what is required.

Regarding the overall proposed plan the applicant will be using the current site plan for the property that is not proposing any changes. Again, the applicant will be limited in the number of and mix of uses on the site by the amount of parking available existing on the site.

Favorable Factors:
1. Rezoning the property to Neighborhood Model District will permit a wider range of tenants to lease space in the building without impacting the "reversibility" of use of the space for industrial purposes.
2. The property will contain a minimum of 75% of Light Industrial uses

Unfavorable Factors: None Identified

Staff recommends approval of ZMA-2011-005 Greenbrier Commons with conditions.

1. Revise the Code of Development to list all uses permitted by right and by special use permit in a table format instead of using the Zoning Ordinance.

Staff believes this condition can be alleviated between now and the Board of Supervisors meeting. There was not enough time to solidify the Code of Development to get it in a better form. However, staff wanted to bring the request before the Commission because the applicant was ready to get some feedback on the application.

Mr. Morris invited questions for staff.

Mr. Randolph asked if there was any provision under Neighborhood Model to include bicycle racks in the permitting process so that people wanting to access this with businesses would be able to go ahead and park a bicycle and lock it to a rack.

Ms. Yaniglos replied certainly they can require that on site if the Commission would like to move that forward. They can add it into the Code of Development.

Mr. Loach asked if staff is recommending approval for this rezoning from LI to NMD after they have been hearing for months about the huge shortage of Light Industrial. It does seem like a bit of a paradox.

Mr. Cilimberg noted this actually was the subject of their recent work session on introducing commercial uses as a permitted use in light industrial districts because of some flexibility questions. It was something they were willing to consider in the zoning text amendments as a special use permit in Light Industrial. They don't have that avenue right now so they are using the Neighborhood Model approach.

Mr. Loach said he understands exactly.

Mr. Cilimberg pointed out staff had quite a bit of discussion with the applicant about industrial tenant possibilities. It has been a real struggle for the applicant.

Mr. Franco said in Attachment F in item 20a (3) b it talks about a parking and loading needs study in the existing conditions to be maintained. He asked does that preclude in the future if that is one of the Code of Development items for the parking being amended for a parking study.

Ms. Yaniglos replied they will be restricted in the types of uses that go in the building by the existing parking on site. If they brought in site plan for a use that required more parking than what was existing they would not get approval for that use.

Mr. Franco noted if it were a current facility they could come in and under zoning sections could do a parking demand study and demonstrate that there was adequate parking for that use and then have a reduction. In the way this is written it potentially precludes that from happening in the future. He did not think they would want to preclude that in the future.

Ms. Yaniglos replied that certainly could be revised.

Mr. Morris echoed Mr. Loach's concern. When he read this it just seemed that they have been talking and talking about moving away from rezoning anything that was Light Industrial to any other designation. He was just surprised. However, it does make sense.

Mr. Franco said that was one of his reactions, too. There were a couple things. One was their meeting the other day where they tried to introduce these other uses. The other is if they look at the current Code in order to zone something to LI they need to have a minimum of 5 acres. This is a 2 acre parcel. Therefore, it kind of goes back to the discussion they also had about is the LI parcels they have really LI parcels.

Mr. Morris opened the public hearing for applicant and public comment. He invited the applicant to address the Planning Commission.

Sue Albrecht, resident in Albemarle County since 1980, said she was responsible for the management and profitability of several Albemarle County business entities. She was the President of Design and Environs Corporation and the managing partner of Cedar Bluff's Stables as well as several residential and commercial properties in the county most of which are held within Anvince Land Trust, which she was the trustee and the sole beneficiary of. She purchased the first piece of property in 1984 and continued buying property through 2006 for a total of ten parcels. Thus she is acutely aware of the amount of the cash flow required to meet the June and December semi-annual Albemarle County tax payments whether these places are leased or vacant. She annually pays in excess of $60,000 in real estate taxes and $25,000 in insurance for these properties as well as $20,000 in property maintenance. She was not here to dwell on the cost of ownership, but rather to present a rezoning solution for property located at 340 Greenbrier Drive known as Greenbrier Commons. She is asking for this change in order to eliminate a 25 percent vacancy rate, which she has experienced for quite a long time. By rezoning it is going to increase the property's attractiveness to a broader range of tenants.

Ms. Albrecht said she would like to share the ownership and zoning history of this site in order to establish the unique characteristics that should be considered when evaluating the motivation for this rezoning.

- This was Charlottesville's first ice skating ring back in the mid '70's. It had Commercial Business zoning on it at that point. The ice skating activities ceased operation in 1980 and Sperry Marine purchased the property. At some point during that time frame Light Industrial zoning was applied to this site. Sperry Marine spent the next 20 years pretty intensively using this site for their mock up building, research and development and for their engineering staff to work there. Around 1999 a parent company of Sperry Marine decided to consolidate all of the activities back at the Seminole Trail plant and the property went on the market.
- She as trustee of Anvince Land Trust was successful in purchasing this property in 2000. Through the help of the SPA and a local bank she was able to borrow and to invest over hundreds of thousands of dollars into an extensive renovation to the front of this building in order to put a much more dressed façade on it. This was to become the home of Design Environs Corporation. These improvements nearly doubled the tax assessed value of this property. Design Environs moved into their refurbished space in 2001. The new location demonstrated our specialty, which is to design, build office furniture and install. Their tag line is "Your office, your way".
- At that point the vision of the company was to grow and increase sales. However, they were clouded by the catastrophic events of 9/11 and the challenges in financing real estate. Her company locally experienced an unprecedented drop in commercial furniture sales that was felt nationally on the largest level that has ever been felt in the history of commercial furniture sales. At that point the company's growth plans were dashed and they had to shrink their operation and look at a way to lease out a substantial percentage of the building to survive for the intermediate future and for the long term. So tenants were eventually forthcoming for all portions of the building, except for the front 8,000 square feet where a larger investment had been put into the building. She had this space and it has been on the market since 2002. She has had one tenant who had a lease. However, that tenant had a zoning violation and they were asked to leave.
- In analyzing these challenges it seems like over the last decade there is a reoccurring theme that she wanted to share, which is the property value of Greenbrier Commons being located so close to 29 demands a per square footage rental rate that well exceeds the ability of any typical manufacturing entity to justify. So the Light Industrial zoning is generally very attractive to businesses producing on the wholesale level, but in her case the location of the property and the 29 North Corridor seems to be much more suited to Neighborhood Model Zoning District. She has analyzed the tenants they have pursued and none of the manufacturing opportunities have been able to come to fruition. The county has been proactive in sending people their way and they have tried many, many different entities. The math just does not work. It seems like these tenants eventually elect to lease space in more remote locations where they can get more square footage, more parking and a lower per square foot rate.
- She has turned away a substantial list of potential tenants due to the fact that they do not meet the requirements of Light Industrial zoning. These buildings fell predominantly to the by-right Highway Commercial District, such as building material sales, churches, clubs, factory outlet sales, feed and seed stores, machinery and equipment sales, new automotive parts sales, indoor

athletic facilities, office and business machines service, and home and business services, such as grounds care, cleaning, landscaping, etc. She has worked extensively with these tenant prospects often reaching an agreeable rate and term only to find out they get stalled out by a zoning misfit that is most generally connected to the Light Industrial restrictions as to the allowable percentage of retail sales. That is their sticking point that the business can only have 15 percent of retail sales. Most of these companies have more than that. So this trend seems to be continuing even under the pressures our weakened economy. Last year the county adopted the Places29 Master Plan for the northern development areas. Her building is supposed to be a Flex Destination. However, there is no such designation. Thus working with staff they decided that Neighborhood Model would be their best solution to try to overcome this vacancy problem.

- Please keep in mind that they are simply asking to add about two-thirds of the Highway Commercial by-right uses while keeping all of the Light Industrial. Furthermore, they are capping that at a maximum of 25 percent of the total building square footage. The maximum lost to the county's Light Industrial inventory is only 8,250 square feet. All that is really at jeopardy in the whole review of this rezoning is a little over 8,000 square feet. This rezoning specifically helps the ability to lease the front portion of the Greenbrier Commons building. It also brings it into a better compliance with the surrounding commercial buildings. Greenbrier Commons is an attractive practicable and flexible space at an affordable rate for local business owners. She asked the Commissioners to approve this rezoning. It will enable the location to flourish. Additionally, full occupancy at Greenbrier Commons generates positive cash flow, which is something she has not had in this building for a long time. This goes a long way in securing commercial loans for Albrecht Place, which is another development she has in the county's planning process. It is located on 3.5 acres directly behind Shopper's World, which is about 1 mile from this location. Several of the Greenbrier Commons potential tenants who don't meet the zoning requirements of HC or LI are fit for the PD-SC zoning at Albrecht. She would greatly appreciate consideration and support to rezone to Neighborhood Model District spite of the Light Industrial trend.

Mr. Morris invited questions.

Mr. Dotson asked in considering different approaches did she consider Highway Commercial or C-1 as a rezoning to be more consistent with the surrounding properties.

Ms. Albrecht replied that she actually did and put in the applications for Highway Commercial. Last summer they requested deferral because of the organization of information that eventually came into their work session on Light Industrial. They felt it was in contradiction to try and go to Highway Commercial. She actually appreciates the Light Industrial features that she has on the building and did not want to lose those. She felt this solution was a lot more in keeping with what she thought the building can offer. There was a lot of potential in the back half of the building to do manufacturing if she had someone who needs a small amount of square footage.

Mr. Dotson said they saw in the animal hospital how that parcel, which is about 2 acres like this, actually had two zoning districts, Highway Commercial and C-1. Certainly his thinking was to march that up the street to have Highway Commercial and Light Industry.

Ms. Albrecht noted the building kind of splits at a natural point at about one-half and one-half. She did not know if that was a reasonable solution to this.

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

Mr. Dotson noted that he had a question for staff. This is a 2 acre piece of Neighborhood zoning. There is no residential component on this particular site. There is from a distance some residential. It almost feels like spot zoning. The Places29 Master Plan calls for Office R&D – Flex Light Industrial, which covers a lot. When he looks at the finding for Neighborhood Model Development there is about ten of them or so. Even though the earlier staff report pretty much argues that they can combine he thought it was a stretch. It was a creative stretch in some cases. He wondered what staff is thinking regarding

alternatives since it is an odd and unusual circumstance and situation. It is already an island of light industrial surrounded by commercial. It is already a spot zone.

Mr. Cilimberg said in their conversations with Ms. Albrecht they did not want to lose the light industrial features that existed there. In fact by going to a rezoning that was Highway Commercial, as an example, those light industrial features are going to be nonconforming. They did not feel that was the appropriate answer. As they heard in their work session ultimately there is going to be more of a blending of some commercial and industrial uses with some interest in having some flexibility for space to convert. This is somewhat of a case example of what they discussed in their work session where they have an industrial building where some of the space is being utilized and maybe temporarily or maybe long term as commercial, but it is convertible. It could be industrial at an ultimate point. The only way they could accomplish that under current zoning was to use the Neighborhood Model District. It was not the ideal approach. If they had actually had the provisions of industrial zoning with commercial by special use permit, then that is the route this would have gone. That is what they discussed in the work session as an ultimate solution. But for Ms. Albrecht that solution is months down the road and she did not want to wait for it. This was an approach to deal with the matter before us. A lot of what is Neighborhood Model in that area is either on the ground already or is really not classically a feature of this site. They are not getting some of the things that a Neighborhood Model District would give when it is built. This is the best fit for the circumstance. The Comp Plan for Places29 seems to support the idea of flexibility in that area. There is still some industrial use with Comdial, but actually in and of itself it has been space that has been used in a variety of ways. They did not feel like losing the industrial component entirely was the answer.

Mr. Loach said this site was being used for a light industrial use by Sperry. He thinks this is sort of an innovative approach as Mr. Dotson pointed out. Based on the recommendation of staff he felt this rezoning is the best way to use the property and he was going to support the project.

Mr. Lafferty said the reduction of the LI down by 8,000 square feet just exaggerates the problem that it is smaller and smaller spaces that the objection to LI being that there is not enough space of big enough chunks of land, and this further reduces it down to a smaller piece. However, he was inclined to support it.

Mr. Smith said he thought the project needs to move on.

Mr. Randolph said he liked the fact that it is reclaimable LI. He thinks that is very important here that they are not losing LI in the long run. They are doing something here that provides adaptability and flexibility to meet the needs of the home owner, hopefully the business community, and the full community in terms of services that are going to be there.

Mr. Franco added that it was in the direction that they talked about going as a community that is also consistent with the master plan for the area.

Motion: Mr. Franco moved to recommend approval of ZMA-2011-00005 Greenbrier Commons with the reasons and conditions stated in the staff report with the addition of asking staff to relook at the parking portion of the Code of Development to allow for parking demand studies to be used in the future.

Mr. Randolph suggested adding the addition of bicycle racks if appropriate by the nature of the businesses that are there.

Mr. Franco asked if they are requiring bicycle racks. They always have the ability to put them in if they want to.

Mr. Randolph said he was recommending according to the businesses that are there. If a service business comes in, such as paint stores, then there was no demand for bike racks. However, if there was an ice cream store or business that would lend itself to bicycles, then he thought it would be appropriate.

Mr. Franco said he would agree, except he was not sure how to craft a condition to that extent.

Mr. Randolph suggested he recommend the inclusion of bicycle racks, but not require it.

Mr. Kamptner pointed out the Commission could either recommend the Code of Development provide for it or that the applicant proffer that bicycle racks will be provided. He would leave it to staff to determine that.

Mr. Morris said it could be worked out by the staff and the applicant.

Mr. Franco asked if the applicant is comfortable with that.

Ms. Albrecht said that she was willing to make the site pedestrian friendly.

Mr. Franco amended the motion to include bicycle racks to be worked out between staff and the applicant.

Mr. Loach seconded the motion as amended.

The motion passed by a vote of 7:0.

Mr. Morris noted that ZMA-2011-00005 Greenbrier Commons will go to the Board of Supervisors on a date to be determined with a recommendation for approval with the reasons and conditions stated in the staff report with the addition of the following:

1. Staff to relook at the parking portion of the Code of Development to allow for parking demand studies to be used in the future,
2. Staff to work out with the applicant whether to have the Code of Development provide for inclusion of bicycle racks or that the applicant proffer that bicycle racks be provided, and
3. Revise the Code of Development to list all uses permitted by right and by special use permit in a table format instead of using the Zoning Ordinance.

ZTA-2012-00002 Water/Sewer Regulations

Amend Secs. 3.1, Definitions, 4.1, Area and health regulations related to utilities, 4.2, Critical slopes, 4.2.1, Building site required, 4.2.2, Building site area and dimensions, 4.2.3, Location of structures and improvements, 4.2.4, Location of septic systems, 4.7, Open space, 5.1.43, Special events, 5.1.44, Farm worker housing, and 10.5.2, Where permitted by special use permit; and repeal Secs. 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 and 4.1.7 (all untitled), of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the regulations pertaining to building sites, critical slopes, and water supplies and sewer systems serving developments and individual lots by adding and deleting definitions (3.1), restating and clarifying the standards for developments and lots to be served by public or private water supplies and sewer systems (4.1), updating the terminology for provisions pertaining to critical slopes (4.2), clarifying the minimum standards for building sites (4.2.1), restating the minimum standards for building site area and dimensions for uses not served by public sewer systems, and providing for special exceptions from those standards and for alternative onsite sewer systems (4.2.2), eliminating an ambiguity as to whether special use permits for additional development rights are permitted in the watershed of a public water supply reservoir (not allowed) (10.5.2), and making corresponding technical changes and non-substantive changes updating terminology to other related sections (4.2.3, 4.2.4, 4.7, 5.1.43, 5.1.44, 10.5.2). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Glenn Brooks)

Mr. Brooks noted he was bringing forth a zoning text amendment to change Section 4 on Water and Sewer regulations in the zoning ordinance. Mainly it is to update the ordinance language to reflect state regulations that changed in December, 2011 to allow on site alternative sewer systems by right, which the current zoning ordinance does not. It is also to do away with the area requirements for septic drainfields, which go along with that. There are some other small changes, which Greg Kamptner can detail, to update the definitions to agree with the State Code, the various titles of the sections, and some other smaller details, names and conventions in latter parts of the ordinance. Most of the revisions have to do

with Section 4.1, which have to do with the Water and Sewer regulations and the area requirements. If there are further questions, Ron Higgins is here from zoning and Greg Kamptner can talk to details.

Mr. Morris invited questions for staff.

Mr. Loach asked if staff recalled the rezoning by Bellair that had the odd shaped parcels and there were some questions.

Mr. Cilimberg noted there was a subdivision plat in Bellair and it was a building site issue.

Mr. Franco said it was about having the buildable area.

Mr. Brooks pointed out this request would not have affected that issue directly. But a latter subdivision text amendment may affect that. What has to follow this, of course, is that the subdivision ordinance has to be amended so that those same septic field area requirements are not the requirements of a subdivision plat. Those were subdivision plats.

Mr. Morris asked if that will be coming down the road in the future.

Mr. Kamptner replied yes. He asked to provide the Commission some details about what is here and what will be coming down the road.

- First, they will notice there are a number of definitions that have been added or deleted. The new definitions that deal with all of the sewage related issues are from either the state statute or the new state regulations. They are incorporating the terminology that is used at the state level and changing various regulations throughout the zoning ordinance so that consistent terminology is used. If they look at the current regulations various terms have been used when referring to septic systems. However, all of those are being changed.
- The definitions of central water supply and central sewer systems are being deleted from the zoning ordinance. Those regulations are already covered in another part of the County Code. It is much easier to maintain a single set of regulations that deal with a particular regulation. One of the key changes in Section 4.1 is eliminating the area requirements for central water and central sewage systems. He highlighted that the ordinance staff is recommending will come back to the Commission in about three weeks with the subdivision text amendment. Section 4.1(b).1 deals with the new regulations in regards to alternative onsite sewage systems. It also includes Sections 4.2.2(a).1 & 4.2.2(a).2. Staff started working on this several months ago. There have been tweaks to the amendments to the draft language. What they realized is that 4.1(b).1 goes beyond the state enabling authority. So they need to pull that back a little bit. They need to allow for alternative onsite sewage systems without the additional obligation for the subdivider or the land owner to be able to demonstrate that they have a reserve drainfield, which is something that would be required in conjunction with a conventional onsite sewage system.
- With respect to the other sections that were included, 4.1 and 4.2 were the two core sections of the ordinance. In Section 4.7 and the remaining sections in the ordinance those were all recommended for changes also because they all had references to septic systems, septic drainfields and things like that. So they needed to make the corresponding changes to the terminology. Along with those changes they did some housekeeping things because some state agency names have changed or responsibilities have changed. The county's own department names have changes. Those were also just housekeeping measures that were dragged along.
- In Section 10.5.2 the Commission will note that there is a large elimination of subsection 9. Section 10.5.2 was included because of the references to individual sewage. They were correcting the terminology. When they looked at that they realized that subsection 9 is directly inconsistent with the introductory paragraph to Section 10.5.2, which states that no special use permit is permitted within the boundaries of a watershed to obtain additional development rights. Subsection 9 imposes additional standards for that very type of special use permit. They think that was related to an individual application in which there was a law suit probably back in the late 1980's. Staff thinks it was related to a law suit for a particular applicant back then. However, staff can look at that to find out what was the origin of Subsection 9. Those are all of the changes.

- With respect to the subdivision ordinance they identified a Section that does need to be changed, Section 14-4-16. It requires that lots that are being served by individual sewage disposal systems have to have a conventional type system. With the new law they need to revise that so it accommodates alternative onsite sewage systems. Once they get to new business tonight he will ask the Commission to consider a resolution of intent. The goal is to have that subdivision text amendment and this zoning text amendment with the revisions that he has described come back to the Commission on March 20th. That will keep us on schedule for the consideration of both items by the Board of Supervisors.

Mr. Morris thanked Mr. Kamptner for the update.

Mr. Cilimberg said he would assume after the hearing tonight that they could just defer this matter to March 20th and he would have the resolution for the other matter that also goes on March 20th. The Commission could rehear it all on that date.

Mr. Kamptner replied yes, and that it may be that they will need to readvertise and to look at the scope and extent of the changes that need to be made to Sections 4.1 and 4.2. However, the public would have an opportunity to comment again on March 20th.

Mr. Cilimberg noted that they need to send the ads to the newspaper this week for the March 20th meeting. He did not want to cut it short, and if so they would need to shoot for an April date.

Mr. Kamptner replied no, that is fine. There would just be minor adjustments to the existing advertisement.

Mr. Randolph noted on page 15 he would recommend that Professor Slushy is no longer on the Board of Supervisors.

Mr. Kamptner thanked him for the correction.

Mr. Dotson noted a question for Mr. Kamptner on page 3. They are eliminating 4.1.4 that says that the regulations of the zoning district in which the parcel is located take precedence in terms of the minimum area. He asked if that is right that they are eliminating that. Does it just go away or do they pick it up in some new wording.

Mr. Kamptner replied that he would look it up, but asked Mr. Higgins or Mr. Brooks to jump in if they knew the answer.

Ron Higgins replied that is actually just pointing out that they have a number of districts whose minimum area for the lot is larger than 60,000 square feet. So in that case it would prevail over the 60,000 square feet or the 40,000 square feet. There are two different standards there. They want to make sure that they don't let that standard if they were to keep it supersede our actual lot size standard in the zoning ordinance.

Mr. Dotson said they use to say that. It strikes him that it is still useful to make that point.

Mr. Higgins noted it is in the current draft.

Mr. Dotson questioned if they don't need to take the time to look for it. He knew that some of the work that took place over the last three or four years in Richmond to generate this new state law was in part motivated by being able to open up lands to development that had not been previously available. He just wants to make sure they don't inadvertently have some unintended consequences that they don't anticipate. So he particularly focused on that and would feel better if they have a statement that the zoning takes precedence.

Mr. Higgins said he was almost certain that it is still in there. However, he needs to find it.

Mr. Kamptner said that he did not think it is. What they can do when this comes back is give the Commission a detailed explanation as to why. He was looking at the earlier drafts. In the earlier drafts of this he provides his commentary that incorporates and explains what they are doing to staff. It also explains the comments that he has received. His notes from the September 7th draft and December draft state that current sections 4.1.1 and 4.1.4 are deleted as unnecessary. It may be that there are other regulations that are now taking the place of 4.1.4. However, staff will have an answer for him when this comes back.

Mr. Cilimberg said he thought at the time it was intended that it would clarify that even if they did qualify under 4.1.2 or 4.1.3 for the lesser lot size by having one utility that they still had to meet the minimum requirement of the district. Now that is all going away. It is basically going to be the minimum requirement of the district in that now. In some ways it is a given even without saying.

Mr. Dotson said it was a given worth emphasizing he would argue.

Mr. Franco noted he had a whole list of question along the way.

- On page 4 in the top part where it talks about increased water consumption, he raised the question of how they deal with geo-thermal and irrigation in those cases. That would increase the water consumption of the structure, but he was not sure that either one of those is something that would necessarily require connection to the public water. He asked staff to answer that question next time.
- In b1 regarding the conventional onsite sewage system, one of the questions was why not just recommend Department of Health approval of the system versus all these other definitions. He also raised the question of the way this reads if he chooses to use an alternative system but he is not required to, the Health Department would allow him to do that. This seems to say he could not unless he had unusual soils or conditions.

Mr. Kamptner replied that is the section that is being significantly revised. What happened was that the reference to the unusual soil conditions was a carryover from the current regulations and then the alternative onsite sewage system provisions got melted into that particular regulation.

Mr. Franco asked if it was the same thing further down with the three bedrooms.

Mr. Kamptner replied that is for conventional onsite system. That is just a carryover of the current regulations.

Mr. Franco noted on page 5 at the top regarding critical slopes, the policy has changed over time and he thought that man made slopes are not regulated as critical slopes.

Ron Higgins replied that until January 13 the man made slopes were eligible for an administrative waiver or variation. They are now part of the whole variation process that goes directly to the Board of Supervisors. He did not think they were automatic. There are ordinance amendments being discussed right now that will redefine what critical slopes are. He believes the man made slopes are among those on an approved plan that would automatically not be considered critical slopes.

Mr. Franco noted that he did not know as long as they are in this section whether they should codify some of our practices from the past. He questioned if they should add words about the man-made slopes because it might be easier.

Mr. Kamptner replied because that is getting more directly into the regulation of critical slopes, which is something staff is working on right now, they deferred addressing that issue in this ordinance making only the changes necessary to make sure they are in compliance with St. Clair.

Mr. Franco noted on page 7 in Section 4.7.b VI it talks about improvements in a cluster development. He had one question dealing with the open space requirements. He asked about a single use in there where they are not talking about a community drainfield but a club or bathroom in an open space or something like that. He did not see how that fit into the permitted uses.

Ron Higgins replied that noncommercial recreational uses and other uses are outlined in that section, which he believed would cover what he was talking about.

Mr. Franco said the way he read it that it was talking about more of the cluster drainfields versus a single use like a single drainfield.

Ron Higgins replied actually they were talking about within the open space that was part of the cluster development. He was not sure what Mr. Franco was saying. This is simply what you are allowed to put in your open space. They would not have other single uses.

Mr. Franco said what he was talking about is if he was permitted to put a septic system in the open space in a cluster development when there was no suitable location for drainfields on a development lot. What if his open space has a use such as a club or a bathroom in the open space.

Mr. Kamptner replied that the onsite sewage is just an additional use that is allowed within open space.

Mr. Franco asked if because it was a part of that lot it was allowed.

Ron Higgins replied yes.

Mr. Brooks said he thought it was intended to be a stand-alone use in the open space. If they had a club or a recreational use or structure, then the sewage system would be ancillary to that structure and would be allowed. It has not been stated. If they could not get a septic on some lot and wanted to move just the septic field to the open space he thinks this allows it.

Mr. Franco said he understood why that was in there. If they say it is covered, it is covered. On page 10 in C1, he asked if they have been using 200 people as kind of a standard for most of these special use permits for wineries and so on. He asked if they should consider standardizing the150 listed here.

Mr. Cilimberg pointed out that the 200 persons are only used with the wineries and 150 are used in some other sections. That is all going to be revisited as part of what they are working on with the Comp Plan for rural uses.

Mr. Kamptner asked to answer Mr. Franco's first question regarding the introductory language on the top of page 4. That is a carryover of the existing regulations. Where there is an increase in consumption that is a current standard as well.

Mr. Franco asked if it was outside the resolution to address the concern of a use geothermal or some of these other technologies triggering that need to connect to public water.

Mr. Kamptner replied that while they are looking at it that is something they can look at. It may be something they will decide is beyond the scope of this resolution of intent.

Mr. Morris opened the public hearing and invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Mr. Cilimberg noted staff recommends the Planning Commission defer ZTA-2012-00002 Water/Sewer Regulations to the March 20th meeting.

Mr. Kamptner suggested the Commission direct staff to put this on the March 20 agenda.

Motion: Mr. Franco moved and Mr. Lafferty seconded to defer ZTA-2012-00002 Water/Sewer Regulations to the March 20th agenda as recommended by staff.

The motion passed by a vote of 7:0.

Mr. Morris noted that ZTA-2012-00002 Water/Sewer Regulations was deferred to the Planning Commission's meeting on March 20th.

Old Business

Mr. Morris asked if there was any old business.

- **Final Committee Assignments –**

The Planning Commission discussed and agreed on the final committee assignments, as follows.

- Mr. Dotson to be on the MPO Committee and ACE Committee.
- Mr. Randolph to be on the CIP Oversight Committee, Historic Preservation Committee and the Village of Rivanna Community Advisory Council.
- Mr. Franco to be on the Fiscal Impact Committee.
- Mr. Franco and Mr. Lafferty to be on the Place29 Advisory Committee.

- **Contact Information – Finalized**

Mr. Cilimberg asked for further changes to the contact information. There being none, the contact information was finalized.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Question asked about the process of the "One Community" project and whether the Planning Commission is getting an update soon. Staff noted a joint work session with the City Planning Commission is scheduled and will include updates on "One Community".

Mr. Franco noted that a proposed resolution of intent had been passed out for the Commission's consideration.

Motion: Mr. Franco moved and Mr. Loach seconded for approval of the resolution of intent to amend Section 14-4-1-6 of the Albemarle County Subdivision Ordinance.

Mr. Morris invited discussion.

Mr. Dotson asked what it is about.

Mr. Franco replied that the resolution of intent was about what they just talked about, but adding it to the Subdivision Ordinance.

Mr. Kamptner said this was related to the water and sewer regulation and they need to amend Section 14-4-1-6 because it requires that lots that are served by individual sewage systems have septic systems with conventional drainfields.

Mr. Dotson asked if this is what staff is bringing to the Planning Commission on the 20th of March.

Mr. Kamptner replied yes. They need to incorporate the new laws pertaining to alternative onsite sewage systems.

The motion passed by a vote of 7:0 to amend Section 14-4-1-6 of the Albemarle County Subdivision Ordinance as outlined in the following resolution of intent**.** The Planning Commission public hearing will be held on March 20th.

ZTA-2012-00002 Water/Sewer Regulations –
Resolution of Intent for Revision of Subdivision Ordinance

WHEREAS, in County Code § 14-416, the Albemarle County Subdivision Ordinance establishes the minimum standards for subdivisions whose lots will be served by individual private wells and sewage systems and requires that lots be served by "septic systems having adequate conventional drainfields"; and

WHEREAS, since the County's subdivision regulations pertaining to individual sewage systems were last amended, the General Assembly has mandated that alternative onsite sewage systems be allowed upon approval by the Virginia Department of Health, subject to regulations adopted by the Virginia Department of Health; and

WHEREAS, as defined by State law, alternative onsite sewage systems may be established without conventional drainfields; and

WHEREAS, in order to incorporate the State requirements pertaining to alternative onsite sewage systems and to improve the administration of the Subdivision Ordinance, it may be desirable to amend County Code § 14-416.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending County Code § 14-416 and any other regulations of the Subdivision Ordinance deemed 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.

* * * * *

- Mr. Morris passed out a survey and asked Commissioners during the next week to try to reflect and evaluate their meeting they had this evening. He asked Commissioners to bring the survey with them next week.

- Planning Commissioner Certification Program – If there is another Commissioner interested they should contact Mr. Cilimberg by the end of the week.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:31 p.m. to Tuesday, March 6, 2012, 6:00 p.m., Auditorium, Second Floor, County Office Building, 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)