Albemarle County Planning Commission
April 24, 2012

The Albemarle County Planning Commission held a regular meeting on Tuesday, April 24, 2012, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Elaine Echols, Principal Planner; David Benish, Chief of Planning; Sarah Baldwin, Senior Planner; Wayne Cilimberg, Director of Planning; Amelia McCulley, Director of Zoning/Zoning Administrator; Francis MacCall, Senior Planner; Ron Higgins, Chief of Zoning; Andy Sorrell, Senior Planner; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris 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.

Nancy Carpenter, resident of the southern Urban Neighborhoods, spoke regarding the need for a real change in the way communities are developed in the years ahead to remain sustainable. She spoke to the need to address the many challenges created with aging baby boomers through community connections which are both intergenerational and age specific.

Wendell Wood requested the Commission re-consider including the property on Route 20 south known as Somerset Farm in the Development Area. He noted advantages for this property such as infrastructure, public water and sewer, schools nearby, outside watershed, etc.

Christian Breeden, one of seven of the Breedens who owned Biscuit Run and retained 36 acres that is now in the center of the potential state park, said he represents some of the family shareholders who are not as interested in developing as exploring the recreational services related to this state park. He wanted to keep this concept open for consideration.

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

Review of Board of Supervisors Meeting – April 4, 2012 and April 11, 2012.

Mr. Cilimberg reviewed the Board actions taken on April 4, 2012 and April 11, 2012.

Consent Agenda:

Approval of Minutes: August 23, 2011, September 13, 2011, February 28, 2012 and March 6, 2012

HO-2011-00152 Stanley Chang
PROPOSAL: Request for a modification to Home Occupation Class A to allow six appointments per day, Monday through Friday, not to exceed 30 trips per week.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential (6-34 units/acre).
LOCATION: The property is located at 1100 Pen Park Lane, in the northeast corner of the Rio Road-Pen Park Lane intersection.
TAX MAP/PARCEL: 061A0-00-00-01400
(David Benish)

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda. There being none, he asked for a motion.

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

The motion was approved by a vote of 6:0.

Mr. Morris noted the consent agenda was approved with the following recommendation to be forwarded to the Board of Supervisors for HO-2011-000152.

The Planning Commission recommended approval of HO-2011-00152 Stanley Chang modification for the number of vehicle trips generated from the Home Occupation Class A with staff's recommended condition, as follows.

1. No more than 30 clients per week and no more than 6 clients per day (Monday through Friday).

Public Hearing Item:

SP-2012-00005 Verizon Wireless "I-64 East" Tier III Personal Wireless Service Facility
PROPOSED: Request for installation of a three new flush-mounted antennas. This is an amendment of SP 2000-31 #4a, which limits the structure to what is shown on the approved plans.
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 facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 -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: 123 Dry Bridge Road
TAX MAP/PARCEL: 07300-00-00-031D0
MAGISTERIAL DISTRICT: Samuel Miller
(Sarah Baldwin)

Sarah Baldwin presented a Power-Point presentation and summarized the proposal.

This is a request to install a second flush mounted antenna array on an existing Tier III Personal Wireless Service Facility. This request will amend condition 4A of SP-2000-31 to allow more than one antenna array.

As reiterated in the staff report this is a tower that was approved prior to the current regulations for a personal wireless service facility. Therefore, it is subject to a special use permit. At this time the applicant has elected to amend the special use permit.

The changes to the tower will include additional antenna array and new associated ground equipment. The applicant has submitted plans and photo simulations to show the proposed changes. The existing tower is located at 91' AGL. The new antennas will be located at 83' and 89'.

Based upon the existing factors and proposed changes and the analysis of the requirements of the ordinance staff found the following factors favorable and unfavorable to this application

Favorable Factors:
1. The proposal is on an existing facility and the additional antenna will not increase or cause any new impacts to adjacent properties or important resources.
2. The proposal meets most of the requirements of 5.1.40 except for the current SP conditions which limit the number of antenna arrays to what is shown on the plan.

Unfavorable Factors - None identified.

Recommendation:

- Staff recommends approval of the additional antenna array with associated ground equipment and modifications provided herein with the conditions outlined in the staff report.

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

Laurie Schweller, attorney with LeClair Ryan, represented Verizon Wireless. The proposal is to replace the existing antennas and add another set of antennas right below them for LTE service. The applicant's position has been that this should be allowed by right because the current ordinance does permit up to three arrays on a personal wireless service facility by right. She wanted to mention that because what they are getting tonight is one more array. So if they need a third array under the County's view of this application they will need to come to the Commission again for another special use permit amendment. Our argument has been that the by right provisions in the Personal Wireless Service Communications Ordinance would trump any special use permit that was approved prior to the ordinance's adoption. Just to be clear this was a facility that was approved in the year 2000 and the current ordinance for wireless facilities was adopted in 2004. So it is not a tiered facility per say. It is only subject to a special use permit. Their argument is that since three antennas are allowed by right then they should be allowed to add it by right. They would like to have approved in this case to have two additional antenna arrays on this facility if that is possible without further advertisement. She would be happy to answer any questions.

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

Mr. Franco asked if staff has a comment regarding the applicant's request for the third array.

Mr. Kamptner replied that looking at the County's wireless regulations there is a distinction between the projects that qualify for a Tier I application and other types of applications. The intent for Tier I Facilities was not to allow the expansion to the third array of towers to existing wireless facilities. Those that were processed after the new wireless regulations kicked in would be processed as a Tier II application. The Tier I types of structures to which antenna arrays can be added with just a building permit were existing structures other than wireless facilities such as buildings. There is a subtle distinction in the regulations that make that difference. Because this particular application did not qualify as either a Tier I or Tier II it is processed as essentially a Tier III, a special use permit application.

Mr. Cilimberg noted the legal advertisement that ran was for three new flush mounted antennas. Therefore, that is what can be acted on and nothing more than that as he understands it requires a special use permit.

Mr. Kamptner asked if he was talking about taking a different action than what was advertised.

Mr. Cilimberg replied that was what the applicant was requesting.

Mr. Kamptner agreed with Mr. Cilimberg that staff's recommendation would be to simply act on the application as advertised. He noted that staff is working with the wireless industry towards amending the regulations.

Motion: Mr. Franco moved and Mr. Lafferty seconded based on the findings in the staff report to recommend approval to the Board of Supervisors of SP-2012-00005 Verizon Wireless "I-64 East" Tier III Personal Wireless Service Facility with the modifications and conditions provided in the staff report.

1. Development and use shall be in general accord with what is described in the applicant's request and site plans, entitled "I-64 East LTE 4G Upgrade", with a final zoning drawing submittal date of 4/13/12 (hereafter "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

   a. Height

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

MODIFICATIONS

- Zoning Ordinance Modifications:
  - Section 5.1.40 (a)(4e)- topography.
  - Section 5.1.40 (a)(4)(f)- height, caliper and tree species
  - Section 5.1.40(a)(4g)- setbacks, parking and landscaping

The motion passed by a vote of 6:0.

Mr. Morris noted that SP-2012-00005 Verizon Wireless "I-64 East" Tier III Personal Wireless Service Facility and the modifications will go to the Board of Supervisors on a date to be determined with a recommendation for approval.

SP-2012-00006 Verizon Wireless "Yancey Mills" Tier III Personal Wireless Service Facility
PROPOSED: Request for installation of a three new flush-mounted antennas. This is an amendment of SP 2000-27 #4a, which limits the structure to what is shown on the approved plans.
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 facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 -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: 207 Patterson Mill Lane
TAX MAP/PARCEL: 07100-00-00-037J0
MAGISTERIAL DISTRICT: Samuel Miller
(Sarah Baldwin)

Sarah Baldwin presented a Power-Point presentation and summarized the proposal.

This request is very similar to the prior one. It is an amendment to the existing special use permit for a Tier III tower in Yancey Mills as described above. It is located in the rural areas and Entrance Corridor. It is wooded area.

As previously stated this was approved prior to the current regulations for a personal wireless service facility. Therefore, it is subject to a special use permit. At this time the applicant has elected to amend the special use permit in this case. This is a request to install a second flush mounted antenna array on an existing PWSF. This request will amend condition 4A of SP-2000-27 to allow more than one antenna array. Many of the conditions in the current special use permit can be eliminated since they are now required regulations in the ordinance.

The changes to the tower will include additional antenna array, a minor expansion of a fenced area, and associated ground equipment. The applicant has submitted plans and photo simulations to show the proposed changes. The existing tower is located at 90' AGL. The new antenna array will be located at 82' AGL.

Based upon the existing factors and proposed changes and the analysis of the requirements of the ordinance staff found the following factors favorable and unfavorable to this application

Favorable Factors
1. The proposal is on an existing facility and the additional antenna will not increase or cause any new impacts to adjacent properties or important resources.
2. The proposal meets most of the requirements of 5.1.40 except for the current SP conditions which limit the number of antenna arrays to what is shown on the plan.

Unfavorable Factors - None identified.

Recommendation:

- Staff recommends approval of the additional antenna array with associated ground equipment and modifications provided herein with the conditions outlined in the staff report.

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

Laurie Schweller, attorney with LeClair Ryan representing Verizon Wireless, said her comments about this application are exactly the same as the previous comments. They are proposing a very similar change to this facility and again they see this change as a Tier I co-location that should be approved by right with a building permit. She would be happy to answer any questions.

There being no questions for the applicant, 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. Lafferty seconded based on the findings in the staff report to recommend approval to the Board of Supervisors of SP-2012-00006 Verizon Wireless "Yancey Mills" Tier III Personal Wireless Service Facility with the modifications and conditions provided in the staff report.

1. Development and use shall be in general accord with what is described in the applicant's request and site plans, entitled "Yancey Mills LTE 4G Upgrade", with a final zoning drawing submittal date of 4/13/12 (hereafter "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

   a. Height

   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

MODIFICATIONS:

- Zoning Ordinance Modifications:
  - Section 5.1.40(a)(4e)- topography.
  - Section 5.1.40(a)(4)(f)- height, caliper and tree species
  - Section 5.1.40(a)(4)(g)- setbacks, parking and landscaping

The motion passed by a vote of 6:0.

Mr. Morris noted that SP-2012-00006 Verizon Wireless "Yancey Mills" Tier III Personal Wireless Service Facility and the modifications will go to the Board of Supervisors on a date to be determined with a recommendation for approval.

ZTA-2012-00005 Bed and Breakfast/Tourist Lodging

Amend Secs. 3.1, Definitions, 4.12.6, Minimum number of required parking spaces for scheduled uses, 5.1.17, Tourist lodging, and 10.2.1, By right, and add Sec. 5.1.48, Bed and breakfast, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the regulations pertaining to transient lodging by amending the definitions of "tourist lodging," "boarding house" and "hotel," and adding definitions of "bed and breakfast" and "transient lodging" (3.1), clarifying that the minimum off-street parking requirements for transient lodging and hotels is based on the number of "guest rooms" rather than "units" and adding such regulations for the bed and breakfast use (4.12.6), amending the supplementary regulations for tourist lodging (5.1.17) and adding supplementary regulations for the bed and breakfast use including, but not limited to, requiring landowner or manager residency, limiting the number bed and breakfast uses permitted on a parcel, and establishing minimum yard and parking requirements and minimum approval requirements (5.1.48), and replacing "tourist lodging" with

the "bed and breakfast" use classification in the Rural Areas zoning district (10.2.1). A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Amelia McCulley)

Ms. McCulley passed out the following information, presented a PowerPoint presentation and summarized the staff report on ZTA-2012-005 Rural Areas District Transient Lodging (Bed and Breakfast Use).

A. An email received this afternoon from Ms. Sommers.
B. A copy of the one slide that has a previously identified focus issue discussion. However, there are a couple of other public input points that they have received along the way. Staff will go over that in an appropriate point in the report.

History

- Comments received in Comprehensive Plan review, including the Agricultural Economy Roundtable (11-1-11) - current Albemarle regulations don't provide the flexibility needed to support agribusiness and tourism in the Rural Areas.
- Planning Commission resolution of intent adopted March 20th.

Background Information

- Tourist lodging is permitted by-right in every residential zoning district as accessory to single-family dwelling.
- Must be within a single-family dwelling in which someone resides.
- Maximum of five (5) rooms for transient lodging.

Comparison – Existing and Proposed

	Existing Regulations ***Tourist Lodging***	**Proposed Regulations** ***Bed and Breakfast***
# Rooms Allowed	5	5
Occupancy of structures used	Must be within single-family structure that is used as someone's (owner's or manager's) residence	Owner or manager shall reside on the parcel
Structures for transient lodging	Must be within a single-family structure	May be within any approved* structure for the use **(Building Code, Fire Code and Health Department approvals apply)*

Focused Discussion

Proposed ordinance requires at least one (1) of the five (5) guest rooms to be located within a single-family (sf) dwelling. Is this important, or can all 5 rooms be outside a sf dwelling?

- Pros: The intensity of the use and therefore the land use impact (ex. traffic, water use and wastewater disposal) are not changed by whether all guest rooms are within a sf dwelling or not.
- Cons: Allowing new construction of structures only for bed and breakfast use (as compared to at least one that is a single-family structure) intensifies development of the parcel and can create pressure for lawful conversion use if the bed and breakfast use does not continue. (Keep in mind that the proposed definition can be met with only one room in the sf dwelling and up to four (4) in other non-residential structures.

Ms. McCulley noted if a structure is built as a guest room for a bed and breakfast and later that bed and breakfast discontinues that structure would need to become a lawful use by right. So it would have to find some agricultural use, which she would offer as less likely or some kind of accessory residential use, which is much more likely. Accessory residential uses can range from game rooms, workshops and all kinds of spaces. The con in this whole issue if they are not requiring at least one guestroom be within a single-family dwelling, then there will be more structures that could be devoted purely to B & B use and not residential use initially. She asked if the Commission wants to talk about that right now or after the presentation.

Mr. Lafferty asked if they require it to be in the house and they discontinue their B & B efforts and they have four other facilities outside the same problem exists.

Ms. McCulley agreed.

Mr. Lafferty said being in the house or out of the house really is just the construction of one other unit.

Ms. McCulley agreed since that sums it up. They are dealing with potentially one guest room unit.

There being no further questions, Mr. Morris said the Commission can come back and revisit this issue.

Ms. McCulley noted there were a couple of other points that have come up. Again, to keep in mind since there is some concern based on what she was reading and some of the public input that structures that could be used for a B & B use could be less safe or potentially be exempt just as farm winery and agricultural structures are exempt from the Building Code. Under the second bullet, as a reminder that any structure that would be used for a guestroom that is not already a residential use would have to go through a building permit and meet Building Code, Fire Code, and health department approvals.

Points to Keep in Mind

- Any structure that meets the definition of a dwelling unit requires compliance with zoning regulations for such (density, development rights, setbacks, site plan, etc.).
- Any structure in which guest rooms will be located (whether a sf dwelling or a non-residential existing or proposed) shall require approval from the Fire Official, the Building Official and the Health Department (as applicable).

This is all to say that the current regulations still cover the construction or retrofitting of a building that is a dwelling. She thinks there was some concern about that.

Mr. Morris asked with this new proposal can a Bed and Breakfast be part and parcel of a business concern such as a winery. The reason he asks is that a winery cannot have kitchen facilities as he recalls. It has to be catered in. However, a Bed and Breakfast needs a kitchen facility to provide breakfast.

Ms. McCulley replied that a B & B can be on a property that is licensed as a farm winery. A farm winery actually can have a kitchen as long as they meet all of the health department requirements and any applicable state requirements for that kitchen. They actually allow farm wineries to serve food to pare with the wine for tastings and they can serve full meals for farm winery events. In answer to the question, yes they can have a use on a farm winery property. However, there is not the same exemption of local zoning requirements or building requirements that extends to a B & B use that a farm winery enjoys under the State Code. They are treated differently in terms of regulations. For Building Code purposes provided that they don't have more than the five rooms under our current regulations they are treated as residential and have to met residential requirements. There are slightly higher requirements in terms of things like egress. But, it is treated as a residential use with a max of five rooms.

Mr. Cilimberg asked to keep in mind while at a farm winery the Bed and Breakfast has to be associated with a single family dwelling. Most farm wineries have a single family dwelling on their property. It is actually something they can have independent of a single family dwelling at a farm winery. But, they still need to have that dwelling there to have the Bed and Breakfast.

Ms. McCulley noted that after the ordinance was attached to the report and received was the Building Official suggestion that they repeat the reference to the Building Official in the intro language under the supplemental regulations. If the Planning Commission recommends approval tonight she asked that they consider recommending approval with this revision.

Minor Revision

- Insert reference to Building Official in 5.1.17 intro:

Sec. 5.1.17 Tourist lodging

The zoning administrator shall issue a zoning compliance clearance for tourist lodging provided that the Albemarle County fire official and the Virginia Department of Health issue their approvals for the use, and all other applicable requirements of this chapter are satisfied. Before the zoning administrator approves a zoning clearance for a tourist lodging use under section 31.5, the owner of the parcel shall obtain approvals of the use from the building official, division of fire rescue and the Virginia Department of Health, and shall satisfy all other applicable requirements of this chapter. (Amended 10-3-01)

Ms. McCulley asked to talk about some of the public input. Staff received a couple emails and letters. Last week an email was received from Peter Hallock who is recommending if they allow this use that they restrict development rights on the property. It is her understanding that for a by-right use they do not have the legal authority to restrict development rights. Mr. Kamptner can confirm or deny that. It is a ministerial act and a by right use.

Mr. Kamptner agreed that was correct.

Ms. McCulley noted that a letter of support from the Free Enterprise Forum from Neil Williamson, President, had been distributed. For several reasons they were suggesting that the Commission recommend approval of this ordinance. Another email received late this afternoon was from Ms. Sommers who is present tonight.

Ms. McCulley said she has talked about a couple of things.

- One is that not all structures can be converted and approved to be used for a B & B use. These structures are not exempt from the Building Code.
- Another question is does each parcel require its own parcel manager for a B & B use. The answer is yes. The owner or the manager must reside on the property.
- What if a winery with 5 parcels wants to aggregate 5 room structures into one-25 room structure? Does this proposal mean that they would end up with the equivalent of a Comfort Inn on land zoned rural areas. The answer is no that would not be permitted. Once they have a structure with more than 5 guest rooms by definition it is not a B & B. It is a hotel or an inn. An inn is only currently allowed by special use permit and they are looking at that under the Comprehensive Plan.
- One other comment was a question of whether the expansion of administration of this regulation can be handled by existing staff resources. By way of response she noted that under the current regulations county wide they are allowed in residential districts, rural areas and village residential for tourist lodging. The county receives one to two requests for tourist lodging a year. On a busy year they receive three to four tourist lodging applications. So even if it increased greatly, staff can handle with our routine business and existing staff that number of applications. They may get a rush initially, but she did not anticipate that it would continue.

Summary

- Staff recommends approval of this ordinance amendment because it will better meet the goals of the Comprehensive Plan and the Strategic Plan. Recommend insertion of "building official" into approvals listed in Section 5.1.17, in staff's handout.
- Motion to recommend approval to the Board of Attachment A, proposed ordinance for transient lodging in the Rural Areas.
- Public hearing with the BOS on June 6, 2012.

Definitions

- *Bed and Breakfast:* A use composed of transient lodging provided within a single family dwelling and one or more structures that are accessory to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and which also may include rooms for dining for overnight guests or other transient guests and for meetings for private parties that are accessory to the bed and breakfast use.

There was one additional public comment not responded to, which was Art Beltrone's letter. Mr. Beltrone was not able to be present tonight. He made several good points that she has spoken with Mr. Kamptner about. His first concern relates to the existing language that seems to imply that they could essentially expand the use to provide

food service to the extent of a restaurant on the property because there is reference to dining, private parties, and so forth. That is not the intent. The intent is only to provide food for those guests lodging as guests of the B & B. They may want to tighten up that language to clarify that they are not expanding the use to a restaurant. The second is a question about noise enforcement particularly as it relates to B & B on farm winery property. Under state law farm winery events the noise regulations from farm winery events is limited to limited to outdoor amplified music. The concern is whether this is going to set up a double standard because noise from a B & B use is subject to decibel level standards whether it is outside or inside there is a noise standard. She appreciates the concern. She thought they were hearing some of these kinds of double standard concerns about farm winery uses and other rural area uses as they have been receiving public input with the rural area Comp Plan work. There is a noise regulation that applies to B & B uses.

To go back to the focused discussion it was summed up pretty well that they are really just talking about one guest room. It boils down to one guest room and whether it was critical to keep one of the rooms in the dwelling. Does it make that much difference in the scheme of things?

Mr. Morris invited questions for staff.

Mr. Randolph said that Mr. Williamson says in his letter that he supports the proposed changes because it will provide adaptive reuse of structures that may have exhausted their original architectural intent. He thought Mr. Williamson's wording was excellent there about one of the rationales behind this. As written right now someone could come to the county with a one bedroom house and say they wanted to open a B & B. They would get the permit to do it and then could add an additional structure that would have up to 4 bedrooms in it to operate a B & B. That does not do anything to their objective to meet the needs of these larger structures that are out there which are associated with historical farms that have thousands of acres. Because of the challenges of agriculture many large farms are no longer viable working farms. They are looking for an adaptive reuse for the larger historical farms. He suggested a need to try to find a middle ground between the B & B, which is 5 bedrooms, and the use of an historical structure with more bedrooms that now would be labeled an inn/hotel. What can they do for that person?

Mr. Cilimberg noted they have an allowance in the ordinance that they really did not address with this because historic landmark structures through special use permit can be used for inns. It can be used for more than 5 guestrooms. That allowance exists to speak to the more specific point of an historic house or an estate, which is something that can be obtained through special use permit. Beyond that and what they see tonight the other potential accommodations for more than five that the Commission agree that they should be looking at as part of the Comprehensive Plan work. They would be looking not only what would be appropriate numbers but where those locations might be. That is something they are still reviewing and would be bringing back to the Commission with the Comprehensive Plan. This is a small part of a larger potential set of changes that could occur. Staff did not want the Commission to lose sight of the fact that they do actually have in the ordinance already an accommodation for historic landmark homes to be something different than a bed and breakfast if they want to be through special use permit.

Mr. Randolph asked if the historical designation would have to be a minimum of 50 years old for the structure.

Mr. Cilimberg replied it was whatever qualifies it as a property on the list recognizes a state or national register property.

Mr. Kamptner noted the rural areas regulations tie it to a historic landmark as designated in the Comprehensive Plan, which he think in turn refers to the state or national designations.

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

Ms. Judith Sommers, resident of Keswick, said she lived on a farm next door to Castle Hill, Castle Hill Cider and about a mile from Keswick Winery. She made the following comments:

- This is in large part a winery issue because she sees the burden of this kind of development putting an additional burden on the people who already are neighbors of wineries. She sees it as extending the party to go all night. They breathe relief when the music goes off and the people go away.

- Many large properties are comprised of more than one parcel. If they can build a 5 room structure on each parcel who knows how many guests they could accommodate. The existing regulation regarding tourist lodging protects rural residents because an on-site owner or resident manager can keep the lid on the number of people using the five rental rooms in a single-family structure and presumably can control the noise level of late-hour activities. Imagine the impact on neighbors if a few 20-somethings rent a separate five-room structure and the whole fraternity spends the night there partying. Also, remember the tragedy at Clifton Inn when the property was left unattended by management.
- Many rural properties consist of multiple parcels and Ms. McCulley said that each B & B on a parcel would have its own manager. She can still see five one-room structures close to each other even though not attached. However, they could still be close enough to have a large number of people together to have a big noisy party until 3 a.m. Staff time does not have enough time to go investigate noise complaints, but staff says they can handle all of these most likely new applications for B & B's. The wineries would have you believe that no one under 65 will rent the rooms and that renters will be quiet and respectful of the neighbors late at night and that nothing but good will come from pursuing their own financial self interest. She for one does not really believe that.

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

Mr. Cilimberg asked to make a point of clarification in answering the question regarding the historic designated homes. One thing he did not note is that those structures or homes are one point would have needed to be a restaurant, tavern, or inn. So that is a little higher bar. That is one of the things they will look at actually during the Comp Plan work whether that is still is necessary in trying to establish where inns could be in the rural area. That is one of several issues they will need to look at.

Mr. Morris invited discussion.

Mr. Randolph said he was struck that they have a definitional distinction issue here. He did not see any problem with B & B's going into the rural area as a B & B in its own right. However, when a B & B gets attached to a winery there clearly are issues. The amount of feedback and emails he has received, two of which came from Keswick, was about B & B's and wineries. He would like the Commission try to find a way to get a legal distinction between B & B's in the rural area and B & B's in a winery. He thinks issues of noise; traffic and safety violations, etc. are very different. Mr. Williamson's letter was about trying to ensure that they have adaptive use of historic structures that have lost those economic advantages in the current day and age. He also in remarks he made to the Chamber that got circulated says he is looking for a rising tide in empowering opportunity. He thinks they are all in favor of a rising tide and empowering opportunity in the rural area, but he wanted significant credit for the economic impact of the proposal. However, clearly what is being surfaced here today are some negatives of the economic impact of a proposal when they put a B & B together with a winery. The problem comes up with a B & B with a winery in a rural area. There seems to be another whole set of issues that the current language he was not really confident addresses.

Mr. Morris said he had gotten the same input from constituents that are very concerned about the B & B/Inn/Winery. He would like to see that looked at.

Mr. Cilimberg said in actuality right now any winery can have a tourist lodging, which they are calling B & B, but it would just have to be within the single-family dwelling. He did not know if the change is made for rural area use to allow by right a tourist lodging now called B & B under the proposed regulations that they could separate a farm winery. They are considered to be a by right use in the rural area that is associated with the normal activities that would be anticipated on agricultural property. He was not sure statutory they could make that distinction.

Mr. Morris said he understands, but that this is a concern for a lot of people that the Commissioners are hearing from.

Mr. Franco said if he heard right, ultimately if he had a winery and it caters to a wedding and they have a concern about the noise, and the party wants to continue at the B & B, it is subject to a different set of standards which is the rural area noise standards. Therefore, it would be subject to the same standards the B & B would be subject

to on a separate parcel from the winery. It does not give it a license to continue a loud party or noise above and beyond what is allowed simply because it is on a winery property.

Mr. Morris said if the party continues to a B & B from the winery the people responsible for responding to that would be the police and not the zoning department. He asked if that was correct.

Mr. Kamptner replied that where the farm winery use ends and where the B&B use begins as far as noise he thinks he would look to where it is occurring. If it is at the B&B it would be enforced under the zoning regulations. The way the entire zoning ordinance is set up is that they have a number of uses allowed by right in each district and by special use permit. If the area and bulk, etc. requirements can be satisfied a particular parcel can hold multiple primary uses. Those would be the uses allowed within the particular district. When they are looking at the distinction between the impacts from a farm winery as a by right use and tourist lodging, which is the use currently allowed or bed and breakfast – as long as the area and bulk and the other requirements can be satisfied they are allowed by right. Our regulations really don't make a distinction as to how many of those permitted uses a particular parcel is allowed to have. So a farm winery could have an agricultural processing facility, a farm winery, and tourist lodging all on the same parcel right now provided that those area and bulk regulations are satisfied. They also have to be mindful of the uniformity requirement under the state law. The U.S. and the State Constitutions requires that land that is similarly situated is supposed to be treated similarly. Generally the uses that are allowed within the district need to be available to all of the parcels. Long story short - it is going to be difficult to treat lands that have farm winery uses already there differently in the rural areas than those that don't provided that they can accommodate this otherwise by right use.

Mr. Randolph said what he was trying to look for is some way that they provide a reasonable level of protection for residents around these increasingly Disneyland type farm wineries that have multiple areas of activity going on – entertainment as well as agricultural productivity. The residents should not have to suffer for the fact that their neighbor has now taken on farm winey activities, some of which are extremely noisy at night because do they have the regulatory muscle currently in terms of police functioning and staff to be able to be intermediately responsive to come out with a noise meter. If there are no meaningful teeth there, then the party may go on.

Mr. Cilimberg noted that could happen right now. This is not changing any circumstance other than the allowance for the room for that bed & breakfast to be in a separate structure associated with the single-family dwelling on the property whether there is a farm winery there or not. The numbers are not increasing. In fact, what they realized today in talking about these provisions is currently if they have 5 single family dwellings on a parcel they can have 5 separate bed & breakfasts in the house. This will limit that property to only two. So there is a part of this that is scaling back what theoretically could occur. The reality is that is not occurring to his knowledge. However, it could under the current ordinance provisions.

Mr. Smith asked if they are treating a dirt farmer or a livestock producer any differently from the way they are conducting a business affecting a winery.

Mr. Cilimberg replied that as long as they are a by right use it is all the same.

Mr. Loach said if in fact the winery has a bed and breakfast the regulation is they still need to have a resident manager on site. Essentially there would be a point of contact should there be noise. Hopefully it would be published somewhere that they would be available and if someone called the police there is a point of contact.

Mr. Kamptner asked if they got closure about the room within the single-family dwelling issue.

Ms. McCulley replied no she did not really hear consensus. What she thought she saw in their response was that it does not make a difference and they should not have to be within.

Mr. Morris agreed.

Ms. McCulley said in response to the comments that Mr. Beltrone made about making sure they don't tip the scale to allowing a restaurant by some of the language. Staff is going to tighten that up because they intend to do that.

Mr. Kamptner added that the proposed supplemental regulations in 5.1.48 expressly prohibit a restaurant. Staff will tighten up the definition of bed and breakfast so that the dining is limited to the transient guests. They will find the right terminology. Also, that the meetings for private parties are tied to the transient guests as well. They will tighten up the definitions to address those issues.

Mr. Lafferty said it would be so if it would not be used as a restaurant.

Mr. Kamptner agreed.

Mr. Morris asked staff what action would staff like the Planning Commission to take. He asked if it was the adoption of the draft ordinance.

Ms. McCulley replied that the Commission would recommend approval of this ordinance to the Board and it was scheduled for them to hear in public hearing on June 6.

Mr. Kamptner pointed out it was with the recommended changes to be finalized to the definition of bed and breakfast and to the language in Section 5.1.17 to include the building official as one of those who need to approve dwellings used for tourist lodging.

Mr. Lafferty said the definition does not require that it be one of them being in the residence. He asked if that is what they are saying.

Mr. Morris replied that was correct.

Mr. Kamptner replied yes, staff would make that correction.

Ms. McCulley agreed they wanted to make it crystal clear so there is no wiggle room related to dining in the definition since they did not intend to open up dining to those who were not lodging in the bed and breakfast.

Mr. Franco asked for clarification if the motion was to allow all five rooms to be in a separate structure.

Mr. Lafferty replied that was correct.

Motion: Mr. Lafferty moved and Mr. Franco seconded to recommend approval of ZTA-2012-00005 Bed and Breakfast/Tourist Lodging with staff's proposed ordinance language in Attachment A with the recommended changes to be finalized to the definition of bed and breakfast and to the language in Section 5.1.17 to include the building official as one of those who need to approve dwellings used for tourist lodging. The motion was to allow all five rooms to be in a separate structure.

The motion passed by a vote of 4:2. (Smith and Randolph voted nay)

Mr. Morris noted that ZTA-2012-00005 Bed and Breakfast/Tourist Lodging would be forwarded to the Board of Supervisors with a recommendation for approval to be heard on June 6.

In summary, the Planning Commission recommended approval, by a vote of 4:2, (Smith, Randolph voted nay) of ZTA-2012-00005 inclusive of staff's proposed ordinance language with the three recommended changes that will be made to the Bed and Breakfast/Tourist Lodging ZTA:

1. The definition of "bed and breakfast" will be clarified to assure that the rooms for dining and for meetings are for guests of the bed and breakfast.

2. The definition of "bed and breakfast" will be clarified to allow the guest rooms to be in a structure other than the single family dwelling (i.e., eliminating the requirement that at least guest room be in the single family dwelling).

3. Section 5.1.17 will be revised to add "building official" to the class of officials from whom approvals are required for tourist lodging.

The Planning Commission took a break at 7:09 p.m. The meeting reconvened at 7:15 p.m.

Work Session

CPA-2013-00001 Comprehensive Plan Revision
Work Session #7 – Land Use Plan for Southern and Western Urban Area Neighborhoods. (IV, V, VI & VII)

Elaine Echols introduced two people who have been working with staff on this project - Magdalene McGrory, intern who will graduate from the University of Virginia this spring, and Matt Weaver with the PJPDC Livability Project. Both have had a large role in putting together what they are bringing to the Commission tonight.

Staff Presentation
Ms. Echols presented information and recommendations for the Southern and Western Neighborhoods in a PowerPoint presentation and asked the Planning Commission to provide general direction on the following items:

- Presentation Overview
- Background
- Public Workshops
  - What we Presented
  - What we Heard
- Recommended Goals
- Future Land Use Plan Changes
- Area B Considerations

Area B –
Staff has been working on the Area B Studies with Missy Creasy and Julia Monteith. Now they are working on them in conjunction with the Regional Transportation Plan to bring forth some recommendations that relate specifically to Area B. They will continue working and hopefully get things wrapped up in the near future. This area includes the following:

- The Granger Property
- The Sunset-Fontaine connector
- Changes from "service" designations to "mixed-use" designations, especially for commercial properties along Ivy Road/Rt. 250 west of Charlottesville and the Boars Head area.
- The Blue Ridge Hospital Area
- The Birdwood Golf Course
- The undeveloped property near the Colonnades
- The Heyward Property near Fontaine Extended
- The Morey Creek Office Park
- The Faulkner site near St. Anne's Belfield
- Fontaine Research Park

- On-going discussions, recommendations will be brought to PACC & PC once complete

Meeting March 8 – First Neighborhood Meeting - Input on Existing Goals and Existing Land Use Plan
The existing goals were not the full text from the Comp Plan, but made reference to the major points in the neighborhoods.

Meeting April 2 – Neighborhoods VI and VII
Staff brought back the comments or recommendations that they heard for comments as well as two land use alternatives.

Important Things to Residents:

- *Environmental resource preservation*
- *Greenways with trails*
- *Library south of I-64*
- *Playing fields in or near proposed Biscuit Run State Park*
- *Help Southwood Mobile Home Park redevelop*
- *Pedestrian access and bikeways are needed along 5th St/Old Lynchburg Rd, Rt. Avon St., and Rt. 20 S*
- *Connections through Fifth St. – Avon project*
- *Need to improve transit service; especially to jail*
- *Provide sidewalks from jail to Charlottesville*
- *Provide attractive buffers along I-64*
- *Remember the major roads are in the Entrance Corridor*

Specific Input Requested

1. Tandem
2. Granger
3. Boars Head
4. University Heights
5. Colonnades and Western Bypass

Tandem Area

Alternative 1:
Neighborhood Density

Alternative 2:
Urban Density

Currently it is shown as Institutional on the Land Use Plan. To be consistent with the other master plans staff is trying to make those institutional uses more public type uses because the private schools and such are things they would want to have in the residential areas. The private uses could change. Staff wanted to have a residential designation and the two choices along those lines were Neighborhood Density and Urban Density. Staff is recommending Neighborhood Density. They got input from an administrator at Tandem School as well as some of the residents in the area and they thought that would be more appropriate. One of the reasons why they are recommending it is they seem to have a need for a better mixture of housing types. Although they have a lot of density near this particular area they need some more variety on that side of town.

Granger Site (Area B)

The Sunset Fontaine Connector is shown coming through this area. This is an area affected by the Area B recommendations. Currently the recommendation is for Office Service, which is a designation that will change. They are looking at having our land use designations more mixed use. The descriptions in the current land use plan for this particular area looked like they matched more closely the community mixed use, which would allow for office uses and some office employment uses. Staff recommends leaving this as it is in the current plan. They will be bringing back recommendations for Sunset Fontaine. The Commission might want to revisit this once they get through the Area B and Regional Transportation Plan work.

Boars Head Area (Area B)

This is another Office Service area that has been designated and it needs a different designation. One of the designations staff thought about was Institutional, which is what Birdwood Golf Course has right now. Another one would be a Neighborhood Mixed Use because it is a mixed use area right now. It really does serve the surrounding neighborhoods. It serves a larger area and might have a better use as a community mixed use. It is another Area B and another University Foundation property where they continue to need to discuss that.

Alternative 1 – Institutional
Alternative 2 – Neighborhood Mixed Use

University Heights Area (Area B)

Alternative 1:
Community Mixed Use & Urban Density
HUB zone

Alternative 2:
Community Mixed Use

There is a little piece of undeveloped land right behind U Heights Apartment Complex. This land is also in a HUB zone, which is an economic development zone that gives some preferential treatment. Our economic development people were asking is there a use that could be allowed in this particular area to help some of our small businesses and industries. Therefore, they looked at a Community Mixed Use designation. After they went out and looked at the site, the transportation and the setting they thought that an office use or a very small use that has few impacts or a small non-residential use that has few impacts on the neighbors might be appropriate. They can do that in Urban Density Residential. Therefore, they are recommending the Urban Density Residential there.

Colonnades Area (Area B)

Alternative 1 Neighborhood Density (currently)

Alternative 2 Urban Density

This is where the Western ByPass would go. Staff wondered if it makes sense to make some recommendations for Urban Density. This is an Area B property and a property owned by the University Foundation. Staff makes no recommendation on this one yet. What is in our plan is what it is right now.

Area between Route 20S and Avon Street

The current land use plan shows an Industrial Service Designation. The map is not parcel based and it was hard to know exactly where that was. There is a 13 acre undeveloped parcel, which has no environmental resources, such as streams, steep slopes, wetlands, floodplains or any of those kinds of things on it. It does have about a 10 percent grade and slopes down to 20 percent. The Planning Commission looked at this some years back for a proposed residential development. They talked with the representative of the owner and he was okay with putting this designation on it to get input. He thinks it might be possible for them to find a potential buyer of the property if it has this kind of a designation. Staff took that to the residents and as shown in the comments some residents were supportive and others were not. Staff is recommending it because they have so few industrial parcels of any size.

Staff Recommended Goals for the Southern and Western Neighborhoods.

- Natural and Cultural Resource Protection
- Community Facilities
- Transportation
- Street Lighting

Natural & Cultural Resource Protection

- Retain all existing recommendations

Community Facilities

- Retain all existing recommendations plus
- Provide trails to proposed Biscuit Run State Park.
- Provide playing fields in or near proposed Biscuit Run State Park.

Transportation

- Connecting Roads (also Area B): Retain all existing recommendations and come back and revisit them
- Transit: Retain all existing recommendations and add transit service to the Regional Jail.

Transportation Improvements

- Upgrade 5th St. and I-64 Interchange. (existing recommendation)
- Urban section on Avon St. from City to Rt. 20, and
- Urban section on Fifth St. extended from City to southernmost border of the Southwood property
- Rural road section with buffers on both sides of Old Lynchburg Road to Development Area boundary
- Correct curves on Old Lynchburg Road from Sunset (existing recommendation)
- Pedestrian access and bikeways on Rt. 20 (existing recommendation)

Street Lighting

- Consider providing along major streets

There were a lot of negative comments relative to street lighting. Street lighting is one of those tough things. If they want an urban fabric they need to have lighting that makes it safe for pedestrians to be out at night in those areas where they want people to be walking and active. They do have a Dark Skies Policy. They are trying not to light up the skies. They have one of those balance problems that they often times see in the development areas and some of our county planning.

Staff's recommendation is to consider providing the lighting along the major streets, which means it would be studied. After the Comprehensive Plan Update is adopted there should be another Advisory Council appointed by the Board of Supervisors. This is the kind of thing they think would go to that Advisory Council to get advice on in order to get input from the neighborhood on.

Topic – Future Land use Plan

Andy Sorrell, Senior Planner, continued the PowerPoint presentation on the recommended Future Land Use Plan - Recommendations and some of the new proposed designations as well as the changes being highlighted.

New Land Use Designations

- Neighborhood Mixed Use
- Community Mixed Use
- Regional Mixed Use
- Office/R&D/Flex/Light Industrial

Future Land Use Plan Changes for Neighborhoods 4-7

1. Parks and Green System Designation
2. Biscuit Run State Park
3. Mosby Mountain and Whittington
4. Office/R&D / Flex/Light Industrial (replacing office services)

Parks and Green Systems Designation -- In keeping with all master plan development to-date, streams, stream buffers, floodplains, and associated slope systems have been shown as parks and green systems. Some additional systems of steep slopes have been shown with this designation as well. Development would not be expected in these areas.

Biscuit Run State Park -- The expected Biscuit Run State Park property has been shown with a designation for parks and green systems with the exception of the Breeden parcel which would have density for 100 dwellings. Earlier in this process staff had suggested the park property east of Biscuit Run Creek be designated Rural Areas. Because the state may wish the park to be connected to public sewer, staff believes it prudent to keep the property in the Development Areas but designate it for a park purpose.

As discussed at the October 11, 2011 meeting, the Breeden parcel at Biscuit Run was not gifted to the state and the owners wish to develop it. State legislation was approved in the last session of the General Assembly which would allow for small area land swaps with both the Breeden parcel and Southwood Mobile Home Park. At present, staff is recommending that the land use plan show the Breeden parcel as developable at 3 – 6 units per acre. The text of the plan would say that the area for development could be at an alternate location on the Biscuit Run State Park property west of the Biscuit Run stream.

Mosby Mountain and Whittington -- The Mosby Mountain and Whittington subdivisions are being included in the Development Area at the densities currently approved. This addition was at the request of the Board of Supervisors in relation to the Board's including Whittington in the jurisdictional area although it was approved at a density of 1 unit/2 acres. Staff is recommending that the text provide for the expectation for the density approved with the rezoning.

Office/R&D/Flex/Light Industrial -- In keeping with recommendations for standard land use designations, staff is recommending that the office-service designation be replaced with the office/r&d/flex/light industrial designation. This designation does not mandate that light industrial uses be allowed in all locations as some locations are not suitable for industrial uses. Staff did want to have that option available. The text can be particular as to the expectation of land use within that category. (See HSF below.)

Have light industrial available in those areas

5. Morey Creek Office Park
6. Eliminating Transitional Designation
7. Southwood Mobile Home Park (urban density) hopefully allow habitat to redevelop property – mixture of housing
8. New Neighborhood Center (within walking distance of Southwood)

Morey Creek Office Park -- The recently approved Morey Creek Office Park for the University's Health Services Foundation (HSF) is shown with an office/r&d/flex/light industrial designation. This property is in Area B. The text of the plan will clarify that the expectations for this property are those that were approved with the rezoning.

Proposed Eliminating Transitional Designation – With the work to standardize the land use categories, staff is recommending the Transitional designation be eliminated from the list of land uses in the Comprehensive Plan. At present, transitional areas as described in the Land Use Plan:

· *Are intended to be used primarily between residential areas and commercial or industrial areas, or in areas where flexibility of land uses may be necessary or appropriate to blend changing circumstances (e.g., where long-term public improvements are anticipated, or areas where redevelopment/re-use is encouraged).*
· *Provide an opportunity to develop mixed use areas with Urban Density Residential uses and nonresidential land uses on the scale of Neighborhood Service and Office Service, as defined in the next section of this chapter.*
· *Uses include neighborhood-scale commercial areas, office buildings, townhouses and apartment buildings.*
· *Areas that should be developed under an overall plan for the designated area to ensure coordination of uses, access and circulation, landscaping, and maintenance of natural/environmentally sensitive areas.*
· *Transitional designation requires a small to medium size site (1-30 acres), collector road accessibility, water and sewer availability; and compatibility with adjacent land uses.*

Southwood Mobile Home Park -- The Southwood Mobile Home Park is recommended for urban density residential and not neighborhood density residential. This increase in recommended density is to allow the current owner, Habitat for Humanity, to redevelop the property and provide housing for current residents as well as future residents. The expectation is there will be a mixture of housing types provided for different income levels. The urban density residential designation can include a small amount of supporting commercial mixed in which Habitat would like to include in the development.

New Neighborhood Center –
A neighborhood service designation is recommended across Old Lynchburg Road from the Southwood Mobile Home Park. Because the expected redevelopment of the mobile home park will contain only a small amount of commercial use, a center that is walkable from Southwood is desirable. The area designated on the proposed land use plan includes a church.

9. Woolen Mills Residential
10. Mill Creek Drive near Tandem School
11. Parcel near Southern Development Area Boundary between Avon and Route 20

12. Buffers along Roads (including along Route 20 and Old Lynchburg Road and 29 south western side) Avon and 5th Street north portion sidewalks

Woolen Mills Residential – Residential properties zoned industrial in the Woolen Mills area are in the Woolen Mills Historic District and are contributing structures to that district due to their age and historic use as housing for factory workers. These properties are currently shown for industrial use on the existing land use plan. The proposal would be to designate these properties for residential use primarily because their depth would not easily support redevelopment to industrial uses. This designation better allows for the buildings contributing to the district to be retained. A Neighborhood Density residential designation would allow for some non-residential uses, such as offices. It is possible that non-residential uses could allow for the historic structures to be income producing and help further retain their historic status.

Mill Creek Drive near Tandem School -- property on Mill Creek Drive next to Tandem School that was shown for urban density residential is now recommended for neighborhood density residential as is the Tandem School which is currently shown as institutional. In keeping with changes for Places 29 and Crozet, staff is recommending that the institutional designation be provided for public uses. There is a large amount of institutional land in close proximity as well as apartment complexes. Staff is recommending neighborhood density to provide for a better opportunity for a mixture of housing near Tandem and Monticello High School.

Parcel near Southern Development Area Boundary between Avon Street and Rt. 20 -- a 12 acre parcel south of Snow's Garden Center between Avon Street and Rt. 20 is shown for office/r&d/flex/light industrial. Although many in the community prefer a residential designation for this property, which is currently shown for urban density residential, staff believes that the County may need additional sites for employment uses. This property has no streams or steep slopes, is adjacent to a commercial and storage use as well as a contractor's office. It has road access on both Avon and Rt. 20.

Buffers along Roads – Buffers are recommended along Rt. 20 South of the interstate and along Fifth Street/Old Lynchburg Road south from the southernmost edge of the Southwood Mobile Home Park property south to the Development Area boundary on both sides of the street. Urban street sections with curb, gutter, sidewalks, and street trees are recommended for Avon Street and the northern part of Fifth Street in the County. A buffer is also recommended along Rt. 29 South on the west side.

Land Uses (New)

- Option for industrial/ employment uses at interchanges This includes the Sieg property at the intersection of 29 and I-64 or the South Point property, which is at 5th Street and I-64. Having those options available would be important. Those properties close by the interstate are something that having those options available would be important.

- Breeden property – retain residential development opportunity; allow relocation; allow for other recreational uses associated with State Park.

Mr. Sorrel turned the presentation back over to Ms. Echols to get some public input and have a discussion.

Ms. Echols asked if the Commission had any questions. She noted the following were staff's recommendations, which were not set in stone at this time.

Land Use (new recommendations)
· Whittington and Mosby Mountain properties should be developed at the current density allowed by zoning.
· The Biscuit Run State Park property is to be developed as a state park, with emphasis on preservation of natural systems.
· The Breeden property may change boundaries with the Biscuit Run State Park. If this occurs, residential development at the same density may be placed elsewhere in area west of the Biscuit Run stream.
· Morey Creek Office Park shall be developed as an office park with up to 100,000 square feet of office use and structured parking.

Recommendations

- Public Input
- Discussion
- Direction to Staff

Mr. Morris invited questions for staff.

The Planning Commission held a discussion with staff and provided the following comments and questions.

- Is there any proposal to have bus service extended to the Southwood Mobile Home Park. *Staff indicated that there was bus service there now.*

- Could bus service be extended to the jail? *Staff replied she would check into it.*

-Comment made that as part of the communication with the City it was questionable if the Avon Street Bridge could accommodate pedestrian traffic. If they are going to make a recommendation for putting sidewalks there, then they are going to need to include a recommendation to change/widen that bridge to accommodate pedestrians.

-Suggested noting the differences between a bikeway, a bike path, and a bike lane since all are used in this document. *Staff replied that a bike lane would be on the street. Bike paths are often times off the street path – sometimes recreational and go by the side of the road or for bikers or walkers. On Route 20 that has not been totally decided. That is intentionally vague because they don't the best way to accommodate pedestrians to get them off the road whether it is sidewalks or a path. For the people that ride bikes staff is not sure if it makes sense yet to do something about having a lane there for them or share the path. A bike way would be the same kind of thing.*

-It was pointed out that was part of the US 76 Continental Bike Path. Suggestion made that staff communicate with the Bike Safety Committee in Charlottesville who has been looking into that and putting in bike boulevards. It was hoped that they would have accommodations in the new roads they are building. They should also take advantage of the Moore's Creek Interceptor Sewer that has been put in as a bike path. The City has been working on that, too.

-What happens next in terms of the draft language in terms of the land use? *Staff will bring this back to the Commission with the full recommended plan. Staff expects the Commission to review the individual areas of that plan in late August. During this time they would also want to be contacting more of the property owners whose property would change to provide input.*

-Request made for the Commission to receive a copy of the PowerPoint presentation in order to interpret the maps.

-Suggestion made that adjacent property owners should also be notified since it would affect them.

Mr. Morris opened for public comment.

Public comment was taken from the following persons:

- Janet Eden asked to keep the rural feel on route 20 and in the southern area. She was concerned when they talk about changing the zoning near Cale Elementary and near Avon, etc. and asked what would it be changed to. There is enough crappy stuff already on Avon Road and they don't want to look at any more. She supported office buildings and fields for children to play on next to the school. It would be a big mistake to try to even think about the Southern Parkway conceptually because of the amount of money it would cost particularly for the bridge. Therefore, it should be taken off the table. When all the neighbors came to the last two meetings one of the biggest things they talked about is not anywhere on these pieces of paper. They were going to recommend against developing the Somerset property. They were explicitly told that was the recommendation staff was going to make. However, it is not in any of this paper. They would like to see the addition of that

recommendation put in the paperwork that is given to the Commission. They don't want thousands of homes coming into their area due to the lack of infrastructure and heavy traffic. Therefore, they should not entertain that particular project at this time.

- Roger Schickedantz, resident of 1858 Scottsville Road, pointed out he agreed with the previous speaker. He raised concerns about the development of the parcel between Avon and Route 20 as potential light industrial. There were numerous speakers at both the work sessions that came out against that. He did not hear any comments in support of it at those sessions. The area intermediately to the west and south are solid residential, which includes many old homes. He supported keeping the rural character of Route 20, which was a concern of many residents.

- Doug Arrington, resident of Fiddlestick Lane just south of the Whittington property, said his main concern is traffic and the 5th Street Bridge. It will be very expensive to widen the 5th Street Bridge, which is currently needed. He proposed consideration into the conversation of creating an escrow account dedicated to the improvements of Neighborhoods 4 and 5 that could be funded through either zoning hearings in conditional zonings, amended zoning changes, property taxes on the new build out that the Comprehensive Plan entails, and/or sales taxes. Following the April 2nd meeting he made a statement to the Daily Progress that he was surprised the Avon 5th Street Center had not proffered to widen the 5th Street Bridge. Collectively all of this is going to radically impact the area. He reminded the Commission that in the spirit of the mandate of the Code of Virginia 15.2.22.10 that transportation should be carefully planned and adequate highways provided. He would recommend that Neighborhood 5 be expanded to the eastern edge of 29 to Fontaine so that the Sunset Fontaine project is encompassed in the escrow account.

- Nancy Carpenter, resident of Sunset Avenue, noted concern about the Sunset/Fontaine Corridor without some infrastructure being built. They have a lot of University students in the complex, and a lot of families in Jefferson Ridge, Redfields, The Villas, and The Woodlands. She sees so many of them walking, running and biking in that area. She hoped the money could be found to put the infrastructure in all of those neighborhood streets. It is too dangerous to walk along the roads in that area to get to a community use or access those amenities that the Comprehensive Plan update is talking about. She hated to see these improvements made without having the infrastructure there.

There being no further public comment, Mr. Morris closed the public comment session to bring the matter back to the Commission for discussion.

Ms. Echols pointed out staff is still not recommending Somerset Farm to be brought in. Staff feels the residents made their statement and it is not shown on any of the maps.

Mr. Morris said that he had been contacted by one Board member and they both agree that this would be an excellent topic for a joint meeting of the Board of Supervisors and the Planning Commission to sit down and hammer out where they stand on any additions to the development area.

It was the consensus of the Planning Commission to agree with Mr. Morris' suggestion if the Board of Supervisors agreed to sit down and discuss additions to the development area. A suggestion was made that the Commission have their own discussion first to better understand the issue.

The Commission commented on the information provided and asked staff to take these comments into consideration in the continuing work on the Comprehensive Plan.

- Request to schedule joint work session with Planning Commission and Board of Supervisors to discuss new developments in the development area. The sooner the better.
- Request to send copy of PowerPoint presentation to Planning Commission to study. Staff should schedule another work session on this matter at a later date. Since the information was a little overwhelming the Planning Commission needs additional time to look at the different destinations they are trying to change.

Mr. Franco made the following comments:

- He had a question about the new Neighborhood Center in #8. If Southwood is going to develop and have higher density of residential, it makes some sense especially with the recommendation that 5th Street/Old Lynchburg Road be an urban section of road through all of Southwood. If that becomes urban then one Commissioner might not want to have residential up next to it. Having some of the commercial on that side makes a certain amount of sense. It depends on what that road section is going to look like. If they are going to continue the four lane divided road that is not what they want to be sending people across. Therefore, consider putting some of that center on the other side as well or maybe making the intersection with Sunset the Center versus off Old Lynchburg.
- He liked the idea once they are in the bounds of starting to define what that road would look like. He always has objected to having the 100' buffer as they enter the development area.
- The Granger work session they had was about residential. He asked why they are not changing their recommendation for that. He asked if they were keeping the current designation of Office Commercial or was it changing. *Ms. Echols replied the Office Commercial land use is Office Service. Staff is trying to make it a little more standardized. The closest one was the designation for the UVA Research Park. What they worked on with Places29 was something that was a mixture of a little bit of commercial but more employment generating and flex. They are looking at that as the replacement designation for Office Service because it would include office as well as another mixture of uses. That is why they were looking at that particular designation. Staff is working on that with the Area B as well as the Regional Transportation Plan. There is some modeling going on with that road. Once the modeling is done staff will be bringing back some options.*
- How realistic is the Southern Connector Road now that Biscuit Run has gone away?
  Staff replied the modeling would tell them whether it was important or not.
- Liked the idea of looking at the transportation of trails for how to get Biscuit Run easily accessed by other means than cars.

Mr. Loach noted his concern is basically master planning for better utilization of the Development Area through master plans. Since the infrastructure budgeting is not looking that great he would eventually like to see a dollar figure put to the infrastructure needs so they have something they can look at. They can then place that against the development expectation against the infrastructure needs. The dollar value can be measured against what funding they are going to receive from the state and extrapolate how long it would be to get the infrastructure.

Mr. Morris said when they were looking at the Village of Rivanna one of the stipulations was no building until the infrastructure was in.

Ms. Echols pointed out they also did that for the Places29 plan.

Mr. Franco noted that talking about finance is important. However, they have to understand where the traffic is coming from since it is coming from outlying counties and not all generated by the new development.

Mr. Lafferty pointed out Thomas Jefferson Planning District Commission (TJPDC) is now doing modeling on 20 different scenarios. Hopefully they will have a lot more data. He suggested they need to plan for the future whether they have the money or not so they can set aside some of these things so they can do them in the future. They should not constrain themselves totally by the budget. He agreed that before they build they should have the infrastructure in place. However, this is a planning document

Mr. Franco agreed that is really important.

Mr. Morris noted there being no further comments that the work session was closed.

Old Business

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

New Business:

Mr. Morris invited any new business.

- Suggestion made that Commissioners should contact their Supervisors and encourage a joint work session on the Comp Plan development areas expansion.
- No meeting on May 1, 2012.
- Next meeting on May 8, 2012.

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

Adjournment:

With no further items, the meeting adjourned at 8:18 p.m. to the May 8, 2012 meeting at 6:00 p.m. at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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