Albemarle County Planning Commission
October 8, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, October 8, 2013, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Ed Smith, Richard Randolph, Bruce Dotson, Thomas Loach, Don Franco, Calvin Morris, Chair; and Russell (Mac) Lafferty, Vice Chair.

Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Amelia McCulley, Director of Zoning/Zoning Administrator; Amanda Burbage, Senior Planner; Sarah Baldwin, Senior Planner; Bill Fritz, Chief of Special Projects; Glen Brooks, County Engineer; Michael Koslow, Engineer; Sharon Taylor, Clerk to Planning Commission; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, 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. There being none, the meeting moved to the next item.

Committee Reports

Mr. Morris invited committee reports.

The following committee reports were given:

Mr. Randolph reported that the Historic Preservation Committee met with the City of Charlottesville Historic Resources Committee on September 23 and discussed the Court House expansion.

Mr. Randolph reported that about 20 neighbors attended last night's meeting on Vito Cetta's Springhill Village, which is proposed for the Parham property on Scottsville Road.

Mr. Dotson reported on the MPO Technical Committee's consideration of the preferred scenario for the Long Range Transportation Plan.

Mr. Lafferty reported there was a MPO Policy Board meeting last week that he was unable to attend.

Mr. Loach reported the fundraising efforts for the Crozet Library have exceeded one million dollars.

Mr. Randolph reported about his attendance at a neighborhood meeting regarding the application for the Trump golf course.

There being no other committee reports, the meeting moved to the next item.

Review of Board of Supervisors Meeting – September 11, 2013 and October 2, 2013

Mr. Cilimberg reviewed the Board's September 11, 2013 and October 2, 2013 meeting actions.

Consent Agenda:

Approval of Minutes: July 23, 2013

Mr. Morris asked if any Commissioner wanted to pull this item from the consent agenda for further review.

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

The motion carried by a vote of 7:0.

Mr. Morris noted the consent agenda item was approved.

Deferred Item

ZMA-2013-00009 Albemarle Place/Stonefield
PROPOSAL: Request to amend the Application Plan and Code of Development to add a service station on property zoned NMD which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. No new dwellings or change in residential density proposed.
PURPOSE OF NOTICE AND HEARING: Intention of the Planning Commission to make recommendation on the Proposal to the Board of Supervisors
ENTRANCE CORRIDOR: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Designated Urban Mixed Use (in Destination Center) – retail, residential, commercial, employment, office, institutional, and open space; Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers; and Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses.
LOCATION: Northwest corner Hydraulic Road (Rt. 743) and Seminole Trail (US 29) in Neighborhood 1.
TAX MAP/PARCEL: 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, 061W0-03-00-019E2
MAGISTERIAL DISTRICT: Jack Jouett
(Sarah Baldwin)
DEFERRED FROM THE SEPTEMBER 17, 2013 PLANNING COMMISSION MEETING

Ms. Baldwin presented a PowerPoint presentation and summarized the proposal.

- The applicant is proposing to amend the existing rezoning to add an automobile service station as an allowed use in the Code of Development in Block F and Block G. The original approved application depicts that area as Major Retail.
- Places29 designates this area as commercial mixed use with the primary uses in this designation to be Community and Regional Retail; Commercial Service; Auto Commercial Service; and Office. The Plan also notes that auto uses should be in an area which does not adversely affect the surrounding areas.
- The original rezoning approved in 2003 predates the approval of Places29. Places29 incorporated specific language regarding Albemarle Place. Places29 language states that the northern portion of the development, north of Sperry Marine, has been designed as a more conventional retail development. The land use pattern approved during the rezoning has been incorporated into a future land use map.
- As part of this rezoning staff requested the applicant provide an updated application plan inclusive of all the variations approved to date. This application is conceptually showing where the fueling facility and canopy will be located. The applicant wants to show this area allowing for fuel, restaurant or retail use. Fuel use in this location will be surrounded by commercial uses, which limits any potential adverse impacts. The fuel center will serve those uses within the shopping center, provide for less driving, shorter trips, and combined errands.
- The original traffic study was based on the maximum build out. The applicant is proposing less. The circulation is also acceptable to the County Engineer.
- The applicant has addressed most of the technical issues. There are some outstanding engineering issues related to entrances. These are not supported by the County Engineer, who is present and can answer questions. Staff believes these issues could be worked out prior to the Board of Supervisors meeting and final site plan.

Summary
Staff has identified the following favorable factors:

1. The rezoning request proposes to add a use that will provide for further flexibility to the Code of Development.
2. The rezoning request is consistent with the intent of the approved rezoning by allowing a use in these blocks considered conventional retail oriented commercial development.

Staff has identified the following factors which are unfavorable to this request:
1. There are technical changes that need to be addressed on the Application Plan.

The applicants have since addressed the majority of the technical changes and staff believed the applicant has a later version of that plan.

RECOMMENDATION

Staff recommends approval of ZMA-2013-00009 with the attached amended Application Plan and Code of Development provided the Applicant agrees to the additional technical changes.

Mr. Morris invited questions for staff.

Mr. Dodson asked if the only change in Exhibit A in the Code of Development was the addition of automobile service stations, and Ms. Baldwin agreed.

Mr. Morris opened the public hearing to the applicant and public comment. He invited the applicant to come forward and address the Commission.

Brad Dumont, Vice President of Development with Edens, said they were the owner/operator of Stonefield. They really appreciate all of the hard work staff has put into this. They have been working hand in hand for several years and specifically on this for the past six months. They agree with staff's analysis of the use. He would like to clarify a few points. First, it is noted as a service station because that is the only thing that is designated in the zoning ordinance. This will actually be an ancillary fuel facility that is tied to a larger retail use that is only for their membership. It will be a gas station with limited hours and not 24 hours. Technically, all they can ask for is a service station use.

Mr. Dumont agreed with staff's recommendation for approval for several reasons. This is a consistent and similar use that has been approved in other operations such as Kroger and Sam's Club on the 29 Corridor. As noted by staff the proposal is consistent with the Comprehensive Plan and even though their zoning predated the Places29 Master Plan this is still consistent with those intended uses. In addition, they are directly consistent with the Economic Vitality Action Plan adopted by the Board of Supervisors for the County. This will add additional tax revenue. Along with Costco this adds another 15 percent in additional tax revenue.

Mr. Dumont noted there will be no additional impacts on infrastructure than what was already planned for in the original zoning. There was an approved traffic impact analysis in 2002. What they are proposing at full build out will be less of an impact. Even with Costco and this ancillary fuel use there is less impact on the surrounding neighborhoods. It further promotes the kind of trip chaining where people come get their gas and also shop, which further lessens the traffic impact. With regard to traffic if there are any additional technical questions he has other experts available.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked how they go from the detention basin and mounds of earth that he sees there now to developable land as he sees on the plan.

Mr. Dumont replied it is more of a construction sequencing issue. Next to the restaurant, retail or fuel facility the dark area as shown is underground detention. Per the County regulations what they would need to do as part of construction sequencing is actually install all of that underground detention, have it be ready to be functional, get the site stabilized, and then transfer from the pond to an operating system. They can't do that until the site is actually stabilized. The pond will get a little smaller as they start

construction. When they fully get it stabilized then they can transfer into the underground system, which obtains all the water on site and then releases it downstream.

Mr. Morris invited public comment.

James Morris, resident of Jack Jouett for over 30 years, said he was concerned about traffic. The traffic study that was conducted in August by the people that were seeking the variation has an interesting comment that the applicant has provided a traffic simulation which shows no conflicts. However, the simulation does not seem to consider turning movements in or out of the site's entrance, which could be a significant hindrance to the traffic flow. It also illustrates a misalignment of the through movement at the future fuel center, which needs a transition to account for the width of the left turn lane. Furthermore, the change from continuous road bend to T-intersections will make this more like a parking lot than a road at least until future extensions are built and provided. They do not just end in the parking lot.

James Morris said he was here at another hearing talking about Costco and for some reason the study of the traffic did not get brought up. One of the Supervisors commented that this was not going to create any additional traffic. Their own traffic study shows the total primary new trips from the shopping center without considering the fuel station would be 20,804 per day. That is including the entire shopping center, but without the fuel station. He strongly recommends against this. He drives to the post office on 29 everyday and he did not believe the traffic has declined there as they were told at the last meeting. He thinks it is a nightmare out there. He thinks this is going to make it even worse.

There being no further public comment, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Mr. Franco said if he was looking at Attachment A he thinks Mr. Dotson asked earlier what the change was. If he looks at automobile service stations it shows adding it as a permitted use in Block F but not in Block G. His understanding was they are pursuing it for both blocks.

Ms. Baldwin suggested that the applicant could clarify that. However, the narrative requested the use in Blocks F and G.

Mr. Franco noted there was an inconsistency there that he was trying to resolve. What they are describing is the gas station as an ancillary use to one of the bigger uses out there. They only have Appendix A and the map. It says a service station would be allowed by right in Block F. If that is amended is there something else in the Code that prevents one of the buildings in the front, such as G3, from becoming a gas station as a stand-alone business. The Code does not appear to address that.

Ms. Baldwin replied that our ordinance only takes into consideration automobile service stations. So they would have to look at it under that use.

Mr. Kamptner asked could the Code of Development specifically require that it be accessory to a retail use.

Ms. Baldwin replied that it could be written into the Code in that fashion.

Mr. Franco noted his big concern is the Code is not saying it is ancillary. If they are going to allow it as a stand-alone use, then he would at least like to hear from staff and the ARB on the stand-alone use as opposed to ancillary.

Mr. Morris invited the applicant to address the question.

Mr. Dumont noted he had one clarification. When they originally submitted it was before some of the alignments had changed, which was why they asked for Blocks F and G. He had forgotten they had actually said Blocks F and G because at that time where the gas station was being shown kind of straddled the line. However, they would be willing to restrict it just to Block F. He suggested they can handle some of his concerns with putting it in the table of uses or maybe putting a footnote at the bottom

to restrict it to be tied to a larger retail establishment. They can figure out the language for some kind of footnote in the Code of Development and then restrict it to only Block F if that helps.

Mr. Morris agreed that it would be helpful.

Mr. Loach noted that Glenn Brooks, County Engineer, seemed to have some questions. He wondered what his questions were and how would they be clarified

Mr. Morris invited Glenn Brooks to come forward and address the Commission.

Mr. Brooks pointed out it was mainly layout issues in the parking lot and road, which they are working on. He referred to a slide showing the layout and details and noted the following concerns.

- The first was the left turn off the entrance of 29 into the site. The second was the intersection where they were supposed to have an interconnection on this side. Therefore, the functioning of the intersection around the corner of the fuel island was a concern. Along the section he had a concern about entrances and the left turning movement was kind of tight. Further up on the site there was another interconnection going out to Commonwealth and over to the Comdial property.
- There are some layout issues that would make this particular movement work better through the site. He sketched those up for Ms. Baldwin and tried to outline how he thought this through movement should happen on the left. His sketches show the various islands and layout differences. The applicant agreed with some of his suggestions and others they did not.
- When Mr. James Morris got up and spoke about the transitioning of the left turn lane that was particularly with item #2 at the intersection. He also had ideas about moving this particular movement because they have a back to back left turn there with no cueing space. They did a traffic simulation like was indicated also by Mr. James Morris that showed these movements were okay. The other ones shown were having trouble at full build out.
- The traffic analysis is based on some assumptions about how much traffic use they assume is going to come from Route 29 and Hydraulic. The way the center has operated so far he was not really confident they would get as much traffic off of Route 29 as they do off of Hydraulic. That was why he was trying to make more room for the left turning movements that would come from the Hydraulic direction. The changes in the back were just trying to make the road connections operate more smoothly and not get caught up in the loading and service areas of the future store. That is a rundown of the concerns he had, which probably would be addressed at the site plan stage. However, he did not want the plan to go through with no comment so that people felt that it was approved that way.

Mr. Loach asked if he was alright with no conditions being in the recommendation for the motion.

Mr. Brooks agreed because he thinks most of these can be worked out. Yesterday he was given a plan, which was the applicant's version of addressing a lot of those concerns. They did try to channelize this entrance better and put some striping in. They would like to keep this entrance and not move it. They cleaned up some of the movements in the back. He explained it is going back and forth and is in progress.

Mr. Lafferty asked if he had a reservation about them putting in a fueling station.

Mr. Brooks replied no, he was just trying to make it work well.

Mr. Franco asked what is the status of Attachment B and is that a proffered plan at this point or the revised master plan.

Mr. Cilimberg replied that it is the application plan as provided to staff when the report came to the Commission. He was not sure if it was the most current one.

Mr. Franco asked how they provide the flexibility so this is worked out at site plan level and not vested now. He asked since it is on the plan does it have to be resolved first.

Mr. Cilimberg replied what they would want to do is make sure that first of all on the application plan any necessary notes are included before it is approved by the Board so there can be the necessary flexibility that would address what Mr. Brooks has mentioned at the site plan stage. They don't want to inadvertently get locked into a design that then requires it to come back although it could probably be done by variation, but is still an extra step. The devil's in the details when it gets to the site plan point. But, definitely it is good that Mr. Brooks has identified these things because they would want to make sure there is an understanding of the intent to address those even with this application plan as it is. He believed that would be through notes.

Mr. Morris commented that it sounds like it is a good working relationship so far, and Mr. Brooks agreed.

Motion: Mr. Lafferty moved to recommend approval of ZMA-2013-00009, Albemarle Place/Stonefield.

Mr. Kamptner asked does that include the additional provision that the use will be restricted to Block F and that the Code will be further revised to limit the service station use to be accessory to a primary retail use.

Mr. Lafferty replied yes, but asked could they say it is used as a fueling station.

Mr. Kamptner replied the classification in the ordinance is automobile service station. The way the Code works is it refers to use classifications. But, the Code itself can modify the scope of the automobile service station.

Mr. Lafferty agreed that they could add that because the applicant was comfortable with the Blocks.

Amended Motion: Mr. Lafferty moved and Mr. Randolph seconded to recommend approval of ZMA-2013-00009 Albemarle Place/Stonefield as recommended by staff to include the additional provision that the use will be restricted to Block F and the Code will be further revised to limit the service station use to be accessory to a primary retail use.

Mr. Franco asked if they are also going to add language or a condition that the applicant and staff work out the internal transportation issues before the Board meeting or provide flexibility so that it can be addressed at site plan level.

Mr. Kamptner noted that would just be direction to staff requesting them to keep working with the applicant on those issues.

There being no further discussion, Mr. Morris asked for a roll call vote.

The motion passed by a vote of 7:0.

Mr. Morris noted that ZMA-2013-00009 Albemarle Place/Stonefield would go to the Board of Supervisors on a date to be determined with a recommendation for approval. The Planning Commission provided direction to the applicant and staff to work out the internal transportation issues before the Board meeting or provide flexibility so that it can be addressed at site plan level.

Public Hearing Items

STA-2012-00002 Subdivision Plat Process Improvements

The Planning Commission will hold a public hearing to receive comments on its intent to recommend an ordinance to amend Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would add and delete definitions (Sec. 106, Definitions), amend the requirements and procedures for administering Chapter 14 and the procedures for submitting, reviewing and acting on subdivision plats, easement plats, and related variations and exceptions (Secs. 14-200 through 14-231.1), including eliminating planning commission review of plats except on appeal from an action by the agent and requests for certain variations or exceptions, requiring an approved valid preliminary plat prior to submitting a final plat for certain classes of subdivisions, reorganizing such regulations, deleting certain

fee classifications for processes no longer required and amending the terminology of other fee classifications (Sec. 14-203, Fees) and to impose the minimum fee required by Virginia Code § 15.2-2243.1 related to the subdividers' share of the contract-ready costs for necessary upgrades to an impounding structure, which fee is one percent of total amount of payment or one thousand dollars ($1,000.00), whichever is less; amending the regulations pertaining to plat requirements (Secs. 14-300 through 14-318) by making technical corrections and adding requirements for information for stream crossings (Sec. 14-307, Stream crossings) and dam break inundation zones by imposing requirements on the site review committee when reviewing a preliminary plat for development in a dam break inundation zone (Sec. 14-307.1, Dam break inundation zones) and requiring the subdivider to submit an engineering study and mapping information in prescribed circumstances. (Sec. 14-318, Dam break inundation zones; engineering study and mapping information); amending the regulations pertaining to onsite improvements and design (Sec. 14-400 through 14-441) by making technical corrections, amending sections those authorizing waivers to instead authorize "variations or exceptions," updating regulations pertaining to securing improvements and the release of security (Secs. 14-435 through 14-436), and adding regulations pertaining to dam break inundation zones which impose requirements before development may occur in dam break inundation zones, as required by State law (Sec. 14-441, Dam break inundation zones; prerequisites to development). In addition to the foregoing regulations pertaining to dam break inundation zones, this ordinance would amend Sec. 14-302, Contents of preliminary plat, to require information pertaining to dam break inundation zones be shown on plats and, the regulations in new Sec. 14-225, Effect of approval of preliminary plat on other future and pending approvals, would refer to new Sec. 14-441, Dam break inundation zones; prerequisites to development. A copy of the full text of the ordinance, and the statutory documentation pertaining to the proposed fee being imposed, 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. (Bill Fritz)

Mr. Fritz presented a PowerPoint presentation to review the proposal.

An email received today from Neil Williamson, Free Enterprise Forum, was distributed. (Attachment A – On file with written minutes in the office of the Clerk)

This is a continuation of a previous endeavor to amend the zoning ordinance to make the subdivision and site plan review processes ministerial. It was a direction by the Board of Supervisors some time ago, but was delayed significantly because of some staffing shortages.

The goals identified by the Board of Supervisors were:
- Shorten Approval Times and Cost of Development Review
- Avoid Unnecessary and Burdensome Regulations
- Maintain Opportunities for Public Information/Input
- Maintain Community Quality

Board Direction for changes to the ordinance
- Preapplication submittal (very similar to what exists for the site plans) with review in 10 days to determine main issues and required waivers.
- Reduced plan content to minimum necessary for review.
- Public notified of site review meeting and asked to attend and provide comment.
- Establish clearer submittal requirements for the final subdivision plat.
- Establish that any comment not responded to within 6 months deems the project withdrawn.
- Agent approval instead of PC approval. The ARB is not involved in the subdivision review process at all.

Relationship with Site Plan
- ZTA approved September 5, 2012 (effective January 1, 2013). Staff has been working with the new site plan process since January, 2013.
- STA delayed to allow implementation and evaluation of new Site Plan process to see if there were any problems. If they made a mistake in the zoning text amendment, staff did not want to duplicate that in the Subdivision Ordinance. Staff has not found any concerns that need to be addressed, except for one that will be dealt with in their next zoning text amendment. It deals

with an issue of bonding, which does not apply to subdivision plats.
- Proposed Subdivision process matches Site Plan Process.

Summary of Major Changes
- Provide for an administrative review process solely by the agent. The agent is designated as the Director of Community Development.
- Establish that any comment not responded to within 6 months deems the project withdrawn. This has been a major problem for subdivisions and site plans because a project will come in and they may not hear back from an applicant for a year or longer. It becomes very cumbersome in order to reactivate that. There was a comment from Neil Williamson, who said he could not be here, with some concern that could be viewed as a demand that they acquiesce to the county's requirements.
- The ordinance actually is very clear. What it says is the applicant is required to make the changes identified as required by the agent, such as missing some basic information, the lot sizes are wrong or some other problem. One is not required to make changes that are recommendations. So the ordinance already makes that distinction between requirements and recommendations. Mr. Williamson is correct that if the agent were to say your lots don't meet the minimum size or your street designs don't meet the minimum street design, which is in the Subdivision Ordinance, you would be required to make that change. He is correct that if the applicant does not agree to make those changes the project is deemed withdrawn. If the applicant does not agree to make those changes, the application would also be denied. So the outcome is the same that the project does not get approved.
- If an applicant is trying to redesign the street, as an example, they can request within six months an extension, which can be granted administratively. There are safeties there and staff does not see this as a major issue where they are forcing the applicant if they don't do what we say to do within six months your project is withdrawn. They can only require what is required and they are not required to address the recommendations. If staff makes recommendations, the applicant can come back and say they are just not going to make those changes. Then staff would have to take an action based on does it meet the ordinance or not. However, they need to do that within six months or request an extension.

Mr. Smith asked what would be the length of the extension.

Mr. Fritz replied it would be whatever is deemed appropriate. If the applicant were to come in and request a five year extension, staff would say no. However, if the applicant said he had been working with VDOT to try to get some waivers on some of the design standards or they had been working with the Army Corps of Engineers to get some information back on flood plain levels, staff would then work with them to figure out a reasonable time period.

Mr. Loach said they were going to change the process so that the normal call up process is not going to be in place anymore and that will be handled by an agent.

Mr. Fritz replied that was correct with the appeal to the Planning Commission. There would be no appeal to the Planning Commission.

Mr. Loach asked if notification would be done for the site review meeting, and Mr. Fritz replied yes.

Mr. Loach asked how staff would handle the issues that arise at the site review meeting between the applicant and the abutting homeowner. He asked how those issues would get resolved before they move the process on.

Mr. Fritz replied that there would be a variety of ways. For example, if the neighbors were to point out a deficiency that staff missed and it does not meet the requirements of the ordinance, staff would then require that change to be made. If the neighbors were requesting a change in the layout or design of the subdivision, which they could not require, they can recommend that staff sit down with the applicant and neighbors to try to work out a solution. Staff may then make that a recommendation or determine that it may actually be a requirement depending on what the neighbors might say. It is hard to give a standard

answer.

Mr. Loach pointed out he just wanted to make sure what happens when the public comes to the site review meeting. He was glad to hear that staff will be reviewing this and taking into considerations those recommendations if needed or if they think they will make them requirements. He thinks that is satisfactory.

Mr. Morris asked if the site review meetings are held during the mornings.

Mr. Fritz replied yes, the meetings are held at 10 a.m. on Thursday mornings.

Mr. Morris pointed out he could sees this was going to be problematic for neighbors to be able to attend the meeting during the work day.

Mr. Fritz explained if someone was unable to come in staff would talk to them outside of the site review meeting. Staff will talk with them on the telephone and the applicants can send in letters and emails. He noted that was actually in the letter, which says if you are unable to attend call us. The planner's contact information is on that letter.

Mr. Randolph said he had a similar concern about what could be perceived for abutting landowners as a kind of reduction of democratic participation because of the timing of site review meeting. He was also concerned about the fact that there would not be a Planning Commission member at the site review meeting. He suggested that the appropriate Planning Commissioner whose district that site is in be invited to that meeting.

Mr. Fritz replied that was already being done. Right now when an application comes in that is eligible for site review the Planning Commissioner in that district is actually sent a copy of the subdivision plat. He believed that all Planning Commissioners get a copy of the notification, which is a list of all the site review items.

Mr. Randolph noted he had received that, but never understood it was a notice to him that he could actually participate in the site review meeting. He has never made that transition over from the paperwork understanding that is an opportunity for him to step in. They need to ensure the appropriate Planning Commissioner will be there to reinforce adjoining property owners' concerns and be able to address and follow up on it.

Mr. Fritz explained that staff has no desire to change that process at all. He noted one other comment from Neil Williamson was a request that the County notify the applicant when the six months is coming up. This was also an issue during the zoning text amendment. The way staff proposes to address it is when the comments go to the applicant it contains a comment that says you have six months. Staff does not monitor it, but just includes that comment in the notice that goes to them.

Mr. Franco asked how many days before the end of that six months does he have to request the extension.

Mr. Fritz replied that he did not believe they have a limit in the ordinance proposed. He thinks it is just within the six months.

Mr. Kamptner noted that it just has to be received within the six month period.

Mr. Franco said if there is some kind of requirement, then he thinks that note ought to reflect that.

Mr. Fritz said during the zoning text amendment they had that same comment and the answer was the same. As long as they get it prior to the deadline it gives staff time. Staff thought about having it 10 days or 30 days, but said the easiest way is just prior to so they are automatically granted some extension while they ponder it. They are using processes and language similar to the zoning ordinance, which makes it a whole lot easier for staff to explain and people to understand. It also makes it easier for the

development community who is possibly working on a subdivision and a site plan when the terms are common and equal.

Mr. Randolph noted his other concern was in regards to the ten days for notifying adjoining neighbors. If somebody was to be away for a week and they left the day the notice went out, then when they come back they would only have three days to get organized to address that issue. He assumed the timing is such that it is when the notice goes out. It seems that is a short period of time. If there would be some way to expand that at a minimum of 14 days, it would seem appropriate. If someone is away for a week they still have a week in coming back to be able to get ready for that meeting. He noted they were talking about a meeting during the day that someone would have to reschedule their work schedule to attend.

Mr. Fritz noted they had the same conversation during the zoning text amendment change. Ten days is the minimum time that they have put in the ordinance. However, they actually send out the letter a great deal of time prior to that. One of the things in the ordinance is that the Site Review Committee can set its own rules for the processing of applications. So when does the site review meeting happen in relationship to the actual submittal. The site review meeting does not happen under our current guidelines until at least 42 days after the submittal date. It used to happen 24 days after, which was a much quicker timeframe. Staff is proposing to use the same process for subdivisions. Staff is actually sending out the notices much earlier now for site plans and they would do the same for subdivision. The ten days was just to give a bare minimum that they would do, but they are exceeding that.

Mr. Kamptner asked Mr. Fritz if he had an estimate about how many days the notice goes out before the meeting.

Mr. Fritz replied that he thought it was around three weeks. The notice goes out about a week after the plan is distributed to the planners. They are updating terminology and standards to be consistent with the State enabling authority.

Mr. Fritz continued the PowerPoint presentation.

- Use language and process similar to that used in the Zoning Ordinance.
- Update the terminology and standards to be consistent with state enabling authority.
- Simplifies 2 lot divisions in the Development Areas and subdivisions occurring after site plan approval.
- Incorporates procedures for the Dam Break Inundation Zone (DBIZ).

Delayed Effective Date

- Allows subdivision plats currently under review to continue to be processed under the current regulations,
- Allows time for staff training on the new regulations,
- Allows new checklists, forms and letters, and online information to be developed, and
- Allows time for staff to communicate with the professionals in the development community to ensure that the new procedures are understood.

Staff does not have the language for the delayed effective date since they have not picked a date yet because they don't know what is going to happen in the meeting. It is the same thing they did for the zoning ordinance that worked well. It would allow staff to process the plats they already have in the current ordinance, to update all the applications, train our staff, and answer any comments from the development community they may have about the process. Staff did not have any problems in the work session since they only had two companies present when they did the site plan. It was a very easy transition and staff expects it to be the same for the subdivision process.

Recommendation

- Staff recommends the Planning Commission recommend approval of the proposed ordinance.

Mr. Morris invited questions for staff.

Mr. Randolph noted on page 62 in section 14-417 he thinks the language is much more precise. The change was very well taken and appropriate. He asked about page 19 in section 14-212 where it states very clearly that no lot may be created by family subdivision unless it has been owned by the current owner or a member of his/her immediate family for at least four (4) consecutive years intermediately preceding the date the family subdivision plan is submitted. One of the things in both the development areas and the rural areas that they are going to be addressing is with our aging population. They have talked in the comprehensive plan of allowing a senior facility to be put on site. He would pose the question to Mr. Kamptner whether it would be appropriate in here to have some kind of clause that allows that four years to be shortened in the case of a compelling family or medical emergency, which would require or necessitate some subdivision so that another family member could live on the site who might potentially be a care giver to the person who has bought the property and built the house.

Mr. Fritz asked if he was saying not to transfer it out of the family but to allow another family member, and Mr. Randolph replied yes.

Mr. Loach pointed out the Commission has seen and addressed this and it was called senior pods.

Mr. Randolph noted in this language it does not look like it would permit that to happen until the statute of limitation of four years transpired, and then they could put the senior pod on a subdivided piece of land.

Mr. Kamptner noted the senior pod or temporary family medical structure, which is the term used in the Virginia Code, is actually allowed to be on same parcel as the primary structure. Therefore, they would not really have to get into the subdivision issue. Therefore, it is being dealt with separately. For the Subdivision Ordinance the County is one of those localities that have a lot of flexibility in how they want to regulate family subdivisions. Therefore, they can create that flexibility if that is the desire of the Commission.

Mr. Cilimberg noted on the family division matter some Commissioners probably remember when the Subdivision Ordinance was amended regarding time frames for family divisions. This has been within the last three years. Therefore, this was before the Commission not too long ago. He was not sure if this resolution of intent would cover doing that now.

Mr. Kamptner said they would probably want to evaluate that with a companion zoning text amendment that deals with that particular use.

Mr. Cilimberg said he was anticipating at the conclusion of the Comprehensive Plan update that some of the strategies that were identified would be one of those priority implementation items the Board will consider with further work.

Mr. Dotson said he had a couple of questions about this review solely by the agent at provision. In almost two years he has been on the Commission he remembers one site plan being called up. However, he does not remember any subdivisions being called up. He asked how big a problem is this.

Mr. Fritz replied that the number of subdivisions that are even eligible for appeal is significantly reduced.

Mr. Dotson asked if appeal was different from call up.

Mr. Fritz replied that it was the same term. They have not had that many applications that have gone through the Site Review Committee that could have been called up or appealed. The Commission has not seen any site plans since January because they could not be appealed. In 2012, they had relatively few. However, they had relatively few applications. When things were very busy they had a lot of applications. Frankly they found ourselves sitting here telling neighbors yes we know you appealed and we can't deny it. That happened on a somewhat regular basis. So he would say the Planning Commission had to deal with those regularly.

Mr. Dotson asked if an abutting landowner were to call it up would they have to give some reason in terms of the ordinance.

Mr. Fritz replied under the current ordinance they do not have to give a reason. The request does need to be writing, but they don't have to cite a reason. He pointed out also that the applicant then has to pay an additional fee.

Mr. Dotson said that was going to be the next question. If they were to have a call up feature there should be an application fee to prevent frivolous call ups.

Mr. Fritz said that there is, but the fee goes to the applicant and not to the person who is calling it up. That was discussed at the time it was done. He did not know the full conversation, but the ordinance is what the ordinance is.

Mr. Morris opened the hearing and invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Motion: Mr. Dotson moved and Mr. Loach seconded to recommend approval of the draft ordinance for STA-2012-00002 Subdivision Plat Process Improvements with the ordinance language as recommended by staff.

The motion passed by a vote of 7:0.

Mr. Morris noted that STA-2012-00002 Subdivision Plat Process Improvements would go to the Board of Supervisors on a date to be determined with a recommendation for approval.

Mr. Dotson commented that one of their recommendations out of the Comp Plan is to sort of beef up the annual report from the Planning Commission and to look at how they are doing on implementing the plan and so forth. He thinks subdivisions are an important part of that. Therefore, they should be seeing a map of where the subdivisions are and not just a list by number and name. That is the way they can assess the impact of that.

ZTA-2013-00003 Dam Break Inundation Zones

The Planning Commission will hold a public hearing to receive comments on its intent to recommend an ordinance to amend Chapter 18, Subdivision of Land, of the Albemarle County Code by adding regulations pertaining to proposed development within dam break inundation zones, as required by State law. This ordinance would amend Sec. 18-3.1, Definitions, by adding definitions, Secs. 18-32.4.1.3, Contents of preapplication plan, and 18-32.5.2, Contents of an initial site plan, by requiring information pertaining to dam break inundation zones be shown on those plans, and Sec. 18-32.4.2.8, Effect of approval of initial site plan on other future and pending approvals, to refer to new Sec. 18-32.8.6, Dam break inundation zones; prerequisites to development. New Sec. 18-32.8.6 imposes requirements before development may occur in dam break inundation zones, as required by State law. In addition to adding Sec. 18-32.8.6, this ordinance would add Sec. 18-32.5.6, Dam break inundation zones, to impose certain requirements on the site review committee when reviewing a site plan in a dam break inundation zone, and Sec. 18-32.6.4, Dam break inundation zones; engineering study and mapping information, which requires the developer to submit an engineering study and mapping information in prescribed circumstances. This ordinance also would make a technical amendment to Sec. 18-32.8.1, Completion of on-site improvements required prior to final site plan approval, to provide that required improvements must be completed prior to issuance of a certificate of occupancy and amend Sec. 35.1, Fees, to impose the minimum fee required by Virginia Code § 15.2-2243.1 related to the developers' share of the contract-ready costs for necessary upgrades to an impounding structure, which fee is one percent of total amount of payment or one thousand dollars ($1,000.00), whichever is less. A copy of the full text of the ordinance, and the statutory documentation pertaining to the proposed fee being imposed, 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. (Mandy Burbage)

Ms. Burbage presented a PowerPoint presentation and summarized the proposal for ZTA-2013-00003 Dam Break Inundation Zones (DBIZ).

Dam Break Inundation Zones (DBIZ) is the area downstream of a dam that would be affected in the case of a dam failure. She would shorten that to DBIZ during the presentation.

Background
The genesis of this zoning text amendment and the subdivision text amendment actually originates with state legislation that was passed back in 2008 to address development in a Dam Break Inundation Zone downstream of a state regulated dam.

- **2008** – VA passes DBIZ legislation
  - Dam owners must submit DBIZ maps to localities
  - Development in a mapped DBIZ subject to review by DCR
  - Developers share cost for dam upgrades

- **April 23, 2013** – Resolution of Intent (ROI) to amend zoning & subdivision ordinance
- **January – October 2013**
  - Mapping intake through CDD Zoning
  - DBIZ accessible in GISWeb & CountyView

1. 2008 – General Assembly passes legislation to address development in a DBIZ downstream of a state-regulated dam. State Code defines development as "one or more lots to be used for any business or industrial purpose or is to contain 3 or more dwelling units."

Key components of the legislation:
- State regulated dam owners are required to submit maps of their DBIZ and share maps with localities (note no mandated timeframe)
- Localities required to implement a process for DCR to review proposed development in a DBIZ for which mapping has been received. The caveat there is that it has to be a DBIZ that the locality has a map on file for. If a dam owner has not provided that to the locality, then the process is not invoked.
- Developers who build in a DBIZ are responsible for 50% of the cost of dam upgrades that result from development downstream – dams must conform to safety standards according to its hazard classification (low, significant, high)

2. In April the Board of Supervisors adopted a resolution of intent to implement state mandated changes to review process for site plans and subdivisions in a DBIZ. The subdivision component was incorporated into STA-2012-2, which the Commission just heard.
3. Since January CDD staff has worked to develop an intake process when dam owners submit their DBIZ mapping to quickly get information into County View & GISWeb so that it can be easily accessed by staff and the public.

To give a snapshot of where Albemarle County stands with respect to DBIZ mapping:
- 109 total dams – hazard classification based on loss of life and property as a result of dam failure
- Currently have mapping for four (4) – North Fork, Birdwood (2), Lake Albemarle (no timeframe to submit mapping). There is no incentive in pushing the dam owners to get this done. DCR has notified dam owners that they are responsible to submit their maps to localities. Many of them are in process, including the mapping for the six (6) county owned dams. (Mint Springs, Chris Green, Walnut Creek, Hillcrest, Hollymead)– mapping for 3 high hazard dams (Mint Springs, 2 Hollymead) nearing completion; working with DCR on the rest
- DCR made some grant funds available to help some dam owners get this mapping underway. Staff anticipates the maps will come in over time.

Staff reviewed an example of what the mapping looks like in GISWeb for Lake Albemarle. DBIZ can extend beyond the 100-year floodplain.

Development Review Process Change

The proposed changes to the Subdivision and Zoning Ordinance pretty much mirror each other. Obviously, the Subdivision Ordinance is dealing with plats and the Zoning Ordinance is dealing with site plans.

If a development falls in a Dam Break Inundation Zone (DBIZ) they are requiring that the DBIZ be shown on the pre-application plan if they choose to submit a pre-application plan, and on the initial site plan or the preliminary plat in the case of a subdivision. Once the County has received that application they are required to notify the dam owner and notify DCR within ten days. The County is required to submit that plan for development to DCR. Then DCR has 45 days to respond to the County with a determination of whether or not the proposed development would affect the dam's spillway flood standards. Once that decision is made the developer basically has two options. They can alter their plan of development to not be in a DBIZ or they can proceed with development under three sorts of conditions, as follows.

Developer may proceed with development and:

- Submit engineering study with final site plan or final subdivision plat. Engineering study must provide contract-ready cost estimates for upgrading the dam to accommodate new development; and must conform to state standards. That engineering study would also be reviewed by DCR.
- Prior to development, the developer would be required to contribute 50% of the cost of the dam upgrades + administrative fee to Dam Safety, Flood Prevention & Protection Assistance Fund. Fund administered by VA Resources Authority; checks would be made out to them and would be submitted to the County prior to development
- Once the development is complete, the developer would need to provide the dam owner and the locality with information necessary to update DBIZ map to reflect the new development.

Staff Recommendation
Staff recommends adoption of proposed zoning ordinance amendments to comply with Virginia Code and maintain consistency with proposed subdivision ordinance amendments (STA 2012-02).

Mr. Morris invited questions for staff.

Mr. Morris asked how a developer or County staff would even know they are in the line of dams and if they know where all the dams are located.

Ms. Burbage replied when they receive the maps from the map owners they get the maps into GIS Web as quickly as they can.

Mr. Morris noted out of the 109 dams they have four (4), which means it is a slow process. He asked how does County staff do their job and how do they let the developer know that they might be in a zone.

Mr. Franco said what he heard is that if you are one of the 103 dam owners that have not submitted something then you are out of luck. The County does not know about it, nobody knows about it, and everything goes on normal process. So the DBIZ stuff would not apply.

Ms. Burbage said it was at the time that the application is submitted if the locality has the map on file it evokes the process. If it does not, then it would not apply.

Mr. Morris said that he really liked the process. It is a logical safety process that is going to protect the developer. However, is it developer beware.

Mr. Franco said that he would go the other direction that it will protect the dam owner. For example, if somehow he could buy Sugar Hollow dam and he takes that dam in, then when it breaks it inundates the development area of Crozet or a portion thereof. Then you can no longer develop in Crozet. He thinks there are other implications that are going to start coming into play depending on what happens. As an owner of land in Crozet he has no say when the dam goes in and they are taking my rights and my land.

Mr. Loach said he had a couple of questions in regard to that. He asked who owns the 105 dams. He asked if they had an issue in the eastern side of the County where there was a dam and it needed upgrading.

Mr. Morris pointed out it was in his subdivision and they want to thank them for fixing it for us.

Mr. Loach asked why the dam owner didn't fix it.

Mr. Morris pointed out this gets to his point that he did not think there were three people out of the 200 families in Key West Subdivision that had any idea that road was in fact a dam. That is one of two dams in the subdivision.

Mr. Loach asked if the County is notifying the people in a DBIZ that they are in a DBIZ and if they want to build something new do they have to notify the potential homeowners they are in a DBIZ before selling a home. He asked about flood insurance.

Ms. Burbage replied the dam owners who are completing the mapping as part of the required mapping must notify any property owner that falls within the DBIZ of their dam. That is between the state and the dam owner. They need to have an emergency action plan and all of that is part of the responsibility of the dam owner. So that is part one of the question. Part two would be about someone buying property. With these regulations in place unless the DBIZ occurred after someone bought and developed the property it would not be in it. This process prevents future development from occurring.

Mr. Loach said he got the impression that as long as they had the rules and regulations covered if you had land in a DBIZ you would have the right to develop. However, he stands corrected.

Mr. Morris said he liked what he had read here.

Mr. Franco pointed out this is coming from the national side. For example, there is a dam built in Key West and everyone forgets about it. Later on development takes place downstream, the dam breaks and there are problems. He thinks it is a way to address it, but it does have impacts that the state is not worried about right now. For instance, if a portion of our Development Areas is now in a DBIZ and undeveloped, when do we step up and say no. If something is getting approved we want to make sure of its impact zone in order to redesign the dam now so that there is not an upgrade requirement later and put that onerous on the person who created the dam.

Mr. Morris noted that was a good point.

Ms. Burbage said there is a provision if localities wanted to be proactive that they are allowed if there was a dam they were concerned about, which they had not gotten a DBIZ map for, they could undertake that mapping and bill the dam owner for the mapping. They could sort of do it on the dam owner's behalf.

Mr. Franco asked if there was an area he was concerned about like the Development Area he would rather not have the map so it does not come up as a requirement. Then when they get caught up with the state as the licensee or the permitted owner of a dam they will have to improve it at their expense or get rid of it. He questioned if there are any engineering procedures that they are going to adopt parallel to this to make sure that dam owners, engineers or consultants know when they do studies for them. For instance, use the County topo so that it is easier to seamlessly put that information in as opposed to using whatever for the topo. He asked are we doing anything on the other side to make part of this process easier for implementation.

Ms. Burbage replied the DBIZ mapping is between DCR and the dam owner. However, in speaking with our regional DCR representative he has said they are interested in getting them in shape file format. For at least one of the dams that they do have mapped our GIS staff had to basically take paper maps from the 80's or 90's and convert them into GIS layers. But, as far as requiring them to use the localities topo that is a good suggestion and she was sure they can suggest that to DCR to communicate to the dam owners.

Mr. Franco said he thought it was just a process on our side. If they are going to be notified when the dam owner begins this process with DCR, then they ought to have a standard letter that says please use our topo so that it can be integrated into our plan and so on.

Mr. Randolph asked under the state law is there any requirement for an inspection of these dams or an assessment of these dams on an annual basis.

Mr. Kamptner replied that he was not sure it was on an annual basis. However, the provisions are part of the Dam Safety Act under Virginia law. There is an inspection program in place, but he was not sure if it was annual.

Mr. Franco said it varies depending on the classification. If it was one of the higher classed dams, then it would probably be required annually and be inspected by a professional engineer (PE). If it was one of the lower ones, it would probably be inspected by the owner or the resident who is a member/owner of the dam or the association.

Mr. Randolph asked currently if someone wants to put in a dam is the expectation that they will come to the County and seek a special use permit to have that dam installed.

Ms. McCulley replied yes, if it is in the floodplain.

Mr. Randolph asked if they could assume that would be for most dams.

Ms. McCulley replied that she did not think so.

Mr. Kamptner said there is an exemption for agricultural dams under the Dam Safety Act. Therefore, agricultural dams are excluded from a lot of the state regulations.

Mr. Randolph asked staff's feelings about ways in which the 3 percent compliance can be increased. He questioned if they have a problem with some dams potentially posing a threat to property rights or to the existing historic structures that are downstream from these dams by owners not complying in providing due notice appropriate under the statute to notify these people that they are at risk.

Ms. McCulley replied that was a good question. Basically, DCR is in the driver's seat on that. She was going to assume that most of the more significant high risk classification dams that impound the most amount of the water are public. Those are the ones they are working on. It may be a big assumption that is not completely correct, but it seems like that must be the case. However, she did not know why DCR does not have a deadline. She did not know what they are doing to try to get some more maps done.

Mr. Lafferty asked about the Four Seasons dam.

Ms. McCulley replied that was a storm water facility.

Mr. Kamptner said that he was not sure.

Ms. Burbage noted the County's six dams are Walnut Creek, Mint Springs, Chris Green Lake, two at Hollymead, and Hillcrest. Therefore, she did not think Four Seasons was a County dam.

Mr. Franco said it was not just every dam because there would be height and area regulations. He thinks Four Season's is 6' tall and to be state regulated it has to be 20' to 25'.

Mr. Morris opened the hearing and invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for further discussion and action.

Mr. Dotson made the following comments:

- The map on the screen would suggest if they wanted to get a quick estimate of the impacts of this they would map the 109 dams where they are and then look at the flood zone downstream. That is a good estimate of the DBIZ. He would think the Board of Supervisors would be very interested in seeing that. He would have liked to have seen a map showing where they are and what the possible DBIZ would be downstream just to see what the impacts are.
- Another comment is he would think there would be an incentive to a dam owner to go ahead and get the map done before development goes in so they could then say they would do a cost share if they are going to cause an impact. If they want more maps done maybe they could notify the 109 owners that it is a good idea to go ahead and get this done in the as built condition today. However, they could put that daintily.
- He asked for some clarification since this is kind of a funny animal they are dealing with. It is not an overlay district, but sort of seems like one. It is sort of like Monticello Viewshed, which is more informational. He was trying to figure out if development comes in and some of it is in the DBIZ and it goes off to DCR and they send comments back in 45 days what kind of comments would they make? Would it be shifted out of the DBIZ or put in some kind of structural facility. He asked if they have the authority to do whatever DCR asks us to do.

Ms. Burbage replied the review by DCR is specially to make a determination based on what the developer is proposing if they feel that the dam's spillway flood design standards will be impacted. What goes into that decision making she was not sure. However, that is the question that DCR is answering. She did not think they were obligated to make alternate recommendations. It comes back to the developer and then the developer gets to choose which path to go down.

Mr. Dotson asked if under our normal regulations they would do the best they could to sort of mediate between DCR and the developer.

Ms. Burbage replied yes, if they chose to alter their plan of development they would be navigating that and whatever other additional regulations the County has with the area they do have to work with.

Ms. McCulley noted the requirement that the developer cost participates and any upgrade that is necessary is going to be a disincentive for them. So they are probably going to look at any way they can redesign to avoid that.

Mr. Dotson said his last comment, which is very detailed, is it becomes very important to get a date on that DBIZ map and not just get it on the web as soon as they can. There needs to be an official date because somebody is going to come in and apply and they've had their preliminary meeting and now they have received the map. He asked are they obligated or not. They need to be very precise about when this goes into effect and when somebody is sort of vested and does not have to require with it. A proposed development could cause the dam owner to hurry up and get a map made. Then it is going to be a race and then they would need to decide who wins.

Mr. Smith asked if anyone has an estimate as to what it is going to cost to do one of these plans. Would it depend on the size of lake?

Ms. Burbage replied DCR was offering $2,000 grants to share like a 50 percent match for dam owners to create their DBIZ map. She did not know if that means the ball park was $4,000 or if that is for the smaller dams.

Mr. Franco estimated it would be about $3,500.

Mr. Randolph suggested in following up on Mr. Dotson's recommendation that another map with all of these dams showing a 500-year flood event might be good from a crisis management standpoint so they know what it looks like. Then they would know as a county where potential dam failure could occur. He thinks it is something that they need to be aware of given recent rain events. He was just back from Colorado and they were hammered in places like Estes Park who have had two 500-year floods within ten years. Therefore, they just need to be prepared for that. He questioned if there would be some

potential liability if they have not provided due notice to downstream landowners in the case of a flood event if the dam fails.

Mr. Smith said if there was a 500-year flood they would not have to worry about the liability because it won't be there. He questioned how many dams are going to withstand a 500-year flood anyhow.

Mr. Franco replied that there are probably four dams in this County.

Mr. Smith asked about the new dam because they gave notices all the way to Lake Monticello. He questioned if a dam breaks does all the water go out instantly.

Mr. Franco noted that everything would be under water in a 500-year flood. Therefore, it is kind of a moot point. It is more the sunny day condition where they assume the dam just disappears and a big wave of water comes flowing down.

Mr. Randolph agreed that a 500-year flood was stretching it. However, he thinks it might be valuable to have at a minimum 100-year measure throughout the County so they have something to look at to follow up on the maps. He asked what would be the implication in a 100-year flood. .

Mr. Franco said all of those were good comments, but they need to keep in mind that this is a State program. He did not know if they want to be taking on all of those responsibilities for what is happening. He thinks at some point they would want to study and understand how this affects our Development Areas and other things like that.

Mr. Morris agreed that it would be helpful to know where the dams are located.

Motion: Mr. Dotson moved and Mr. Franco seconded to recommend approval of ZTA-2013-00003 Dam Break Inundation Zones with the ordinance language proposed by staff as outlined in Attachment C of the executive summary.

The motion passed by a vote of 6:1. (Smith voted no)

Mr. Morris noted that ZTA-2013-00003 Dam Break Inundation Zones would go to the Board of Supervisors on November 13 with a recommendation for approval.

Old Business

Mr. Morris asked if there was any new business.

A Commissioner asked the status of the Fifth Street Station. Staff responded that there had been an initial site plan approved a few months ago. There was a work session yesterday with the ARB that covered one of the buildings.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, OCTOBER 15, 2013 AT 6:00 p.m.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 7:40 p.m. to the Tuesday, October 15, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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