Albemarle County Planning Commission
October 22, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, October 22, 2013, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Scott Clark, Senior Planner; Claudette Grant, Senior Planner; Amanda Burbage, Senior Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Lafferty, Vice 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. Lafferty invited comment from the public on other matters not listed on the agenda. There being no comments, the meeting moved to the next item.

Item Requesting Deferral

AFD-2013-00004 Hardware Addition – Eudy
Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Hardware Agricultural and Forestal District (Albemarle County Code § 3-214) on October 22, 2013, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: The parcels proposed for addition are Tax Map 74 Parcel 6H (23.4 acres in size, located at 3135 Blandemar Drive) and Tax Map 88 Parcel 34 (21 acres in size, located at 2392 Clements Hollow Lane). The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of these additions.
(Scott Clark)
DEFER TO NOVEMBER 12, 2013, DUE TO ADVERTISING ERROR.

Mr. Lafferty noted the applicant is requesting deferral of AFD-2013-00004 Hardware Addition – Eudy to the November 12, 2013 meeting.

Motion: Mr. Loach moved and Mr. Dotson seconded for acceptance of the applicant's request for deferral of AFD-2013-00004 Hardware Addition – Eudy to November 12, 2013.

The motion passed by a vote of 6:0. (Morris absent)

Mr. Morris noted that AFD-2013-00004 Hardware Addition – Eudy was deferred to the November 12, 2013 meeting.

Public Hearing Items

a. AFD-2013-00001 Ivy Creek Review Periodic (10-year) review of the Ivy Creek Agricultural and Forestal District, as required in Section 15.2-4311 of the Code of Virginia. The district includes the properties described as Tax map 44, parcels 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21D, 35, 35A; and tax map 45, parcels 5F, 5F4, 7A. The district includes a total of 330 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Scott Clark)

b. AFD-2013-00002 Keswick Addition – May Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Keswick Agricultural and Forestal District (Albemarle County Code § 3-219) on October 22, 2013, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: The parcel(s) proposed for addition (Tax map 65, parcels 14A and 14A1) is/are approximately 36.86 acres in size and are located at the intersection of Louisa Road (Route 22) and Airslie Farm. The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of this addition. (Scott Clark)

c. AFD-2013-00003 Hardware Addition – Felder Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Hardware Agricultural and Forestal District (Albemarle County Code § 3-214) on October 22, 2013, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: The parcels proposed for addition are Tax Map 74 Parcel 6H (23.4 acres in size, located at 3135 Blandemar Drive) and Tax Map 88 Parcel 34 (21 acres in size, located at 2392 Clements Hollow Lane). The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of these additions. (Scott Clark)

d. AFD-2013-00005 Glen Oaks Addition - N. Sansovich Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Glen Oaks Agricultural and Forestal District (Albemarle County Code § 3-213.5) on October 22, 2013, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: The parcels proposed for addition are Tax Map 93A5 Parcel K2-A-11 (54.6 acres in size) and Tax Map 93A5 Parcels K2-A-12 and K2-A-13 (42 acres in size), which are located on Grey Heron Road approximately 1,000 feet from its intersection with Carroll Creek Road. The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of these additions. (Scott Clark)

e. AFD-2013-00006 Glen Oaks Addition - S. Sansovich Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Glen Oaks Agricultural and Forestal District (Albemarle County Code § 3-213.5) on October 22, 2013, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: The parcels proposed for addition are Tax Map 93A5 Parcel K2-A-11 (54.6 acres in size) and Tax Map 93A5 Parcels K2-A-12 and K2-A-13 (42 acres in size), which are located on Grey Heron Road approximately 1,000 feet from its intersection with Carroll Creek Road. The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of these additions. (Scott Clark)

Mr. Lafferty noted staff will review and the Planning Commission will take action on all five agenda items (4a through 4e) for Agricultural Forestal District Review at one time.

Scott Clark presented a PowerPoint presentation and summarized the staff reports for all five requests, which includes one request for renewal for ten years and four requests for additions to the agricultural and forestal district. Two requests are for additions to the Glen Oaks Agricultural and Forestal District.

a. **AFD-2013-00001 Ivy Creek Review –renewal for 10 years**

District History:

- The District was created in November, 1988 with 18 parcels and approximately 315 acres.
- One parcel of 28 acres was withdrawn during a review in 1996.
- Two parcels totaling 195.75 acres were added in 1998.
- Three parcels totaling 256 acres were withdrawn during a review in 2003.
- Five parcels totaling 199 acres were added in 2009.
- The District now includes 20 parcels and 330 acres

Agricultural and Forestal District Significance: Of the 330 acres in the Ivy Creek District, 271 acres have soils listed as particularly important for agriculture in the Comprehensive Plan.

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. Landowners were notified of the renewal by certified mail on June 24, 2013. As of this date, no landowners have requested withdrawal.
Committee Recommendation: At their meeting on July 22, 2013, the Committee recommended renewal of the Ivy Creek District for a 10-year period.

b. **AFD-2013-00002 Keswick Addition – May**

Proposal:
The proposal is to add two parcels (Tax Map 65 Parcels 14A and 14A1) totaling 36.86 acres to the District. Approximately 27.9 of those acres are in soils listed as important for agriculture in the Comprehensive Plan. The majority of the property is open, and the remainder is wooded. There is one dwelling.
Committee Recommendation:
At their meeting on July 22, 2013, the Committee recommended approval of the proposed addition to the Keswick Agricultural and Forestal District.

c. **AFD-2013-00003 Hardware Addition – Felder**

Proposal:
This proposal would add one parcel (Tax Map 74 Parcel 6H) of 23.4 acres to the District. The parcel contains 16.25 acres of soils considered important for agriculture in the Comprehensive Plan. The parcel is mostly wooded, with a large open area adjacent to the single dwelling. The Hardware District is a bit spread out but the proposed addition is within it.
Committee Recommendation:
At their meeting on July 22, 2013, the Committee recommended approval of this proposed addition to the Hardware Agricultural and Forestal District.

d. **AFD-2013-00005 Glen Oaks Addition - N. Sansovich**
e. **AFD-2013-00006 Glen Oaks Addition - S. Sansovich.**

Mr. Clark noted there were two additions requested for the Glen Oaks District, as follows.

AFD-2013-00005 Glen Oaks – N. Sansovich: This proposal, made by the landowner who requested creation of the Glen Oaks District, would add one parcel (Tax Map 93A5-K2-A-11) of 54.6 acres to the District. The parcel includes approximately 26.5 acres of soils recognized as important in the Comprehensive Plan.
AFD-2013-00006 Glen Oaks – S. Sansovich: This proposal would add 42 acres in two parcels (Tax Map 93A5 Parcels K2-A-12 and K2-A-13). The parcel includes approximately 25.5 acres of soils recognized as important in the Comprehensive Plan.
Committee Recommendation:
At their July 13, 2013 meeting, the Committee recommended approval of the proposed additions to the Glen Oaks Agricultural and Forestal District.

Mr. Lafferty invited questions for staff.

Mr. Randolph noted one correction on the map. The area indicated as Rivanna Village should be Glenmore.

There being no questions for staff, Mr. Lafferty opened the public hearing and invited public comment.

Charles Souter, resident of Wyngate Road, said he was in the Ivy Creek Agricultural and Forestal District and received this letter last week. He had some questions, but was not able to make contact with staff. He was not familiar with what the nature of important soils are; why these properties particularly in the tax map that was shown for the Ivy Creek Agricultural and Forestal District are not contiguous; he did not know the benefit or impact of remaining in the district; why should he wish to remain in the district; and

what is the effect upon development or subdivision rights in the future. He basically did not understand the three paragraphs that were in the letter that encouraged him to call if he had questions or come to this meeting. Therefore, his purpose for being at this meeting was to get answers to the questions.

Mr. Lafferty asked staff to address the questions.

Mr. Clark said he would answer the questions in order.

- The first question was about the soils. He pointed out the Comprehensive Plan currently in the Open Space and Critical Resources Plan has tables or lists of soil types that were developed by the Natural Resources Conservation Service, which were adopted into the Comprehensive Plan as particularly important soils for agriculture. There is a separate section for soils for forestry. The categories of productive soils are identified in three categories being prime, locally important and unique, which are orchard and vineyard soils.
- The second question was about the effect of being in a district on one's ability to develop. He noted that any subdivision in the district must result in parcels that are all 21 acres or more or has to be a family subdivision, which is a subdivision in which the resulting parcel is transferred to an intermediate family member and remains in their ownership for four years.
- The next question was about the benefits for being in a district. He noted the firm benefit for being in a district is it helps qualify for land use taxation. However, there is also a community benefit in that they often find that several landowners around each other will join to reassure each other of their intention not to develop that portion of the rural areas. An additional level of protection and scrutiny is given when there are development proposals for commercial uses or special use permits in the districts. Also, if the development proposed is adjacent to the districts they give them more consideration and try to consider their effects on the district as well as everything else they consider in the review.

Mr. Kamptner pointed out one of the other questions was why there is not contiguity of the lands that are within the district.

Mr. Clark replied the parcels originally were probably contiguous. However, there have been several withdrawals and additions over the years and the districts tend to break up to some degree. The parcels are not required to be contiguous over time. The only requirement is that any new parcel that is added must be within one mile of the original set of parcels that were in the district whether or not they are still in the district. Although there was a recent State Code change that allowed parcels outside that distance to be added if the Advisory Committee made a finding they were agriculturally significant lands or something like that.

Mr. Lafferty asked if that answers the questions.

Mr. Souter asked if the property in question would be forbidden or restricted from development during that ten-year period of time.

Mr. Clark replied during the ten-year period they can do the 21-acre subdivisions and the family subdivisions or other by right uses. Anything that requires a special use permit requires the Agricultural and Forestal Committee's input as well as the usual Board of Supervisors decision.

Mr. Souter asked if it could be done, but just requires further persistent on the part of the landowner.

Mr. Clark replied not for subdivision since they are limited to 21-acre lots or family divisions for that whole ten-year period.

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

Mr. Kamptner noted if there was consensus for a single recommendation for all five agenda items 4a through 4e, then a single motion would be sufficient.

Motion: Mr. Franco moved and Mr. Loach seconded to recommend approval of all the actions proposed for the five (5) agenda items 4a through 4e.

The motion passed by a vote of 6:0. (Morris absent)

Mr. Lafferty noted that all five (5) agenda items 4a through 4e would go to the Board of Supervisors on December 4, 2013 with a recommendation for approval.

SP-2013-00001 Riverside Village (Signs 20, 44 & 88)
PROPOSAL: Special Use Permit - under Sections under 30.3.05.2.1(2), 30.3.05.2.2(1), and 30.3.05.2.2(3) of the zoning ordinance for fill in the flood hazard overlay district on approximately 18.67 acres (TMP: 07800000005800) to accommodate grading for buildings, parking and stormwater management and approximately .31 acres (TMP: 078B0010010100 through 303) to accommodate grading for road improvements on Route 20 in association with concurrent rezoning application ZMA201200002.
ZONING: R-1 Residential which allows residential uses at a density of one unit per acre (TMP: 07800000005800) and C-1 Commercial which allows retail sales and service; residential by special use permit (15 units/acre) (TMP: 078B0010010100 through 303).
FLOOD HAZARD: Yes
ENTRANCE CORRIDOR: Yes
SCENIC BYWAYS: Yes
COMPREHENSIVE PLAN: Greenspace – undeveloped areas; Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses; and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in DA Neighborhood 3 – Pantops Comp Plan Area.
LOCATION: Located on the west side of Stony Pointe Road/Route 20 and the east side of Free Bridge Lane/Route 1421, approximately 350 feet south of the intersection of Route 20/Elks Drive.
TAX MAP/PARCEL: 07800000005800 and 078B0010010100 through 303.
MAGISTERIAL DISTRICT: Rivanna (Claudette Grant)

Claudette Grant presented a PowerPoint presentation and summarized the staff report.

The most recent public hearing was held on July 30, 2013 in which the Planning Commission recommended approval of the rezoning with waivers, revisions to the application plan, the Code of Development, proffers, and special use permit for fill in the floodplain request. As explained in the executive summary after the public hearing in July the applicant made staff aware that a small portion of land that was part of the special use permit request was on the adjacent parcel. The adjacent parcel was not included in the original special use permit application although it was reviewed as part of the fill in the floodplain request. The owner was different than the owner for the rezoning and special use permit request. Now that the property boundary is clearly delineated staff brings this request to the Planning Commission to identify all of the properties subject to the special use permit request. Other than this clarification there are no changes to the special use permit and the rezoning request. The property boundary and the small area in question were identified that was on the adjacent property. All proper notifications have been completed and the applicant has provided the necessary information to rectify the addition of the adjacent property.

Staff recommends that the Planning Commission recommend approval of SP-2013-00001 Riverside Village.

Mr. Lafferty invited questions for staff. There being none, he opened the public hearing and invited the applicant to address the Commission.

Kelly Strickland, representative for the applicant, said he was present to answer questions.

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

Motion: Mr. Loach moved and Mr. Franco seconded to recommend approval of SP-2013-00001, Riverside Village based on the reasons stated in the July 30th staff report

The motion passed by a vote of 6:0. (Morris absent)

Mr. Lafferty noted SP-2013-00001 Riverside Village will go before the Board of Supervisors with a recommendation for approval on November 13, 2013.

ZMA-2013-00007 North Pointe Amendment (Signs 61, & 62)
PROPOSAL: Request to amend approved proffers from ZMA200000009 on property zoned Planned Development – Mixed Commercial (PD-MC) zoning district which allows large-scale commercial uses; residential by special use permit (15 units/acre) uses. A maximum of 893 units on approximately 269 acres is approved by special use permit at a gross density of 3.31 units/acre. No new dwellings proposed.
ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT AREA: Yes
FLOOD HAZARD OVERLAY: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property.
LOCATION: North of Proffit Road, east of Route 29 North, west of Pritchett Lane and south of the Rivanna River.
TAX MAP/PARCEL: 03200000002000; 032000000020A0; 032000000020A1; 032000000020A2; 032000000020A3; 0320000000291O; 03200000002300; 032000000023A0; 032000000023B0; 032000000023C0; 032000000023D0; 032000000023E0; 032000000023F0; 032000000023G0; 032000000023H0; 032000000023J0; and 032000000022K0
MAGISTERIAL DISTRICT: Rivanna
(Claudette Grant)

Ms. Grant presented a PowerPoint presentation and summarized the staff report.

The purpose of this request is to amend approved proffers from ZMA-2000-00009. This property is zoned Planned Development – Mixed Commercial zoning district. There were no changes proposed to the zoning, density and number of approved residential units or land uses from the approved rezoning. In general, the proposed proffer amendments will update the proffers and extend deadlines bringing the proffers into compliance.

Staff can support the proposed proffer amendments. However, as stated in the staff report staff is concerned that a new request to amend proffer 5.3.1.c, which is improvements to phase III, has been submitted by another property owner within the Planned Development. This request is now under staff review and will come before the Planning Commission at a later date. Staff would encourage all property owners with the Planned Development to work together to achieve mutually acceptable modifications to these proffers.

Mr. Kamptner asked the Commissioners to review the proffers. Since his hard copy had just the odd numbered pages he asked the Commissioners to check to make sure their proffer statement has all the pages.

Ms. Grant asked if everyone had all the pages.

Mr. Morris replied that some Commissioners did not have all of the pages.

Mr. Kamptner pointed out one of the proffers being amended deals with the library site. It looks like that is on an even numbered page. He suggested the Planning Commission take a brief recess so the copies can be made for everyone.

Mr. Franco suggested the Commission take a five minutes recess or move on to the next item.

Mr. Lafferty noted the Commission would take a five minute recess.

The Planning Commission took a break at 6:20 p.m. and the meeting reconvened at 6:29 p.m. taking up ZTA-2013-00005 and then coming back to ZMA-2013-00007.

Mr. Lafferty noted the Commission would take up the next item on the agenda.

ZTA-2013-00005 Inoperable Vehicles – The Planning Commission will hold a public hearing to receive comments on its intent to recommend an ordinance to amend Secs. 18-3.1, Definitions, 18-4.12.3, Prohibited Activities in Parking, Stacking and Loading Areas, and 18-4.15.7, Prohibited Signs and Sign Characteristics, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1, Definitions, by adding and amending definitions pertaining to inoperable vehicles; amend Sec. 18-4.12.3, by, in zoning districts subject to section 18-4.12.3 other than the Rural Areas (RA) zoning district, reducing from two to one the number of inoperable vehicles that may be parked or stored ("kept") outside of a fully enclosed building ("outdoors"), imposing enhanced screening, shielding and covering requirements as those terms are defined in Sec. 18-3.1, requiring that inoperable vehicles be kept only behind a line established by the front face of the primary structure on a parcel, and allowing two vehicles to be kept outdoors only for up to 180 days for active repair or restoration; in the Rural Areas (RA) zoning district, by continuing to allow up to two inoperable vehicles to be kept outdoors provided they are shielded or screened from view or covered as those terms are defined in Sec. 18-3.1; and delineating the classes of authorized businesses to which these regulations do not apply; amend Sec. 18-4.15.7 by making a technical clarification referring to inoperable vehicles. 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. (Mandy Burbage)

Mandy Burbage presented a PowerPoint presentation and summarized the proposal.

Background

- Currently regulated under County Code Chapters 9-500 &18-4.12.3
- Enabling authority under Virginia Code §15.2-905
- May 8, 2013 Board adopted ROI
- June 11 PC Work Session, August 6 PC Public Hearing, and September 17 PC Work Session

Currently two inoperable vehicles are allowed per lot throughout the County provided they are shielded or screened from view. However, they currently lack any real guidelines for what that means. As a result they often have people using blue tarps that may or may not completely conceal the vehicle.

Effective July 1, 2013 our enabling authority to regulate inoperable vehicles comes from VA Code Section 15.2-905 which enables 18 named localities to limit the number of inoperable vehicles regardless of whether or not they are shielded or screened from view.

History

5/8/13 – Board adopted a Resolution of Intent

9/17/13 – The Planning Commission has held three work sessions. PC work session consensus on – a) relegating inoperable vehicles behind front face of house without any requirements about the surface for storage; b) allow form-fitting covers in addition to other screening; c) 180 days acceptable timeframe for

repair/restoration; and d) phase I mostly Development Areas (residential) won't include RA, to allow time / resources to see how it goes.

Public Purpose to be Served

- Minimize visual blight in residential neighborhoods from the street and from adjacent properties
- Reduce environmental impacts of inoperable vehicle storage by limiting their number
- Prevent spillover parking onto public streets

There are exemptions per State Code for the following:

- The limit is one.
- There is an exception to allow two vehicles for individuals actively engaged in restoration or repair provided that second vehicle is being used in the repair or restoration of the first. It does not mean that someone can have two unrelated inoperable vehicles. Those must be screened according to the four criteria – a form fitting cover, evergreen vegetation, an opaque masonry wall, and a solid wood fence. All of those would be sufficient to fully screen a vehicle from ground level view.

In addition, the Planning Commission wanted to introduce the relegation. Therefore, in addition to being screened the vehicle must be kept behind the front face of the house or any face of the house that is oriented towards a street. Hopefully, the Commission got to look at the ordinance language that actually includes the diagrams of the most common lot scenarios that one would come across in the County. The regular lot scenario and the corner lot scenario are the most common situation. The corner lots require relegation on both sides of the lot which is oriented towards the street. The Neighborhood Model District scenario would have alleys, which would not be considered a street that would require relegation. So they could effectively have a vehicle parked on the property adjacent to an alley and not setback behind the line of any structure. They have a couple more unique examples with one for a double frontage lot, which would be more restricted using the two faces of the house to set that setback line. She reiterated that there is no distance setback from the lot line and the vehicle could be intermediately adjacent to the neighboring property line. She noted a new illustration done after their last discussion, which they found in Canterbury Hills. This is a lot scenario that they see quite frequently on corners where the house is not oriented parallel to the street. They have established a line that is set by the front two corners of the house, which is the relegation line for the purpose of this particular ordinance.

Staff Recommendation – Staff recommends that the Planning Commission recommend ZTA-2013-00005 Inoperable Vehicles to the Board of Supervisors for adoption.

Mr. Lafferty invited questions for staff.

Mr. Franco noted one other situation was where they have subdivisions that are fronting on green spaces. Sometimes there are accesses off of roads at the rear, which are supposed to be alleys, but are being designed as roads. He asked in this situation would they force them to put the car in the front yard next to the park.

Ms. Burbage replied that is a scenario that staff did not think of. As far as the ordinance is worded currently it is established by orientation towards a street. For a subsequent revision she pointed out they are planning to revisit these when they are ready to deal with the rural area once they have had a chance to see how this works out in the development area. That could be something that gets added at that time. However, if the Commission feels that it should be addressed with this version staff can add that in.

Mr. Kamptner agreed that the Commission can recommend whatever changes it desires, and this is one that can be considered.

Mr. Dotson noted he had a few very detailed questions. Looking at the draft language of the ordinance it says completely shields an inoperable vehicle. He questioned if they want to say "the body of" because the covers he has seen often are attached under the car so that it does not blow away. If they are going to say completely, then it seems like that invites an argument someday. However, if they say "completely covers the body" that might be what they really intend. He asked if staff had considered that.

Ms. Burbage replied that staff definitely talked about that issue because a lot of the car covers don't come all the way down and conceal the tires. They did not want to word it such that manufactured car covers were not satisfying the ordinance. But, she did not think that would be affected by saying the "body of the vehicle."

Mr. Dotson noted the other was in the definition of inoperable vehicles. He assumed the four conditions are "ors". It is one or two or three and not all four. He thinks when they crossed out some of the language they also crossed out the "ors". He asked staff to look at that and put it back in. The other is they are saying they are not making any changes at this point in the Rural Areas District, but under cover or covered they are saying "the tarp or other cover is okay in the rural area." He wondered why they are doing that since they are going to come back to it later.

Ms. Burbage replied that is basically what is allowed now and it is just delineating the difference between. Because they were changing what satisfied as a cover in residential districts they wanted to be clear that tarps were still permitted in the rural area. Therefore, they felt they needed to spell that out.

Mr. Dotson asked if it was new in format, but not new in content.

Ms. Burbage agreed that was correct.

Mr. Smith noted on page #1 of the ordinance under general provisions under shielded or screened from view it says treated wood fence. He asked what right they have to say whether the wood is treated or not. He suggested it could be just a board fence and it does not have to be treated.

Ms. Burbage replied they copied that from another locality that was requiring wooden fences. She would imagine that was put in there so they did not get something that is deteriorating over time.

Mr. Smith said he did not think they have the right to tell them it has to be treated.

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

Bob Garland, speaking on behalf of Canterbury Hills, said tonight the Commission had an opportunity to recommend amending ordinances which would further control the storage and proliferation of inoperable vehicles, otherwise known as junk cars, in residential areas. While they would have preferred a more restricted ordinance the Board of the Canterbury Hills Association supports these changes and urges your approval because they believe this will improve the environment and quality of life in Albemarle County. The changes are reasonable, clear, and concise, which will ultimately make enforcement less difficult. They anticipate there will be an increased awareness of junk cars and thus an increase in the number of complaints in the near term. However, they believe this will subside within a year or less and ultimately will decrease to a level below the current number of complaints as various junk cars are properly concealed or cleared out of residential areas. He thinks the previous wording answers all of their previous concerns as well as addresses most of the problems. He previously has made their position clear by presentations to this Commission, documentations and emails as well as pictures. He would not waste the Commission's time by duplicating that effort this evening.

Mr. Garland noted there is one example that he would like a modification on. He suggested on the corner lot the area should be delegated to the rear of the house rather than allowing anything on the side. Otherwise, on the side it would face either street. He would prefer that the shaded area be completely behind the house. He noted that one of his pictures showed a junk car in front of a house with this orientation on Barracks Road. That junk car could be moved even closer to Barracks Road or Chaucer Road if the current drawing prevails. He appreciates the Commission's time and attention to this matter over the past several months. He also especially appreciates the patience and attention of Ms. Burbage and Ms. McCulley in working with him to finalize a compromise on this ordinance. He thanked the Commission for the opportunity to speak to these changes.

Neil Williamson, with the Free Enterprise Forum, said they don't have a position on this particular ordinance. However, he asked the Commission to look carefully at the public purposes that were enumerated for this ordinance. Legislating aesthetics is a very slippery slope and they should tread carefully.

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

Mr. Lafferty said the Commission was making a recommendation to the Board. He asked if they want to incorporate the two additional items.

Mr. Franco asked that the following four things be added to the recommendation to the Board.

1. The comment about covering the body of the vehicle;
2. The clarification of "or" in the definitions;
3. Agreed with the statement on treated/untreated wood comment for fences
4. Provide some kind of guidance as part of this for lots that would front on to a green or park as part of the recommendation that goes forward to the Board.

Mr. Kamptner pointed out the other would be the requested change by Mr. Garland regarding Figure 5 and how the areas would be delineated.

Mr. Franco said he would like to talk about that. He was not prepared to recommend a change from what is shown in the picture since he was comfortable with that. He finds personally that it is very similar to the condition if the house was simply squared up to one of the other streets. Therefore, he was not bothered by the way this one is drawn.
He would echo the comments about the slippery slope on aesthetics because he thinks that is really important. As part of his research in preparing for tonight he did look at some of the subdivisions that they have done and some of the guidelines they have put into those that people buy into. One example that made it really evident was clothes lines. That is something he knows if he banned that in a house he lived in post fact that he would be in a lot of trouble with his wife because that is the how she prefers to dry clothes. He thinks they need to be very careful about the cars. However, they currently regulate them so he was prepared to move this forward.

Motion: Mr. Franco moved and Mr. Dotson seconded to recommend approval of ZTA-2013-00005, Inoperable Vehicles with the four changes as discussed.

Mr. Loach said he agreed with Mr. Garland on the corner lot. He thinks the difference between the clothes is that the clothes dry in four hours and the car does not. He thinks his suggestion is in keeping with the other diagrams. However, that is just his opinion.

Mr. Randolph noted the problem is going to be that the house is not going to be perfectly situated as they see here. It is probably going to be at a slightly changed angle. Therefore, that is going to be left to interpretation. He would think under the circumstances they might be well served to let it go at this point. Then if they find down the line, per Mr. Garland's concern, that this kind of configuration is producing problems that they look at a revision at some point within two years. At that time they could change it for exactly this purpose. Otherwise, he thinks at this point they should just let it go and see how it works. Then they can come back and change it if they find they have a problem.

Mr. Lafferty asked if Mr. Randolph's suggestion was acceptable.

Mr. Franco agreed and asked to leave the motion as it is since he did not include that as part of his motion.

The motion passed by a vote of 6:0. (Morris absent)

Ms. Burbage asked to clarify what the fourth item was. She has three suggested changes on her list and wanted to make sure she has gotten it all.

1. They have the addition of relegation based on green space.
2. The addition of the word "body" to completely screen the vehicle.
3. The removal of the word "treated" from the wood fence.

Mr. Franco replied the fourth item was in the definition of inoperable because with the changes it was not clear that the conditions were "or".

Ms. Burbage noted ZTA-2013-00005 Inoperable Vehicles will go to the Board of Supervisors on November 13 with a recommendation for approval.

ZMA-2013-00007 North Pointe Amendment (Signs 61, & 62)
PROPOSAL: Request to amend approved proffers from ZMA200000009 on property zoned Planned Development – Mixed Commercial (PD-MC) zoning district which allows large-scale commercial uses; residential by special use permit (15 units/acre) uses. A maximum of 893 units on approximately 269 acres is approved by special use permit at a gross density of 3.31 units/acre. No new dwellings proposed.

Mr. Lafferty noted the Commission would return to the review of ZMA-2013-00007 North Pointe Amendment upon distribution of the necessary paperwork.

Mr. Cilimberg apologized for the copies excluding even page numbers on the proffers.

Ms. Grant continued the PowerPoint presentation where she previously left off summarizing the proposal.

Staff can support the proposed proffer amendments. However, as stated in the staff report staff is concerned that a new request to amend Proffer 5.3.1 (c) has been submitted by another property owner with a Planned Development. This request is now under staff review and will come before the Commission at a later date. Staff would encourage all property owners with the Planned Development to work together to achieve mutually acceptable modifications to these proffers.

Staff has identified the following factors, which are favorable to this request:
1. The rezoning request remains consistent with the Comprehensive Plan.
2. The use is consistent with the uses permitted under the existing PD-MC zoning district.
3. This rezoning request would provide additional residential and commercial opportunities for residents in this portion of the County.

Staff has identified the following factors which are unfavorable to this request:
1. The two conflicting rezoning requests regarding the proffer amendment for Proffer 5.3.1 (c) needs to be resolved.

RECOMMENDATION
Staff recommends approval of this rezoning ZMA-2013-00007, North Pointe Proffer Amendment, with the attached revised proffers, dated August 5, 2013 as shown in Attachment C of the staff report.

Mr. Lafferty invited questions for staff.

Mr. Dotson said he was curious about the branch library since they recently have been dealing with the Northside Library that was not the reality at the time this proffer was crafted. Therefore, he was wondering how those two sort of align. He asked if this branch library would be a far north library or a very small library compared to the Northside Library.

Ms. Grant replied she was not sure what the intent of the library was. However, given the fact that Northside Library has always been at the location where it is even when this was approved that there must have been some expectation that there would be a need for a library at the more northern area of the county. She did not know about the size or the expectations of the size of that library. She assumed there was a need for it.

Mr. Cilimberg pointed out during the original rezoning there was identified the potential need for a second library site, but maybe not of the same size as the more southern site. That circumstance has not necessarily changed. What is moving forward is the library on Rio Road. However, he believed there is still identified in Places29 the potential for a more northern library as well that could happen depending on need functioning for other public purposes.

Mr. Dotson asked if this would allow for other public purposes since the library use is very specifically stated.

Mr. Cilimberg replied that he would have to go back and look at the proffer, which is specifically for a library. The proffer says and other such uses that are compatible with the proposed surrounding uses. It is called the "library lot".

Mr. Dotson said it sounds like something they don't have a clear answer to. He suggested by the time this gets to the Board that some more thought could go into that and perhaps the applicant has something to say about it, too.

Mr. Cilimberg noted this was also under the plan to be located in their town center area rather than as a separate out lot type of setting. He thought part of this was to make sure there was an area within that town center where this kind of use could be provided for. It identified the site in terms of it somewhat implies it is freestanding, but in fact it could be among a number of buildings.

Mr. Dotson pointed out he was curious about flexibility because there may be a need for some sort of a public use facility in the north, such as with the geo-policing.

Mr. Cilimberg pointed out it says for a freestanding use meaning a building dedicated to the library and such other uses that are compatible with the proposed surrounding uses. That is something staff certainly can look at a little bit more after tonight and the applicant may want to speak to it as well.

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

Valerie Long, representing the applicant North Pointe Charlottesville, said joining her was David Mitchell who was also with the applicant's entity. In reference to Mr. Dotson's question, she noted the language of the proffers state very specifically that the library block land is to be dedicated for a library as well as any other uses that are not incompatible. In fact, the use mentioned is an example of one that the owner has thought about as a potential use and perhaps compatible. That language and interpretations would be up to the County in terms of what is compatible. However, she thinks it would be.

Mr. Dotson suggested some wordsmithing to make it clearer that it would be the library or other compatible uses.

Ms. Long said they had not proposed to change anything. They were working hard to keep the proposed changes to the proffers extremely limited so they could move through it to get the amendments extended. They would be happy to talk to staff about it. However, certainly the intent was that it would be a library and other uses that would be compatible with that use to the extent that was relevant. That was part of the plans. It was envisioned that it would be somewhat like the Crozet Library ended up being a multiple story building with multiple uses and the library on one floor at least. Otherwise, they were present to answer questions to address the one comment from staff about the other application. They think it is perfectly compatible and are happy to continue working with all the folks who own land that are part of North Pointe.

Mr. Lafferty invited questions for Ms. Long.

Mr. Randolph said assuming everything is authorized what is their anticipated start date.

Ms. Long replied they don't have one at this time. Obviously, they need to get through this process, which hopefully will be fairly soon within the next few months. There is a lot of permitting and designing to be done. There are engineers that have been working on the project for many years. There are a number of permits that are still necessary from State agencies. There are a lot of challenges. It is a big project and a lot of site work to be done, which they are working through. Therefore, they don't have a date for completion at this time.

Mr. Lafferty invited public comment.

William Shewmake, attorney with McClair Ryan, said he represented the adjacent property owner Neighborhood Investments who was also part of the master zoning in this case. Neighborhood Investments, as staff noted, has an independent application in to do a small tweak of the proffers. They have been working with staff in consultation with Mr. Kamptner. The way the proffers work they think this is compatible. Essentially proffer 5.3.c (1) deals with certain road improvements that need to be done. Also, there are proffers that require the adjacent property owner to donate a school site and a library. In talking with staff those proffers of donation only apply to the owner of the property where the donations are to occur. So the delay of the school does not impact our client, which is his understanding from the interpretation. If that is the case, then they think this is completely compatible because Neighborhood Investments would not be required to donate the site that it does not control. The amendment is simply trying to eliminate a problem to provide access to the larger development because Neighborhood Investments is on the perimeter of the property adjacent to 29. However, it can be developed independently. As a matter of fact all the plans are basically done at this point. However, the way proffer 5.1.c(1) is worded they technically can't go forward until the road related to the school is done, which is going to get bumped. It does not really affect our property because they don't control it. So they put in an amendment to clarify that what they need to do in order to go forward is do the necessary 29 road improvements that they are required to build and then build that road all the way to our property line so it will be ready when the school comes. They think it is consistent with this request.

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

Motion: Mr. Franco moved and Mr. Dotson seconded to recommend approval of ZMA-2013-00007, North Pointe Proffer Amendment based on the staff report with the amended proffers as recommended by staff in Attachment C dated August 5, 2013.

The motion was approved by a vote of 6:0. (Morris absent)

Mr. Lafferty noted a recommendation for approval for ZMA-2013-00007, North Pointe Amendment would be forwarded to the Board of Supervisors on a date to be determined. He apologized for the delay.

New Business:

Mr. Lafferty asked if there was any new business.

ZTA-2013-00006 Residential and Industrial Uses in Downtown Crozet Zoning District – Resolution of Intent (Wayne Cilimberg)

Mr. Cilimberg pointed out the resolution of intent was associated with an application received to amend allowances in the Downtown Crozet District regarding residential use. Currently residential uses are only allowed by right on upper floors and only by special use permit if it is a single-family detached house on the first floor. The request is to actually allow residential uses by special use permit on the first floor of any kind of residential building or unit. That is the application that spurred the need for this resolution of intent. Staff also found this as an opportunity to address a bit of an inconsistency between the DCD and the Commercial Districts, which otherwise were changed to permit industrial uses in various manners several months ago. Therefore, in actuality they can take this as the opportunity to amend the DCD to be consistent with the Commercial Office District in terms of how it allows for industrial use. Of course, all the Resolution of Intent does is says that they will be considering this. It will have to come to the Planning

Commission for public hearing along with the amendment language in the staff report. Staff will be doing that later. Tonight staff would like to have the resolution of intent action so they can begin that process.

Mr. Cilimberg noted last week he had a chance to go to the Crozet Community Advisory Council. He mentioned in his email that the Council was generally supportive. They particularly support the idea of getting industrial use parity for the DCD with other commercial districts. The Council said they did not oppose the possibility of more residential on first floors in the DCD, but very much would want that special use permit consideration to consider factors that are consistent with the intent of the district, which is that it not just be a residential district.

Mr. Loach agreed. They talked about this before at the Advisory Council and think it is consistent as long as it does not change the overall character of the original intent of the district. He thinks the special use permit gives us enough protection under the resolution.

Motion: Mr. Loach moved and Mr. Franco seconded to accept the Resolution of Intent for ZTA-2013-00006 Downtown Crozet District.

The motion passed by a vote of 6:0. (Morris absent)

Mr. Lafferty noted the Commission adopted the resolution of intent for ZTA-2013-00006 Downtown Crozet District as shown in Attachment 1.

Free Bridge Congestion Relief Project –

Mr. Cilimberg noted that the MPO requested to have a Planning Commissioner serve on a committee that would be involved with the Free Bridge Congestion Relief Project. A suggestion was made previously that Calvin Morris serve on the committee since it was in his district. He asked for concurrence from the Commission.

The Planning Commission concurred with Calvin Morris serving on the Free Bridge Congestion Relief Project Committee.

Old Business:

Mr. Lafferty asked if there was any old business.

Mr. Loach said he had a question for Mr. Kamptner. Mr. Dotson brought up a good point of a potential for changing the language for the proffer for Northe Point. Ms. Long stated that her understanding of the proffer allowed for what Mr. Dotson was bringing up. He asked if the statement by the attorney for the applicant would be enforceable later should there be disagreement.

Mr. Kamptner replied only if there was an ambiguity. The language is pretty clear in that it says library and other uses. They really don't need to look at the intent. They want the words written on the page to be as clear as possible so that everybody understands what it means.

New Business:

- There will be no Planning Commission meeting on Tuesday, October 29, 2013 and November 5, 2013.
- The next Planning Commission meeting will be held on Tuesday, November 12, 2013 at 6:00 p.m.

Adjournment:

Motion: Mr. Franco moved and Mr. Dotson seconded to adjourn to November 12, 2013.

The motion passed by a vote of 6:0. (Morris absent)

With no further items, the meeting adjourned at 7:14 p.m. to the Tuesday, November 12, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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

Attachment 1

RESOLUTION OF INTENT

WHEREAS, the purpose of the Downtown Crozet District (the "DCD") is to establish a district in which traditional downtown development will occur; and

WHEREAS, the DCD provides for flexibility and a variety of development, with retail, service and civic uses being the primary uses within the district and light industrial and residential uses being secondary uses; and

WHEREAS, one of the short-term priorities of the County's Economic Development Policy is to initiate zoning text amendments that further enable business and industrial uses in appropriate zoning districts and, based on current industrial technologies and their reduced impacts, the board of supervisors adopted a zoning text amendment on April 3, 2013 that amended the use regulations in several commercial districts other than the DCD to allow new classes of light industrial uses by right, by special use permit or by special exception, subject to suitable conditions; and

WHEREAS, apartments and attached single-family dwellings are permitted by right in the DCD, provided that the first floor of the building in which the dwellings exist is designed for and occupied by a non-residential use allowed in the DCD (the "first floor use requirement"), but there may be individual cases where residential uses without the first floor requirement may be appropriate; and

WHEREAS, detached single family dwellings without the first floor requirement currently are permitted by special use permit in the DCD; and

WHEREAS, consistent with the DCD's principal to allow flexibility and variety of development in the DCD, it is now desired to consider amending the regulations in the Zoning Ordinance to allow a broader range of light industrial use classifications in the DCD consistent with the similar use classifications allowed in other commercial districts and, in particular, the Commercial Office district, and to allow residential uses in the DCD without the first floor use requirement by special use permit, which would allow each proposal to be evaluated on a case-by-case basis.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending the Zoning Ordinance, including sections 3.1, 20B and any other sections deemed appropriate, as described herein; and

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